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BOOK REVIEW

STUDIES AND ARTICLES

A HYPOTHESIS REGARDING THE SHAPE OF THE SOUTHERN ENCLOSURE OF SUCIDAVA FORTRESS

Lucian Amon[*]

Abstract

Southern side of the Roman-Byzantine fortress Sucidava is totally unknown as it was not discovered through archaeological investigations. The author presents several arguments on which he considers that it can be reconstructed based on a vignette of a map of the fourteenth century, made by Paulus Sanctinus preserved in the Codex Latinus Parisinus – 7239. Southern wall had three towers and the main gateway to the borough.

Key words: *Sucidava, Codex Latinus Parisinus, Southern Site, Fortress*

Roman-Byzantine fortress from Sucidava (Corabia, Olt County) is located on a small plateau (185 x 115 m), bounded to the south of the Danube terrace forehead, and the rest of a ravine transformed over time by human intervention, into a veritable trench.

In this space, on the site of a fortified Geto-Dacian emplacement, destroyed by the Romans in the first century AD, the latter will build, in the last decades of the third century, a strong fortress of stone. Initially, this had predominantly a strategic role of "bridgehead" kept in a province which was being phased out, but also to protect the Roman settlement which had already been set up in close proximity, to the north. In the early fourth century the fortress was rebuilt by Constantine the Great, its mission will be to protect the Transdanubian Bridge which was made during the reign of the emperor. Later, after a brief hiatus for damage caused by Hun attacks, it will be reused; the most significant additions were made to the building in the early part of the sixth century, under Justinian. But at the end of the same century, the city falls into the Slavic-Avar attacks, suffering, in the opinion of most archaeologists, irreversible destruction. This would explain why, according to those opinions, the Middle Ages, from the end or beginning of the thirteenth century, as at the end of the sixteenth century, during the reign of Michael the Brave (Mihai Viteazul), of the borough will be reused only its southeastern corner[1]. The new perimeter used, much smaller and of triangular shape, used on two sides portions of the old stone enclosures, while the west was defended by a system of ditch and rampart.

Coming back to the Roman-Byzantine fortress, we mention that it had a polygonal shape (figure 1), imposed by the particularities of the plateau on which it was raised. Archaeological research led to the unveiling of its enclosure only on the side facing west, north and east. It is composed of a double wall made of stone, which were placed along 10 towers (A-J). For this study it is useful for us only an overview of known information about the two ends of the enclosure, from the west and east.

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[1] For the fortified used in the Middle Ages, see Figure 4 below.

At the western end lies the exterior tower of the corner A in the shape of "tear". It is a massive building, whose walls have a thickness ranging from 2.40 to 3.50 m. It has two straight sides with lengths of 13.50 m and 17.50 m, of which is connected a curve side of 25 m. On the outside, to the southeast, is supported by a counterfort. It is believed that was built in the second phase of the fortress (Constantinian era) suffering a reconstruction in the decades ahead[1].

At the opposite end, in the east, it is located another external cornered tower, J. As shown in present, it was built in the sixth phase (sixth century), replacing an old tower from the fourth century. The construction is of semi- hexagonal shape, the four sides leaving the front measuring 3.40 m, 5 m, 6 m and 3 m. From this tower, the inner wall of the city turns to the southwest, keeping only the length of 10.40 m[2].

As mentioned above, if the enclosure of the fortification from the east, north and west is well known, the southern side, towards the Danube, with a length of about 158 m, could not be approached satisfactorily by archeological researches. In the last monographic study dedicated to Sucidava it is stated that from the defense wall from the southern side of the fortress were kept a few traces, as it was demolished (without specifying when – NN). Thus, it is shown that outside of the wall located continuing tower J, its traces were identified just above the "secret" fountain. It had a foundation with a width of up to 2.50 m[3]. The only element, that is just assumed, it would be that along of this side it is logical to have been located also the main gate of the fortress. The deduction takes into account that, in addition to a gate (permitting only a single person movement) existing on the north side and of a gate of a width of 2.50 m (blocked however at a certain moment) on the western side, there weren't other facilities of this kind.

In the absence of archaeological information, the only source that could provide a complete picture of the layout of the fortress, and especially on its southern side seems to be, paradoxically, a medieval cartographic source. It is found in the known document, generically, by the name of *Codex Latinus Parisinus* – 7239, from the collection of the National Library in Paris. In fact, the latter unites, by binding in leather at the early nineteenth century, six operas, of which the first is *Tractatus Pauli Sanctini Ducensis "De re militari et machinis bellicis"*[4]. The manuscript of military art, assigned to the Italian Paulus Sanctinus contains at its end, a map of north-Balkan area (Figure 2). Cartographical representation in question was made, probably at the request of the Hungarian king Sigismund of Luxembourg, on the eve the crusade against the Ottomans at Nicopolis in 1396 and used during the military campaign Treaty of Sanctinus will get into possession of the Turks, however, it was only rediscovered in 1687 by the French ambassador in Istanbul, in the archive of the Ottoman empire.

As shown, the map renders a number of orographic, hydrographic, vegetation details, information on travel routes, bridges and, most importantly, locates through vignettes (individualized, not identical) the existing fortress, in most cases specifying also their

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[1] Octavian Toropu, Corneliu Tătulea, *Sucidava Celei*, Bucureşti, 1987, pp. 75-76, 84.

[2] *Ibidem*, pp. 80, 84-85.

[3] *Ibidem*, pp. 80-81.

[4] For translation into Romanian, bibliography and a detailed analysis of the document, see Ion Dumitriu-Snagov, *Ţările Române în secolul al XIV-lea. Codex Latinus Parisinus*, Bucureşti, Cartea Românească, 1979.

name[1]. Also, the author distinguishes between the fortifications that came into possession of the Turks that have above the Ottoman flag and the Christian ones bearing the sign of the cross. We note the fact, negligible at all, that of entire area represented, that of Wallachia is the most detailed and rich in detail.

For this study one of the fortresses is of special interest (Figure 3). It seems to be large, does not bear any name and is located on the northern bank of the Danube, between its confluence us to river *Žicho* (Jiu) and *Holta* (Olt) being flanked to the west and east by two other fortifications: *Schierino* (Turnu Severin) and *Zorio* (Giurgiu). As in this area has not been documented another fortress, the only explanation leads us to the thought of the old fortification Sucidava. The idea was embraced also by Florio Banfi, one of the interpreters of the document in question[2]. A possible relationship between the fortress map and Sucidava is mentioned also by last authors of the monograph of Sucidava, but without a more detailed discussion[3].

Accepting therefore the identity between the two fortresses, the question arises to what extent the drawing of Paulus Sanctinus restored the appearance that Sucidava still had in the XIV century, or it was a mere convenience. The following arguments plead for first possibility:

- None of the dozens of fortresses shown on the map does not resemble the others, individualization and attention to detail was absolutely necessary to Crusaders to identify them on the ground;

- I. Dumitriu-Snagov accepts that the rendered forms are not imaginary without yet asserting with certainty that there is a perfect similarity between the vignettes and actual construction[4];

- Based on many details about the space provided by the map, the Romanian Country, a number of researchers believe that Paulus Sanctinus knew very well the north of the Danube area, and the map would have been made even in these places[5], so it is very plausible that he might have boned to this subject directly;

- Confining us to extrapolate the comparative analysis only on the two neighboring fortresses, on the Vlach shores, Turnu Severin and Giurgiu, it appears obvious similarities between Sanctinus' drawings and their appearance in the fourteenth century (Figure 5)[6]. The one in Severin is shown with a roughly rectangular shape and a single enclosure, with

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[1] Toponyms and hydronyms mentioned in the map were influenced by the peculiarities of the Italian language.

[2] Florio Banfi, *Two Italian map of the Balkan Peninsula: The map of the Balkans contained in Codex Latinus 7239 of the Bibliothéque Nationale in Paris*, in "Imago Mundi", Stockholm, XI, 1954, p. 18.

[3] Octavian Toropu, Corneliu Tătulea, *op. cit.*, p. 206.

[4] Ion Dumitriu-Snagov, *op. cit.*, p. 86.

[5] Florio Banfi, *op. cit.*, p. 23; idem, *Carta parziale della Regione Balcanica (1443)*, in *I paesi Romeni nei monumenti cartografici italiani nel Rinascimento*, extracted from *Bulletin of the Romanian Library* , Freiburg, 1954, 1, p. 11; Veselin Beševliev, *Eine Militärkarte der Balkanhalbinsel aus den Letzten Jahren des 14 Jahrhunderts*, in "Linguistique Balcanique", VII, 2, 1963, p. 45.

[6] In our illustration, Severin, fortress plan of the fourteenth century was adapted from the general plan, published by Mişu Davidescu, *Cetatea Severinului*, in *Buletinul Monumentelor Istorice*, 3, 1970, p. 10, fig. 2; idem, *Monumente medievale din Turnu Severin*, Editura Meridiane, 1969, p. 11, fig. 1. For the fortress of Giurgiu, see http://www.giurgiu.djc.ro/ObiectiveDetalii.aspx?ID=263

five towers. The only difference is that archaeologists date in general – even if problems of the phases of construction was not fully clarified – at that time only four towers, to which would have been added, at a later stage, two others, placed in the middle of the long sides. Regarding the fortification of Giurgiu, it appears to be surrounded by an approximately triangular enclosure and provided with two towers, one massive, exactly as in the reconstructions proposed by specialists for the stage of the fortress from the time of Mircea the Elder (Mircea cel Bătrân);

- Referring strictly to the Sanctinus' vignette Sanctinus that shows Sucidava, we will focus initially on three elements (Figure 6). The first is the massive round tower located on the far left (west) of the drawing. Through the position, shape and size it finds a perfect correspondence with the tower A of the fortress, identified by archaeological research. At the opposite end (east) Sanctinus renders a more modest-sized tower, all-round, which probably corresponds to the small tower J, in the reality semihexagonal. For the latter, in the vignette starts westward a wall, apparently shorter, which finds correspondence in the preserved wall segment on the length of 10.40 m, and which is, as we have seen above, the only preserved on the south side of the fortress. It is hard to believe that all these obvious similarities between the vignette and archaeological reality would be simple coincidence.

Therefore, based on the arguments presented, we can accept the idea that cartographic information provided by Paulus Sanctinus seem to be quite truthful, the result of careful documentation.

The vignette of the Italian specialist that represents the fortress of Sucidava respects, of course, in a manner more schematic, reality. The author renders the fortress in perspective, bordering the only suggest its polygonal shape. Fortunately, the only side to which he provides details is that towards the Danube, that is precisely the southern enclosure, currently nonexistent.

In conclusion, the hypothetical reconstruction of the southern side (Figure 7), based on drawings by Sanctinus, reveals the following aspects, but it also raises a number of questions:

- A slightly sinuous route (as the other sides), imposed by the peculiarities of the field;
- The existence of three towers, two round (L, M) and one quadrilateral (N). The distances between them are within the archaeological certified in cases of other towers;
- The presence of the main gate on the south side of the fortress, between the towers M and N.
- It is posible that the position of the tower L to have been slightly to the west, where it came across the south ends of medieval defensive ditches;
- Why were not discovered by archaeological research the foundations of the tower M and, also the foundations of the wall between the tower M-A towers?
- If the south side of the fortress existed in the fourteenth century, why and when was it destroyed? One possible answer is that the demolition was imposed by the Ottomans in the centuries immediately following, so that at the end of the sixteenth century this side no longer existed. Therefore, in the time of Michael the Brave there was only used the southeast corner of the former Roman-Byzantine fortress.

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1. Tell-ul preistoric
2. Construcție cu hipocaust (sec. IV)
3. Construcție (sec. IV)
4. Zonă cu hipocaust (sec. IV)
5. Horreum (sec. IV)
6. Terme (sec. IV)
7. Turn - pasarelă (sec. IV)
8. Basilica (sec. VI)
9. Construcție (sec. VI)
10. Fântâna "secretă" (sec. VI)
11. Barăci-ateliere (sec. VI)
12. Zona fortificației medievale
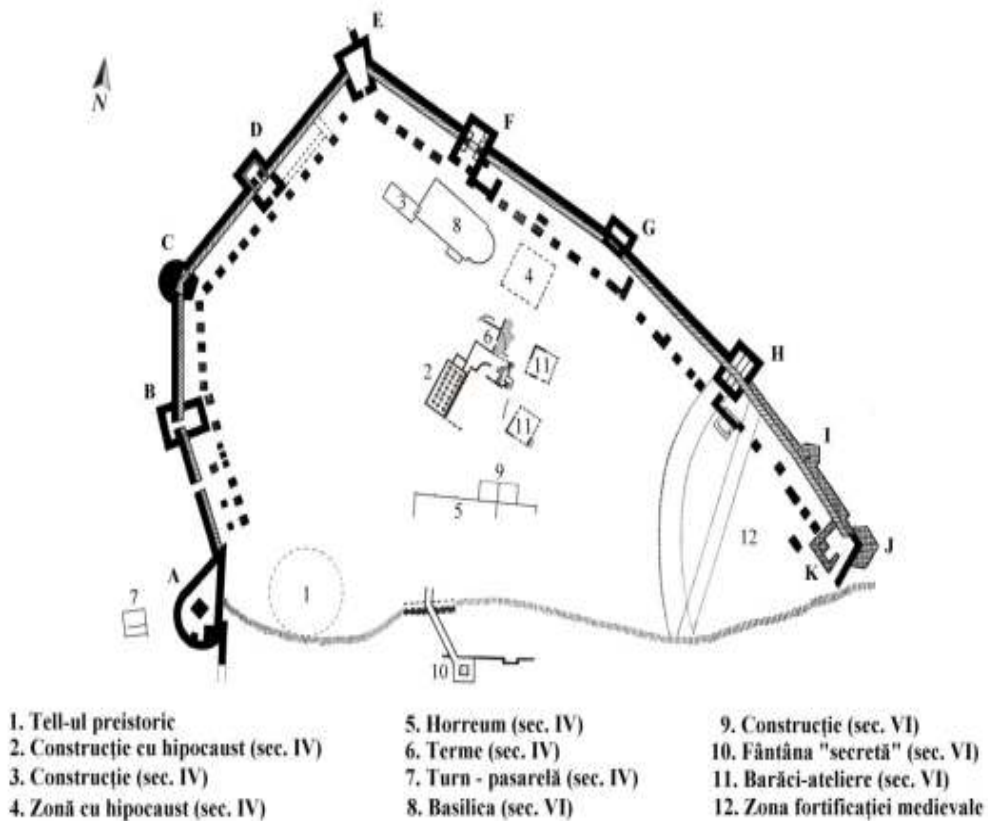
Fig. 1 Plan of Sucidava Roman-Byzantine fortress
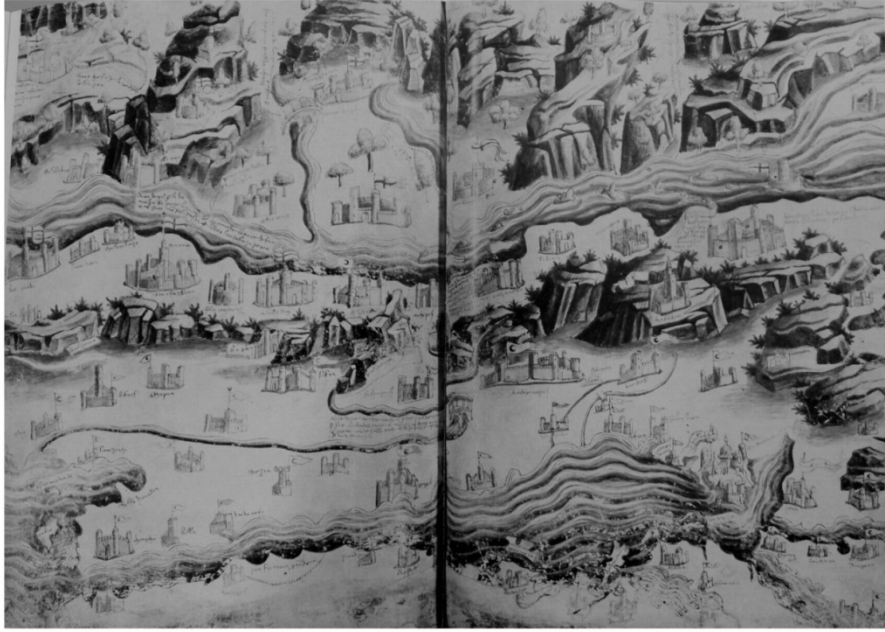
Fig. 2 Map of Codex Latinus Parisinus

Fig. 3 Sucidava in *Codex Latinus Parisinus*
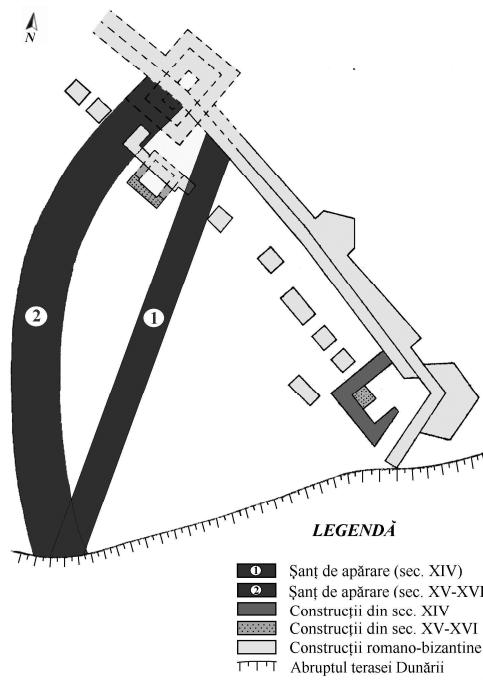
Fig. 4 Southeast corner of the fortress Sucidava, with elements of medieval fortification
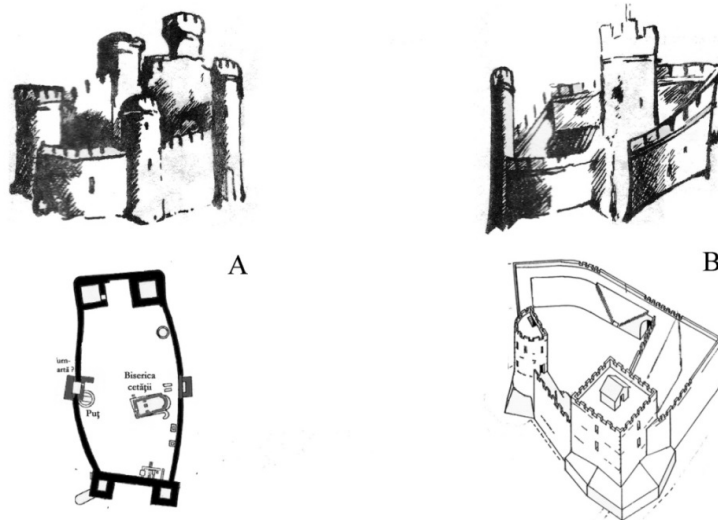
Fig. 5 Fortresses Severin (A) and Giurgiu (B) represented in the Codex Latinus Parisinus (top) and their appearance in the XIVth century (below)
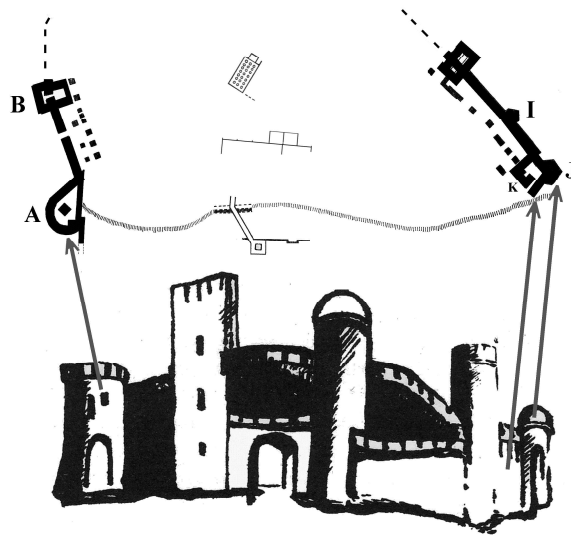
Fig. 6 Elements of correlation between certified archaeological constructions
and those figured in Codex
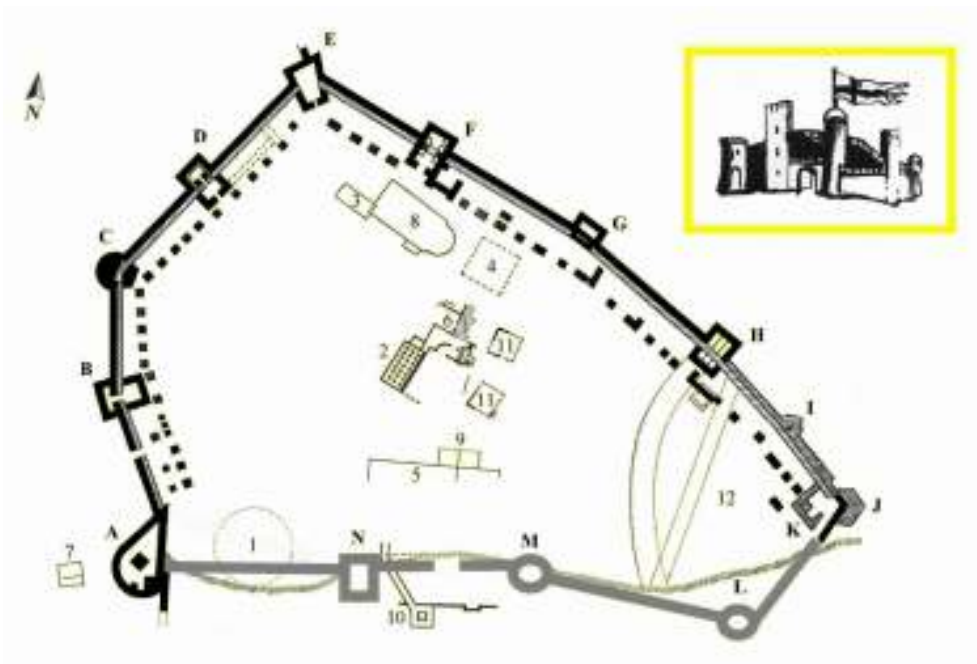
Fig. 7 Hypothetical reconstruction of southern side route

MEDIEVAL STATE AND SOCIETY. COMPARATIVE STUDY: ROMANIAN COUNTRIES AND MEDIEVAL STATES FROM EASTERN EUROPE (XIV-XVI CENTURIES)

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Abstract

This article examines state's organization and structure of medieval society in the XIV-XVI centuries, period which coincides with the centralization of medieval state, beginning the transformation of European monarchies in modern states and the birth of new relations and social classes. Based on bibliographic sources and using comparative method as methodology, the authors conducted a picture of medieval states in Eastern Europe, the main terms of comparison used being the Romanian Country, Moldavia, Transylvania, Russia and Poland, with references to other medieval states like Hungary, Bohemia, Moravia, Belarus, Ukraine, Lithuania. The main conclusion that emerges is that the phenomenon of confrontation between the nobility and centralized power is characteristic for all medieval European states, as well as the political cooperation between privileged social classes (clergy, nobility, townspeople). With regard to social classes the observed phenomena, in general, are the oppression of the peasants, even if the relationship to land master and to reign differ from country to country, the slow coagulation of a middle class and, as a consequence of the decay of Eastern European cities in the sixteenth century, the maintaining of boyars' predominant position in all areas of social, economic and political life.

Key words: *Peasant, Lord, Nobility, Land, Ownership*

European culture and civilization of the Middle Ages is the synthesis of Celtic, Germanic, Byzantine and Islamic components added to the Latin fund, that assimilated Hellenistic elements, synthesis shaped by ideology and institutions of Christianity. What later became a politico-cultural relative unit called "Europe" has its origins in the decline of the Roman Empire[1].

As a term, this stage of human development (Middle Ages) differed from country to country, depending on the specific historical conditions, being placed in time between III-VII centuries and XVII-XIX centuries. Migrants' invasions ("barbarians from the Asian steppe, islands and desert") speed up the structural changes of empires, their dissolution into new countries and "new powers". XIV-XVI centuries, however, coincide with the period of medieval state centralization, with the beginning of the transformation of the European monarchies into modern states and the birth of new social relations. Since the fifteenth and sixteenth centuries, feudal nobility loses its independence, becoming

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[1] Ovidiu Drâmbă, *Istoria culturii şi civilizaţiei*, vol. V, Bucureşti, Editura Ştiinţifică şi Enciclopedică, 1984, pp. 348-380.

dependent on the king's court, and there is a new social class in the cities – the bourgeoisie.

In the center, south-eastern and Eastern Europe, the unification and centralization of the state was between XIII and XV centuries, under the fight of Hungarian and Romanian States against the Ottoman conquest, of the Czechs and Poles against German expansion and against the domination of Tartar Russia[1].

Formation of the Romanian centralized independent feudal states represented effect of the political and institutional progress in economic and social basis of the Romanian society put into practice by unification of pre-state formations and creating domestic institutions, from the new territorial conditions, in the period between XIII and XIV centuries. Unification of pre-state formations was favored, externally, by falling domination exercised by the Tartars and Hungarians in the south and east of the Carpathians, as a consequence of the political difficulties Hungary had passed after the extinguishing of the Arpadian dynasty (1301). To the process of forming Moldova and Romanian Country contributed also the Romanians of Transylvania which, led by their rulers, have boosted the output under the suzerainty of the Hungarian crown.

Located in an area of contact between several civilizations and spiritual (religious) beliefs, Romanian countries have been in the way of conflicts of interest of neighboring states: the Ottoman Empire, Hungary, Poland, fact which has guided their foreign policy and influenced to a large extent, their domestic politics.

Internal political and institutional organization of the Romanian Countries was the result of a long tradition, but also of influences came equally from the Byzantine Empire and Western Europe. Grouping pre-state formations in different feudal countries, politically and legally unit, was done around the Prince founder, who became ruler and took the title of "domn" (lord), derived from Latin, which means lord of the country, to the detriment of the title of "prince", although the latter was strongly crept in Romanian spirituality.

Reign (lord institution) is a local institution, central for the Romanian customary law, its attributes being derived from the natural and unique process of forming the Romanian feudal states. The institutionalization of political power in the Romanian Countries, i.e. the formation of Romanian feudal states, was first linked to circumstance personalities which had at first only civic legitimate and not an administrative apparatus to survive. Institutionalized political power which constituted state's political core was not dissociated of the governor's person. The state itself was confused at first with the person of the ruler. At the enthronement, the Lord was crowned. Towards the end of the sixteenth century, the crown was replaced by "cuca" (term in Turkish – high hat adorned with ostrich feathers).

Even if the Romanian Countries became vassal through homage and fidelity to the higher powers, they have not become vassal countries of law; therefore vassalage was only a nominal title. Vassalage stretched only on the person of the lord and not on the reign in general. Some historians believe the date of the vassal regime establishment was 1462 for Wallachia, when Vlad Ţepeş was replaced by Radu cel Frumos (Radu the Handsome), and

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[1] R. Manolescu, V. Costăchel, F. Cazan, S. Brezeanu, M. Maxim, *Istoria Medie Universală*, Bucureşti, Editura Didactică şi Pedagogică, 1980, p. 169.

1456 for Moldova, when Petru Aron and Country's Assembly accepted the conditions of Mehmed the second the Conqueror.

In reality and in strictly legal terms, negotiated peace have resulted in unequal alliances, the Romanian Countries receiving, according to Muslim law, the legal regime "ahd" (this term was referring to enemy territories that were to be attacked with the view of establishing a Muslim regime, i.e. were to be led by Emiri Muslims). So legal regime "ahd" was an intermediate regime, the Turks being content with tribute payment as a sign of residents' allegiance. The institution of local princes from the royal family was maintained; they ran the local armed forces, but were forced to military cooperate with the Turkish. But they remained subjects of international law in the most exact phrase. This scheme was valid until the establishment of the Phanariot regime (1711 in Moldavia and 1716 in the Romanian Country).

Lord represented the tip of the entire feudal hierarchy[1]. Lord was the holder of power, bringing the quality of prince (supreme ruler of the army) with the one of single master head of an independent and sovereign state). Lord was head of state as to exert a variety of responsibilities in domestic and foreign policy. Internally, lord exercised administrative functions (directing state administration, investing governors in office, granting privileges and ranks of nobility, issuing coin, establishing the system of taxes, executing judicial decisions), military functions (was commander in chief), legislative function (issuing general decisions and legal rules that were adopted by the royal council and the general assembly of social conditions), judicial functions (lord was the supreme court in the state, but its decisions had legal force only during his life). Externally, lord initiated state's foreign policy, maintained cooperative relations with neighboring countries, signed treaties.

In Transylvania, during the period when it was under the rule of Hungary, central political leadership belonged to the Prince named "voievod". Appointed by the Hungarian king, prince exercised only a part of the royal suzerainty's prerogative. Its main tasks were administrative, judicial and military: convening general congregations, leading Transylvanian army, enjoying extensive legal privileges, managing royal revenues which stopped a third[2].

With the abolition of the Hungarian Kingdom and Transylvania's organization as an autonomous principality under Turkish suzerainty, it will be headed by a prince elected by the Diet or sometimes directly by the Porte. Prince had broad powers as agreed in matters of foreign policy, declaring war and concluding peace, approving the appointment of diplomatic envoys in missions, receiving diplomatic envoys arrived in the country. Concerning the internal politics of the country, Prince was the supreme commander of the army, was the country's supreme court of justice, and convened diets, investing in political offices, conferred titles of nobility, decided in religious matters.

Played for over a century between the Ottoman and the Habsburg Empire, the principality of Transylvania will eventually come under the domination of the latter. Habsburg King becomes great prince of the province. For administration of the province,

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[1] Gheorghe I. Brătianu, *Sfatul domnesc şi Adunarea stărilor în Principatele Române*, Bucureşti, Editura Enciclopedică, 1995, pp. 13-27.
[2] Gheorghe Bonciu, *Istoria dreptului românesc,* Bucureşti, Editura Fundaţiei România de Mâine, 2000, p. 94.

the king had a deputy governor, appointed indefinitely, from the country's nobles. The governor administered the province using Gubernium, under the guidance and supervision of the Court of Vienna. Gradually, however prince will become more autonomous from the Hungarian crown, examples being Roland Borşa and Ladislau Kan.

As regards the scope of its powers, only Prince could compare to Lord institution in the Romanian Countries. Lord's power was personal, indivisible and non-transferable in its fullness but was limited by the boyars although he has joined them in leading, receiving their consent to the crowning. This phenomenon of confrontation between local authority exercised by the nobility and centralized power is characteristic for early European Middle Ages (placed in a conventional manner, between 500 and 1500) when the central government was almost nonexistent. If at first, the concepts of state sovereignty and nation did not exist[1] and there were some countries that did not even have clearly defined boundaries (end of IX – XI centuries), gradually kings, emperors, princes and lords acquired authority over territories they ruled and the feudal nobility; rivalry between them has not ceased. In the Romanian Countries reign had an absolutist character. Lord was ruler, lacking a control body; however, as stated A.D. Xenopol, he was not despotic, customary land putting limits to its attributes and bordering its power by the royal council and the assembly of social conditions (status).

A unique case in the European Middle Ages is the tsarist state. Unlike other absolutist monarchs of the time, Russian tsars exercised arbitrary, despotic and theoretically unlimited power. Tsar was the largest land owner and ruled in autocratic manner, helped by boyar "Duma", the "pricazuri" (special institutions solving administrative issues) and the princes who had local governmental attributions. Tsar authority extended over all Russia (regarded entirely as his property – "votcina") and on all his subjects, regardless of rank and social class they came from, even Russian boyars being considered "his slaves". Theoretically, there were representative bodies that Tsar could convene and consult (nobility's "Duma" and the "Assembly of the earth"), but they never had control over state finances nor have they managed to limit or control the autocratic power of the sovereign[2].

The only federal institution that account and that have a binding influence on the Tsar's power was the church because of its highly developed rituals that had governed the daily life of Tsar and loans to which they were forced to use frequently and that they have never returned to the church[3]. As in the Romanian Principalities, church property was exempt from taxes (fully or partially) in the account of church aid through loans and direct contributions in the event of financial crisis or war.

The church was a fundamental institution of the medieval state, representing at the same time, a hotbed of culture. In the history of many countries in Eastern Europe, orthodoxy represented the basic religion, a fundamental element in the national consciousness, in the crystallization of local and regional culture and identity[4]. In the

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[1] See P. Riché, B. Guillemain, J. Favier, M. Morineau, S. Pillorget, *Istoria universală*, vol. II, *De la Evul Mediu la Secolul Luminilor*, Bucureşti, Editura Univers Enciclopedic, 2006, p. 380; John R. Barber, *Istoria Europei Moderne*, Bucureşti, Editura Lider, 1993, p. 18.

[2] John Swift, *Petru cel Mare*, Bucureşti, Editura All, 2003, p. 18.

[3] *Ibidem*, p. 19.

[4] Claudiu Cotan, *The Role of the Orthodox Hierarchs in the Foreign Political Life of the Romanians Principalities. The Political Relations with Poland from 1450 to 1750*, in Antoni Mironowicz, Urszula

Romanian history, the church played an important role in Romanians fight against neighboring kingdoms, especially the Ottoman Empire.

Between 1359 and 1401, during Mircea cel Bătrân (Mircea the Elder) and Alexandru cel Bun (Alexander the Good), were grounded the Ungro-Wallachian Metropolitan Church, which stretched its ecclesiastical jurisdiction over the Transylvanian Orthodox, and the Metropolitan Church of Moldova, both dependent on the Ecumenical Patriarchate of Constantinople. These events were followed by hierarchical organization of church settlements in metropolitan churches, bishops, monasteries and churches, which were led by metropolitans, bishops, deans, abbots and priests. The church was under Lord's authority, which confirmed the metropolitans and bishops. As landowners on their estates, bishops and metropolitans had the right of judgment upon the inhabitants of enslaved villages and dependent towns inside boundary areas. Metropolitan have extensive powers: he was deputy lord in case of vacancy of the throne and his first counselor, leading external messages, taking part in the promulgation of legislative acts of the state, having judicial powers. In Russia, because of the great financial powers he held, the status of the patriarch was almost equal to that of the Tsar[1].

In exercising its authority, lords of Romanian Countries were helped by a royal council, consisting only of boyars who become landowners with government offices (governor, steward, treasurer, chancellor, butler, back, ban of Severin, later ban of Oltenia, keeper of Suceava). Among the most important tasks performed by the Royal Council include: development, alongside with Lord, of foreign policy; participation in civil and criminal trial; advising Lord on matters of state, tax issues, military and religious issues; validating acts of ownership transfer, royal donations and granting immunities.

Royal council had a duty to inform the Lord on the mood of the people. In turn, Lord royal was obliged to consult Royal Council in legal issues, in military matters, in problems related to church (choice of church hierarchy, the establishment of a diocese, or moving a metropolitan or bishop from one residence to another), as in the fiscal issues (establishment of new taxes). By the seventeenth century, Lords, together with great boyars who formed the Royal Council, have visited fairs and princely courts with the aim of resolving administrative and judicial matters.

Over the XIII-XV centuries, under a central authority insufficiently strengthened, political cooperation of privileged social status (clergy, nobility, townspeople) was an important support for the monarchy. For this reason in Europe have operated assemblies composed of representatives of social conditions (Diets in Hungary, Czech state and Poland, the Parliament in England, the general states in France) who gave the monarchy the name of "monarchy of social conditions"[2]. In the Romanian Countries the Assembly of privileged status[3] (also called synod, great synod, community advice, civic assembly) was composed of representatives of the privileged social strata – nobility, clergy, townspeople, rarely free peasants, being convened by the Royal Council for solving very important problems: election of the Lord, solving grievances of the peasantry, dealing with foreign policy issues or problems relating to the administration of the church. This

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Pawluczuk, Wojciech Walczak (editors), *The Ortodox Church in the Balkans and Poland. Connections and Common Tradition*, Białystok, 2007, p. 15.

[1] John Swift, *op. cit.*, p. 15.

[2] R. Manolescu, V. Costăchel, F. Cazan, S. Brezeanu, M. Maxim, *op. cit.*, p. 169.

[3] George Fotino, *op. cit.*, pp. 116-124.

institution had a mainly political role, its main task consisting in the election of Lord by the privileged social conditions, excluding servile and even free peasantry[1]. A similar institution will appear in Transylvania in the XIII-XV centuries as General Congregations composed of representatives of the nobility, clergy, townspeople and sometimes small free owners. From the fifteenth and sixteenth centuries, Country's Assembly, in whose composition entered representatives of the nobility, clergy, and of free peasants, was convened regularly; among his powers there were those to elect Lord, to approve fiscal policy and to approve treaties.

In Russia, following the formation of the centralized Russian state, Ivan the IIIrd introduced a new system of centralized government, consisting of boyar "Duma" and the "pricazuri". The boyar "Duma" was a consultative permanent body, composed of landowners. The "pricazuri" were bodies set up to solve various domestic and foreign policy issues, having at their head a boyar helped by several clerks and copyists[2].

In Poland, during XVth century were established local representative bodies of state power, composed of representatives of the clergy and small and medium nobility ("şleahta"). Thus, the completion of Polish feudal monarchy presented a particular feature: the representatives of cities (merchants and craftsmen) were not part of the local representative bodies of the feudal state. Also, during the reign of Casimir the IVth (1447-1492), was born a representative body called the General Sejm, consisting of King, Senate and representatives of provincial nobility ("şleahta") and having legislative power[3]. In the Polish Sejm, great and small nobility held an important position, stating their interests and influencing domestic and foreign policy of the state.

Blossoming feudalism gave a new impetus to economic development, expansion of agricultural areas, improvement of agricultural technology and craft, putting his mark on social relations. The feudal land ownership's consolidation and completion of feudal domain's organization had the effect of extending the serfdom as dominant form of peasants' addiction and worsening peasantry's exploitation[4].

In the Romanian Countries, given the economic, social and political particularities, feudal social organization had specific forms. One of the original characters of the Romanian feudal relations is the intertwining of feudal relations of exploitation with relations of individual peasant property and community ownership and also the existence of categories of free peasants ("răzeş" – free peasant, owner of land; "moşnean" – free peasant, owner in joint property of land inherited from a common ancestor) who owned certain plots of land and enjoyed certain economic and social rights (exemption from taxes, land endowments, right to freely dispose of their land).

The primary criteria of social stratification have always been the assets (wealth) and the legal status of ownership. In feudalism, property right was characterized by limitations, complexity and overlapping, essentially differing from the property of common Romanian law. In the Romanian Countries, Lord property included lands overlooked by the individual property, desolate areas, lands part of vacant heritages, lands confiscated as punishment for treason, fortresses and miles, was exempt from taxes and estates were

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[1] Gheorghe Bonciu, *op. cit.*, p. 75.

[2] R. Manolescu, V. Costăchel, F. Cazan, S. Brezeanu, M. Maxim, *op. cit.*, p. 240.

[3] *Ibidem*, p. 231.

[4] *Ibidem*, p. 124.

worked by dependent peasants. Property of secular feudals could be acquired only by originating ways (by taking possession of nobody's land, deforestation, occupation) or derived ways (by inheritance, Lord's donation, acquisitive prescription, "inter vivos" and "mortis causa" acts[1]), consisting of movable and immovable property. Church property belonging to bishops, monasteries, parishes, came especially from royal or princely donations, but also from private donations. Land in the hearth of the towns and the nearby territory made up the urban land ownership shared by all members of the community for agriculture and cattle breeding.

With regard to peasantry ownership, both free peasants and dependent producers had the right to property in Romanian Country and Moldova. In the free community, immovable property of free peasants had a mixed character: condominium or individual. Old village community exercise a superior right of possession ("dominium eminens") over the entire territory of the contents of its borders, which concerned the right of grazing on pasture, mountains, stubble, the right to fish in rivers and ponds, the right to use common forest. The right to have personal possession was aimed at land separated from the condominium by grubbing and clearing to acquire the area necessary for home, field, meadow, garden, vineyard, apiary, mild, but especially the land for plowing (estate or "delniţa" or "ocina"), which was heritable transmitted. Along with the intensification of enslavement of peasants villages of Moldova and Romanian Country (XVII-XVIII centuries), ownership of the dependent community returned to feudal nobility. Enslaved peasants ("rumâni" and "vecini") have a more consolidated ownership of the house and property created by them (fallow land, forest removed from the condominium, beehives and vineyards, gardens and orchards) and the full ownership of their livestock and tools. Transylvanian serfs and peasants with little land ("iobagi" and "jeleri") had unlimited right to use the "sessile" (land of culture) and full possession of the house, the immovable property and the forest removed from the condominium ("curătură") obtained through their own work.

Unlike the Romanian peasants, the situation of Russian serfs was much worse. In addition to binding relation to the landowner, not having the right to move their house without the master's approval[2] (compared to land binding), Russian peasants were also bound to redistribution community ("mir") in the sense that land was distributed periodically to community members according to the size of each family. While the Romanian peasants had a property right on the house, on the land they created through clearing and grubbing and on cattle and their gear, the ownership of Russian peasants was very limited, the land belonging to the community ("mir") and being reunited periodically to be redistributed[3].

In the second half of the XVth century, the unification of Russian principalities ended with the formation of the centralized Russian state. This process could not remain without consequences on the structure of Russian society. Thus, removal of feudal fragmentation led to the crystallization of two categories of land owners: owners of "ocina" who had the right to alienate their land, and "dvorenii" whose right to land ownership was conditioned

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[1] Vladimir Hanga (responsible editor), *Istoria dreptului românesc*, vol. I, Bucureşti, Editura Academiei, 1980, pp. 527-528.

[2] N.A. Sidorova (responsible editor), N.I. Konrad, I.P. Petruşevski, L.V. Cerepnin, *Istoria Universală*, vol. III, Bucureşti, Editura Ştiinţifică, 1960, pp. 773-774.

[3] Werner Rösener, *Ţăranii în istoria Europei*, Iaşi, Editura Polirom, 2003, p. 34.

by job provision to the land donor ("pomestie") and were deprived of the right to dispose of the donation's object[1]. Being the military basic force, "dvorenii" benefited of many donations ("pomestii") becoming urban small landlords, along with merchants, basic urban population.

The reign of Ivan the IVth was marked by conflict between the great nobility and the "dvoreni", which conflict the Tsar wanted to put an end to it through the reform called the "oprichnina". As a result of this reform, the State was divided into two sectors: the "oprichnina", that is territory that has been the new court of Tsar and which comprised the richest regions, and "zemshchina" or common territory, consisting of the outermost regions of the country, the less thriving[2]. The novelty brought by this reform was that great vassals, whose fields were located on the territory of "oprichnina", have been forcibly displaced in the second sector, and their place was taken by the "dvoreni" who received donations in return for military service provision. "Oprichnina" was abolished in the year 1572, the reform touching its purpose, namely to replace the old nobility with the "dvoreni" which became the main political force of Russia.

Due to external and internal consolidation begun in the sixteenth century, the struggle for power manifested between the central authority of the Tsar and the local nobility resulted in a drastic deterioration of the situation of the peasantry, Russian nobility claiming more and more services of corvee ("clacă") and imposing increasingly burdensome obligations to the peasants. Since the reign of Ivan the IVth, Russia's expansion to Siberia inspired the peasants to migrate to the new territories, a phenomenon that threaten both the safety of the boyars and the economic and political stability of the State[3]. This was the reason why, according to a legal act of the year 1497, peasants could no longer freely leave their households; this was allowed only under certain conditions and after the settlement of all judicial matters that they would have had with the boyar. In Tsarist Russia was established a form of dependency much harsher than the peasantry's dependence on the nobility in Central and Western Europe[4]. This form of serfdom was characterized by the right of the owner to tie by land the farmers who belonged to him, to use them at any job, to sell them together with the whole family or to deport entire villages of serfs. During the reign of Ivan the Terrible (1544-1584), the situation of peasants has been hardened; the Tsar abolished by decree the right of serfs to free choice of domicile and declared adverse to the law any change of home made by them without the approval of the master[5].

Unlike the situation of enslaved peasantry in Russia and other Eastern countries, the situation of the Romanian peasantry differ in relation to the land owner and by obligations to the Lord. Dependent peasants included two categories: the serfs, who had their own household, the right to use land, and whose right of removal from a domain to another was conditional on the fulfillment of rent, and the "jeleri", who did not have the right to use lots, were not bound by rent obligations and could move more easily. The most important obligation of the peasants against the royal power was to serve the Lord with

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[1] R. Manolescu, V. Costăchel, F. Cazan, S. Brezeanu, M. Maxim, *op. cit.*, p. 239.

[2] *Ibidem*, p. 475.

[3] John Swift, *op. cit.*, p. 19.

[4] Werner Rösener, *op. cit.*, p. 33.

[5] *Ibidem*.

weapons, for which the peasantry played an important military role, becoming an important social force in the economy.

The main class – the boyars (in Romanian Country and Moldova) and nobility (in Transylvania) – was characterized, as in the Middle Ages throughout Europe, by suzerain-vassal relationship set against the ruler or prince. Boyars acquire land property from him in exchange for the provision of the service of "faith", of military and political support for the Lord. This vassalage relationship was harder for Russian boyars on which the Tsar exerted a powerful authority, considering them "his slaves". Quite different was the situation in Poland in the XVIth century where the fragility of the Polish kingdom on internal and external level led to strengthening the position of the nobility and its political and legal privileges in relation to peasants and townspeople. Needing the support of nobility to strengthen their position internally and externally, Polish kings made many concessions to noble class representatives. They had a significant position in the Polish Sejm influencing all important political decisions and defending their privileges. In 1518, King Sigismund, constrained by the context of domestic and international political life, will undertake not to take into consideration any complaint or dissatisfaction of the peasants against feudal lords. Thus, the Kingdom of Poland was transformed into a true "nobility's republic"[1].

In addition to the two main social classes, the Middle Ages has known an intermediate class – townspeople, which was reinforced during feudal social development, in different ways, depending on the wealth and the role performed in the medieval city, but also on economic and social conditions of each country individually. In the Romanian Country and Moldavia, cities not exceeded the fair state, being owned by the Lord and townspeople were less numerous; instead, in Transylvania, urban settlements have known a more prosperous development, like many Western European cities, prompting the existence of a complex social structure among the population of cities (urban patriciate, craftsmen, merchants, journeymen, apprentices, the poor or without fortune man, and other social categories: public officers, servants, doctors, teachers, lawyers, priests, scribes and clerks, self-employed).

In Russia, political and social backwardness, coupled with economic and technological backwardness, the result of the Tatar domination (which lasted from the XIIIth century until 1480 when Tsar Ivan the Third ceased to pay tribute to the Golden Horde) have aggravated much the clotting of a middle class. Trade development and affirmation of merchant class was prevented by Tsars that put royal monopoly on any profitable activity. The merchants who managed to establish themselves and gain considerable wealth automatically became subjects of the crown ("gosti"), depending on the crown's favors[2]. No manufacturing activity could develop much in Russia; the largest productions – from the processing of iron, salt and lower quality fabrics – were also controlled by Tsar[3]. Only during the eighteenth century urban population increased, depending on the economic situation, being divided into "good", "medium" and "low" people and by occupation into merchants, artisans and workers[4].

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[1] *Ibidem*, p. 127.
[2] John Swift, *op. cit.*, pp. 20-21.
[3] *Ibidem*.
[4] R. Manolescu, V. Costăchel, F. Cazan, S. Brezeanu, M. Maxim, *op. cit.*, p. 473.

Analyzing the social structure of the sixteenth century in the various countries of Eastern Europe can be seen that more closely linking farmers to the land is in direct relationship with the considerable expansion of boyars' estates and with increasing of corvee services ("clacă") that had to be provided by peasants and with compulsory service as a servant in the royal court. Thus, in comparison to the XVth century when the noble courts had exceeded, on average only three times the size of peasant households, this will double during the XVIth century, reaching two-fifths of the arable area of the village. This phenomenon of oppression of feudal domination manifested both in the Romanian Countries, as well as in Poland, Hungary, Bohemia, Moravia, and Eastern Germany leading to a true "re-feudalization process, accompanied in part by peasant resistance actions"[1]. In some cases, serfdom was enacted, even as it happened in 1595, when Mihai Viteazul (Michael the Brave) through a severe law, tied the peasants on their land (or in 1497 in Russia). The same phenomenon will be met in the sixteenth century in Belarus and Ukraine which, placed under the rule of Poland and Lithuania, will experience an agrarian boyar regime.

Another phenomenon which has characterized the social and economic life of the European States in the period studied was the structural gap between urban areas in Western Europe, characterized by an intense commercial and craft activities[2], and the one in Eastern Europe where economic development was much slower. If in the fourteenth and fifteenth centuries the Eastern European cities passed through a relative period of flowering, in the sixteenth century had begun their regress, determined by the population decrease, wars and internal power struggles and fierce competition between England and the Dutch in the East-West trade. The decay of cities offered to the boyars the occasion to penetrate the interior and external trade which until then had been the monopoly of the cities and towns, to prohibit the receipt of their serfs ran off the estates and to set affordable prices through customs privileges[3]. This explains the fact that, while in Western Europe formed a bourgeoisie increasingly stronger, in Eastern Europe the nobility remained in the predominant position in all areas of social, economic and political life, which imposed to Eastern European countries for a long time, "an agrarian and backward character"[4].

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[1] Werner Rosener, *op. cit.*, p. 125.

[2] In the eighteenth century, the number of crafts increased twice, contributing to social stratification. See Anişoara Băbălău, *The fiscal organization of Wallachia in Brancovan era*, in "Analele Universităţii din Craiova. Seria Istorie", an XIX, nr. 2(26)/2014, p. 8.

[3] Werner Rosener, *op. cit.*, p. 127.

[4] *Ibidem.*

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DE L'INSTITUTIONNALISATION DU CONSEIL DES MINISTRES EN ROUMANIE ET AILLEURS

Mihai Ghiţulescu*

Résumé

Les historiens ont accordé très peu d'attention aux détails institutionnels de la politique roumaine moderne. Le meilleur exemple est celui de l'organisation et du fonctionnement du gouvernement, une des institutions fondamentales de tout état. On peut facilement observer que les normes constitutionnelles et légales sont quasi absentes. Dans cet article on propose une brève présentation de la situation du système politique roumain en comparaison avec ceux des pays qui lui ont servi de modèles, ainsi qu'avec les jeunes états voisins.

Mots clés: *gouvernement, conseil des ministres, constitution, loi, coutume*

Les historiens emploient toujours des mots comme «gouvernement», «conseil des ministres», «cabinet», «premier ministre» ou «président du conseil» pour désigner des réalités politiques et juridiques de la seconde moitié du XIXe siècle, c'est-à-dire de la période initiales des démocraties parlementaires européennes. Le discours est généralement juste, au moins parce que les contemporains eux-mêmes employaient les mots fréquemment. Mais il est à la fois un peu dangereux, car on a tendance à penser le passé par des concepts actuels. On crée souvent des malentendus. «Gouvernement» et «premier ministre» du XIXe siècle ne sont pas synonymes parfaits de «gouvernement» et «premier ministre» de nos jours. Tout d'abord, car à cette époque là, le vocabulaire politique était encore flou. Les rapports entre les mots, les actions et les normes étaient ambigus. La pratique du gouvernement a précédé son institutionnalisation formelle.

1. Le cas roumain

Les Règlements organiques de 1831-1832 représentent sans doute le début de la modernisation administrative des Principautés danubiennes. Ils ont crée les départements ministériels spécialisés et des «Conseils des ministres» («Conseils dirigeants») comme organes consultatifs des Princes régnants, les titulaires uniques du pouvoir exécutif. Il n'y avait pas de président de conseil, mais seules les ministres des affaires étrangères («postelnici» ou «secrétaires d'état») avaient le droit de contresigner les actes princiers[1]. Mais le processus a été très lent. Ni la Convention de Paris de 1858, ni la Constitution de 1866 n'ont abouti à la formalisation d'un organe exécutif collégial[2]. Selon la Convention, «l'Hospodar gouverne à l'aide des ministres nommées par lui-même» (art. 14) et que «tout

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[1] I.C. Filitti, *Despre vechea organizare administrativă a Principatelor Române*, Bucureşti, Imprimeriile E. Marvan, 1935, pp. 72-73; Manuel Guţan, *Istoria administraţiei publice româneşti*, seconde edition, Bucureşti, Editura Hamangiu, 2006, pp. 139-140.

[2] Pour peu de temps, le Statut octroyé par A.I. Cuza, en 1864, a prévu que les actes du gouvernement étaient pris en conseil des ministres (Paul Negulescu, *Curs de drept constituţional*, Bucureşti, f.a., p. 431).

acte issu de l'Hospodar doit être contresigné par les ministres compétents» (art. 15). Le conseil n'était mentionné qu'en tant qu'organe provisoire et limité de gouvernement: «en cas de vacance et jusqu'à l'installation du nouvel Hospodar, l'administration sera confiée au Conseil des Ministres» (art. 11)[1]. A.I. Cuza est passé au delà du texte, en nommant des conseils permanents (communs pour les deux Principautés, à partir de janvier 1862), menés par des «présidents du conseil des ministres», dont le statut était précaire et le rôle, imprécis, au début[2]. Cette pratique sera très vite perçu comme un des fondements du régime, mais sans recevoir aucune consécration constitutionnelle ou, au moins, légale.

La Constitution de 1866 ne parle plus d'un «Conseil des Ministres», mais seulement des «ministres réunis en conseil» auraient exercé «au nom du peuple roumain» «les pouvoirs constitutionnels du prince» en cas de vacance (art. 86). Le mot «gouvernement» apparaît plusieurs fois, mais sans aucune définition ou description. Il semble un synonyme du «pouvoir exécutif», qui était «confié au Prince/Roi» (art. 35). La Constitution ne prévoyait pas l'existence d'un organe exécutif collégial. Tout ce qu'on peut dire sur le «conseil des ministres»/gouvernement/cabinet est base sur la pratique, qui a généré des coutumes. Il représentait la réunion des dirigeants des départements ministériels en vue de discuter certaines questions politiques et administrative ainsi que d'harmoniser les décisions des ministres, de proposer des projets de lois, règlements ou la nomination des fonctionnaires[3]. La fréquence des réunions et la cohésion du groupe ont créé l'impression d'une véritable institution étatique, à fonctionnement permanent et autorité propre. Cette conviction est devenue si forte et le conseil des ministres a reçu une consécration juridique implicite par sa présence dans plusieurs lois ordinaires[4]. Un premier pas vers la formalisation a été fait par la Loi de la responsabilité ministérielle de 1879, qui a prévu la responsabilité solidaire des «membres du cabinet» en matière pénale. Il n'y avait pas encore solidarité politique générale. Au fil du temps, quelques lois ont donné des prérogatives au conseil des ministres. La Loi pour le partage des diverses attributions du Conseil d'Etat (1866) prévoyait que «les demandes d'extradition… seront décidées par le Conseil des ministres». La Loi des étrangers (1881) lui a laissé le droit de décider sur les expulsions et les lois communales (1887, 1894) lui ont accordé un rôle de contentieux administratif[5]. De plus, on peut dire que «la pratique a tenu la place de la constitution»[6], car, faute de toute régulation, le conseil s'est assumé de nombreuses charges politiques et administratives. Dans plusieurs cas il réalisait *de facto* tout ce que la Constitution avait réservé au Roi.

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[1] *Convențiune pentru organisarea definitivă a Principateloru-Unite-Române*, Bucuresci, Imprimeria Statului, 1864, pp. 7-8.

[2] Pour des détails à cet égard, voire Mihai Ghițulescu, *Organizarea administrativă a statului român modern (1859-1918)*, Craiova, Editura Aius, 2011, pp. 65-67.

[3] Emil A. Frunzescu, *Organizarea politică și administrativă a României*, București, Atelierele Grafice Socec & Co., 1909, p. 125.

[4] Mihai Ghițulescu, *op. cit.*, p. 149. Pour une presentation exemplaire du système institutionnel roumain de l'époque voire Sorin Liviu Damean, *Instituțiile politice în perioada 1859-1918*, dans Sorin Liviu Damean (coord.), *Evoluția instituțiilor politice ale statului român modern din 1859 până astăzi*, Târgoviște, Editura Cetatea de Scaun, 2014.

[5] Paul Negulescu, *Tratat de drept administrative roman*, vol. I, seconde édition, București, Tipografia "Gutenberg" Carol Göbl, 1906, pp. 227-228.

[6] Hugues Portelli, *Droit constitutionnel*, 3e édition, Paris, Editions Dalloz, 1999, p. 72.

La direction du conseil était donnée au *président*, dit aussi *premier ministre* ou *ministre président*, celui chargé de la proposition des titulaires des départements ministériels et qui contresignait les décrets individuels de nomination. La fonction n'était prévue par aucune disposition constitutionnelle ou légale. Son statut formel était donc de *primus inter pares*, n'ayant qu'une supériorité politique[1]. Son autorité était issue plutôt du soutien royal. Mais la coutume l'a impose comme une veritable «personnification du cabinet», son départ (décision exclusive du Roi) équivalant à la démission du gouvernement. Au début, le président devait être aussi le titulaire d'un ministère. Une loi de 1881 (la seule loi qui a réglementé en quelque sorte la fonction) a établi que «le Président du conseil des ministres peut être ministre sans portefeuille». En pratique, jusqu'à la Première guerre mondiale, aucun président n'a usé de ce droit[2]. De plus, la loi prévoyait que «les attributions et les responsabilités du ministres président restent ainsi qu'elle sont régulées jusqu'à présent par les lois et les coutumes constitutionnelles»[3]. En effet ces dernières ont été déterminantes.

Ce n'est que la Constitution de 1923 qui va créer un cadre juridique plus solide pour l'organe exécutif. La synonymie entre le «gouvernement» et «le conseil des ministres» est devenue claire, car «le gouvernement exerce le pouvoir exécutif au nom du Roi, de la manière établie par la Constitution» (art. 92) et «les ministres réunis constituent le Conseil des Ministres, qui est préside, avec le titre de Président du Conseil des Ministres, par celui chargé par le Roi de la formation du gouvernement» (art. 93). Ce n'est qu'en 1929 que l'on adoptera une loi-cadre de l'organisation et du fonctionnement du Conseil des Ministres et des ministères.

2. Les états occidentaux

Il est bien connu que la source principale du droit public de la Roumanie moderne a été le modèle franco-belge. L'inspiration est facilement saisissable en ce qui concerne la régulation du pouvoir exécutif. On laisse de côté le cas britannique, tout à fait spécial, et qui a très peu influencé les jeunes démocraties. En Belgique, tout comme en Roumanie, le conseil des ministres n'a pas connu de consécration formelle[4], sauf la situation de vacance du Trône.

Mais le cas le plus intéressant est celui de la France, considérée à l'époque le régime le plus démocratique de l'Europe. Bien que les ministres soient mentionnés dans le Chartes de 1814 et 1830 et dans le Constitutions de 1848 et 1852[5], il n'y a pas eu, là-aussi, d'organe collégial. Même à la fin du XIXe siècle, un constitutionnaliste français notait que

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[1] Manuel Guţan, *op. cit.*, p. 217.

[2] Voire Stelian Neagoe, *Istoria guvernelor României de la începuturi – 1859 până în zilele noastre – 1995*, Bucureşti, Editura Machiavelli, 1995, *passim.*

[3] Constantin Hamangiu, *Codul general al României (codurile, legile şi regulamentele usuale în vigoare) – 1856-1907*, vol. II *Legi usuale (1856-1900)*, seconde édition, Bucureşti, Editura Librăriei Leon Alcalay, f.a., p. 549.

[4] La même situation avec le Statut Albertin de 1848, devenu Constitution du Royaume d'Italie, en 1861.

[5] Les textes intégraux des actes constitutionnels français sont disponibles sur le site du Conseil Constitutionnel (http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/la-constitution /les-constitutions-de-la-france/les-constitutions-de-la-france.5080.html).

«l'ensemble des ministres est souvent désigné sous le nom de *cabinet* ou *ministère*»[1], ce qui dénote une institutionnalisation encore faible. On connaissait la pratique de nommer des «présidents du conseil», mais celle-ci n'était pas encore permanente. Le Roi Louis Philippe (1830-1878) a hésité parfois à désigner des présidents[2]. On considère habituellement que la naissance formelle du conseil des ministres comme organe exécutif officie est due aux lois constitutionnelles de 1875 et surtout à la Loi du 25 février 1875 relative à l'organisation des pouvoirs. Il est vrai que «les ministres forment un conseil dont les lois de 1875 reconnaissent l'existences avec des attributions propres»[3]. Mais quelles sont ces attributions? Premièrement, tout comme en Roumanie et presque partout en Europe[4], il était «investi du pouvoir exécutif», provisoirement, en cas de vacance de la présidence de la République (art. 7 de la Loi du 25 février). Au-delà de ça, on ne lui réservait qu'un rôle consultatif (sans que ses avis soient obligatoires) dans très peu de cas, lorsque les lois obligeaient le Président à agir «en Conseil des Ministres». Dans la lettre de la constitution, il n'était donc qu'un cadre et un auxiliaire de l'action présidentielle, ressemblant plutôt à un «conseil de couronne» qu'a un organe exécutif. Il était évidemment mis sous la présidence du chef de l'état, la fonction de «président du conseil» n'étant prévue nulle part, au début. Elle est apparue par un décret de 1876, à l'occasion d'un conflit entre le président de la République et la majorité parlementaire. Le Conseil des Ministres est devenu plus fort après la «Constitution Grévy» de 1879, déclaration du président Jules Grévy qui est à l'origine du régime parlementaire (ou «régime d'assemblée») de la IIIe République[5]. Dans les nouvelles conditions, le président du Conseil des Ministres est devenu la figure centrale du système politique, même s'il n'avait aucun fondement légal (jusqu'en 1936 il a été obligé à occuper un portefeuille ministériel). Cette présentation faite à l'époque est suggestive : «Il y a aussi entre les ministres un président du conseil qui sans avoir aucune autorité effective sur ces collègues, est cependant leur chef au point de vue politique, qui en général parle au nom de tous…»[6]. À l'entre-deux-guerres, il paraissait normal pour tout le monde que le président du conseil forme son cabinet: «En fait, le Président désigne seulement le Président du Conseil [à la proposition de la majorité parlementaire, n. M.G.], et ce dernier choisit lui-même ses collaborateurs»[7]. Cette «bizarrerie constitutionnelle»[8] n'a cessé qu'en 1958.

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[1] Félix Moreau, *Précis élémentaire de droit constitutionnel (Organisation des Pouvoirs publics)*, Paris, L. Larose et Forcel Editeurs, 1892, p. 357.

[2] Hugues Portelli, *op. cit.*, p. 68. Pour une présentation des «ministres principaux» de l'Ancien Régime, voire M.P. Pradier-Fodéré, *Précis de droit administratif*, septième édition tenue au courant de la législation, Paris, Guillaumin et Cie, 1872, p. 512.

[3] Félix Moreau, *op. cit.*, p. 360.

[4] *Ibidem*, p. 361.

[5] Le président Jules Grévy a choisi de ne pas exercer ses prérogatives constitutionnelles: «Soumis avec sincérité à la grande loi du régime parlementaire, je n'entrerai jamais en lutte conte la volonté nationale exprimée par ses organes institutionnels» (apud *Jules Grévy*, http://www.elysee.fr/la-presidence/jules-grevy/).

[6] Félix Moreau, *op. cit.*, p. 360.

[7] *Précis de droit constitutionnel et de droit administratif*, seconde edition, Paris, Trésor & Perceptions, 1934, p. 47.

[8] *Président du Conseil (France)* (http://fr.wikipedia.org/wiki/Président_du_Conseil_%28France%29).

L'Espagne a, sans doute, une des plus riches et plus instables histoires constitutionnelles. Au long du XIXe siècle elle a connu pas moins de sept constitutions, auxquelles on peut ajouter quelques projets échoués[1]. Au-delà des changements, il faut retenir que l'institution du Conseil des Ministres et la fonction de Président ont été constitutionnalisées dès le Statut Royal octroyé par Ferdinand VII en 1834.

3. Les états est-européens
Pour l'historien du droit public, l'Europe de l'Est est à ce sujet une grande surprise. Là où l'on attendait le moins peut rencontrer plusieurs cas de régulation constitutionnelle du gouvernement.

La première constitution véritable de cette région, celle grecque de 1844, suivant le modèle belge, ne donnait au conseil des ministres que le gouvernement provisoire en cas de vacance du Trône[2].

La première surprise vient de… l'Empire Ottoman. La Constitution promulguée le 23 décembre 1876 (en vigueur de 1876 à 1878 et de 1878 à 1921) ressemblait beaucoup à celle roumaine de 1866, en ce qui concerne les institutions du pouvoir. Mais elle avait quelque chose de plus: la mention du conseil des ministres et de son président, appelé, traditionnellement, «le grand vezir» (un personnage que la «haute confiance [du Sultan] croit devoir y appeler») et une régulation générale de leurs activités. Les ministres étaient nommés par ordonnance impériale (*irradèh*); ils administraient et ils étaient responsables chacun des «affaires qui ressortissent à son département» (déterminées par un règlement spécial). Quant au Conseil, qui se réunissait sous la présidence du grand vezir, ses attributions comprenaient «toute les affaires importantes, intérieures ou extérieures de l'état». La Constitution précisait que «celles de ses délibérations qui doivent être soumises à la sanction de Sa-Majesté le Sultan, sont rendues exécutoires par iradèh impérial», d'ou on peut tirer la conclusion que le Conseil avait le droit de prendre aussi des décisions directement exécutoire, ce qui lui donnait le caractère de véritable organe exécutif. De plus, lorsqu'il il recevait des rapports des ministres, le vezir pouvait les déférer au Conseil, les soumettre à la décision du Sultan, ou bien statuer lui-même (art. 27-30)[3].

Deux années plus tard, mais lorsque la Constitution Ottomane était déjà suspendue, au 16/28 avril 1879, la jeune principauté bulgare autonome a adopté une constitution (dite la Constitution de Tarnovo, modifiée en 1893 et 1911). Celle-ci s'avère bien plus moderne, car elle reconnaissait explicitement le conseil des ministres comme «autorité gouvernementale supérieure». Et on observe un changement de perspective: le conseil («composé de tous les ministres», dont l'un «choisi par le roi [après 1908, n. M.G.], est nommé président du conseil») et les ministres n'exerçaient plus le pouvoir exécutif au nom du prince/roi, mais ils le détenaient «sous la haute surveillance et la direction du roi». Le conseil n'était pas, comme dans d'autres cas, un organe provisoire, mais il avait «des fonctions générales du temps ordinaire» (art. 148-151). Pour la première fois, on a stipulé une responsabilité politique collective du conseil, bien qu'elle ne porte que sur un cas spécial et que ses détails ne soient pas précisés: «Dans le cas où l'État serait menacé d'un

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[1] Voire Joaquin Varela Suanzes-Campegna, *Histoire constitutionnelle comparée et espagnole (six essais)*, Oviedo, In Itinere, 2013, *passim*.

[2] *Constitution de 18/30 mars 1844*, sur *Digithèque MJP* (http://mjp.univ-perp.fr/constit/gr1844.htm).

[3] *Constitution Ottomane promulguée le 7 zilhidjé 1293 – 23 décembre 1876*, sur *Digithèque MJP* (http://mjp.univ-perp.fr/constit/tr1876.htm#3).

danger intérieur ou extérieur, et où l'Assemblée nationale ne pourrait être convoquée, mais en ce cas seulement, le roi aurait droit, sur la proposition et sous la responsabilité collective du conseil des ministres, de prendre des ordonnances et d'arrêter des mesures ayant la force exécutoire de lois» (art. 47)[1].

La Serbie, par se Constitutions de 1888 et 1901 a suivi, tout comme la Roumanie, l'exemple belge de 1831[2]. Mais elle a ajouté quelque chose. Dès 1888, on a établi qu' à la tête des services de l'Etat se trouve le conseil des ministres, subordonné immédiatement au Roi» et composé «des ministres préposés aux divers Services publics et du président du conseil des ministres, qui peut être sans portefeuille», tous nommés par décret royal (art. 132)[3]. Même la Constitution octroyée par le Roi Alexandre en 1901 a stipulé qu' «a la tête de l'administration de l'État, immédiatement après le roi, se trouvent les ministres. Le roi nomme l'un d'entre eux président du conseil des ministres. Le ministre président peut être sans portefeuille»[4].

La consécration formelle du conseil des ministres ainsi que la de la responsabilité politique collective s'est répandu après la Première guerre mondiale, quand les nouveaux états ont adopté des constitutions[5].

4. Conclusions

En ce qui concerne l'organisation et le fonctionnement du pouvoir exécutif, en Roumanie la coutume a tenu la place des normes constitutionnelles. La situation était la même dans les pays qui lui ont servi de modèles mais assez différente dans les pays voisins. Pour le moment, les historiens n'ont pas observe ce fait. Pour l'expliquer on a besoin d'une véritable recherche d'archéologie constitutionnelle.

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[1] *Constitution du Royaume de Bulgarie du 16 avril (28 avril) 1879 modifiée les 15 mai (27 mai) 1893 et 11 juillet (24 juillet) 1911* (http://www.dircost.unito.it/cs/docs/bulgaria%201879.htm).

[2] Dušan T. Bataković, *French Influence in Serbia 1835-1914. Four Generations of "Parisians"*, in "Balcanica XLI (2010). Annual of the Institute for Balkan Studies", Belgrade, 2011, p. 98.

[3] *Constitution du 22 décembre 1888*, sur *Digithèque MJP* (http://mjp.univ-perp.fr/constit/rs1888.htm#6).

[4] *Constitution du 6 avril 1906*, sur *Digithèque MJP* (http://mjp.univ-perp.fr/constit/rs1901.htm#5).

[5] Voire *Noua constituţie a României şi nouile constituţii europene*, Bucureşti, Institutul Social Român, Tiparul Cultura Naţională, [f.a.], *passim*.

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L'EPISODE DE 1871: UN MOMENT DIFFICILE
POUR LE JEUNE ETAT ROUMAIN. DES ESSAIS INFRUCTUEUX
A UNE CONSTRUCTION DURABLE

Cosmin-Ștefan Dogaru*

Résumé

En 1866, installé au trône de Roumanie, Charles de Hohenzollern-Sigmaringen fonde une nouvelle dynastie. Conformément à la Constitution de 1866, ses prérogatives lui permettent d'être un médiateur dans la lutte politique entre les conservateurs et les libéraux. Au début du règne de Charles Ier les confrontations entre les groupements libéraux et conservateurs sont toutefois dures. Après l'épisode de 1871, l'élite politique roumaine accepte, tout d'abord, que le prince joue le rôle d'arbitre dans la vie politique; ensuite, elle souhaite la formation de deux grands partis politiques qui alternent au gouvernement.

Mots clés: *Charles Ier, la lutte politique, Etat roumain, Constitution de 1866, régime politique*

Dès son avènement au trône de Roumanie, en mai 1866, le prince Charles Ier est préoccupé de diriger l'Etat roumain conformément à la Constitution du pays, adoptée la même année, ce qui est possible à la condition d'un consensus politique entre le prince et l'élite politique concernant une série d'objectifs fondamentaux universellement acceptés tels le maintien de la stabilité politique et la modernisation générale du pays.

Le prince rend public son credo politique dans le message adressé lors de l'ouverture des Corps Législatifs du 15/27 novembre 1866, en définissant ainsi sa mission: «*ce n'est qu'à ce prix* [d'un climat politique stable – n.n.] *que nous pourrons renforcer le prestige de l'autorité, introduire le respect sincère et loyal envers les institutions, la liberté /…/ la légalité et les droits de tous*»[1].

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Le prince finit par comprendre que sa vision politique ne peut se réaliser que par la mise en œuvre d'un partenariat politique avec l'élite politique. Le manque de maturité politique de certains leaders politiques crée un climat tendu pour toute la période 1866-1871, concrétisé dans des conflits politiques et attaques dures contre le prince, notamment de la part des leaders radicaux (après 1868).

Barbara Jelavich mentionne que: «ce prince étranger n'a pas eu une tâche de gouvernement plus facile à accomplir que la tâche des dirigeants autochtones. En fait, Charles se retrouvait dans une situation similaire à la situation de Cuza. Il ne disposait pas d'un parti personnel et était obligé à osciller entre des factions et des personnes rivales»[2].

La relation entre le prince et une partie des leaders politiques est tendue dès le début du règne car: «avant de connaître le pays, Charles commence à connaître les gens. Les

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[1] *Cuvântările Regelui Carol I*, ediție îngrijită de Constantin C. Giurescu, vol. I *(1866-1886)*, București, Fundația pentru Literatură și Artă, "Regele Carol II", 1939, p. 26.
[2] Barbara Jelavich, *Istoria Balcanilor: Secolele al XVIII-lea și al XIX-lea*, vol. I, traducere de Mihai-Eugen Avădanei, postfață de I. Ciupercă, Iași, Editura Institutul European, 2000, p. 264.

politiciens tout d'abord. Il n'a pas confiance en eux»[1]. Charles Ier «était d'une ponctualité chronométrique qui, dès le jour de son arrivée à Bucarest, est entrée en conflit avec l'indifférence de la société roumaine par rapport au temps»[2]. Le prince y trouve un monde qui lui est inconnu, dominé par des mœurs orientales.

Pour l'historienne Elena Siupiur, l'une des premières batailles de Charles Ier a lieu sur le territoire des mentalités politiques: «Charles 1er a «rééduqué», a «inculqué une nouvelle mentalité» à la classe politique roumaine, il a réussi à l'éloigner des intérêts de groupe et des intérêts immédiats et à l'attacher aux intérêts et aux constructions de longue durée de la Roumanie. Il s'est créé de la sorte un allié dans la création d'un Etat moderne»[3].

<div align="center">***</div>

Charles Ier nomme des gouvernements qui s'avèrent, malheureusement, incapables d'assurer un climat politique stable. Entre 1866 et 1871 sont constitués neuf gouvernements et ont lieu six dissolutions des Corps Législatifs[4]. Les années 1866-1871 représentent une période tumultueuse pour la vie politique interne du pays. Ces années-là, Charles Ier est obligé à coopérer avec les leaders politiques de l'époque, des libéraux ou des conservateurs, pour le bien général.

Les premières années de règne plusieurs cabinets se succèdent: le gouvernement Lascăr Catargiu (11 mai – 13 juillet 1866); le gouvernement Ion Ghica (15 juillet 1866 – 21 février 1867); le gouvernement Constantin Al. Creţulescu (1 mars – 5 août 1867); le gouvernement Ştefan Golescu (17 août – 29 avril 1868); le gouvernement Nicolae Golescu (1 mai – 15 novembre 1868); le gouvernement Dimitrie Ghica (16 novembre 1868 – 27 janvier 1870); le gouvernement Alexandru G. Golescu (2 février – 18 avril 1870); le gouvernement Manolache Costache Epureanu (20 avril – 14 décembre 1870); le gouvernement Ion Ghica (18 décembre 1870 – 11 mars 1871)[5].

Les cabinets dirigés par Lascăr Catargiu et par Ion Ghica ne réussissent pas à assurer la stabilité parlementaire et gouvernementale, ce qui détermine le prince à apporter au pouvoir une coalition libérale (dominée toutefois par des radicaux) qui se maintiendra au gouvernement entre le 1er mars 1867 et le 16 novembre 1868.

Pendant toute cette période, Charles Ier est mécontent de la situation interne, de l'intensification des luttes pour le pouvoir qui mènent, inéluctablement, à l'instabilité politique. Les trois gouvernements libéraux radicaux (Constantin Kretzulescu, Ştefan Golescu et Nicolae Golescu) finissent par provoquer des mécontentements sur le plan extérieur aussi. Les cercles diplomatiques européens exercent des pressions pour leur

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[1] Ion Bulei, *Românii în secolele XIX-XX. Europenizarea*, Bucureşti, Editura Litera Internaţional, 2011, p. 70.

[2] Sabina Cantacuzino, *Din viaţa familiei Brătianu: 1821-1891*, ediţia a III-a, revăzută, introducere, note, indice şi ediţie îngrijită de dr. Elisabeta Simion, Bucureşti, Editura Humanitas, 2013, p. 161.

[3] Elena Siupiur, *Charles 1er. Un modèle politique pour les monarques du Sud-Est européen*, in Edda Binder-Iijima, Heinz-Dietrich Lowe und Gerald Volker (eds.), *Die Hohenzollern in Rumänien 1866-1947*, Böhlau Verlag Köln Weimer Wien, 2010, p. 125.

[4] Sorin Liviu Damean, *Carol I al României 1866-1881*, Bucureşti, Editura Paideia, 2000, p. 100.

[5] Stelian Neagoe, *Istoria guvernelor României de la începuturi – 1859 până în zilele noastre 1999*, ediţia a II-a revizuită şi adăugită, Bucureşti, Editura Machiavelli, 1999, pp. 40-47.

éloignement du pouvoir[1]. Dans cette situation difficile «*vers la fin de 1868, le parti libéral passait dans l'opposition*»[2].

Grâce à ses prérogatives constitutionnelles, le prince dispose d'une série de moyens utiles, à commencer par la possibilité de désigner le premier ministre. Ces prérogatives constituent un frein devant les dérapages des leaders politiques.

Ayant recours à une solution rationnelle, mais insuffisante à ce moment-là, Charles Ier désigne Dimitrie Ghica (un conservateur modéré)[3] comme premier ministre, avec le but d'assurer un climat politique stable. Si à l'intérieur du pays Charles Ier essaie de s'adapter à la réalité politique autochtone, il effectue également plusieurs visites officielles qui consolideront sa position à l'étranger: «*à part le fait qu'il a visité Napoléon III qui l'a reçu très cordialement à Saint Cloud, il a visité toute sa famille, il s'est fiancé et s'est marié avec la princesse Elisabeth de Wied*»[4].

Après 1868, après avoir quitté le gouvernement, les libéraux radicaux procèdent à une série d'attaques antidynastiques directes: «*les attaques dirigées de plus en plus violemment contre le gouvernement touchent cette fois-ci la personne même du Prince*»[5].

Les attaques présentes dans la presse ou au sein du Parlement deviennent de plus en plus intenses entre 1870 et 1871, lors du déroulement de la guerre franco-allemande: «*lorsque, à la fin de juillet 1870, dans un tel contexte tendu, parvient la nouvelle sur le commencement effectif de la guerre franco-allemande, l'agitation devient extrêmement forte*»[6]. Le prince se voit confronté à un type de comportement politique assez différent de sa vision et de son comportement concernant la politique et la manière dont il faut diriger un Etat. D'autre part, les leaders politiques, notamment les libéraux radicaux, ne renoncent pas à leurs habitudes et intérêts, ce qui engendre une vraie crise politique au sein du régime politique roumain.

La situation est assez délicate pour le prince dans cette période-là: «*il est sûr que vers 1869-1870 le prince Charles était beaucoup moins populaire qu'au moment de son arrivée: on mettait sur son compte tous les insuccès des gouvernements qui avaient changé de manière kaléidoscopique pendant cette période-là, c'étaient surtout les gouvernements ayant fonctionné entre 1867 et 1868 qui avaient contribué à ce discrédit non seulement à l'intérieur du pays, mais aussi à l'étranger. Napoléon III manifestait lui aussi du désintérêt à son égard, alors que l'ambassadeur de France à Vienne, le duc de Gramont, proposait directement à Cuza de reprendre le pouvoir*»[7].

Le moment était d'autant plus tendu que «les sympathies des Roumains de partout se dirigeaient vers la France», mais «Charles était /.../ mieux informé, il affirmait fermement que la guerre serait courte et finirait par la défaite de la France»[8]. Le prince finit par se faire

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[1] Sorin Liviu Damean, *op. cit.*, p. 113.

[2] Alexandru Papacostea, *România politică. Doctrină. Idei. Figuri. 1907-1925*, Bucureşti, Tipografia "Bucovina" J.E. Torouţiu, f.a., p. 19.

[3] Sorin Liviu Damean, *op. cit.*, p. 114.

[4] Radu Rosetti, *Amintiri. Ce am auzit de la alţii. Din copilărie. Din prima tinereţe*, prefaţă de Neagu Djuvara, Bucureşti, Editura Humanitas, 2013, p. 491.

[5] Alexandru Papacostea, *op. cit.*, p. 19.

[6] Titu Maiorescu, *Discursuri parlamentare cu privire asupra desvoltării politice a României sub domnia lui Carol I*, vol. I *(1866-1876)*, Bucureşti, Editura Librăriei Socecu&Comp., 1897, p. 22.

[7] Radu Rosetti, *op. cit.*, p. 483.

[8] I. Lupaş, *Istoria unirii românilor*, Bucureşti, Fundaţia culturală regală, "Principele Carol", 1937, p. 309.

attaquer par l'opposition, surtout par les libéraux radicaux qui déclenchent une campagne antidynastique virulente; ces attaques culminent avec la proclamation de «la République de Ploieşti», le 8 août 1870[1]. Charles Ier se fait attaquer par les libéraux radicaux parce que ce sont les conservateurs qui forment le gouvernement. Mais «l'affaire Strousberg et les événements de France ont contribué à renforcer le courant antidynastique»[2].

<p style="text-align:center">***</p>

Les actions antidynastiques culminent donc avec la proclamation de la «République» de Ploieşti (le 8 août 1870), ayant comme protagoniste Al. Candino-Popescu, un républicain qui deviendra plus tard aide de camp de Charles Ier. Ce moment est considéré par Mite Kremnitz comme «une démonstration infantile»[3]. Les attaques des libéraux radicaux déterminent Charles Ier à prendre en compte l'option d'abdiquer. La relation du prince avec une partie de l'élite politique est à ce moment-là assez tendue.

L'objectif des libéraux radicaux était de reprendre le pouvoir, remarquant qu'«*une action destinée à renverser Charles Ier devait se fonder sur un accord plus vaste de tous ou, sinon, d'une majorité des groupes politiques. I.C. Brătianu /.../ ne voulait pas renverser la dynastie étrangère à l'institution de laquelle il avait fortement contribué*»[4]. Dès lors, «*les libéraux réclamaient le pouvoir pour eux et ils n'hésitaient pas à avoir recours aux menaces contre le prince au cas où on ne leur aurait pas confié le pouvoir; dans le journal* "Românul", *C.A. Rossetti attaquait dans le même temps et le prince, et le gouvernement avec la plus grande violence*»; Charles Ier garde toutefois son sang-froid: «*ce n'est pas par des menaces qu'il pourra être influencé*»[5]. Dans le même temps, la campagne contre Charles Ier est influencée par des facteurs externes: «*le mouvement antidynastique de l'opposition était manifestement encouragé par le consul russe à Bucarest*»[6].

L'action antidynastique spécule aussi quelques épisodes malheureux qui avaient affecté la position du prince: «[son] attitude dans le problème de la concession de chemins de fer à des hommes d'affaires prussiens qui éludaient les lois roumaines a engendré des mécontentements profonds ayant culminé avec des agitations antidynastiques et antiallemandes, notamment après la défaite de la France dans la guerre franco-prussienne»[7].

Dans ce contexte, les libéraux radicaux avaient également déclenché une campagne dure contre le gouvernement dans le journal "Românul", mais, de manière indirecte, cela visait Charles Ier aussi. Dans leur vision, «*La France – vaincue ou victorieuse – est et sera toujours la grande nation, noble, généreuse*»[8]. Un autre article se dresse contre la manière dont avaient été organisées les élections: «*les élections avec le bâton /.../ les arrestations et les emprisonnements illégaux, la justice devenue un instrument de persécutions /.../ Ils rendirent la Dynastie solidaire avec*

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[1] Şerban Rădulescu-Zoner, ş.a., *Istoria Partidului Naţional-Liberal*, Bucureşti, Editura BIC ALL, 2000, p. 39.

[2] Dan Berindei, *Societatea românească în vremea lui Carol I (1866-1876)*, ediţia a II-a revăzută şi adăugită, Bucureşti, Editura Elion, 2007, p. 169.

[3] Mite Kremnitz, *Regele Carol al României: povestea unei vieţi*, traducere din limba germană şi note de Roland Schenn, prefaţă de prof. dr. Sorin Liviu Damean, Bucureşti, Editura Corint, 2014, p. 69.

[4] Sorin Liviu Damean, *op. cit.*, p. 130.

[5] Radu Rosetti, *op. cit.*, p. 493.

[6] *Ibidem*, p. 494.

[7] Anastasie Iordache, *Dumitru Brătianu. Diplomatul, doctrinarul liberal şi omul politic*, Bucureşti, Editura Paideia, 2003, p. 266.

[8] "Românul", Bucuresci, 2/14 Carindariu, Anul XV, 2 şi 3 ianuarie 1871.

eux»[1]. Le même article continue avec une critique subtile à l'égard du prince incapable d'identifier et d'écarter de son entourage les arrivistes. Les libéraux radicaux ont dès lors le devoir de «*dire au Trône la vérité pour lui montrer /…/ les flagorneurs, qu'ils soient des Sénateurs, des ministres ou des membres de la Camarilla*»[2]. Les attaques des libéraux radicaux sont constantes dans cette période-là et elles ont l'objectif de déterminer le prince à les amener au pouvoir. On fait pression en menaçant d'isoler la monarchie: «*le prince, qui avait jusque hier une cour nombreuse, se retrouve seul, absolument seul*»[3]. Un autre point d'attaque est lié à l'affaire de Strousberg, où: «*le sacrifice des intérêts de la Roumanie est complet. Les espoirs de l'étranger qui nous pille et ensuite nous insulte sont accomplis*»[4].

Le prince, indigné de la montée des tensions qui affectent le pays sur le plan intérieur aussi bien que sur le plan extérieur, envoie «une lettre vers un certain Auerbach (personnage fictif), publiée dans "Augsburger Allgemeine Zeitung" du 15 janvier 1871», où «il annonçait son intention d'abdiquer et en donnait les raisons»[5].

Charles Ier est déçu non seulement du climat antidynastique, mais aussi de l'esprit anarchique et de l'insoumission du peuple roumain: «*Je me demande souvent qui en est coupable ? Moi, qui n'ai pas connu la nature de ce peuple, ou ce peuple même qui ne veut pas se laisser diriger et ne sait pas se diriger lui-même? Ainsi, ce pays malheureux /…/ se retrouve-t-il dans la situation de passer, sans aucune transition, d'un régime despotique à une Constitution si libérale qu'aucun autre peuple n'en a une pareille!*»[6].

Le point culminant de cette période est représenté par l'épisode de «la salle Slătineanu». Le 10 mars 1871, «la communauté allemande de Bucarest se préparait à fêter l'anniversaire de l'empereur par un banquet organisé dans la salle Slătineanu (aujourd'hui, Capşa)»[7]. Plusieurs étudiants essaient alors d'entrer dans le salon en provoquant des dommages matériels. L'ordre finit par être rétabli et la foule écartée. Mais Charles Ier se décide d'abdiquer[8].

L'épisode est également décrit par le journal "Românul": «*l'anniversaire du roi Guillaume approchait et les Prussiens de partout avaient décidé d'en profiter pour célébrer aussi les incendies, les crimes, les violences et tous ces faits sans pareil dans l'histoire moderne que l'on avait nommés victoire*». Le journal mentionne ironiquement que *«ces mesures /…/ n'ont pas pu arrêter les jeunes de se rendre à la Salle Slătineanu, de huer /…/ de casser les vitres»*[9]. Par ailleurs, l'article accuse directement le prince d'avoir des velléités politiques autoritaires: «*Le chef de l'Etat exige que l'Assemblée lui accorde les budgets /…/ et lui donne un ministère auquel Il fasse personnellement confiance, en d'autres termes, la Chambre doit accorder le pouvoir de manière discrétionnaire, contribuer elle-même à l'intronisation de son Régime personnel*»[10].

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[1] Idem, Bucuresci, 9/21 Feurariu, Anul XV, 10 februarie 1871.

[2] *Ibidem.*

[3] "Românul", Bucuresci, 10/22 Feurariu, Anul XV, 11 februarie 1871.

[4] Idem, Bucuresci, 9/13 Mărţişoru, Anul XV, 10 martie 1871.

[5] Ion Mamina, *Regalitatea în România 1866-1947*, Bucureşti, Editura Compania, 2004, p. 112.

[6] Stelian Neagoe, *Memoriile Regelui Carol I al României de un martor ocular*, vol. II *(1869-1875)*, Bucureşti, Editura Scripta, 1993, p. 140.

[7] Ion Mamina, *op. cit.*, p. 112.

[8] Voir Barbara Jelavich, *op. cit.*, p. 264.

[9] "Românul", Bucuresci, 11/23 Mărţişoru, Anul XV, 12 martie 1871.

[10] *Ibidem.*

A la suite de cet incident sans précédent les membres de *Locotenenţa domnească*[1] sont appelés d'urgence au Palais; s'y présentent seulement Lascăr Catargiu et N. Golescu, car N. Haralambie n'est pas en ville à ce moment-là.

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Après ce moment de la menace avec l'abdication, Charles s'entretient de ce sujet avec Lascăr Catargiu. Ainsi, «*appelé au Palais par le prince qui veut remettre les rênes du pouvoir aux mains de l'ancienne locotenenţa domnească de 1866, Lascăr Catargiu conjure le Souverain à renoncer à son projet et à prendre la responsabilité de la situation. La nuit du 11 mars, il forme tout de suite un gouvernement conservateur avec lequel il dirige le pays jusqu'en 1876*»[2]. Néanmoins, après 1871, le jeu du pouvoir change dans la mesure où, d'une part, le prince arrive à mieux comprendre comment communiquer avec les leaders politiques et, d'autre part, la classe politique adopte un nouveau comportement imposé par Charles Ier qui finit par devenir le protagoniste principal de la scène politique roumaine.

L'épisode est surpris également par le journal "Steagul", qui consigne que: «*le chef du gouvernement Ion Ghica fut appelé au Palais, mais là il déclara que le peuple de la Capitale s'était révolté et qu'il ne pouvait plus défendre le trône. Mais le prince demanda que les membres de l'ancienne locotenenţa domnească viennent afin de leur confier l'abdication /.../ Lascăr Catargiu eut la tâche de former le gouvernement /.../ et de sauver la dynastie*»[3].

A ce moment décisif, une partie de l'élite politique prend conscience du rôle essentiel qui revient au prince dans la garantie de la position à l'extérieur de l'Etat roumain: «given the internal dissent and the external emergence of a strong German empire, they acknowledged that the preservation of the state was bound to the ongoing presence of the prince»[4]. Les conservateurs réunis autour de Lascar Catargiu ont pu ainsi sauver ce que l'on avait construit jusque là. En mars 1871 une nouvelle étape s'ouvrait devant le jeune Etat roumain.

La période d'instabilité sur le plan politique, tout comme au niveau de la société, prend fin avec la formation d'un gouvernement conservateur qui, réunissant tous les courants ayant cette orientation, constituera une prémisse pour la fondation du Parti Conservateur en 1880.

Dans cette situation délicate, le prince a pensé même à des modifications de la Constitution de 1866 de sorte qu'elle soit «*plus en rapport avec l'état du pays, qu'elle le rend gouvernable*»[5].

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Le gouvernement constitué en 1871 «était le premier cas [lorsqu'] un gouvernement a pu se maintenir si longtemps, fondant la bonne habitude d'une stabilité favorable aux

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[1] *Locotenenţa Domnească de 1866* se établis comme un organe politique à la suite de l'abdication du prince Alexandru I. Cuza. Elle est formée de Lascăr Catargiu, Nicolae Golescu et Nicolae Haralambie.

[2] Dimitri R. Rosetti, *Dicţionarul contemporanilor*, Bucureşti, Lito Tipografie, "Populară", 1897, p. 51; voir Radu Rosetti, *op. cit.*, pp. 526-527.

[3] "Steagul", Atacuri la Rege, Anul II, No. 24, 28 ianuarie 1915.

[4] Edda Binder-Iijima, *Creating Legitimacy: The Romanian Elite and the Acceptance of Monarchical Rule*, in Tassos Anastassiadis and Nathalie Clayer (eds.), *Society, Politics and State Formation in Southeastern Europe during the 19th Century*, Athens, Alpha Bank, Historical Archives, 2011, p. 188.

[5] Radu Rosetti, *op. cit.*, p. 515.

intérêts de l'Etat. C'était un résultat qui pouvait être considéré comme une décade de progrès»[1].

Nicolae Iorga était convaincu que le succès du nouveau gouvernement avait été dû à sa représentativité élargie, évidemment dans les limites de l'époque: «*il a eu le courage de nommer et de maintenir pendant cinq ans un gouvernement soi-disant «conservateur», où il y avait toutes les nuances, du prétendant jusqu'au doctrinaire, du propriétaire terrien au général, du rural primitif à l'intellectuel junimiste*»[2].

Dans ce contexte, le prince est soutenu moralement par son père, le prince Charles Antoine qui, le 29 mars/10 avril 1871, lui transmet qu'il faut qu'il adopte une attitude ferme pour lutter contre l'instabilité politique du pays: «*il faut que tu résistes jusqu'à la dernière limite possible et arrivé à ce point extrême tu demanderas des garanties qui puissent assurer à partir de ce moment-là une période de stabilité, car plier à droite et à gauche comme un frêle roseau et dépendre de la bienveillance de chaque ministre n'est pas une position pour un Hohenzollern*»[3].

Appuyé par les conservateurs, réunis autour de Lascăr Catargiu, le prince réussit à dépasser une crise importante. Un article de 1901 publié par "Conservatorul" (l'officieux du Parti Conservateur) raconte brièvement comment est vu ce moment-là des années après: «*l'héritage laissé par les libéraux en 1871 était affreux: le Trône bouleversé; le souverain déçu et commençant à perdre la confiance dans la Constitution sur laquelle il avait prêté serment et dans le peuple qui l'avait appelé*»[4].

Ultérieurement, une fois la stabilité du pays assurée, le prince s'oriente vers son maintien et sa consolidation. Dans un message adressé à l'Assemblée des Députés, le 1/13 juin 1871, Charles affirme fortement: «*car il est grand temps, après tant d'essais infructueux, de répondre au désir le plus important du pays, à savoir la stabilité; on ne peut pas bâtir quelque chose de durable sur un terrain sans consistance et toujours mouvant*»[5]. Le prince y glisse également une allusion subtile à son intention de quitter le pays, tout en incriminant l'usage abusif de libertés par une minorité vociférante tout comme l'absence de réaction de la majorité: «*voyant comment une minorité, usant de la liberté pour provoquer le désordre et profitant de la bonne foi et de l'indifférence de la majorité tranquille du pays, cherchait à paralyser tous les efforts que j'avais faits dès Mon avènement au Trône, j'ai supposé que Mes intentions eussent été mal comprises et sans jamais vouloir M'imposer devant le pays, j'ai pensé à un moment donné à céder la place*»[6].

L'attaque subtile est en égale mesure un reproche à l'égard des libéraux radicaux et envers la loi fondamentale, trop libérale pour les temps et les réalités roumains.

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Charles Ier finit par s'adapter aux nouvelles réalités politiques et comprend qu'une coopération avec l'élite politique est nécessaire afin de mener à bien la mission qu'il avait reçue le 10 mai 1866, faisant la preuve «*d'être un fin connaisseur et dirigeant habile de gens*»[7].

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[1] I. Lupaş, *op. cit.*, p. 311.

[2] Nicolae Iorga, *Ce a fost şi ce este Constituţia României*, Bucureşti, Editura Bucovina I.E. Torouţiu, 1938, p. 14.

[3] *Memoriile Regelui Carol I al României de un martor ocular*, vol. II, p. 174.

[4] "Conservatorul", Responsabilităţile II, Anul I, No. 130, 30 mai 1901.

[5] *Cuvântările Regelui Carol I*, vol. I, p. 123.

[6] *Ibidem*, p. 122.

[7] Alexandru Tzigara-Samurcaş, *Din viaţa regelui Carol I. Mărturii Contemporane. Documente Inedite*, Bucureşti, Fundaţia Regelui Carol I, Monitorul Oficial şi Imprimeriile Statului, Imprimeria Naţională, 1939, p. 26.

Du point de vue politique, avec la constitution du gouvernement conservateur dirigé par Lascăr Catargiu, la stabilité souhaitée par le prince est assurée. La coagulation des forces de droite s'est avérée utile pour le bon fonctionnement de l'Etat. Et les échos en étaient positifs, y compris à l'étranger.

Néanmoins, les tourments politiques continuent pendant le gouvernement conservateur. Charles Ier n'est pas à l'abri des attaques politiques voire des conspirations destinées à le remplacer; ce fut par exemple le cas du complot du colonel Nicolae Dabija entre 1874 et 1875[1]. Ces attaques n'auront toutefois plus jamais l'ampleur des événements déroulés entre 1870 et 1871 et ne mettront pas en danger la stabilité du régime politique ou de la monarchie. L'équilibre du pouvoir politique s'impose comme une nécessité et il est réalisé, peu à peu, par le rôle décisif de Charles Ier dans la vie politique roumaine.

L'abdication de Charles Ier aurait mené à cette époque-là à une régression de l'Etat roumain. Dans le même temps, l'épisode où Charles menace d'abdiquer reste un repère pour le prince ainsi que pour la classe politique dans la mesure où l'Etat roumain en est sorti vainqueur.

Cet épisode de 1871 lorsque Charles Ier menace d'abdiquer détermine l'élite locale à prendre conscience de la nécessité d'une coalition autour de la monarchie constitutionnelle, qui commence à être considérée comme une garantie du fonctionnement et de la consolidation du régime politique roumain. Par conséquent, l'élite politique roumaine finit par comprendre et accepter le rôle d'arbitre du prince dans la vie politique, en se regroupant dans les deux partis capables d'alterner au gouvernement afin d'assurer un climat politique équilibré. Charles Ier prouve qu'il est un homme habile, préparé à faire face à une classe politique qui savait résister à des changements. En outre, ce moment signifie une leçon que le prince donne à l'élite politique roumaine en transmettant un message clair concernant la manière dont il faut faire de la politique en Roumanie.

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[1] A.C. Cuza, *Însemnări din viață și documente omenești*, text stabilit, prezentare și note Marian Ștefan, București, Editura Oscar Print, 2011, p. 145; voir Radu Rosetti, *op. cit.*, p. 657.

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ROMANIA, EUROPEAN DIPLOMACY AND THE NEW PHASE OF THE "EASTERN QUESTION"

*Bogdan-Ştefăniţă Miulescu**

Abstract

The *Eastern Question* represents a diplomatic problem posed by the disintegration of the Ottoman Empire and centering on the contest for control of its territories. Any internal change in the Turkish domains caused tension among the European powers, each of which feared that one of the others might take advantage of the political disarray to increase its own influence. The *Eastern Question* thus developed, in the last quarter of the 19th century, from that of the problems raised by the impending break-up of a decaying empire, into the even more complex question of how to deal with an empire which showed vigorous evidence of life, but of a type of life which, though on all sides in close touch with modern European civilization, was incapable of being brought into harmony with it.

For Romania, this event created the perfect opportunity for obtaining the status of independence. Although the Romanians hoped for the Great Power's support, this national goal was, in fact, obtained only after the Romanian army took part in the Ottoman-Russian War of 1877-1878.

Key words: *Eastern Question*, *Diplomacy*, *Balkan Peninsula*, *European Concert*, *Constitution*

The outbreak of the *Eastern Question* and the events that took place in the period of 1875-1877, brought back into the European and world's conscience the political and national realities and aspirations of the Balkan populations[1].

In the summer of 1875 a revolt in a village in Herzegovina[2], judged at the outset to be merely "an internal affair of Turkey", was the beginning of a movement which spread all over the Balkan Peninsula, a revolt of Christian population against the Ottomans, which, in a short period of time, involved even the Bosnians[3] – an event with a profound national and religious character[1].

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[1] Dumitru Vitcu, *Lumea românească şi Balcanii în reportajele corespondenţilor americani de război, 1877-1878*, Iaşi, Editura Junimea, 2005, p. 7; Iulian Oncescu, *România în politica orientală a Franţei, 1866-1878*, ediţia a II-a, revăzută şi adăugită, Târgovişte, Editura Cetatea de Scaun, 2010, p. 238.

[2] The revolt began in several small villages in Herzegovina, where the tax farmers had been demanding full payment of the cultivation and sheep taxes despite a bad harvest in 1874. Peasant attacks on the tax collectors led to intervention by the provincial garrisons. Many of the rebels were able to secure arms and ammunition from Montenegro, which they used to raid roads, capture bridges, and attack and massacre Muslim villages (starting July 24th, 1877), leading to bloody replies in kind, and the crisis soon escalated; see Stanford J. Shaw, Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey*, vol. II, *Reform, Revolution, and Republic: The Rise of Modern Turkey, 180a8-1975*, Cambridge University Press, 2002, p. 158.

[3] A.J.P. Taylor, *The struggle for mastery in Europe, 1848-1918*, Oxford University Press, 1954, pp. 228-242; see Constantin Căzănişteanu, Mihail E. Ionescu, *Războiul neatârnării României. Împrejurări*

Grand Vezir, Ethem Pasha, sent negotiators to talk with the rebels, promising to solve all their problems, if only they laid down their arms, but the rebels felt they could get better terms by appealing directly to the foreign consuls in the area, complaining in particular of high taxes, forced labor, and the continued feudal attitudes of the great landowners. Within a short time, the revolt spread to all parts of Bosnia and Herzegovina. Arms came mainly from Habsburg territory in Hungary and Dalmatia, since the Russian leaders were too divided on what should be done. Prime Minister Gorchakov opposed Ignatiev's efforts, in the fear that they would only upset the European balance and lead to new troubles, while the Pan-Slavs in Russia and certain military elements strongly supported the ambassador[2].

Emerged due to internal crisis of the Ottoman Empire, the revolt constituted a starting point for the entire Balkan Peninsula, and a main point of interest for the Great Powers[3]. Once again, they had to face national issues in the Southeastern Europe, and obviously, the desires of the populations still under Ottoman leadership[4]. In this new phase of the *Eastern Question*, the attitude of the Great Powers was different and was portraited by every state involved[5], due to its interests and maintaining Europe's ballance[6].

Although Austro-Hungary, Russia and Germany wanted, for different reasons, a change in the Balkans, other states, such as France, Great Britain and Italy were in favour of maintaining the Paris Treaty's (1856) agreements[7]. In this respect, Great Britain and France enjoyed significant commercial concessions on the Ottoman market and wanted to maintain the integrity of the Ottoman Empire and their governments were, in general, hostile to any revolutionary movements[8]. During this new stage of the *Eastern Question*,

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diplomatice şi operaţii militare 1877-1878, Bucureşti, Editura Ştiinţifică şi Enciclopedică, 1977, pp. 25-28.

[1] Nicolae Ciachir, *Războiul pentru independenţa României în contextul european (1875-1878)*, Bucureşti, Editura Ştiinţifică şi Enciclopedică, 1977, pp. 125-128; Nicolae Ciachir, Gheorghe Bercan, *Diplomaţia europeană în epoca modernă*, Bucureşti, Editura Ştiinţifică şi Enciclopedică, 1984, p. 366; Nicolae Ciachir, *Marile Puteri şi România (1856-1947)*, Bucureşti, Editura Albatros, 1996, p. 70; Charles Jelavich, Barbara Jelavich, *Formarea statelor naţionale balcanice (1804-1920)*, Cluj-Napoca, Editura Dacia, 1999, pp. 176-178; Nicolae Ciachir, *Istoria popoarelor din Sud-Estul Europei în epoca modernă (1789-1923)*, ediţia a III-a, revizuită, Târgovişte, Editura Cetatea de Scaun, 2011, p. 170.

[2] Stanford J. Shaw, Ezel Kural Shaw, *op. cit.*, pp. 158-159.

[3] *România în relaţiile internaţionale (1699-1939),* coordonatori Leonid Boicu, Vasile Cristian, Gheorghe Platon, Iaşi, Editura Junimea, 1980, pp. 256-259; Nicolae Ciachir, Gheorghe Bercan, *op. cit.*, pp. 368-369.

[4] Iulian Oncescu, *op. cit.*, pp. 238-239.

[5] Sorin Liviu Damean, *România şi Congresul de pace de la Berlin (1878)*, Bucureşti, Editura Mica Valahie, 2004, p. 14.

[6] Constantin Căzănişteanu, Mihail E. Ionescu, *op. cit.*, pp. 28-29.

[7] Gheorghe Cliveti, *România şi Puterile Garante*, Iaşi, Editura Universităţii "Alexandru Ioan Cuza", 1988, p. 212.

[8] Nicolae Corivan, *Lupta diplomatică pentru cucerirea independenţei României*, Bucureşti, Editura Ştiinţifică şi Enciclopedică, 1977, pp. 24-25; Lucia Taftă, *Relaţii româno-franceze în timpul războiului de independenţă în rapoartele diplomatice franceze*, în "Studii şi materiale de istorie modernă", XVI, Bucureşti, Editura Academiei, 2003, p. 49.

France adopted a reserved attitude and supported Russia's diplomatic initiatives, for fear it might be isolated by Germany[1].

This event, also created the international conditions for obtaining the *independence* of Romania. In the Romanian diplomatic circles, there was, at least, a hope, that one of the Powers favourable to this ideal, might be France, for whom the Romanians had an obvious simpathy[2], but after the fall of the Second Empire, France lost the former position in the diplomatic arena, in the Western part of the continent, as well as in the Eastern region[3].

Naturally, Russia help the revolt, but in 1875 it wasn't fully prepaired to engage in a war with Turkey[4]. In Petersburg, the officials thought that the Ottoman Empire wouldn't last long, an idea maintained by some Russian diplomats, such as Gorceakov or Ignatiev, although Russia used its methods to prevent the war[5].

The outbreak of the Balkan Crisis of 1875, commencing with a revolt in Herzegovina, presented Romanians with several options, according to Frederick Kellogg. They might join Balkan Christians to expel the Turks from Europe, unite with the suzerain Ottoman Empire to suppress the rebels, ally with Austria-Hungarian Empire or Russia to intervene militarily to restore peace, or avoid any involvement in the crisis. Vienna would probably counteract St. Petersburg in pacifying the Balkan Peninsula, owing to their long-standing animosity[6]. Both powers were still recovering from military defeats and both pursued cautious foreign policies, neither side then, wishing to upset the uneasy *balance of power* in Europe.

Romanian patriots, for their part, were unwilling to assist the Turks against the Slavs. Therefore, Romanians seriously contemplated only two possibilities at first: they might fight the Ottoman Empire or remain aloof. Neutrality jarred the rising spirit of Romanian patriotism, but Romanian statesmen, nonetheless, sought to contain popular sentiment in favour of the Orthodox Christian insurgents. Frequent violations of neutrality would create a climate of distrust at home and abroad, and liberal and conservative leaders thus exposed an uncommitted stance as a means of survival. The Romanian army was too weak, the neighboring powers too strong, and the course of events too uncertain for the state to adopt another posture[7].

The Powers could no longer refrain from interference, and their action was hastened by financial considerations[8]. The inherent extravagance of a bad system had combined with the peculation of officials to bring disaster upon Turkey, and on October 7th, 1875, the Sultan was compelled to inform his creditors that he could not pay the full interest on

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[1] Constantin Căzănişteanu, Mihail E. Ionescu, *op. cit.*, p. 39.

[2] Iulian Oncescu, *op. cit.*, p. 239.

[3] Lucia Taftă, *Relaţii diplomatice româno-franceze în ajunul proclamării independenţei*, în "Revista Istorică", Serie Nouă, tomul XIII, nr. 3-4, mai-august, Bucureşti, Editura Academiei, 2002, p. 28.

[4] Nicolae Iorga, *Politica externă a regelui Carol I*, Bucureşti, 1923, pp. 112-116.

[5] Nicolae Ciachir, *Marile Puteri şi România (1856-1947)*, p. 71.

[6] Frederick Kellogg, *The road to Romanian Independence*, Purdue University Press, West Lafayette, Indiana, 1995, p. 119.

[7] *Ibidem*, pp. 119-120.

[8] Edward S. Creasy, *History of the Ottoman Turks: From the beginning of their empire to the present time*, London, 1878, p. 548.

the debt[1]. Partial repudiation complicated an international situation already sufficiently embarrassing. Accordingly, the Sovereigns of Germany, Russia, and Austria took counsel together, and on December 30th, 1875, the Austrian Chancellor, Count Andrassy, issued from Buda-Pesth, the Note which bears his name[2].

The Andrassy Note professed the anxiety of the Powers to curtail the area of the insurrection and to maintain the peace of Europe; it drew attention to the failure of Turkey to carry out reforms long overdue, and it insisted that pressure must be put upon the Sultan effectually to redeem his promises. In particular he must be pressed to grant complete religious liberty; to abolish tax-farming; to apply the direct taxes, locally levied in Bosnia and Herzegovina, to the local needs of those provinces; to improve the condition of the rural population by multiplying peasant owners; and, above all, to appoint a special commission, composed in equal numbers of Mussulmans and Christians, to control the execution not only of the reforms now proposed by the Powers, but also of those spontaneously promised by the Sultan in the *Irade* of October 2nd, 1875 and the *Firman* of December 12th, 1875. Finally, the three emperors required that the Sultan should, by a signed Convention, pledge himself to a prompt and effectual execution of the reforms; in default of which the Powers could not undertake to continue their efforts to restrain and pacify the insurgents[3]. To this Note, the British Government gave a general adhesion, though they pointed out that the Sultan had during the last few months promised to carry out the more important of the reforms indicated therein.

The Note was presented to the Porte at the end of January, 1876 and the Sultan, with almost suspicious promptitude, accepted four out of the five points, the exception being the application of the direct taxes to local objects. The friendly efforts of the diplomatists were foiled, however, by the attitude of the insurgents. The latter refused, not unnaturally, to be satisfied with mere assurances, or to lay down their arms without substantial guarantees[4]. The Sultan on his side insisted, again not without reason, that it was impossible to initiate a scheme of reform while the provinces were actually in armed rebellion. Meanwhile, the mischief was spreading. Bosnia threw in its lot with the Herzegovina; Serbia, Montenegro, and Bulgaria were preparing to do the same when, at the beginning of May, a fanatical Mohammedan outbreak at Salonica led to the murder of the French and German consuls[5]. Drastic measures were obviously necessary, if a great European conflagration was to be avoided.

On May 11th, 1876, the Austrian and Russian Chancellors were at the Berlin conference with Prince Bismarck, determined to make further and more peremptory demands upon the Sultan[6]. There was to be an immediate armistice of two months' duration, during which certain measures of pacification and repatriation were to be executed under the superintendence of the delegates of the Powers. A mixed Commission, composed of natives, faithfully representing the two creeds of the country and presided

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[1] Mustafa Ali Mehmed, *Istoria turcilor*, Bucureşti, Editura Ştiinţifică şi Enciclopedică, 1976, pp. 338-344.

[2] Stephen Pierce Hayden Duggan, *The Eastern Question. A study in diplomacy*, New York, 1902, p. 130.

[3] *Documente privind Istoria României. Războiul pentru independenţă*, vol. I, partea a II-a, Bucureşti, Editura Academiei, 1954, p. 258.

[4] Nicolae Ciachir, *Istoria popoarelor din Sud-Estul Europei în epoca modernă (1789-1923)*, p. 172.

[5] Iulian Oncescu, *op. cit.*, p. 244.

[6] *Istoria Imperiului otoman* (coordonator Robert Mantran), traducere de Cristina Bîrsan, Bucureşti, Editura BicAll, 2001, p. 435.

over by a native Christian, was to be appointed in Bosnia and the Herzegovina and the insurgents were to be permitted to remain under arms until the reforms promised by the Sultan in October and December, 1875, had been carried into effect[1]. If by the expiry of the armistice, the object of the Powers had not been attained, diplomatic action would have to be reinforced. France and Italy assented to the Note, but the British Government regarded the terms as unduly peremptory. They resented, very naturally, the independent action of the three imperial Powers and declined, on May 19th, 1876, to be a party to the Memorandum. Disraeli's refusal to assent to the Berlin Memorandum created profound perturbation abroad and evoked a storm of criticism at home[2].

Romania's statesmen saw the conference as a vehicle for redefining their country's international position and with that in mind, Dumitru Brătianu went to Constantinople to argue the Romanian case. Brătianu was to call for the "consecration of the political status of Romania by a special guarantee for its perpetual neutrality". In the event of war between The Ottoman Empire and one of the Powers, Romania would receive instructions from the other powers as to its "line of conduct" and an affirmation of its "rights, neutrality and territorial integrity". The powers, however, ignored Romania's demands and disregarded the Romanian question in Constantinople[3].

The Balkan Crisis became more complex, with the outbreak of the Serbo-Turkish War on June 30th, 1876. Prince Milan had been stimulated to action, partly by irresistible pressure from his own people, and partly by fear of Peter Karageorgevic, the representative of the rival dynasty. One day later, Prince Nicholas of Montenegro followed his example. The Serbs had, of course, a direct interest – political, ethnic and economic – in the insurgents in neighboring Herzegovina and Bosnia. Serbs hoped not only for independence, but for the creation of a large Serbian state. In order to achieve their goals, they needed weapons. Prince Milan (1868-1889) purchased guns and swords (120,000 riffles, 12 field guns and 5,000 swords) in Germany and obtained transport for them by way of Russia[4].

The Porte, already engaged in war with Serbia and Montenegro, was terrified at the idea of an attack upon the right flank of its army, and determined upon a prompt and terrible suppression of the Bulgarian revolt[5]. On June 23rd, 1876, a London newspaper published the first account of the horrors alleged to have been perpetrated by the Turks in Bulgaria. How much of exaggeration there was in the tale of atrocities with which England and the world soon rang it was and is impossible to say[6].

Meanwhile, another complication had arisen. At the end of June, Serbia and Montenegro, as we have already indicated, had declared war upon Turkey. The Serbian

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[1] *Ibidem.*

[2] Sorin Liviu Damean, *op. cit.*, p. 16; Iulian Oncescu, *op. cit.*, p. 244.

[3] Nicolae Corivan, *Lupta diplomatică pentru cucerirea independenţei României*, p. 38; Constantin Căzănişteanu, Mihail E. Ionescu, *op. cit.*, pp. 68-69; Gheorghe Cliveti, *România şi Puterile Garante…*, pp. 217-218.

[4] Frederick Kellogg, *op. cit.*, p. 123.

[5] The Bulgarian revolt was mentioned even in the Romanian newspapers, indicating the atrocities committed. For this event see: "Românul" of September 14th, 1876; "Timpul" of July 16th, August 5th, 12th, and 25th, 1876 and "Telegraful român", Sibiu, of May 4th, 9th, 16th and 19th and June 3rd, 1876.

[6] Constantin Căzănişteanu, Mihail E. Ionescu, *op. cit.*, p. 33.

army consisted largely of Russian volunteers and was commanded by a Russian general. The Serbian army, even reinforced by the volunteers, could offer but a feeble resistance to the Turk, and in August Prince Milan, acting on a hint from England, asked for the mediation of the Powers. England, thereupon, urged the Sultan to come to terms with Serbia and Montenegro, lest a worse thing should befall him[1].

The Sultan declined an armistice, but formulated his terms and intimated that if the Powers approved them, he would grant an immediate suspension of hostilities. But to Lord Derby's chagrin Serbia would accept nothing less than an armistice, and, after a six weeks' suspension, hostilities recommenced[2]. Nevertheless, the English Government was untiring in its efforts to promote a pacification, and suggested to the Powers, on September 21st, 1876, some heads of proposals: the status-quo in Serbia and Montenegro; local or administrative autonomy for Bosnia and Herzegovina; guarantees against maladministration in Bulgaria, and a comprehensive scheme of reform, all to be embodied in a protocol concluded between the Porte and the Powers[3].

Russia then proposed, on September 26th, that, in the event of a refusal from Turkey, the allied fleets should enter the Bosphorus, that Bosnia should be temporarily occupied by Austria, and Bulgaria by Russia. Turkey, thereupon, renewed her dilatory tactics, but Russia's patience was almost exhausted. General Ignatiev arrived at Constantinople, on a special mission from the Tsar, on October 16th, and on the 30th, presented his ultimatum. If an armistice were not concluded with Serbia within forty-eight hours, the Russian Embassy was to be immediately withdrawn. On November 2nd, the Porte gave way and Serbia was saved. A breathing space was permitted to the operations of diplomacy.

The interval was utilized by the meeting of a Conference of the Powers at Constantinople, which began on December 11th, 1876[4]. The Powers agreed to the terms suggested by Lord Derby in September, but the Porte was obdurate. Profuse in professions and promises of reform, the Porte, selected this moment for the promulgation of a new parliamentary constitution, but it stubbornly refused to allow Europe to superintend the execution of the reforms[5].

There was to be a Legislative Body of two Houses: a nominated Senate and an elected Chamber of Deputies; a responsible Executive; freedom of meeting and of the press; an irremovable judiciary and compulsory education. But, though the Sultan was prodigal in the concession of reforms, on paper, no one but himself should have a hand in executing them. On this point the Sultan was inexorable[6].

Thereupon, General Ignatiev, refusing to take further part in a solemn farce, withdrew from the Conference. The Tsar had already announced, on November 10th, 1876, his intention to proceed single-handed, if the Porte refused the demands of the Powers, his army was already mobilized on the Pruth, and war appeared imminent.

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[1] Nicolae Ciachir, *Marile Puteri și România (1856-1947)*, p. 76; idem, *Istoria popoarelor din Sud-Estul Europei în epoca modernă (1789-1923)*, p. 175.

[2] Nicolae Ciachir, Gheorghe Bercan, *op. cit.*, p. 378.

[3] *Ibidem*, pp. 379-380.

[4] *Ibidem*, p. 382; see Vasile Maciu, *România și conferința de la Constantinopol*, în "Analele Universității București", Seria Științe Sociale, Istorie, nr. 9/1957, p. 174.

[5] See: J.A.R. Marriott, *The Eastern Question. An historical study in European diplomacy*, Oxford, 1917, p. 294.

[6] *Ibidem*.

However, the diplomatists made one more effort to avert it. Their demands were reduced to a minimum: putting aside an extension of territory for Serbia or Montenegro, they insisted upon the concession of autonomy to Bosnia, to the Herzegovina, and to Bulgaria, under the control of an international commission[1].

Regarding Romania's case, Andrassy supported its policy of arming for defense even against the unlikely prospect of an Ottoman attack. He suggested, that if Russia invaded, Romania should declare that it yielded to a superior force. Romania's army ought to move away from advancing Russian troops, thereby preserving neutrality. If Romania remained neutral, the Austrian stateman promised to endeavor to maintain the indivisibility of the territory. Savfet Pasha also favored Romania's neutrality, seeing their vassal as a defensive buffer against Russia. Savfet Pasha was willing to deal on some Romanian claims, but not at the Ambassadorial Conference[2].

Failure to win a hearing at the conference in Constantinople, plus Savfet Pasha's apparent willingness to discuss neutrality and some of Romania's requests, prompted Dumitru Brătianu to ask for new instructions. Nicolae Ionescu empowered Brătianu to negotiate on the basis of Kogălniceanu's seven demands[3]. Ionescu had earlier disavowed Kogălniceanu's points about the consular jurisdiction and the possession of the Danube Delta. Now, however, Ionescu – while still disregarding consular jurisdiction – called for the cession of the Danube Delta to Romania. Moreover, he insisted that Romania's neutrality be guaranteed by a treaty[4]. Previously, the Romanians had assumed that their neutrality came from the Powers, but now, they wanted a special covenant confirming this situation.

Having indicated that, we can say that one area on concord was that of neutrality, Savfet Pasha declaring that Turkey would forbear crossing the Danube River in case of war. Romania's neutrality would hence be safeguarded and, more important for Turkey, a protective shield would be raised against a Russian offensive in the Balkans. As to the Danube Delta, Brătianu gained support of neither Savfet nor the representatives of the other Powers, the latter being more concerned with other subjects[5].

On January 20th, 1877, the Sultan categorically refused the demands and on the 21st, the Conference broke up[6]. Great Britain, nevertheless, persisted in her efforts to preserve peace, and on March 31st, 1877, the Powers signed in London a *protocol* proposed by Count Schouvalov[7].

In the meantime, Midhat had been negotiating a separate peace with Serbia and Montenegro to undermine the position of the Powers at the Constantinople Conference

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[1] *Ibidem*, pp. 294-295.
[2] Frederick Kellogg, *op. cit.*, p. 127.
[3] Arhiva Ministerului Afacerilor Externe al României, Bucureşti (The Archives of the Romanian Foreign Ministry, Bucharest), fond Paris, vol. 6, nota nr. 6174 din 16/28 iunie 1876, Bucureşti; Mihail Kogălniceanu către Nicolae Calimachi-Catargi, agentul diplomatic al României la Paris.
[4] *România în relaţiile internaţionale (1699-1939)*, p. 266; Sorin Liviu Damean, *op. cit.*, p. 19.
[5] *Independenţa României în conştiinţa europeană* (ediţie de documente îngrijită de Corneliu-Mihail Lungu, Tudor Bucur, Ioana Alexandra Negreanu), Bucureşti, Editura Semne, 1997, pp. 172-173; Marius Alexandru Istina, *Criza orientală şi relaţiile româno-franceze (1875-1878)*, în "Carpica", vol. XXIX, Bacău, 2000, pp. 257-258; Sorin Liviu Damean, *op. cit.*, p. 20; Iulian Oncescu, *op. cit.*, p. 245.
[6] Edward S. Creasy, *op. cit.*, p. 549.
[7] J.A.R. Marriott, *op. cit.*, p. 295.

and to remove the bases for the Russian threats. Right after Murat's deposition, Prince Milan had accepted the Ottoman conditions, and the peace agreement was signed on February 28th 1877, providing that Serbia return to its prewar status. It promised not to build any additional fortifications along the Ottoman boundaries or to support any of the terrorist bands operating within Ottoman territory. The Ottoman flag would continue to fly over the fort of Belgrade but without any Ottoman garrison and, in return, Serbia would recognize the religious freedom of all Muslims, Jews, Armenians, and Catholics within its territory. Efforts to secure a similar peace with Montenegro proved fruitless, however, since the latter was under Russian influence to continue the war in order to give the Tzar the pretext he wanted for direct intervention[1]. The stage was being set for an attack on the Ottomans regardless of what the Porte arranged with its vassals.

The failure of the Constantinople Conference, however, finally enabled the Tzar to secure the desired agreement, at Budapest, on January 15th, 1877. Austrian benevolent neutrality was promised in case of a Russo-Ottoman war, in return for its being allowed to occupy Bosnia and Herzegovina when it wished, with Serbia, Montenegro remaining neutral and not to be occupied by either of the signatories. Russia would get Bessarabia, and the allies would support each other, against any objections by the other powers. No specific mentions regarding Bulgaria were included, though the agreement did prohibit any large state being formed in the area. If the Ottoman Empire broke up completely, Constantinople would be a free city, rather than going to Russia or Greece, but the latter would be compensated with Crete, Thessaly, and Southern Epirus. Russia, thus gained a free hand against the Porte, while Austria secured considerable territory as well as assurance that it rather than Russia would dominate Serbia – all in return for simple neutrality[2].

Taking cognizance of the Turkish promises of reform, the Powers declared their intention of watching carefully the manner in which the promises of the Ottoman Government are carried into effect. If, however, the condition of the Christian subjects of the Porte should again lead to a return of the complications, which periodically disturb the peace of the East, they think it right to declare, that such a state of things would be incompatible with their interests and those of Europe in general. Turkey rejected the *London Protocol* on April 10th, 1877, and on April 24th, the Tsar, having secured the friendly neutrality of Austria, declared war[3].

During the *Balkan Crisis*, Romanian statesmen frequently sought the advice of the Great Powers. That counsel and Romania's military weakness dictated Bucharest's policy of neutrality, while many Romanians believed indeed that their goal of Independence could be won solely with the Power's aid in a victorious war against the Turks, an assertion that was far from being true.

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[1] Stanford J. Shaw, Ezel Kural Shaw, *op. cit.*, p. 180.

[2] *Ibidem*, p. 181.

[3] J.A.R. Marriott, *op. cit.*, p. 295.

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BROADENING ADMINISTRATIVE JURISDICTION AND ECCLESIASTIC SELF-GOVERNMENT: EVIDENCE FROM THE ROMANIAN MODERN INSTITUTIONAL SETTLEMENTS IN THE XIXTH CENTURY

Anca Parmena Olimid[*]

Abstract

The present article aims to decrypt the analytical way in which the administrative changes and ecclesiastic self-government accompanied the modernization of the Romanian Orthodox Church in the XIXth century. The analysis presents the modern trends of the innovative legal ideas defining the role of ecclesiastic provisions, the functions and the needs of the priesthood, the duties of the Holy Synod of the Romanian Orthodox Church in what was called the struggle for the national ideals. In all these debates, the relationship between the needs of the church and the social and political choices reflected their ability to adapt to the new demands of the modern development of Romania. Furthermore, the formation of Romania was reflected in the administrative changes and self-government of the clergy and its ability to polarize the institutional structure dedicated itself to the fulfillment of these ideals.

Key words: *Administration, Ecclesiastic Self-Government, Romania, Church, Legislation*

Introduction

During the nineteenth century, the modern settlements of the ecclesiastic government, here including the self-administration approach and the respect of the principles of tolerance and religious choice organized the Orthodox Church as a state institution. Throughout the history of the Romanian people, especially with the adoptation of the *Interior Regulation of the Holy Synod of the Holy Autocephalous Romanian Orthodox Church*[1], the Romanian Orthodox Church become the guardian of religious traditions, organizing the moral and christian life of the nation, often times called the *National Church*[2]. The Church officials acknowledged the role of the church in preserving national spirit and cultural life throughout the four chapters of the Interior Regulation (hereinafter *Interior Regulation…*).

Methods and methodology

This paper initiates an analytical approach designed to contribute to the understanding of the spirituality and legality that customizes the late nineteenth century and early twentieth century, through a reconfiguration of the significance of social and

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[1] *The Interior Regulation of the Holy Synod of the Holy Authocephalous Romanian Orthodox Church*, in "Monitorul Oficial" no. 114, 31 May 1873 (excerpt from *Legea Organică și Regulamentele Sfântului Sinod. Anul 1872-1873*, București, Tipografia Cărților Bisericești, 1884, pp. 15-20).

[2] For a general overview, see Gh. Platon (coord.), *Istoria Românilor*, vol. VII, tom II, București, Editura Enciclopedică, 2003, p. IX.

institutional transformations of the Romanian Orthodox Church and Romanian monarchy[1]. This paper has four objectives polarizing ecclesiastic self-government and administrative changes of the Orthodox Church at mid nineteenth century: 1. to define the tasks of the new legislation on administrative changes, the self-government and the evolution of structural and functional components of the Orthodox Church in the XIXth century according to the legal limits of the religious freedom and of the cults guaranteed in Romania modern legal regime[2]; 2. to debate any changes in the doctrine and the worship of the Orthodox Church in the context of the new institutional framework; 3. to focus on the essential aspects of social and cultural emancipation revealed by the new legislation: church reforms, institutionalization of theological thinking, religious thought and self-administration; 4. to decomposite the problem of modern settlements of church and its institutional organization.

A reference book, published in 2007 entitled *The Teachings of Modern Orthodox Christianity on Law, Politics, and Human Nature* presents the close connection between the modern Orthodox Tradition, the christian realism and the influence on the intellectual and cultural movement in the modern times. The close connection existing between the Church and nation in the Orthodox Church is founded according to Write and Alexander on the principle that gives to the Orthodox Church a self-administration according to the civil and ecclesiastical law[3].

A broader interpretation of the modern Orthodox thinking considering that this type of "legality" is distinguished between "tradition and traditions"[4], as one of the most innovative modern legal provisions of the Romanian Orthodox was the *Interior Regulation…*, a result of administrative changes and ecclesiastic self-government in the Holy Synod administration, organization and functioning in the XIXth century. Moreover, the proclamation of the Constitution of 1866 represented the fundamental stage of the Romanian modern settlements, because it was designed to guarantee the freedom of conscience, equality, political rights and individual freedom. Under these arrangements, the freedom of conscience is absolute and the freedom of all cults is guaranteed unless their celebration will not offend the public order or morality (Romanian Constitution 1866, article 21)[5]. This understanding of the freedom of conscience and of cults guides the Constitution into the modern spheres, one spiritual and one social[6].

The article proposes a new approach that will focus on the modern legislative problems considering the structural and functional modern perspectives. It will also

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[1] Mircea Păcurariu, *Istoria Bisericii Ortodoxe Române*, vol. 3, Bucureşti, Editura Institutului Biblic şi de Misiune al Bisericii Ortodoxe Române, 1981, p. 113. See also Sorin Liviu Damean, *Diplomaţia românească în timpul domniei lui Carol I – o diplomaţie de cabinet?*, in "Analele Universităţii din Craiova. Seria Istorie", Anul XVII, Nr. 1(21)/2012, p. 74.

[2] See for a comparative approach, Şerban Ionescu, *Morala ortodoxă faţă cu celelalte morale confesionale*, Bucureşti, Editura Clerului de Studii Social-Creştine, 1941; Nicolae Bocşan, Nicolae Edroiu, Aurel Răduţiu, *Cultură şi societate în epoca modernă*, Cluj-Napoca, Editura Dacia, 1990.

[3] John Witte, Frank S. Alexander, *The Teachings of Modern Orthodox Christianity on Law, Politics, and Human Nature*, New York, Columbia University Press, 2007, pp. 15-17.

[4] *Ibidem.*

[5] Romanian Constitution 1866, in "Monitorul Oficial", no. 142/ June 1, 1866.

[6] Other laws and regulation in the modern period: *Monastic Law* (30 November 1864) and the *Organic Decree creating a central synodal authority* (3 December 1864).

enable the analytical focus on the legislative plan, and the social, cultural and intellectual origins of Orthodox thinking. A particular attention is given to the importance of the civil device, meaning that the ecclesiastic regulations at the end of XIXth century[1].

An important line is also the expected consequences of the *Interior Regulation…* research using content analysis most frequently applied to issues of judicial decisions and organizing approaches in terms of the so-called "judicial policy making" represented by the intersection of the judicial and religious perspectives. In this context, the fundamental element of the research on legality and internal procedure of the church is *the recognition of ecclesiastic self-government and administrative jurisdiction* lying in its ability to influence legal internal organization and the social institutional norms in accordance with its own traditions and heritage.

The distinguishing mark of the content analysis in the case of the *Interior Regulation…*, in terms of gathering and collecting data is also its ability to analyze how church institutional initiatives (Holy Synod) promote both tradition and innovation. Although legal details at micro-level and traditional resources are interlinked and the general framework of the relations between state and church provides the stimulus for modernizing Orthodox Church as a solid basis for the emergence of a critical approach on institutional changes in modern times. The traditional perspective governing the formulation of the *Interior Regulation…* in the organization of the Holy Synod has a decisive effect on the understanding of the social and cultural role of religion in that period.

Recently, historians, academics and researchers have explored the conditions, sources, resources methods and techniques of the transmission of historical heritage in modern times in a variety of areas linking the valorisation of historical and cultural traditions and the various forms of developing and progressing across people, institutions and generations. Similarly, the proposal content analysis method is considered as a solution for analyzing and researching *Interior Regulation…*, taking several indicators simultaneously such: the structure of the *Interior Regulation…*, the number of regulation articles, the main legal provisions, the social and ecclesiastic consequences allowing multidisciplinary research on the interaction legal-religious, administrative-ecclesiastic, social-religious in the conditions of the modern period. Under these circumstances, the two-level scheme of content analysis influencing legal and ecclesiastical decisions is a useful interpretative device, assuming that the state-church approach is presumed to constitutional guarantee of freedom of conscience, freedom of cults and the other political and diplomatic approaches of the period here including the foreign relations of the Romanian state[2]. This assumption provides the legal basis of the *Interior Regulation…* in the context of the constitutional framework (1866) and the legal relations between state and other cults[3].

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[1] Dan Berindei (coord.), *Istoria Românilor*, vol. VII, tom I, Bucureşti, Editura Enciclopedică, 2003, p. 485.

[2] For a historical and political perspectives on the issue see Ionuţ Şerban, *Romania and Italy between 1879 and 1887*, in "Analele Universităţii din Craiova. Seria Istorie", Anul XIV, Nr. 2(16)/2009, pp. 197-216.

[3] For a particular overview on the historical basis of the new ecclesiastical changes see I. Lupaş, *Istoria Bisericii Ortodoxe Române*, Bucureşti, Editura Socec & Co., 1929, p. 186; M. Savel, *Domnia marelui domnitor Alexandru Ioan I Cuza şi epoca glorioasă a românilor*, Bacău, Tipografia Progresul, 1909, p. 45.

Providing a new organizational scheme of church internal regulation, the present legal content analysis offers one of the few research approaches to Orthodox Church internal organizing perspectives in the XIXth century.

Regulation's influence and legacy

The first Chapter of the Regulation is entitled *Session of the Holy Synod* and it includes three articles broadly based on the opening of the Holy Synod, the particularities of the religious order, the duration of the sessions, the organization and themes of the debates. Article 2 of the *Interior Regulation…* provides a particular attention to the inaugural "speech about the needs of the church, to which attention Holy Synod" is delivered by the archbishop. The second chapter of the *Interior Regulation…* is entitled *About office and its functions, and the administration of the Holy Synod* and it describes the duties of the President of the Holy Synod consisting of: the maintenance of order in the meetings of the Holy Synod, the supervision and the strict observance of rules, and the right to waive the meeting when any speaker would deviate from the subject of discussion (article 4). Given the fact that the chapter provides an innovative outline of the ecclesiastic hierarchy, articles 5 and 6 recognize the institutional position of the President of the Holy Synod and the voting procedures as follows: "The President has the right to speak in the debate to recall the speaker in order … to enlighten the debate" (article 5) and "at the beginning of each session, the Holy Synod elects by secret ballot two secretaries" (article 6). Furthermore, articles 7-9 determine and safeguard the functioning harmony of the Holy Synod within the community by extending the principle of subsidiarity which strengthens the hierarchical order. The same articles avoid the arbitrary exercise of the authority within the internal organization of the Holy Synod by establishing a system of self-administration and ecclesiastical jurisdiction in terms of authority, ecclesiastic staff, sessions, documents and debates.

All of these principles have a direct influence and consequences on the protection of regulations and documents in the systematic structure of the *Internal Regulation…* The principle of subsidiarity and self-administration become important for the interpretation and application of ecclesiastic norms of the Orthodox Church and the understanding of the new jurisdiction and self-administration. At the time of the adoption of the regulation, the arguments of administrative jurisdiction and self-government were seriously advanced taking advantage of the hierarchical order approaches and extents concerning the Romanian modern settlements in the XIXth century. In fitting together all the provisions of the jurisdiction, administration and self-government, the first two chapters of the *Internal Regulation…* as it relates to the modern settlements approaches, the legal background focus on the interpretation by which, for reasons of social and civic order, historical background comes into focus.

The great developments of the Romanian society during the modern settlements of the XIXth century indicate the developments that can be expected of it in terms of ecclesiastical jurisdiction[1]. Unlike the civil provisions of the second half of the XIXth

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[1] For a comparative perspective on other cults see Hugh McLeod, Werner Ustorf, *The Decline of Christendom in Western Europe, 1750-2000*, Cambridge, Cambridge University Press, 2004, pp. 1-3; Robert F. Cochran, Jr., *Christian Traditions, Culture and Law*, in Michael W. McConnell et al., *Christian Perspectives on Legal Thought*, New Haven, Yale University Press, 2001, pp. 242-252.

century which are more causal and detailed, the provisions of the Orthodox Church established by the Holy Synod involve some interpretations of its new judicial concept of administration.

Anticipating the problems of interpretation and jurisdiction, Chapter III entitled *About Hearing* provides in article 10 that the "Holy Synod meetings are not public". The legal system of the Church according to the new legal provisions is one of self-administration, jurisdiction and supremacy which requires that the "summaries of the minutes of the Holy Synod of the Church will be published in the journal or in its absence the Official Gazette" (article 10). Such legal provisions of the regulation simplify the hierarchical order confirming the interpretive directions of the article 9 and 10. However, it should be noted that under the new legal provisions, the modern legal settlements of the Orthodox Church intend to uphold the moral and ethic orientation of the ecclesiastical institutions at the end of the XIXth century. The regulation makes concessions to historical institutionalism[1], through a decisive interpretation of its jurisdiction regarding the "order of the day" established by the President of the Holy Synod. Therefore, the status of the Church was improved regarding "the matter of urgency" of the debates themes (articles 11 and 12). The status of the meeting and the order of the day have also been improved by the affirmation of the "majority vote of the Holy Synod". The specific view of the article 13 seems to be that the new regulation is a moderately innovative provision, designed to exercise its authority within the modern mandate to serve the community[2].

The article 12 specifies that the "order of the day will be fixed by the President of the Holy Synod; it cannot be changed except by a majority vote of the Holy Synod, in the matter of urgency" and article 13 describes that "the Holy Synod meetings begin at 11 am this morning. In case of need the Holy Synod may set another time, which in this case will be communicated to all members and the Minister of Religious Affairs". However, in the secular structure of self-government of the church, the first three article of the Chapter III suggest that both the canonic law and natural law are founded on the law principles and administration improvement.

Of particular interest, articles 14-16 influence upon self-administration in modern settlements showing how the new regulations design a well-structured hierarchical administration and demonstrating best ecclesiastical reforms and practice approaches. As described in article 14, "the Holy Synod will hold its meetings every day except Sundays and holidays, or when the President will announce that they are prepared and entered on the agenda". The administration jurisdiction of the Church is a modern form assembling the church-administration divide by-passing organizational capacity of reform and tradition.

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[1] See for a comparative perspective of institutional change within the European integration context Cătălina Maria Georgescu, *Europeanization Imagology, Historical Institutionalism and Integration: Comparative Politics of Institutional Change in Governance*, in "Revista de Ştiinţe Politice. Revue des Sciences Politiques", no. 43/2014, Craiova, Universitaria Publishing House, 2014, pp. 237-251.
[2] The same situation considered in the case of the legitimacy of the ecclesiastical law was developed by Nicodem Milaş, *Dreptul Bisericesc Oriental* (translation by Dim. I. Cornilescu and Vasile S. Radu, revised by I. Mihălcescu), Bucureşti, Tipografia "Gutenberg", Joseph Göbl, 1915, p. 551; Nicolae Popovici, *Manual de drept bisericesc ortodox oriental cu privire specială la dreptul particular al Bisericii Ortodoxe Române*, vol. I, part I and II, Arad, Tiparul Tipografiei Diecezane Ortodoxe Române, 1926, p. 251.

The new *Internal Regulation…* is devoted to a full understanding and solidarity between Church self-administration and State modern legislation and organization ensuring the legal value of the new procedures concerning: the dominant position of the Orthodox Church in the modern state, the church-state relations and the evolution of the Orthodox Church doctrine here including the provisions of the following articles: article 15 – the opening of the meetings and the legal number of members present; article 16 – the voting procedure; article 17 – the order of the day; article 18 – the order of speaking regulated as follows: "No member may speak until asked and received word from the president. Each member is allowed to change to another turn to talk"; article 19 – other rights and permissions during the debates as follows: "No member shall speak more than twice on the same issue, without the permission of the Holy Synod, found and expressed by the President"; article 20 – special measures regarding the debates of the sessions as follows: "It is always open to talk to each member keeping rules for personal matter, or to explain the meaning of his words, but in these cases can only speak once" and article 23 – other procedures concerning the order of speaking during the debates: "No one shall be interrupted when speaking, but only by the President, for the observance of rules and calling the matter"[1].

Without ignoring other legal provisions in the same century, it is important to focus on the legal interpretations of the articles 24-28. Therefore, we have to highlight the institutional development of the Church introduced by this regulation inside and outside of the ecclesiastic institutions as considering: article 24 – debate agenda and observance of regulations; article 26 – the issue of delay or amendments put to the vote before the main proposal.

It is interesting that at the time of the adoption of the regulation, at the European level in the mid nineteenth century, we are witnessing the formation of a new theological literature and legislation precisely influenced by a sort of scientific discourse combining traditional authority and the emergence of modern developments as follows: article 27 – the communication procedures and the report of the Holy Synod and article 28 – the closing provisions of the sessions.

Chapter IV of the regulation entitled *About Committees and Voting* presents the structure of the voting procedure identifying a broad set of fundamental values considered as "needed" in making ecclesiastic decisions here including: the preparatory projects (article 29), the election of a Committee of the Holy Synod composed of three members in charge with verifying all projects (articles 29-30), the functioning of the Holy Synod Office (article 30), the procedure of addressing petitions to the Holy Synod (article 30); the decision process (article 31); the report for each subject and the necessary explanations in the subject case (article 32); the time period for answering on behalf of the Holy Synod (articles 32-33); the secret of voting (article 35). Under these explanations, the regulation specifies that voting is secret by written tickets or balls (article 35). At the same time, the regulation identifies a broad set of fundamental principles including the role and position of the chairman and secretaries (articles 35-36) and the procedure to validate the vote (article 37). These principles – the careful inspection of voting and the validation is the

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[1] From the above provisions, the issue of religious institutions and the idea of self-government and administrative jurisdictions between canonic law and state legal requirements are enforced by a new conception of the State, ecclesiastic engagement and involvement.

work of the legal principle of transparency. Indeed, article 37 specifically states that the vote "is required to be at least absolute majority, half plus one of the present members"[1].

Conclusions

Such content analysis is preferable for acknowledging the legislative changes in the modern period assume the existence of the organizational scheme of the Church considered in the early stages of the modern Romanian state formation and development.

Under the new content analysis, the historical research of the Orthodox Church evolution and the expected conclusions enable the interdependencies between legal research and ecclesiastic activities. In conclusion, this suggests a more efficient interaction between the ecclesiastic research and legal interpretation with various approaches and varying consequences perceived on: the preparatory projects and activities of the Holy Synod, the election of the internal structure; the verification of all projects, the functioning of the Holy Synod – office and committees, the procedure of addressing petitions to the Holy Synod; the decision process and procedure; the report for each project, the necessary explanation in the subject case, and the secret of voting. So the research results show that the analysis of the relationship between administrative changes and ecclesiastical self-government is dependent on periodicity, timing, validity and, durability and legality of the subject cases of the Holy Synod.

In conclusion, it is argued that researching ecclesiastical self-government and administrative approaches deals with interdisciplinary and multi-factural indicators aimed at emphasizing the interest on the internal regulations of the church in the context of modernity and implementing a modern set of state-church institutional settings as each of the four chapters of the regulation develops an analogy of administrative-ecclesiastical approaches and the production of an internal regulation adapted to state conditions.

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[1] From these considerations, it is clearly noticed that the *Internal Regulation…* provides the basis for claims of reform and progress in its historical evolution, making a valuable contribution to the unitary conception of the Romanian state. For a general overview on the consequences of the major political moments at the end of XIXth century and the beginning of the XXth century see Marusia Cîrstea, *Mica Înţelegere şi ataşaţii militari români la Praga şi Belgrad*, in "Revista de Ştiinţe Politice. Revue des Sciences Politiques", no. 30-31/2011, Craiova, Universitaria Publishing House, pp. 17-25.

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DISCIPLINE WITHIN THE TEACHING STAFF OF CRAIOVA
IN THE SECOND HALF OF THE 19TH CENTURY

*Daniel Motoi**

Abstract

The Education Law from 1864 not only laid the foundation of the modern education system in our country, but also marked the moment when teachers, as a social and professional group, became a familiar and mandatory presence in society. Due to the economic power of the citizens of Craiova, the number of public and private schools grew constantly in the second half of the 19th century and this phenomenon was reflected in a similar increase in of the number of teachers, who became an influential professional group within the city.

This article gives an overview of the main instruments used by the Ministry of Education to discipline the teachers, who were regarded not only as subordinate civil servants, but also as a group with a massive potentiality for both undermining and increasing the social order.

Key words: *Teachers, Discipline, Punishments, Authority, Education Law*

At the end of the decade that followed the Revolution of 1848, with its almost 25.000 inhabitants, Craiova was the second largest city in Wallachia, surpassed only by the capital, Bucharest[1]. Forty years later, at the end of the nineteenth century, Craiova had already grown to 45.000 inhabitants, but had become the fifth largest city in the country (meanwhile the country got bigger, as Wallachia and Moldova united in 1859 to form Romania), after Bucharest, Iaşi, Galaţi and Brăila[2]. This important position on the economic, demographic and cultural map of the country was a reflection of the particular economic importance of the city, where lived a very dynamic community, controlled by a relatively small but influential nobility (formed by old boyar families from Oltenia, like Ştirbei, Bibescu, Filişanu, Otetelişanu, Vlădoianu, Bălcescu, Brăiloiu, Bălcescu, Glogoveanu, Argetoianu etc.) and a relatively equal in number upper bourgeoisie (which included mainly leaseholders, merchants and industrial entrepreneurs – activities monopolized also by a small number of families: Mihail, Opran, Nicolaid, Fieraru, Aman). The whole picture of the society of Craiova was completed by the numerous representatives of the middle and petty bourgeoisie, the civil servants and the peasants, who lived in the city but continued to practice agriculture and other activities specific to the rural area[3].

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[1] Titu Georgescu, Constantin Bărbăcioru, Florea Firan, *Istoria Craiovei*, Craiova, Editura Scrisul Românesc, 1977, pp. 62-66; Mircea Pospai, *Memoria Băniei*, Bucureşti, Editura Sport-Turism, 1982, p. 107.

[2] Ion Bulei, *Românii în secolele XIX-XX. Europenizarea*, Bucureşti, Editura Litera Internaţional, 2011, p. 101.

[3] Luchian Deaconu, Otilia Gherghe, *Craiova 1859-1878. De la Alexandru Ioan Cuza la Carol I*, Craiova, Editura Sitech, 2000, pp. 128-149.

From a social point of view, the teachers, as civil servants, had very few representatives in the middle bourgeoisie (mainly the ones who taught at the superior course of the local high school for boys, the headmasters of the second grade schools and the inspectors), the rest of them being part of the more heterogeneous lower bourgeoisie or, as in the case of the rural elementary schoolmasters, of the medium or working peasantry. The fact that the teaching staff belonged to several different social classes was the direct result of the official wage system of the teachers enforced by the Ministry of Education, which perpetuated significant differences between different categories of teachers. For example, the system introduced in 1883 divided the teachers into six different categories, paid at the end of every month with 90 lei (elementary schoolmasters from rural area), 150 lei (teachers of gymnastics and vocal music – official named "masters" of gymnastics or music), 200 lei (teachers of religion, art drawing, calligraphy and foreign languages), 225 (urban elementary schoolmasters), 280 lei (teachers of seminaries (lower classes), pedagogical institutes, scientific schools or secondary schools for girls) and 360 lei for teachers who had classes in high schools, secondary schools, seminaries (upper classes), commercial schools, veterinary schools and pharmacy schools[1].

In the 1850's, an official education system had been functioning in Craiova for more than a century. This system had begun with the schools founded as a dependency of some of the churches of the city (the oldest one was, most likely, the one which functioned from the early 18th century, with a paleoslavonic teacher, in the rooms of the important church of "Sf. Dumitru"[2]), and continued with the public school from the local monastery Obedeanu, which was organized in 1775 by Alexandru Ipsilanti and was dedicated to the offspring of local nobility, who learned Greek, Paleoslavonic and Romanian[3].

The local education system suffered an important metamorphosis in the fourth decade of the 19th century, when, in a few years' time, were founded two education institutions which would represent, for more than a century, the most important schools for boys and girls in the city: The Central School for Boys (1831), which continued, at the institutional level, the old school from the monastery "Obedeanu"[4] and would later transform into "Carol I" High School for Boys and the Boarding School for Girls "Lazaro-Otetelişanu" (1835)[5], which developed in the 20th century into "Elena Cuza" High School for Girls. In addition to these schools, in the 1860's in Craiova functioned

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[1] *Lege pentru fixarea şi gradarea remuneraţiilor membrilor corpului didactic* (1883), în C. Lascăr, I. Bibiri, *Colecţiunea legilor, regulamentelor, programelor şi diferitelor decisiuni şi disposiţiuni generale ale acestui departament de la 1864-1901*, Bucureşti, Imprimeria Statului, 1901, pp. 37-38.

[2] Nicolae Iorga, *Oraşele Olteniei şi mai ales Craiova în pragul vremurilor nouă (1760-1830)*, Craiova, Editura Scrisul Românesc, [f.a.], p. 15.

[3] Gh. Pârnuţă, *Şcolile din oraşele Ţării Româneşti*, în *Contribuţii la istoria învăţământului românesc* (culegere de studii), Bucureşti, Editura Didactică şi Pedagogică, 1970, p. 140; Marin Popa Nemoiu, *Memoriu asupra situaţiei istorice şi juridice a Bisericii Obedeanu*, Craiova, Tipografia Sf. Mitropolii a Olteniei, 1941, pp. 51-52; Mihai Popescu, *Documente privitoare la începuturile şcoalelor din Craiova*, în "Arhivele Olteniei", X, 1931, nr. 56-58, p. 347; V.A. Urechia, *Istoria şcoalelor de la 1800-1864*, tom IV, Bucureşti, 1901, p. 105.

[4] Nicolae Andrei, *Ani de lumină*, Craiova, Editura Scrisul Românesc, 1976, pp. 41-46.

[5] Elena Joiţa, Ionel Turcin, Ioana Popescu, Carmen Petre, Mihăiţă Stoica, *Colegiul Naţional "Elena Cuza" din Craiova: prima şcoală de grad mediu pentru fete din Principatele Române (de la începuturi până la 1864)*, Craiova, Editura Policrom, 2003, p. 60; N. Andrei, Gh. Pârnuţă, *O prestigioasă instituţie şcolară: Liceul de filologie-istorie din Craiova*, Craiova, Editura Scrisul Românesc, 1985, pp. 33-41.

The Day School for Girls "Lazaro-Oteteliṣanu" (which accepted girls from poor families, whereas the boarding school with the same name was destined to form girls from the local upper society), two elementary schools for boys and other two for girls ("Externatele de fete Brâncoveneşti" – founded in 1860 as private schools and transformed into public state schools two years later) and many private schools, which exploited the incapacity of the official system of education to cover the various educational needs of the city's children[1].

Consequently, in 1864, when the famous *Education Law* of Alexandru Ioan Cuza was adopted, in Craiova the teacher was already a familiar presence, and became more familiar with time, as the number of the professors grew one year after another. Undoubtedly, the 1864 law marked the beginning of the Romanian modern education system and gave a significant boost to the local initiatives of supporting education. The result was that the education system of Craiova jumped from only five elementary public schools in 1864 (3 for boys and 2 for girls) to a staggering number of seventeen public schools (9 for boys and 8 for girls)[2] and also that, in a period shorter than two decades, in Craiova were founded five new secondary schools for boys, The Pedagogical Institute for Boys (1870), The District's School for Arts and Industrial Trades (1871), The Public Commercial School for Boys (1877), "D.A. Sturdza" Military High School (1881) and *The Science Gymnasium?* (Gimnaziul Real de băieţi) (1882), and one for girls – The Secondary Day School for Girls "Regina Elizabeta" (1882). More importantly, all this time a parallel private school system functioned, which almost doubled the figures stated above[3].

At the end of the 19th century the teachers were not only a *familiar and compulsory* presence but also a social and political force, with aspirations and demands, which the officials from Bucharest were compelled to take into consideration.

In this context, the laws and regulations issued by the Ministry of Education between 1864 and 1898 acted not only as means of organizing the educational activities but also as means of *controlling and subordinating* the entire teaching staff. Accordingly, in spite of constant opposition from the teachers, their freedom was diminished with every law or regulation issued by the officials from Bucharest, evolving from "a liberty that could lead to impunity or irresponsibility", offered by the law from 1864, to a more restricted

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[1] ***, *Temeiuri pedagogice ale dezvoltării învăţământului public şi particular craiovean (de la începuturi până la 1864)*, Craiova, Editura Aius, 2001, pp. 77-78; Nicolae Andrei, *Istoria învăţământului din Craiova*, vol. I, Craiova, Editura Alma, 2003, pp. 351-357.

[2] Boldescu Ulysse, *Dare de seamă asupra situaţiunei comunei Craiova,* Craiova, 1891, p. 11; Nicolae Andrei, *Istoria învăţământului din Craiova*, vol. II, Craiova, Editura Alma, 2005, pp. 267-269.

[3] Alexandru F. Dinu, Marian Barbu, *Liceul "Fraţii Buzeşti" Craiova – 115 ani*, Craiova, Editura Aius, 1997, p. 19; Nicolae Andrei, *op. cit.*, pp. 123, 237-238; Liubovia Buşe, Ion Popa, Elena Murăreţu, *Monografia Liceului Pedagogic Craiova*, Craiova, Întreprinderea Poligrafică Oltenia, 1970, p. 31; A. Vasculescu, *60 de ani (1877-1937) ai Liceului Comercial de băieţi "Gh. Chiţu" din Craiova*, Craiova, 1937, pp. 5-6; Eugenia Cioroianu, *Paşi spre infinit … Istoricul Colegiului Tehnic de Arte şi meserii "Constantin Brâncuşi" din Craiova (1871-1948)*, vol. I, Craiova, Editura Aius, 2001, p. 10; Serviciul Judeţean al Arhivelor Naţionale Dolj (The Dolj District's Service of the National Archives), fond Liceul externat de fete "Regina Elisabeta" Craiova, dos. 1/1882, ff. 1, 5, 48.

medium, dominated by the paternalist authority of the school's headmasters, who were transformed by the 1898 Haret law into "the first inspectors of their schools"[1].

To ensure the respectability of this profession, the Ministry explicitly included some specific constraints to all the members of the teaching staff. For example, the teachers were not allowed to engage in any form of commercial or other activity which could infringe upon "the dignity of their character" or be incompatible with the duties specific to this profession. It was forbidden, also, to sell books or other various items to the pupils, to teach the pupils from the class in private (for money) or to lodge them and to become associates, headmasters or teachers in schools attended by pupils who attended, at the same time, the school those teachers belonged to. All the teachers had the obligation to live in the same locality with the school where they taught and, in addition, the secondary teachers were forbidden to practice any permanent activity, either public or private[2]. Similar limitations were applied to the teaching staff of the public schools from Craiova which abided by their own regulations[3].

According to the official standards of that time, the teachers who served in the Romanian public schools could be punished for their improper behaviour with one of the following sanctions:

a) *warning*, delivered by the direct superior, through a secret letter (as stated by the Law of Education from 1864) or by the district inspector (as was stated by the laws issued later by the Ministry of Education);

b) *fine*, which consisted in retaining the salary for 10-15 days and could be decided only by the minister of education, as a response to a convincing report written by a local inspector;

c) *"cenzura"*, which acted as a more punitive fine, consisting in retaining payment for a period of 15-30 days. The money that came from these two penalties was transferred into the budget of an institution that helped local officials to build schools – *Casa Şcolilor*.

d) *transfer* from one school to another, of the same rank and from the same locality; this was decided by the minister of education, based on an official note from the Permanent Council of the Ministry of Education. This note was the result of the Council's deliberations on the inquest by one of the inspectors. This particular sanction was extremely effective, for example, when dealing with the powerful conflicts that sometimes occurred between the members of the teaching staff;

e) *postponing* the action of conferring the title of professor in ordinary, for a period of time that could not exceed one year;

f) *delaying* the promotion to the next salary level by one year. Both of the last two sanctions were authorized by the minister, in the same conditions as was the transfer;

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[1] This resolute opposition of the teaching staff against any change of the parameters that defined the official limits of their working conditions, led, among others, to the political legend that any minister who would propose a law that intended to increase the control over the teachers, would, inevitably, "fall" – Gheorghe Adamescu, *Problemele învăţământului secundar,* Bucureşti, Imprimeriile "Independenţa", 1923, p. 19.

[2] C. Lascăr, I. Bibiri, *op. cit.*, pp. 29, 58-59, 68-70, 84-85,145-146, 280-281, 348, 525-527; SJAN Dolj, fond Liceul externat de fete "Regina Elisabeta" Craiova, dos. 1/1905, f. 832.

[3] Augustin Radu, Cristina Roşianu, *Şcoala "Cornetti". Anuar 1911-1935*, Craiova, Editura Sim Art, 2008, p. 303; *Regulamentul Şcolei de Meserii din Craiova*, Craiova, Tipo-Litografia Naţională Ralian şi Ignat Samitca, 1900, pp. 22, 23.

g) *suspension* from the teaching staff, for a period of at least three years or for indefinite time, was enacted only by the minister and it implied, also, that the person who suffered this penalty could no longer receive any wages from the Ministry of Education;

h) *transfer* to a school of the same rank but from another locality;

i) *temporary exclusion* from the teaching staff, for a period no longer than 2 years. During this time, the penalized teacher no longer had the right to receive any salary;

j) *permanent exclusion* from the teaching staff. The last two sanctions could be officially pronounced only by the minister, based on the decision of the Ministry's Judgment Committee and were placed into operation through royal decree. According to the laws of education from that period, all the teachers who were officially condemned for fraud, theft, breach of trust, perjury, indecent assault, embezzlement, bribery, collecting illegal taxes or stealing official documents were excluded *ex officio*, without even going through the debate of this committee[1].

The most important sanctions were decided by various committees and commissions, functioning separately for elementary schools teachers and for secondary or superior schools teachers. For example, the elementary schools teachers were judged by two different committees, one in Bucharest and one in Iași, each of them composed by a university professor and two members of the Court of Appeal, designated for six years through royal decree. All the committee's resolutions were executory and without appeal. Suspension, disciplinary transfer and exclusion could be pronounced only after the accused had been summoned before the Permanent Council or the Judgment Committee, to second his opinions, in writing or orally. On the other hand, the task of judging the members of the teaching staff from the secondary schools was carried out only by a single commission, formed by five members, appointed by royal decree from the professors from the two universities.

The trial itself was organized by imitating the specific elements met in real justice procedures: the accused teacher was summoned before the committee and informed about the accusations and about the evidence that was used to incriminate him. During the actual trial, the accusation was made by a representative of the Ministry of Education, while the accused professor could choose between being his own defense attorney or being represented by an official council for the defense, selected from the members of the didactic personnel. The committee was the one who decided if the session was open to the public or not or if an additional inquiry was required. The verdict was executory and without appeal (with the exception of the sanction of permanent exclusion from the didactic personnel, which granted the right to appeal to the minister of education.

The justice system applied to the teachers functioned on the principle of "the second chance", since the effects of the sanction could be rendered void if the punished professor succeeded in convincing the committee that he had reformed. The measure of prescribing a sanction was decided by the Ministry's Council of Inspectors and pronounced by the minister and was granted in accordance with the seriousness of the punished deed. The model used in such cases was as follows: 1) the warning and the fine after one year from their pronouncement, 2) "cenzura", the transfer to the same locality, and the delaying of

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[1] C. Lascăr, I. Bibiri, *op. cit.*, pp. 30, 58, 68, 85, 119, 145, 157.

the promotion to the next salary level, after three years from their pronouncement and 3) suspension and the transfer to other locality, after five years from their pronouncement[1].

This justice system was, apparently, widely accepted by the teachers, since it functioned almost without major changes until the early 1920's, when, in the circumstance of the minister's national inquiry regarding the details of a new education law, the professors from Craiova focused on rather insignificant issues, such as transferring the minister's competence of pronouncing a sanction such as a fine to the district inspector or establishing a district court of appeal, placed in direct subordination to the similar court from Bucharest, which would have acted as a Supreme Court[2].

As to the actual facts that could lead to a sanction, the education law from 1864 gave a great deal of liberty to the justice and control authorities, just stating, in a vague manner, that an official punishment became necessary every time a professor "would compromise, in any way, the dignity of his character"[3]. This abnormal situation was eliminated only in the last decade of the 19th century, when the actions that were prohibited and could lead to a sanction were explicitly written down. By the new "code", the sanctions could be pronounced in accordance with the following model:

a) *the warning* was applied when dealing with negligence when enforcing the law, the official regulations, programs and pedagogical principles and, also, for small violations of everyone's duty and of the natural respect owed to the school superior authorities;

b) "*cenzura*" and *suspension* were given for repeated negligence in applying the standards imposed by the laws and regulations, for the lack of respect manifested towards the superiors, materialized in "disrespectful words or writings" about them or by repeatedly disrespecting their orders;

c) *temporary and permanent exclusion* were pronounced against all teachers who were proved to have "an obvious pedagogical inaptitude", situation considered to be characteristic of each of the following cases:

1. when a teacher, due to one or many blamable actions, loses the respect of the society and of the children he was supposed to educate, and, subsequently, finds himself in the situation to not being able to give them an efficient education;

2. the incapacity of the teacher to maintain the children's discipline (or to succeed in doing so only by violent means, explicitly forbidden by the official regulations);

3. the insufficient mastery of the volume of knowledge required to teach a certain subject matter. If the professor that was found guilty of such a drawback had a previous length of service of more than 20 years and his morality was "proven", the exclusion could be replaced, if considered necessary, by compelling the culpable teacher to take a vacation, used, obviously, to recoup the informational gap. During this time, his classes were given to a substitute teacher selected by the Ministry and paid by the replaced teacher with half of his monthly salary. The same measure was also applied, but not as an act of punishment, to the teachers who were brought, by a disease or an infirmity, to the state of not being able to teach properly.

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[1] *Ibidem*, pp. 69, 146, 592; SJAN Dolj, fond Şcoala primară de fete "Ştefan Româneanu", dos. 6/1903-1910, f. 30.

[2] SJAN Dolj, fond Inspectoratul Şcolar Craiova, dos. 21/1923, f. 127vs.

[3] *Actele Societăţii Profesorilor Secundari din România pe anul 1897. Planul reorganizării şcolelor secundare*, Bucureşti, Tip. "Corpului Didactic" C. Ispăsescu & G. Brătănescu, 1897, p. 111.

4. when a teacher made public, through writings or public speeches, ideas that came into direct conflict with the fundamental principles of the state. Such was, most probably, the reason for excluding from the teaching staff the local professor D. Pătrăşcanu, accused for his "shameful attitude" manifested during the German military occupation from World War I. A similar case was the one of the former German language teacher at the local "Carol I" High School, M.W. Schroff, who proposed, in the same historic context, that the Romanian History class should be eliminated from the national educational plan[1].

In reality, the most numerous acts of violation of the discipline performed by the teachers in this period were given, by far, by the huge numbers of absence-without-leave situations. This violation of the official regulations was so frequent, that it called for the repeated intervention of the Ministry of Education, which tried constantly (and also unsuccessfully) to limit the proportion of this "plague of the Romanian education system", as it was called by an official message from the end of the 19th century[2]. In order to stop this widespread bad habit, the education law from 1864 mentioned explicitly that if a teacher missed his classes more than three times during one month, he was to be punished by losing the adequate salary for that specific period. Also, if a teacher had missed his classes for a period that exceeded one month, without an official vacation or a decent excuse, he would have been considered, by default, resigned from the didactic staff.

The laws and regulations adopted afterwards not only maintained this obligation in the terms mentioned in 1864, but acted in the direction of extending it to the other regular activities that implied the actual presence of the teacher (school committees, conferences, exam commissions, school festivities etc.), adding, at the same time, the sanction of retaining the salary for any absence and the stipulation that, in case of repeated absence, the guilty teacher could receive additional sanctions[3].

Obviously, the law ensured the right of every teacher to miss his classes, but only if he had previously asked for an official vacation. In order to obtain this permission, a teacher had to write an official request to the headmaster of the school, who sent it further, depending on the period in discussion, to the local inspector (who had the authority to approve a vacation of no more than five days), the district inspector (5-30 days) or to the Ministry (the only institution invested with the authority to approve a vacation longer than one month). In order to ease the decision of the Ministry, when sending this request, the headmaster always had to attach a document expressing his personal opinion about the righteousness of the motives invoked by the teacher and a record of all the vacations that the teacher had had in the previous two years, with the specific mention of the motive for every approved vacation. The Ministry could, from

[1] SJAN Dolj, fond Studii, Articole, Monografii, dosar Istoria Craiovei, f. 349; *Informaţii* în "Gazeta Şcoalei", An IV, Nr. 7-9, iulie-septembrie 1922, pp. 45-46; Nicolae Andrei, *op. cit.*, p. 188.
[2] *Circulara către decanii facultăţilor şi directorii şcolelor secundare în privinţa absentării profesorilor de la cursuri* (1892), în C. Lascăr, I. Bibiri, *op. cit.*, pp. 1382, 1383.
[3] SJAN Dolj, fond Inspectoratul Şcolar Craiova, dos. 1/1914, f. 367; C. Lascăr, I. Bibiri, *op. cit.*, pp. 29, 58, 69, 84, 145, 156, 348, 526, 590, 600, 691, 732.

case to case, admit, refuse, revoke, prolong or shorten the period of vacation requested by the teacher[1].

The solicitor was not allowed to leave on vacation before the official confirmation was communicated, with the exception of emergency situations, death of a close relative or if the teacher had been summoned to fulfill his citizen's duties. During this forced vacation, the professor was replaced by a substitute teacher, chosen by the teacher with tenure from the teachers of the school he taught in or from outside the institution, who preferably had the professional studies required by the subject matter taught. If the vacation exceeded the period of two months, the substitute teacher was appointed by the Ministry ex officio and was paid by retaining 80% of the salary of the teacher he supplied for. The absences could have been excused, also, if the teacher had missed because of a "short-term disease", certified as such by the school's principle, with the condition that this situation should not be repeated for more than two days in one year.

Because the absence of only one teacher from the school could have seriously destabilized the efficient functioning of the education institution, the Ministry tried to specify in the most explicit way possible all the situations in which a professor was entitled to legally miss his classes, trying, in this manner, to limit the abuses and, especially, the exploitation of the law's loopholes by the teachers. Those cases were: illness; when the professor was appointed in an administrative position or worked on a scientific task; to complete the studies abroad (if the Ministry recognized the utility of this action for the Romanian school); when elected in an office commission.

In order to facilitate the control of the obligation not to miss work, the law stated that every school should have an attendance register, where every teacher had to write the details about the moment when he entered and exited the classroom and the subject he taught during the class. After a close check of the register, the headmaster notified the Ministry, every month, about all the absences made by the teachers during the last month, mentioning separately the legal and illegal absences, together with his personal opinion about the validity of the motives given by the teachers. The Ministry was the one that finally decided which of the absences could be or not be excused, and then ordered the adequate retaining of the salary, which was applied to the wages for the next month[2]. The motives used by the teachers from Craiova to ask for a vacation were, as mentioned in the archive documents: illness, illness of a member of the family, motherhood, family interest, the mandatory participation in an exam commission or in various conferences or congresses, the citation in justice court as a witness or as an expert in a certain matter, the burying of a relative, indisposition or various types of agricultural work[3].

This kind of complicated system imagined by the officials from the Ministry proved its efficiency when dealing with the generic teacher, genuinely interested in doing his job

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[1] SJAN Dolj, fond Şcoala Generală "Obedeanu", dos. 18/1871, ff. 22, 26; fond Liceul externat de fete "Regina Elisabeta" Craiova, dos. 1/1885, ff. 1, 13, 92, dos. 1/1895, f. 140, dos. 1/1896, f. 11.

[2] C. Lascăr, I. Bibiri, *op. cit.*, pp. 69, 84, 145, 156, 526, 600, 692, 732-734; SJAN Dolj, fond Liceul externat de fete "Regina Elisabeta" Craiova, dos. 1/1885, f. 83.

[3] SJAN Dolj, fond Şcoala Generală "Obedeanu", dos. 18/1871, ff. 21, 22, 26, dos. 20/1872, ff. 5, 5vs, 7, 7vs, 26, dos. 21/1873, f. 11; fond Liceul externat de fete "Regina Elisabeta" Craiova, dos. 5/1882, f. 69, dos. 2/1883, ff. 3-5, 12, dos. 1/1885, ff. 1, 89, 91, 93, 124, 138, dos. 1/1886, ff. 42, 45, dos. 1/1888, ff. 3, 15, dos. 1/1897, ff. 5, 33, 163, dos. 2/1897, f. 192, dos. 1/1901, f. 327, dos. 1/1904, f. 179, dos. 1/1906, f. 233, dos. 1/1908, f. 317; Eugenia Cioroianu, *op. cit.*, p. 18.

as best as he could, but failed completely in the case of some of the teachers from Craiova who chose to fully ignore the laws and regulations, missing their classes for days, weeks or even months in a row. Such was the case, for example, of the canto teacher from the local High School "Regina Elisabeta", Mr. Nanulescu, who, as it is written in the two desperate messages transmitted to the Ministry of Education by the school's headmaster (on 17, and then again in 27 November 1892), simply stopped coming to school, without bothering to give a reason for this behavior or of his colleague from the teacher's room, Mr. B. Franchetti (the Music teacher), who not only exceeded, illegally, the period approved by the minister for his vacation, but omitted to pay the adequate payment (at that moment, half of his salary) for the teacher who had been his substitute for the previous three months![1] A negative model for his colleagues was considered to be, by the school management, C. Olteanu, one of the teachers of the Central School for Girls, who was accused of constantly breaching his obligation to be in class on time, because he was too busy managing his own private boarding school for boys. When he bothered to come to school, continued the accusation, he spent his time "smoking, chatting and talking politics"[2].

Missing classes was, no doubt, the most common (and also one of the most excusable) action through which the teachers breached the official regulations, but these doings did not cover by far the entire field of misbehaviour the teachers from Craiova were capable of. The full picture of the teacher's potential for illegal actions could not be reconstructed without mentioning all the other bad actions the professors from Craiova were accused of:

- tearing into pieces the children's test papers from the winter exam, based on the argument (announced by the school's principal!) that the pupils' writings were not finished in due time;

- refusing to communicate the mark to the pupil;

- failing the schoolgirls for reasons of "personal vendetta" (in reality, for the petty reason of cashing the small fee of 20 lei, owed by every pupil who wanted to go in for a second examination. This accusation was launched, at the end of the 1890-1891 school year, against the music teacher Mr. Nanulescu, by the headmistress of the "Ecaterina Urziceanu" Institute for Girls, in a petition sent directly to the Ministry of Education);

- "borrowing" various things belonging to the children (allegation referred to one of the substitute teachers for Romanian language from Liceul de fete "Regina Elisabeta" from Craiova, Miss Nițescu, who was accused of taking home the shirt of one of her schoolgirls, Opran, who came from one of the richest families of the city);

- ignoring the education laws, regulations and other official documents, by modifying (without being entitled to do so) the education program, using textbooks which did not receive authorization from the Ministry of Education, constraining pupils to buy various books or notebooks which were not included in the curricula and, consequently, were useless;

- giving private lessons to pupils from the classes they taught;

- missing the school conferences;

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[1] SJAN Dolj, fond Liceul externat de fete "Regina Elisabeta" Craiova, dos. 2/1891-1892, f. 242, dos. 1/1895, f. 38.

[2] Nicolae Andrei, Gheorghe Pârnuță, *op. cit.*, p. 129.

- renting rooms to the pupils from the school he belonged to;
- initiating all kind of intrigues regarding the fellow teachers;
- stealing the school's attendance register;
- initiating verbal or physical altercations with other teachers;
- using the school's servant for personal use;
- setting a fee for the pupils' preparation for the exam of admission to the secondary schools from Craiova, by some of the representatives of the teaching staff. This issue was considered to be one of the most delicate, since "the very dignity and moral purity" of the civil servants' most important segment was at stake. Moreover, some of these teachers pushed things even further, by organizing these paid lessons in the classrooms of the school they belonged to;
- rudeness manifested during the classes (a habit widely spread in that time). One of the many examples of this kind was the one of T. Macinca, professor at the prestigious local Central School for Girls (organized as a boarding school for the girls of the nobility from all the region of Oltenia), who was accused by the headmistress of the institution, Louise Favre, of constantly being late to classes, as he was too busy managing, at the same time, his own boarding school for girls and one of the most important printing houses in the city. This situation was made worse by the fact that this particular teacher used to come to school an hour late, afterwards he postponed entering in the classrooms for almost another hour, which he used for discussing with his colleagues. When he finally entered the classroom, he usually got upset with the girls' wrongdoings and started addressing them in a derogatory manner before "running upset from the classroom", in the end [1];
- punishing the pupils by applying physical corrections. Such an example was the one of the Music teacher of the local "Carol I" High School, I. Ilarian, denounced for his "bad habit" of beating his children with the fiddlestick. After applying this pedagogical method on his 2nd class pupil, Duiliu Marcu (the future architect, designer of the plans of some important buildings from the capital – Athenée Palace Hotel, The Library of the Academy, The Military Academy, The Elisabeth Palace etc.), he was punished by the Ministry (on the 29th of November), at the headmaster's proposal, by official warning. Another teacher from the same education institution was accused, in the same period, of beating "in an awful manner" his pupil Sîmbeteanu Ion, who, as a result, was left with head lesions and a dislocated leg[2].

An interesting case is the one of the father D. Brănescu, ex teacher and headmaster of the Seminary from Vâlcea and also professor, for a long period, at the "Carol I" High School from Craiova, author of various textbooks and pedagogical books and one of the highly cultivated local men. As a result of his activity, he found himself accused of attacking the Church authorities "in the most unworthy way possible", publishing a series of brochures gathered together under the name of "Father Brănescu's Hat", a gesture which was considered incompatible with the position of a teacher and priest. The official outcome of this event was that the teacher from Craiova was judged by the Ecclesiastical

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[1] Nicolae Andrei, Gheorghe Pârnuţă, *op. cit.*, p. 129.
[2] Nicolae Andrei, *op. cit.*, pp. 116, 137, 138; SJAN Dolj, fond Liceul externat de fete "Regina Elisabeta" Craiova, dos. 1/1886, ff. 67, 67vs, dos. 2/1891-1892, ff. 139, 139vs, dos. 1/1893, f. 168, dos. 1/1894, f. 227, dos. 1/1899, f. 33, dos. 1/1901, ff. 3, 3vs, 8, dos. 1/1905, f. 198, dos.1/1906, f. 163; fond Inspectoratul Şcolar Craiova, dos. 1/1914, f. 367.

Court, which pronounced the maximal punishment – defrocking (depriving him of his ecclesiastical status). He also became the subject of an official inquiry of the Ministry of Education, made public through the address No. 1840/19th of February 1880, and conferred to judgment by a discipline commission of the Ministry, formed by teachers from the secondary schools, recruited by casting lots[1].

One of the most scandalous cases from the period analyzed in the present article, was the one of the teacher of the Elementary School from the village Dobroeşti – Teleorman, C. Necşulescu, who was accused of having an affair with the daughter of the local peasant who had agreed to lodge him during his service in the village. The teacher in question was denounced to have previously promised the girl to marry her, and that, afterwards, when the girl got pregnant, refused to keep his promise. For his deed, the teacher was punished by being restrained from receiving any job as a substitute teacher in a rural school for the next year (this punitive measure did not apply, at least not explicitly, to the urban schools!)[2].

In conclusion, the laws and regulations issued by the Ministry of Education between 1864-1898 acted not only as means of imposing the discipline, of ensuring the efficiency of the education activities and of forcing the teachers to respect the high standards required by their profession, but also in the direction of transforming a teaching staff which was almost permanently discontented with the economic and professional status into an easier to control social group.

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THE ONOU FAMILY: FROM THE MOLDAVIAN COUNTRY SQUIRES TO THE ARISTOCRATS WHO PLAYED A ROLE IN THE RUSSIAN DIPLOMACY DURING WORLD WAR I AND THE BOLSHEVIK REVOLUTION

Filip-Lucian Iorga*

Abstract

The author, Filip-Lucian Iorga, descendant of a family of freeholders from south-eastern Wallachia, started studying the genealogy of his family's relatives, the Străjescu family, Moldavian boyars. Thanks to an unpublished genealogical tree of this family, belonging to the Mihai Dim. Sturdza archive, Filip-Lucian Iorga found out about the descendants of the Străjescu family from the Onul (Onou) family (Elena Străjescu married Constantin Onul). Filip Iorga started to investigate the Onou genealogy and the biographies of several members of the family, who served as Russian diplomats: Michel Onou (1835-1901; counselor at the Russian embassy in Constantinople, between 1869 and 1879 and Minister Plenipotentiary of Russia in Greece); and Michel Onou's three sons: Alexandre Onou (1865-1935; historian and diplomat, consul-general of Russia in Great Britain, in 1917), Constantin Onou (1875-1950; chargé d'affaires of Russia in the United States, in 1917; diplomatic chancellor of the Russian White Armies under Generals Denikin and Wrangel, in 1919) and André Onou (1881-1950; Minister Plenipotentiary of Russia in Switzerland, in 1917). The marriages of the Onou are very interesting, because they prove the perfect integration of a Romanian family belonging to small nobility into the highest Russian aristocracy. Future studies on the Onou genealogy will benefit from the recent discovery, by Filip-Lucian Iorga, of Katia Onou's archives, in Italy.

Key words: *Family Archives, Genealogies, Moldavian Boyars, Russian Aristocrats, Russian Diplomats*

Like in so many cases before, my interest in genealogy, in old documents and in the comprehension of the past was too born out of the curiosity regarding the history of my own family. The stories of my grandparents, the photographs, the old papers have sharpened my appetite to set out my ancestors and relatives into their rightful place in the respective family trees. My maternal grandfather, Mircea Stănescu, officer of the Romanian Royal Army during the Second World War and then an engineer, descended directly in the male line from Barbu Bărbulescu, a freeholder from Poiana-Ialomiţa, therefore a free man and a landowner in an old village from Bărăgan, attested in the 16th century. Subsequent research gave birth to the hypothesis according to which the Bărbulescu freeholders family would be related or even part of the same genealogical tree with the Poenaru-Bordea boyar family[1]. The hypothesis is to be confirmed or invalidated in the future, but it is sure enough

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[1] In the family tree drawn up by Alexandru Perietzianu-Buzău for the Poenaru-Bordea family, its first known ancestor was a Barbu Roşu, who lived in the middle of the 17th century. The first patronym which appears in the Poenaru-Bordea ascendancy is that of "Bărbulescu", followed by "Târcă" and only later by "Poenaru" and "Poenaru-Bordea". In a series of documents at the Romanian Academy Library, dated 1822, notified by Mr. Tudor-Radu Tiron and transcribed by Mrs. Liana Năstăselu, an easily identifiable character in the Poenaru-Bordea family tree (Gheorghe, *serdar* Răducanu Poenaru's nephew) signs "Bărbulescu and Poenar".

that the bloodline of the Bărbulescu freeholders from Poiana-Ialomiţa have "became bourgeois" in the second half of the 19th century and in the beggining of the 20th century and they engendered officers, clerks, industrialists, bussinessmen and intellectuals.

The Bărbulescu family, freeholders from Poiana-Ialomiţa, in Bucharest,
at the beginning of the 20th century. Seated, Maria Bărbulescu born Ţenţulescu (1846-1944),
widow of Stan Bărbulescu. Standing, the children of Maria and Stan Bărbulescu,
from left to right: Ştefan Bărbulescu, Dumitrache Bărbulescu, Costache Bărbulescu,
Nicolae Stănescu, Smaranda Bărbulescu-Tănăsescu. Archive Filip-Lucian Iorga

The first time I heard the name of the Moldavian boyars Străjescu was in the stories recounted by my grandfather. One of the brothers of my great grandfather, called Dumitrache Bărbulescu, an industrialist from Galaţi, married Maria-Ana Ştefănescu, the daughter of Hristache Ştefănescu and the niece of the rich landowner from Galaţi, Ion Hagi-Ştefănescu.

Dumitrache Bărbulescu. Archive Filip-Lucian Iorga

Dumitrache and Maria-Ana Bărbulescu had two children, first cousins of my grandfather: Dumitru (1923-1977) and Maria (1924-2008). The economist Maria Bărbulescu married the former Cavalry Officer Constantin (Dinu) Străjescu (1919-1996).

Maria (Miţa) Bărbulescu, married Străjescu. Archive Filip-Lucian Iorga

I have found more about the family of my uncle Dinu Străjescu from aunt Miţa Străjescu. He graduated from *Gheorghe Lazăr* Highschool in Bucharest and was a Cavalry Officer (class 1940 of the *King Ferdinand I* School for Cavalry Officers), member of the Royal Guards. During the Second World War, he was decorated with the *German Iron Cross* 2nd Class and with the Order of the Crown of Romania 5th Class, in the rank of Officer, with the Ribbon of Military Virtue (5th July, 1945). He fought both on the Eastern Front (up to Stalingrad) and on the Western Front and was part of: the 3rd *Călăraşi* Regiment "General Praporgescu", the Royal Guards, the Cavalry Commandment, M.A.N.[1] – Military Training Division. From November to December 1943 he took up a specialized course in automotive engineering in Germany. On the 24th of March 1944 he was

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[1] Romanian Ministry of Defense.

promoted to the rank of lieutenant, and on the 23rd August 1946, to the rank of captain. He was wounded in 1944, during the military operation on Tisa. He took part in battles in Transylvania, Hungary and Slovakia. In 1945 he was in command of the Royal Guards' Fourth Squadron and in 1946 was at the head of the Supply Service of the regiment. In 1954, he was excluded from the army, on grounds of "socially unhealthy origin"; later on, he worked as a clerk at C.F.R.[1]

Dimitrie Străjescu. Archive Filip-Lucian Iorga

Dinu Străjescu was the son of the Cavalry Colonel Dimitrie Străjescu and of Cecilia Codrescu (the daughter of Doctor Constantin C. Codrescu, the founder of the hospital in Bârlad). In his turn, Dimitrie Străjescu was the son of Paul Străjescu (1848-1887; magistrate, mayor of the town of Roman, deputy of the National Liberal Party, decorated with the Rusian Order of Saint Anna and The Order of the Star of Romania) and Olimpia Makarovitsch (sister of the General Gheorghe Makarovitsch, hero of the Romanian War of Independence and headmaster of the School for Children of Military Personnel in Iaşi,

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[1] Romanian Railways.

between 1881 and 1894). Paul Străjescu was the son of Petre Străjescu and Eugenia Mavrogheni, paternal sister of Petre Mavrogheni (1818-1887; candidate for the reign of Moldavia, in 1859; conservative leader, important financial expert, deputy and senator of Romania, Minister of Finance and of Foreign Affairs under King Carol I, Minister Plenipotentiary of Romania in Rome, Constantinople and Vienna).

Dimitrie and Cecilia Străjescu, with their sons, Paul Străjescu (Navy Officer)
and Constantin (Dinu) Străjescu (right), 5th February 1937. Archive Filip-Lucian Iorga

But this was only one branch of the Străjescu family. In 2008, I have dedicated a study to the Bessarabian branches of the family, which was accepted for publication in one of the volumes of the historical, genealogical and biographical encyclopaedia coordinated by Mihai Dim. Sturdza, which will include the families starting with the letter "S" of the alphabet. Without being always able to make the connection between the Străjescu from Bessarabia and the branch related to my family, I found the documents from the National Archives of the Republic of Moldova in Chişinău[1] very interesting. They provide us with information about several members of the Străjescu family who, after 1812, received the citizenship of the Russian Empire and became members of the

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[1] National Archives of the Republic of Moldova, Fond Nr. 88, Inv. Nr. 1 UP Nr. 103, 134 and 303.

Bessarabian nobility, organized according to the rules imposed from Sankt Petersburg. I wrote in my study about the Cavalry Captain Constantin Emanuil Străjescu, born in 1799, registered in the second part of the Register of Nobles from Bessarabia, married to Elena Pavlovna Leonard, with whom he had three sons, Ioan, Ştefan and Emanuil Străjescu (all three of them were officers in the Russian Army) and two daughters, Ecaterina married Bogdan and Maria married Evtasiev. I also wrote about the *serdar* Ioan Dimitrie Străjescu, son of the *şetrar* Pascal Străjescu, steward of Hotin between 1822 and 1825 and who died childless. A few years after my research, a detailed study about the Bessarabian branches of the Străjescu is due to Dinu Poştarencu, who examined several files in the National Archives of the Republic of Moldova[1] and added some interesting genealogical details, proving that the officer Ioan Străjescu, son of Constantin Emanuil Străjescu, is the same with that Ioan (Iancu) Străjescu, a Romanian patriot and founding member of the Romanian Academic Society. In 1870, he would be elected honorary member of the Romanian Academy. The subject regarding the link between this Bessarabian branch of Constantin Emanuil Străjescu and the rest of the family[2] remains open to discussion.

In 2010, Mihai Dim. Sturdza has provided me with an unpublished genealogical tree of the Străjescu family, to be found in his personal archive. I filled the tree with the information I had about my uncle's branch and, in turn, I discovered a descent through women of the Străjescu family which held my attention. According to this genealogy, Elena Străjescu, daughter of *serdar* Pavel Străjescu, married *medelnicer* Constantin Onul, bailiff of the Rosetti-Roznovanu family. But the rather obscure country squire Constantin Onul and his wife born Străjescu are the parents of an exceptional man, who, by both personal merit and marriage, quickly integrated into the highest Russian aristocracy. Surprised by the fact that the grandchildren of Elena Străjescu and of the country squire Onul married in illustrious aristocratic families like Trubetzkoy or Shakhovskoy, I tried to fill in and elaborate the data in the genealogy of the Străjescu family. I have thus discovered new facts, new characters, I discovered life stories and I have found interesting documents for the history of relations between our nobility and the Russian aristocracy. I have also found interesting facts about the life of a Russian aristocratic family of Romanian origin during World War I and the Bolshevik Revolution.

But let us return to Mikhail (or Michel) Onou (1835-1901), son of Elena Străjescu and Constantin Onul. Noted by the Russian General Budberg, Mikhail Onou entered in the latter's orderly room and made an oath of allegiance to Russia in 1854. He spoke Romanian, Russian, French, Turkish and Greek. He was secretary and dragoman of the Russian consulate in Adrianople, of the Consulate-General of Constantinople (1857-1859), of the Consulate-General in Beirut (1859-1863), head of the archives and of the library of the Department for Asia in the Russian Ministry of Foreign Affairs, General Secretary and first dragoman, then advisor to the Russian Embassy in Constantinople

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[1] Dinu Poştarencu, *Neamul Străjescu din Basarabia* [*The Străjescu Family of Bessarabia*], in "Anuarul Institutului de Istorie, Stat şi Drept: Materialele sesiunii ştiinţifice anuale, 27 decembrie 2012" ["The Annual of the Institute of History, State and Law: Materials of the annual scientific session, December 27, 2012"], Chişinău, Academy of Sciences of Moldova, Institute of History, State and Law, 2013, pp. 179-187. Mr. Lucian Lefter acquainted me with the article.

[2] I also wrote about the Bessarabian branches of the Străjescu family in Filip-Lucian Iorga, *Strămoşi pe alese. Călătorie în imaginarul genealogic al boierimii române*, Bucharest, Humanitas Publishing House, 2013, pp. 157-163.

(1869-1879) and Minister Plenipotentiary of Russia in Athens (from 1889; Dean of the Diplomatic Corps in Athens in 1898). The name of Michel Onou appears, especially during his work at the embassy in Greece, in French publications such as *Le Figaro, Le Petit Parisien, Le Gaulois, Le Matin, Le Temps, La Presse, Journal des débats politiques et littéraires* etc.

On 6th July 1864, in Alexander Nevsky Russian Cathedral in Paris, Mikhail Onou married Louise Alexandrovna, Baroness of Jomini, born Jeanne-Valérie-Louise Petit de Baroncourt (1843-1906), daughter of Marc Petit de Baroncourt (history teacher at the Collège Bourbon in Paris) and of Alexandrina, Baroness of Jomini, therefore granddaughter of General Antoine-Henri, Baron of Jomini (6th March 1779, Payerne, Switzerland – 22nd March 1869, Passy, buried in Montmartre Cemetery in Paris; General in Napoleon's army, Chief of the General Staff of General Ney and Knight of the Legion of Honour, then Russian General and *aide de camp* of Tsar Alexander, famous military strategist who wrote, among other things, *Précis de l'art de la guerre* and *Les guerres de la Révolution*) and adopted daughter of her uncle, Alexandre, Baron of Jomini (1817-1888; known in Russia as Alexander Genrikhovich Zhomini; Russian diplomat, who studied in Switzerland and at the University of Berlin, Deputy Minister of Foreign Affairs of Russia, author of a diplomatic diary and of a treatise on the Crimean War, *Étude diplomatique sur la guerre de Crimée, 1852-1856*). After she was adopted by her uncle, Jeanne-Valérie-Louise Petit de Baroncourt adopted the name Louise Alexandrovna Baroness of Jomini (an imperial document from 23rd May 1864, issued before her marriage to Mikhail Onou, acknowledged her right to use the name and the title of Baroness of Jomini).

The diplomat Michel Constantinovich Onou with his children. Dressed as a sailor, Kostia Onou. Archive Katia Sozzani

For the bloodline of Michel and Louise Onou, the primary source is an excellent work dedicated by two Russian genealogists to the descendants of General Antoine-Henri, Baron of Jomini[1]. I have completed the information in this paper with data obtained from descendants of Trubetzkoy and Bouteneff families in France, USA and Canada, with data on the graves of the family in France (Clamart and Paris), which I visited in 2012 and with data from the massive genealogy collection *La noblesse de Russie* by Nikolai Ikonnikov (accesed at the Center of Slavic Studies in Paris). Therefore, Mikhail Onou and the Baroness of Jomini had six children.[2]

Alexandre Mikhailovich Onou (19th April 1865, Constantinople – 7th April 1935, Surrey, England), Russian diplomat, historian, graduate of the Imperial University of St. Petersburg, member and secretary of the Historical Society of the University of St. Petersburg (1911), history professor at the Imperial University of Petrograd (1916), the ad-interim Administrative Head of Chancery in the Provisional Government (from 20th March 1917; close collaborator of Vladimir Nabokov, Secretary-General of the Government of Prince Lvov), Consul-General in London (appointed on 12th July 1917). He was part of the management of several associations of white Russian immigrants in England and he wrote memoirs (published in English, in *The Contemporary Review*, 1933). He was married to Natalia Nikolaevna Golovina, daughter of General Nikolai Mikhailovich Golovin (1836-1911).

Maria Mikhailovna Onou. Married to Alexandre Stepanovich Zinoviev, son of Adélaide-Louise-Julie, Baroness of Jomini (the daughter of General Antoine-Henri, Baron of Jomini, lady in waiting of Empress Alexandra Feodorovna). Alexandre Zinoviev was therefore the uncle of Maria Onou. Their marriage was declared illegal in 1899 by the Holy Synod of the Russian Church, because of Maria Onou's mental illness. After the dissolution of marriage with Maria Onou, Alexandre Zinoviev married Varvara Vladimirovna Jukovsky. Maria Onou and Alexandre Zinoviev had two children who died at an early age. Here it can be foreseen a family drama whose real proportions will probably never be truly revealed.

Elena Mikhailovna Onou (1870-1955). Married to Prince Wladimir Wladimirovich Trubetzkoy (1868-1931), Counter-admiral of the Imperial Russian Navy. The couple divorced in 1912 and both died in exile in France. They had a son, Prince Nikita Wladimirovich Trubetzkoy (1902-1980) and two daughters. None of the three had children.

Alexandra Mikhailovna Onou (1873-1944, deceased on her land near Tours, Indre-et-Loire, France, during the German bombardment). Married to Prince Vsevolod Nikolaevich Shakhovskoy (1874-1954), naval officer, the last Minister of Trade and Industry in the Government of the Tsar (1916- February 1917), member of the Constitutional-Democratic Party, author of memoirs (*Sic transit gloria mundi*, published in Paris, in 1952, in Russian). They didn't have children.

Constantin (Kostia) Mikhailovich Onou (1875 Buiuk-Dere, Ottoman Empire – 22nd November 1950, Clamart, Hauts-de-Seine, France), Russian diplomat, secretary of the Russian embassies in Constantinople (1901-1910), The Hague (1910-1915) and

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[1] Ivan Grézine, Andrei Schoumkov, *Descendance du Général de Jomini*, Paris, 1997.
[2] Details about the genealogy of the Onou family can be found in Romanian, on my personal blog: poianamosnenilor.wordpress.com

Washington DC (from August 1916), the Russian charge d'affaires in the United States (April 1917 – late 1917), diplomatic chancellor of the white Russian armies led by Generals Denikin and Wrangel (1919, Novorossisk), adviser in the Russian diplomatic mission to Constantinople, in charge of helping the white Russian refugees (1920-1923). He was married to Catherine (Katia) Constantinovna Bouteneff (1878-1966), daughter of Count Constantin Apollinarievich Chreptowicz-Bouteneff, herself born into a dynasty of diplomats. They didn't have children.

Katia and Kostia Onou. Archive Katia Sozzani

Andrei Mikhailovich Onou (15th November 1881 – 29th September 1950), Russian diplomat, Minister Plenipotentiary of Russia in Switzerland (1917). Married to Tatiana Ippolitovna Komarova. They didn't have children.

Therefore, as stated above, the Onou family is issueless, and the genealogical investigation seems complete. However, thanks to Elizabeth Saika-Voivod, I got in

contact with the Countess Vera Bouteneff, who was so kind as to send me the book that her husband devoted to the history of the family[1]. There, in addition to the details about the life of the Onou in the exile that followed the Bolshevik Revolution and the Civil War, I also discovered a detail which made me realize that I was far from the end of my research. In his book, Michael C. Bouteneff cites several times the diary of Katia Onou. Many documents or photos cited by Bouteneff are part of "Katia Onou Archive". This archive couldn't be ignored by any dedicated research on the Onou family.

After another year of research, the person holding the archive of Katia Onou and who lives in Italy was so kind as to allow me access to documents and photos. Katia Sozzani, daughter of Nikolai Sergeyevich Maltzoff and of Praskovia Chreptowicz-Bouteneff kept and carefully inventoried the documents collected by Katia Onou, this authentic saviour of the memory of several illustrious Russian families, but also of the memory of a Romanian family whose destiny identified with the Russian exile. An entire family archive, fiercely guarded for a few decades by two women and which seems to defy the drama which this world was forced to suffer. There is to be found: the correspondence of the beautiful Maria Chreptowicz-Bouteneff, the memories of Cocona Bouteneff-Bariatinsky, the correspondence between Hélène de Nesselrode and Michel Chreptowicz, documents belonging to Baron Antoine-Henri of Jomini, the correspondence between Michel Onou and Baroness Louise of Jomini, the diplomas and medals of Michel Onou, an original work of Michel Onou about Druses, the diplomas and medals of Kostia Onou, and, of course, the diary of Katia Onou and lots of photos.

The Onou family, at the Bouteneff castle in Bordebure, France.
First from left: Constantin Onou and his brother, André Onou. First from right: Katia Onou.
Archive Katia Sozzani

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[1] Michael C. Bouteneff, *The Bouteneff Family Chronicle*, New York, 1989.

Far from being the end of the road, the discovery of this archive will allow me to bone up in the future the history of the Onou in Russia, their relationships with the Russian aristocratic families whom they related to and their destiny in exile. Thanks to the merits of Michel Onou and to his kinship in the highest Russian aristocracy, the Onou, Moldavian country squires, came to play an important role in Russia during the First World War and the Bolshevik Revolution.

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Archive Katia Sozzani: Onou and Jomini family documents; family photographs.
Archive Mihai Dim. Sturdza: the unpublished family tree of the Străjescu family, including their Onou descendants.

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INSTITUTIONAL PREMIERE IN INTERWAR ROMANIA: THE REGENCY (1927-1930)

Lucian Dindirică[*]

Abstract

The first signs of a serious institutional impasse, an event commonly referred to as the "Crisis of succession", may be applied between 1918-1919, when Prince Carol, the eldest son and heir of King Ferdinand – who was in love with Ioana (Zizi) Lambrino – was ready to give up his powers as a successor of the Romanian Crown. Although the question of the succession to the throne was governed with great efforts in 1881 by Ferdinand's appointment as successor to the Crown, the constitutional order of the country knows in the third decade of the last century, an unprecedented stalemate, a result of the Crown Prince Carol's decision to withdraw from the order of succession. Decision of the Council held in Sinaia, on December 31st, 1925, on the question of giving up the throne would lead to the convening of the two Houses of Parliament for January 4th, 1926. Patriarch Miron Cristea was to be involved in the major events that have ridden the Romanian political stage in 1925 and 1927, on the occasion of the so-called "dynastic crisis", as a witness and adviser, and then, with the establishment of the Regency, as a member of it, alongside Prince Nicolae, the younger son of King Ferdinand I and Gheorghe Buzdugan, the President of the High Court of Justice and Cassation.

Key words: *Regency, Mihai, Carol II, Miron Cristea, "Dynastic Crisis"*

In 1866, on the Romanian throne comes a foreign Prince – Carol Ludovic of Hohenzollern[1], of the reigning family of Prussia – and, in 1881, when Romania was proclaimed a Kingdom, the Prince becomes King Carol I. From his marriage to Elisabeta of Wied (1896) resulted only one daughter (1870), Maria, who died, Royal family having no other heirs. According to the Constitution of 1866[2] dynastic succession was ensured through the male line, in accordance with article no. 83 of the basic law[3]. Thus, on May 18th, 1881, Prince Ferdinand of Hohenzollern, the nephew of King Carol I, becomes heir to the Romanian Crown. Established in Romania in 1889, Prince Ferdinand married, on December, 29th 1892/January, 10th 1893, Maria Alexandra Victoria of Edinburgh, the granddaughter of Queen Victoria of the United Kingdom. The two had six children: Carol (born in 1893), Elisabeta (born in 1894), Mărioara (born in 1900), Nicolae (born in 1907), Ileana (born in 1909) and Mircea (born in 1913).

Antecedents of the "dynastic crisis" can be observed between 1918-1919, when Prince Carol – who was in love with Ioana (Zizi) Lambrino – was on the verge of giving

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[1] Son of Charles Anton of Hohenzollern, Governor of the Rhineland.
[2] Voted in Parliament in June 1866 and, in July, enacted by King Carol I.
[3] "*The lack of descendants in male line of His Highness Carol I of Hohenzollern of Sigmaringen, succession will be necessary to continue by the older of his younger brothers or their descendants, built by the rules in the previous article* (...)" according to Gheorghe Sbârnă (coord.), *Constituţiile României: studii*, Târgovişte, Editura Cetatea de Scaun, 2012, p. 160.

up his powers of heir to the throne of Romania[1]. From this period also dates the conflict between the Prince Carol and the Liberals, in particular, Prime Minister Ion I.C. Brătianu and Barbu Ştirbey. They were, in the opinion of the heir Prince, the "profiteers", both King Ferdinand and Queen Maria leaving themselves to be influenced by them. In fact, speculating his parents' weaknesses, Carol showed early authoritarian attitudes, dissatisfied by the political influence of the Brătianu family, being eager to increase the powers of the monarch related to the involvement in political life. In fact, as we can observe, the Ionel Brătianu firmness regarding to penalization of unnatural behaviour of the heir to the throne, will deep the conflict between them.

A new stage in the evolution of "dynastic crisis" takes place in the winter of 1925, after the participation of the Crown Prince to the funeral of Queen Mother Alexandra of Great Britain. Leaving London, Carol will travel to Paris to meet up with Elena Lupescu, which he had met in February 1925 and with whom he lived an intrigue which tended to be permanent. The Patriarch of Romania, Miron Cristea[2], note on this occasion in his personal notes: "*In December – being rather tired of the multiple occupation – I went a few days at Sinaia. There I find out that Prince Carol has a love affair with a Jewish, divorced woman named Lupescu-Wolf, a woman of loose morals. Around Christmas it is rumored that Prince Carol does not return from London (where he left for Queen Mothers funeral) and took on the Jewish woman*"[3].

The two will go, after that, to Venice, wherefrom, on December, 12th the same year, Carol will send a letter to his father fold "willingly" the heir rights, and through which he engage not to return to the country for ten years "*without him being called by those in law and also not without the permission of the sovereign*"[4]. By the same occasion, Carol, asked "to be deleted from the ranks of the reigning family of Romania"[5].

Such a decision, expressed in a definitive and irrevocably tone, have confused not only the Royal Family but also the Romanian political life, being a situation unprecedented in the history of the Constitution of Romania.

Trying to convince him to reconsider the decision to abandon the throne, the Royal Family and Prime Minister Ion I.C. Brătianu agreed to send Paul Angelescu to Venice, with a personal message from King Ferdinand to his son, Carol, by which asks him to return home. The Prince answer is unequivocal: "I will never come back in Romania!"[6].

To find that the heir Prince's decision is final and to obtain, in this case, a new waiver from him, King Ferdinand I will appoint Constantin Hiott to leave to Italy[7], on December, 24th 1925 (although both Nicolae Iorga and Constantin Argetoianu volunteered to mediate the conflict in the Royal Family). As expected, perhaps under the

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[1] See the course of events in detail: Ioan Scurtu, *Criza dinastică din România (1925-1930)*, Bucureşti, Editura Enciclopedică, 1996, pp. 9-20.

[2] About Patriarch Miron Cristea's involvement in the events leading up to the establishment of the Regency as well as its role as a member of the Regency: Lucian Dindirică, *Miron Cristea – patriarh, regent şi prim-ministru*, Iaşi, Editura TipoMoldova, 2011, pp. 284-314.

[3] Elie Miron Cristea, *Note ascunse. Însemnări personale (1895-1937)*, Cluj-Napoca, Editura Dacia, 1999, p. 101.

[4] Ioan Scurtu, *op. cit.*, p. 37.

[5] Constantin I. Stan, *Regele Ferdinand I "Întregitorul" (1914-1927)*, Bucureşti, Editura Paideia, 2011, p. 434.

[6] *Ibidem*, p. 435.

[7] Ioan Scurtu, *op. cit.*, p. 38.

impulse of an ultimatum, Carol had to renew the letter of withdrawal, dated December 28th, 1925[1].

Once knowing this, King Ferdinand will convene, on December, 31th a Crown Council where the participants were Government members, heads of Legislative Bodies, former Prime Ministers, heads of political parties, the Chief of the General Headquarters of the Army, President of the High Court of Cassation and the Romanian Orthodox Church Patriarch, Miron Cristea. According to contemporary testimonies and to archive documents[2], on this occasion, King Ferdinand, deeply affected by the decision to be taken, will read the letter of withdrawal of the Crown Prince, requesting the support of those present in order to carry out this difficult task and to take the necessary measures to settle the succession to the throne. As I stated, Patriarch Miron Cristea not only participated in the Council of the Crown, but he expressed his opinion that: "*if will had hope to return to beautiful ... situation of the heir to the throne, we have tried everything. I've loved him, I've admired him so many times. But if Your Majesty, who, as father, loved him even more, believe that he no longer returns, taking unflinching determination to get the waiver, I cannot do other than obey me loyally high resolutions and to work where will I be able for the peace of the soul; with pain, could not otherwise*"[3].

Commenting on the Patriarch's attitude, the historian Nicolae Iorga, also a witness of the event, stated: "*the Metropolitan* [Patriarch] *speaks softly, ecclesiastical and he is listened with interest. A sudden turn, and who boasted that pardons is declared <<subjected and faithful servant of the King>>*"[4].

A brief story of what happened during the Council of the Crown is related in the newspaper "The Word" from January, 2nd 1926. Referring to the opinion expressed by the Patriarch, the daily newspaper recorded that: "h*e declared that the Bible teaches us to forgive people and I, as a servant of the altar, I recommend this. But, since Your Majesty has taken this decision as a parent and as a King, I, as a faithful servant of Your Greatness, I have also the same opinion with Your Majesty, whose uplifting patriotism, we understand, for the interests of the country*"[5].

After about two hours of discussion and interventions – some of them in a conciliator sense – all participants have ended up accepting the King's point of view.

According to an eyewitness, someone close to the Royal House, Eugeniu Buhman, the Patriarch has communicated to the Abbot's Monastery of Sinaia that at the religious service committed from January, 1st 1926 no longer to mention the name of Prince Carol in prayers for members of the Royal Family[6]. The Patriarch himself – after his own confessions – on the eve of Epiphany, he did not mention the name of the fallen Prince in his prayers, although he had been asked by Princess Ileana to make remembrance of all members of the Royal Family "*so the absence of Carol not to be noticed*"[7].

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[1] *Ibidem*, p. 39.
[2] Ion Mamina, *Consilii de Coroană*, Bucureşti, Editura Enciclopedică, 1997, pp. 123-131.
[3] Antonie Plămădeală, *Contribuţii istorice privind perioada 1918-1939. Elie Miron Cristea. Documente, însemnări şi corespondenţe,* Sibiu, 1987, p. 373.
[4] Nicolae Iorga, *Memorii*, vol. IV, Editura Naţională S. Ciornei, [s.a.], p. 81.
[5] Serviciul Arhivelor Naţionale Istorice Centrale, Bucureşti (Central Historical National Archives Service, hereafter S.A.N.I.C.), Miron Cristea Fund, File 35, f. 163.
[6] Eugeniu Arthur Buhman, *Patru decenii în serviciul Casei Regale a României. Memorii, 1898-1940*, Bucureşti, Editura Sigma, 2006, p. 278.
[7] Elie Miron Cristea, Patriarhul României, *Note ascunse…*, p. 102.

The next step after the Council of the Crown from December, 31st 1925 was to constitute the convening of both Houses of Parliament for January 4th, 1926. However, as mentioned in the contemporary testimonies, before that, had occurred, on January, 3rd an *intimate meeting* at Sinaia, presided by the King where participated Queen Mary, Princess Elena, Prime Minister Ion I.C. Brătianu, Romanian Patriarch, Miron Cristea and Gheorghe Buzdugan, the President of the High Court of Cassation and Justice.

The purpose of the Council was to approve the draft law regulating the establishment and composition of the Regency succession, whose membership was to be Miron Cristea too, alongside Prince Nicolae, the younger brother of Carol and Gheorghe Buzdugan, the President of the High Court of Cassation and Justice[1]. Referring to the establishment of the Regency and to its members, Lilly Marcou, consecrated in the biography of King Carol II, has to capture accurately the disfunctionality of this institution, saying that *"Prince Nicolae was not interested at all in politics and unwilling to reign"*, and the other two members were *"two old people, no doubt, honourable, but inefficient ... drained and deprived of influence that, through this aspect it stands in relief the will of the Liberal Party to be the only master in control on deck"*[2].

At the legislatives reunion of the two Houses of Parliament, Prime Minister Ion I.C. Brătianu presented the draft legislation for receiving the surrender of Carol to the throne and proclaiming Prince Mihai, Carol son as heir to the Crown. And because he was minor, the draft legislation have to be presented to the members of the Regency[3], saying that *"it presents all the necessary characters to give confidence to all, that it will be protected from the passion that may harm the interests of the State. Through their people, by their nature, through their past, they are out of the passion and the struggles that can separate us. By themselves and by the institutions they belonging, they have to be respected by all"*[4].

After about a month, Carol Caraiman (the new name of the former heir to the Crown) through a letter to the Patriarch of Romania, ensured him and, consequently, the public opinion (he demands to be printed) about the responsibility of the gesture of surrender to the throne: "I acted according to my will and fully aware of my deed"[5].

What was included under the generic name of "The Act of January 4th, 1926" will cause unrest not only in Romanian political life, but even at the level of the Regency.

It starts its activity after the death of King Ferdinand, July, 20th 1927[6], at which time Mihai, aged just six years, became the Constitutional Monarch[1], Regency reveales its limits

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[1] Different denominations of the newspapers regarding official documents of renunciation to the throne Prince Carol and the issue of succession and the imposition of Regency can be found at S.A.N.I.C., Miron Cristea Fund, File 35, ff. 161-177; see also Ioan Scurtu, *op. cit.*, p. 49.

[2] Lilly Marcou, *Regele trădat. Carol al II-lea al României*, Bucureşti, Editura Corint, 2003, p. 144.

[3] Sorin Liviu Damean, Dan Claudiu Dănişor, Mihai Ghiţulescu, Alexandru Oşca, *Evoluţia instituţiilor politice ale statului român din 1859 până astăzi*, Târgovişte, Editura Cetatea de Scaun, 2014, p. 92.

[4] Ioan Scurtu, *Regele Ferdinand (1914-1927). Activitatea politică*, Bucureşti, Editura Garamond, [f.a.], p. 100.

[5] S.A.N.I.C., Miron Cristea Fund, File 35, f. 178.

[6] The date is controversial because of the inaccuracies presented in the various reports of the event. Prince Nicole, in his memoirs, indicate the date of July 18th, "the early morning" – Prinţul Nicolae de Hohenzollern, *În umbra coroanei României*, Documente, amintiri şi comentarii editate de Gheorghe Buzatu în colaborare cu Stela Cheptea şi Sorin Pârvu, Iaşi, Editura Moldova, 1991, p. 57; Nicolae Iorga, indicate the date of July 19th – Constantin I. Stan, *Miron Cristea: o viaţă – un destin*, Bucureşti,

in a short time. The deficit of legitimacy and, more importantly, the novelty of such institutional arrangements in the Romanian landscape lacked the Regency out of force and consistency, leaving it as prey to favouring control[2]. Enlightening for the internal weakness in terms of the functioning of the Regency – undermined right from inside, by Prince Nicolae – is the letter sent to Carol, on January 17th, 1929: "The Regency is a filth without authority and with three heads, overwhelming and bad ruling. Big mistake you have made by leaving, but if you weren't, than it was me. Now let's see how we can make the best of both worlds"[3]. The death of Gheorghe Buzdugan, an event which occurred on October 7th 1929, and his replacement with Constantin Sărăţeanu, a close person of Iuliu Maniu, Prime Minister, would finally tip the balance of power in favor of the national – peasants. The designation of a Councilor of the High Court of Cassation instead of the President at the time, Andrei Rădulescu, had been a strong challenge to the principle that led to the composition of the Regency[4], demonstrating the arbitrariness and, implicitly, the bankruptcy of the institution. Illustrative for the new situation in which was the Regency are impressions of Patriarch Miron Cristea[5]. He prooves an extraordinary knowledge of political ways when he claims that "*he* [Sărăţeanu – n.n.] *was at the disposal of the Government. Prince Nicolae had no patience to nothing*"[6]. The Regency falter louder, this modification among members, weakens it rather than strengthen. Rising anger against this hybrid formula that proved unable to exercise the role of referee on the Romanian scene being rightly regarded as an expression of the party system, would pave the way Prince Carol to return to the country.

The Prince's arrival at Otopeni Airport on the evening of June 6th, 1930 and up to his coronation, two days later, the Romanian political scene has witnessed an unprecedented mutation. In turn, the most important political persons have welcomed the return of Carol in Romania, joined him, directly or indirectly, in an effort to take over the throne. Maniu

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Editura Paideia, 2009, p. 295, and in his memoirs, the great historian, write on July 20th that "find out through the newspapers the news of the Kin"s death that I've never had the honor to serve it ever" – Nicolae Iorga, *Memorii (Agonia regală şi Regenţa)*, vol. IV, Bucureşti, Editura Naţională S. Ciornei, [s.a], p. 234, in contradiction with the official communications of the Romanian authorities. They have announced that the death of the Romanian sovereign occurred at 2.15, on July 20th, *ibidem*, note 37. Armand Călinescu recalls also the context of the King's death: "exactly at the time when validating 2/3 of the mandates of the Chamber that could calculate valid constituted. There were rumours that said the King had died a few days before and that was hidden in order to avoid complications arise from the absence of a legally constituted Parliament" – Armand Călinescu, *Însemnări politice 1916-1939*, ediţie de Al.Gh. Savu, Bucureşti, Editura Humanitas, 1990, p. 70. Others placed King's death by 24 hours prior to the official date and time "for political reasons" or "with 34 hours before" – Constantin I. Stan, *op. cit.,* p. 296, nota 739.

[1] "The same day as the announcement of the death of Ferdinand, little Mihai, aged five, was proclaimed King, and the Council of Regents has been presented to the Parliament for the oath"- Lilly Marcou, *op. cit.*, p. 144.

[2] Sorin Liviu Damean, Dan Claudiu Dănişor, Mihai Ghiţulescu, Alexandru Oşca, *op. cit.*, p. 92.

[3] Ioan Scurtu, *Monarhia în România (1866-1947)*, Iaşi, Editura TipoMoldova, 2010, p. 89.

[4] Idem, *Criza dinastică din România (1925-1930)*, p. 181.

[5] Lucian Dindirică, *Criza dinastică din România. Patriarhul Miron Cristea – membru al Regenţei,* în vol. *Stat şi societate în Europa*, II, Ionuţ Şerban, Lucian Dindirică (coord.), Craiova, Editura Aius, 2010, pp. 390-415.

[6] Elie Miron Cristea, *op. cit.*, pp. 122-123.

Government resignation on June 7th and the formation of a new cabinet headed by Gheorghe Gh. Mironescu on the evening of the same day[1] have to rush things, scoring the events like Carol wanted. A day later, on June 8th, Patriarch Miron Cristea and Constantin Sărăţeanu refused to agree to the annulment of the Act of January 4th 1926, posting their resignations of Regency[2]. A few hours later, in front of the National Representative, Prince Carol was proclaimed King, he was named Carol II.

In the context of the dissolution of the Regency and inauguration of a new phase of the Romanian monarchy is worth recalling Nicolae Iorga remarks, during the Crown Council, back in 1925, a remark taking note of waiving the royal rights and prerogatives Carol: "I can't forget the good heart, or the intelligence of his Royal Highness, or his power to work for the country, or his sense for the needs of the people. And because it happens that I'm a historian, I know that the regencies of the children have always been disastrous for Dynasty and for the country. I do not want to be a prophet, but speaking thus, I saved my soul"[3].

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[1] Ioan Scurtu, *op. cit.*, pp. 232-233.

[2] *Ibidem*, p. 234; Lucian Dindirică, *op. cit.*, p. 311.

[3] Apud Constantin I. Stan, *Regele Ferdinand...*, p. 440.

ASPECTS REGARDING THE INITIATIVES OF ROMANIA AND YUGOSLAVIA TOWARDS ENSURING COLLECTIVE SECURITY IN THE INTERWAR PERIOD

Mihaela Bărbieru[*]

Abstract

At the end of World War I, Romania and Yugoslavia were directly interested in keeping the *status*-quo. According to their interests, they developed objective directions for the external policy, fact that determined an active international policy. The political and military relations between the two countries, in the period 1918-1939, were permanently heading towards the common purpose of preserving their independence and sovereignty, stopping the possible and viable aggressors, in order to counteract the different actions that were meant to destabilize them. At the end of World War I, both Romania and Serbia were in the incipient phase of capitalist development. Being at the interference of Great Powers' powerful interests, the states from the south-eastern Europe had to take into consideration the complexity of the new created circumstances.

Key words: *External Policy, Neighbours, Strategy, Connections, Diplomacy*

The peace treaties concluded at the end of World War I brought Europe the emphasizing of contradictions between victors and vanquished powers, with profound changes in its political map. The Wilsonian program through its 14 points, instead of the expected peace, would lead to "the absolute failure of Allied policy"[1]. Europe was faced with new realities that would ultimately determine a new world war. Romania and the Serb-Croat-Slovene Kingdom (Yugoslavia from 1929), recipient of sovereignty and territory completed through the judgments of Versailles, were forced, in order to keep their integrity, to seek new allies against the rise of revisionism, fascism and nazism.

In the interwar period, when relations between states deteriorated, Romanian and Yugoslav diplomacy continued to support the idea that Europe had no other choice but to understand the unity and indivisibility of its culture and civilization values, above the existing divisions[2]. Romania had, as objectives set, the recognition by the Great Powers of its territorial integrity and national sovereignty, objectives which have resulted in bilateral and multilateral treaties with neighboring countries.

The main objective of the Weimar Republic was determined by recovery of a traditional influences in the Eastern area and had as final aim the Germanization of Central and Eastern Europe[3]. The Balkans space was not ignored by the Germans.

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[1] Apud Emilian Bold, *De la Versailles la Lausanne (1919-1932)*, Iaşi, Editura Junimea, 1976, p. 1.
[2] Mihaela Bărbieru, *Relaţii militare româno-iugoslave în perioada interbelică (1919-1939)*, Craiova, Editura Aius, 2011, p. 103.
[3] Daniel Vernet, *La renaissance allemande*, Paris, Flammarion, 1992, p. 50.

Germanic hegemonic tendency disguised as economic penetration, aimed in reality the dislocation of Romania, Yugoslavia, Czechoslovakia and Poland from the east-European security organizations. By including Germany in the Genoa forum (1926), the major Western powers hoped a soothing of German revanchist policy as Chancellor Marx asked: "It can be done the absurd plan Mitteleuropa by entering in the League of Nations?"[1]. In the German geopolitical conception, Eastern Europe was limited to the "block" formed by Soviet Russia and Germany, the Baltic States and Poland. Czechoslovakia, Hungary, Bulgaria, Albania, Yugoslavia and Romania meant Central and Southeast Europe. On the postwar geopolitical map of Europe, after the completion of Greater Romania, have also emerged other entities, blocking the German trend of expansion.

Romania, Yugoslavia, Czechoslovakia, Greece and Poland, countries in Central and South-Eastern Europe, were interested in preserving the status quo, established at the end of World War I, while Bulgaria and Hungary led the revisionist policy in the area. Germany and the Soviet Union, states that flanked the above countries, were hostile to Versailles system, which link the security of the region to the capacity of Great Britain and France "to discourage expansionist intentions of the two-revisionist great powers and ensure system stability"[2].

In order to defend against revisionist attempts, the new formed Member have been discussed since 1918 in London, the achieving of a new alliance and the joint fight against bullying. The talks between the leaders of Czechoslovakia, Romania, Yugoslavia and Greece – Beneš, Ionescu, Pašić and Venizelos – will continue during the Paris Peace Conference of 1919, when Take Ionescu presented the first draft of the future alliance, which was to be "a federation of a new type, hitherto unknown" and the signer parties thereto would have "maintained regular contact to coordinate their foreign policy and common positions towards third forces in all major international issues"[3]. Since Take Ionescu's project was not feasible in the international conditions of that moment, during the conference was discussed Beneš's project, which provided for the creation of a tripartite alliance with Czechoslovakia, Yugoslavia and Romania, these three not having differences that would impede its conclusion. Discussions started in Paris were continued through diplomatic means[4] and resulted in the conclusion of the alliance between the

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[1] Serviciul Arhivelor Naționale Istorice Centrale, Colecția Microfilme, Microfilme SUA, rola 467, seria 006-73, informarea directorului ministerial Köpke (*Auswärtiges Amt*) din 26 noiembrie 1926 (Central Historical National Archives Service, Microfilm Collection, USA Microfilm, roll 467, series 006-73, informing of the ministerial Director Köpke (*Auswärtiges Amt*) of November 26, 1926). The concept of *Mitteleuropa*, from a historical perspective, represented a strategy for Europe in 1914, which, among other documents, was included in the program of the German Chancellor Bethmann Hollweg, program called "September Plan". The program proposed an economic and customs union of the regions of Central Europe. Germany was the supreme force, and besides Austria and Hungary were also included Luxembourg, Belgium, Baltic Sea and Poland. Designed as a plan that ensures German hegemony over this part of the continent, however, was thwarted by the outcome of World War I, which, adversely to Central Powers, resulted in strengthening national states based on the system established by peace treaties.
[2] See Academia Română, *Istoria Românilor*, vol. VIII, *România întregită (1918-1940)*, București, Editura Enciclopedică, 2003, p. 430.
[3] Milan Vanku, *Mica Înțelegere şi politica externă a Iugoslaviei 1920-1938*, București, Editura Politică, 1979, pp. 22-23.
[4] *Ibidem*, p. 23.

three countries, followed by military conventions. Little Entente was the first regional alliance of post-war Europe. At that time, it was an important factor of political stability and economic cooperation in Central and South-East Europe[1].

At the beginning of 1921, encouraged by the policy pursued by France against the monarchy's restoration[2], Charles IV returned to Hungary. Europe was alarmed and the Little Entente was not prepared to face such a challenge. At that time there was only the alliance between Czechoslovakia and Yugoslavia. As one of the successor countries of the Austro-Hungarian Empire, Italy was not interested in restoring the Habsburg monarchy. She had signed an anti-Habsburg alliance with Yugoslavia at Rapallo in November 1920[3]. To stop the return to power of Charles IV, Yugoslavia announced through its ambassador in Budapest, Milojevic, that will use forceful means and will even resort to arms if necessary. Milojevic had diplomatic consultations with representatives of Romania, Czechoslovakia, Italy, France and Great Britain in Budapest on future actions aimed at preventing the return of the monarchy. French and British diplomats have called for action rather moderate, and Romania, which was not yet a signatory to the Little Entente, aligned to Yugoslavia and Czechoslovakia policies, countries that advocated the expulsion of Charles IV of Hungary[4]. At the request of the governments of Yugoslavia, Romania and Czechoslovakia, Ambassadors Conference adopted the decision of Charles disposal, the Hungarian government having no choice but to accept it. Following this event, the final formation of the Little Entente was more dynamic. Bilateral agreements between the three signatory countries resulted in the establishment of a political alliance which will be a bulwark against the restoration of the Austro-Hungarian monarchy, against attempts to revise the treaties and against possible attacks on allies. However, the idea of restoring the monarchy was not abandoned, Charles returning in October 1921. Little Entente states actions against him were more intense, it was decreed a partial mobilization of the army, were initiated diplomatic activities towards Italy, France and Great Britain asking the removal of Charles, and even threatened with armed attacks if he would take power[5].

The opinions expressed by Mircea Muşat and Ion Ardelean, treaties which Little Entente has concluded were equally evidence for the defense of the integrity and independence, a line against revisionism, an alliance to ensure the status quo in the Balkans, but especially a historical experience through the creation of a continental zone on the European political arena[6]. In fact, by the conclusion of negotiations between the three countries was achieved a threefold political and military power[7]. Dynamic and persevering common actions of the Members of Little Entente, which prompted the exile

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[1] *Ibidem*, p. 24.

[2] Briand see the former Habsburg dynasty as the only able to coordinate the lost peoples and to strengthen defences against German expansion; for details, see Pierre Renouvin, *Histoire des relations internationales 1914-1929*, vol. VII, Paris, 1957, pp. 281-282.

[3] Milan Vanku, *op. cit.*, p. 26.

[4] It was believed that his presence can lead to the outbreak of a war; see also Milan Vanku, *op. cit.*, pp. 26-27.

[5] *Ibidem*, pp. 28-31.

[6] Mircea Muşat, Ion Ardeleanu, *România după Marea Unire*, vol. II, Partea I, *1918-1933*, Bucureşti, Editura Ştiinţifică şi Enciclopedică, 1986, pp. 1015-1016.

[7] Marusia Cîrstea, *Mica Înţelegere şi ataşaţii militari români la Praga şi Belgrad*, în "Revista de Ştiinţe Politice. Revue des Sciences Politiques", No. 30-31/2011, Craiova, Editura Universitaria, p. 18.

of Charles IV on the island of Madeira, where he died a year later, had the desired results and proved that the future should be taken into account this alliance in Central Europe. France, one of the powers that did not look sympathetically the Little Entente, has reconsidered its position and foreign policy towards the component states, Romania, Yugoslavia and Czechoslovakia, depending on its future interests[1].

The security of Yugoslavia was particularly enhanced by signing the Treaty of Friendship with France in 1927. At the same time, Yugoslavia joined, along with Romania and other countries, international conventions and acts such as Briand-Kellogg Pact, Convention on defining the aggressor or the Locarno and Geneva Agreements etc. Yugoslav diplomacy, in the conception of this State's military experts, supported the measures envisaged by Titulescu on economic and military level and on tightening the links between members of the Little Entente and then of the Balkan Entente[2]. In this context regional political-military, between 1919-1939 Romania has named five military attach in Belgrade: Colonel Dumitru Motaş (1919-1927), Colonel Constantin Miltiade (1927-1928), Maior Alexandru Pastia (1928-1930), Lt. Colonel Ilie Creţulescu (1931-1937), Lt. Colonel Alexandru Idieru (1937-1939)[3].

Strategy that Romania and the Serb-Croat-Slovene Kingdom needed in their foreign policy to sustain and achieve goals and objectives, was defined by two of the illustrious politicians of the time, Nicolae Titulescu and Bogoliub Jéftić. In a press statement in front of Romanian and foreign journalists present in Bucharest on 11 July 1927, Titulescu, at the beginning of his first mandate at the head of the Ministry of Foreign Affairs, pointed out: "In Romania the perfect concordance between Romanian and European interests is dominant. All past and future political acts of Romania are explained and will be explained in this key feature ... Romania is hungry for peace"[4]. Yugoslavia had even more need for peace and stability, both internally and externally. Faced with numerous internal contradictions caused by ethnic tensions and social shortcomings aggravated by the economic crisis, King Alexander promulgated in 1931, a new constitution aimed "to recover, at least in part, the country's credibility abroad, especially in France, his old ally"[5]. Political factors were divided into two camps: the first, represented by the right wing, chauvinist and anti-Serbian, with strong fascist leanings, found refuge in Vienna, giving rise to "*ustaša*" movement (the rebels) led by Ante Pavelić; the second, consisting of representatives of the Peasant Party, supported the autonomy of Croatia, advocating for closer ties with France, UK and USA[6]. In the context of the economic crisis, trade relations between Yugoslavia and Germany have improved during 1932. In these circumstances occurred, between 1932-1933, the Zagreb Manifesto signed by numerous Croatian and Serbian opposition representatives from Bosnia and Vojvodina, protesting against the dictatorship of King Alexander, demanding a return to the status quo in 1918 and refusing Serbian domination[7].

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[1] Eliza Campus, *Mica Înţelegere*, Bucureşti, Editura Ştiinţifică, 1968, *passim*.
[2] Mihaela Bărbieru, *op. cit.*, pp. 114-115.
[3] Marusia Cîrstea, *art. cit.*, p. 24.
[4] Nicolae Titulescu, *Opera politico-diplomatică. Iulie 1927 – iulie 1928, partea I*, Bucureşti, Fundaţia Europeană Titulescu, 2003, p. 131.
[5] Stefano Bianchini, *Problema iugoslavă*, Bucureşti, Editura Bic All, 2003, p. 41.
[6] *Ibidem*, pp. 41-42.
[7] Mihaela Bărbieru, *op. cit.*, pp. 104-105.

After the German Nazis took over power, the states of the Little Entente, alarmed by the aggressive expansionist policy, understand that there must be a common goal for common defense. Ruling political authorities of Romania, Yugoslavia and Czechoslovakia understood that relations in Southeast Europe and the Balkans will be determined sooner or later by the reactivation of the revisionist forces in Hungary and Bulgaria. As a result of the new situation outlined in 1933, the foreign ministers of the three countries signed in Geneva the Pact on the organization of the Little Entente. Against this pact a real anti-campaign was triggered by the Nazi press, the Hortist revisionist circles and even the head of Government in Italy, Mussolini, adopted a virulent stance. Hitler said to the Romanian Minister in Berlin that "Little Entente is constantly against us"[1].

Before signing the Treaty in Athens, the Foreign Minister of Yugoslavia, Jéftić, highlight on 21 December 1933, that the politics of Little Entente and Balkan Entente "aims at collaboration and understanding among the peoples whose main goal is the preservation of peace, necessary both in the Balkans and Central Europe"[2]. Anti-revisionist policy and anti-fascist Romanian was based on the fact that the borders of Central Europe constituted a process completed, not one that was about to start, and to "any attempt to update it we will answer: *res judicata*"[3]. Nicolae Titulescu, referring to the process of revising the boundaries, highlighted the dangers of this phenomenon for European peace and security: "Talking about revision is to scatter and not to associate forces that must work together for the common concepts defense ... No the revision of the Treaties needs humanity but their own judgments revision"[4].

Penetration of Mussolini in Albania, the tendency to favor the birth of independent Croatia, financing the "*ustaša*" movement by Italy aimed at disintegration of Yugoslavia in order to obtain Dalmatia. The assassination of King Alexander in October 1934, during an official visit to France, by the "ustashas" of Ante Pavelić and the terrorists of Vmro supported by Italian and Hungarian authorities, was followed by the establishment of a regency headed by Prince Pavle and a government headed by Milan Stojadinović. Although Great Britain and France had shown willingness to support diplomatically Belgrade government against the aggressive policy of Germany, Prince Pavle and his cabinet understood that the two great powers could do nothing concrete for his country, which is why they tried to expand and strengthen bilateral relations, especially with members of the Little Entente and the Balkan Entente[5].

Romania and Yugoslavia condemned repeatedly the acts of terrorism and assassination promoted by totalitarian states.

After Germany left the League of Nations and the Disarmament Conference in October 1933, its relations with Romania and Yugoslavia in terms of foreign policy were tinted. Until the coming of Nazi, Yugoslavia's relations with Germany were located within

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[1] Apud Cristian Popişteanu, *România şi Antanta Balcanică*, Bucureşti, Editura Politică, 1968, pp. 112-113; Arhiva Ministerului Afacerilor Externe al României, Bucureşti, fond Mica Înţelegere – Conferinţe 1933, ff. 116-121 (Archives of the Romanian Ministry of Foreign, Bucharest, Little Entente Fund – 1933 Conferences, folios 116-121, hereinafter cited as A.M.A.E.R.).

[2] Cristian Popişteanu, *op. cit.*, p. 156; A.M.A.E.R., fond Înţelegerea Balcanică, vol. III, f. 324 (Balkan Entente Fund, vol. III, folio 324).

[3] Nicolae Titulescu, *Discursuri*, Bucureşti, Editura Ştiinţifică, 1967, p. 417.

[4] Idem, *Documente diplomatice*, Bucureşti, Editura Politică, 1967, p. 352.

[5] Stefano Bianchini, *op. cit.*, pp. 45-46.

the fair limits, neither of the two states manifested any express desire of getting closer, but since January 1933, boosted by King Alexander I, the Yugoslav government acted towards a rapprochement between the two countries. In order to stop Anschluss Yugoslav government instructed its ambassador in Budapest, Iovan Ducič, to explore the Hungarian political opinion about the formation of a united front between Hungary, Yugoslavia and Italy in this respect. Minister of Foreign Affairs of the Hungarian state, Kany, rejected the Belgrade proposal. A report of the Romanian General Staff to the Prime Minister stated "changes in attitude of military representatives of Belgrade, arising at the meeting in November 1933"[1]. This was the moment when Nazi Germany systematically cultivated "an atmosphere conducive to attracting Yugoslavia within its politics"[2].

Power relations of the world have undergone important changes after the economic crisis. On February 9, 1934 in Athens, was signed the Balkan Entente Pact by the Ministers of Foreign Affairs of Romania, Yugoslavia, Greece and Turkey. The aim of this regional institution was to safeguard the security of "all Balkan frontiers". The pact also provided not to take "any political action towards any other Balkan country signatory to this Agreement without the prior mutual opinion and not taking any political obligation towards any other Balkan country without the consent of the other Contracting Parties"[3].

In 1934 Yugoslavia refused diplomatic relations with the Kremlin regime[4], and after the death of King Alexander, internal national contradictions and aggressiveness of some neighbors have determined a new course of its foreign policy. Economic and political rapprochement was initiated toward Germany, Italy, Bulgaria and Hungary, as well as toward countries that were controlled by Hitler. Governments led by Bogoljub Jéftić and Milan Stojadinović pleaded for a position of neutrality between the German and French block saying: "in case of a war between Germany and France, Yugoslavia would remain neutral"[5]. Belgrade's attitude caused "stupor in political and military circles in Bucharest"[6], which considered it an action that "helped to stimulating aggressive policy of Hungary and Bulgaria" and "inevitably weakened the military capacity for action and the prestige of the Little Entente and the Balkan Entente"[7].

In August 1935 a Yugoslav-Turkish meeting took place in which it was decided keeping a tripartite military conference in Belgrade in November 1935 after the conference of the Little Entente. This project was supported by Romania and Yugoslavia, whose aims was "the tendency to harmonize the operations of the Little Entente with those which were to be developed in the laboratories of the Balkan Entente, in case of a

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[1] Arhivele Militare Române, Piteşti, fond 449, dosar nr. 73/1933, f. 212 (Romanian Military Archives, Piteşti, fund 449, file no. 73/1933, folio 212, hereinafter cited as A.M.R.).

[2] Vasile Rămneanţu, *Istoricul relatiilor româno-iugoslave în perioada interbelică*, Timişoara, Editura Mirton, 2006, p. 46.

[3] A.M.A.E.R., fond Înţelegerea Balcanică, dosar nr. 38, f. 35 (Balkan Entente Fund, file no. 38, folio 35).

[4] Gheorghe Zbuchea, *Istoria Iugoslaviei*, Bucureşti, Editura Corint, 2001, p. 83.

[5] Milan Vanku, *Mica Înţelegere şi politica externă a Iugoslaviei, 1920-1938*, Bucureşti, Editura Politică, 1979, p. 114.

[6] A.M.R., fond 612, dosar nr. 862, f. 127 (fund 612, file no. 862, folio 127).

[7] A.M.A.E.R., fond România, dosar nr. 352, f. 224 (Romania Fund, file no. 352, folio 224).

general conflict"[1]. The Report no. 1309 of 12 October 1935 made by the General Staff to the Prime Minister of the Romanian Government stressed that, in the case of a general conflict, "Hungary is the subject on which Yugoslavia and Romania should focus particularly"[2]. The document was also referring to Turkey's role "in Bulgaria's removal from the battlefield" in order "to give the freedom of action to Romania and Yugoslavia"[3]. The Romanian and Yugoslav point of view was not accepted by Turkey, which considered the Balkan Entente "a factor which is likely to take charge of security in the Balkans, while Turkish forces were engaged in Eastern Mediterranean"[4]. Military experts from Romania and Yugoslavia saw the Balkan Entente "as a natural extension of the alliances system of Central Europe", a "safety of the back of Little Entente's device"[5].

Titulescu was one of the "militant supporters of collective security"[6]. Collective security policy was promoted by the Soviet Union and France, in the context where the French leaders relied on close cooperation with the Soviets in European politics. Political decision factors in these countries, noting that Berlin leaders did not want to continue cooperation in the first postwar decade, were obliged to apply "the exchange option". Stalin decided to cooperate with Western democracies in order to defend the Versailles system, appealing even to the secret services of the Comintern[7]. Switching to "popular front" formula was appreciated by a number of European countries, considering it as a "fundamental change in the politics of the Soviet state". Receiving USSR in the League of Nations (September 18, 1934), signing the Treaty of Mutual Assistance between France and the USSR (May 2, 1935), the conclusion of the treaty between Czechoslovakia and the Soviet Union (May 15, 1935) boosted alliances in South-Eastern Europe, which made Titulescu to talk about a new basis "of the future organization of security in Europe"[8].

The interests of the Little Entente members were seriously affected by the conciliatory nature of the politics of France and Great Britain for the purpose of supporting the trends of Italian domination in Central Europe and in the Balkans, hoping thus to an isolation of Italy from Nazi Germany. Regarding the issue of Anchluss, Titulescu said in 1934, in Belgrade, that "Little Entente will not hesitate as of two evils to choose the least in his eyes, that's Anchluss"[9]. France's representative denied that Italy had the approval of France, but Titulescu said that, with or without the permission of the two great Western powers, Italy pursued a policy which he considered very dangerous for peace. Being anxious because of the revisionist pressures of Italy, Romania's foreign policy had the purpose of maintaining peace treaties, respecting faithfully the existing alliances, preserving good relations with neighboring countries and strengthening ties with

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[1] A.M.R., fond 948, Secţia III, dosar nr. 41/1935, f. 23 (fund 948, Section III, file no. 41/1935, folio 23).
[2] *Ibidem*, dosar nr. 1608/1935, f. 96 (file no. 1608/1935, folio 96).
[3] *Ibidem*, f. 156 (folio 156).
[4] *Ibidem*, dosar nr. 41/ 1935, f. 134 (file no. 41/1935, folio 134).
[5] *Ibidem*, f. 201 (folio 201).
[6] *Istoria Românilor…*, p. 482.
[7] Stephen Koch, *Sfârşitul inocenţei*, Bucureşti, 1997, p. 63.
[8] Apud Viorica Moisuc, *Istoria relaţiilor internaţionale până la mijlocul secolului al XX-lea*, Bucureşti, 2002, p. 234; Mihaela Bărbieru, *op. cit.*, pp. 107-108.
[9] *Documents Diplomatiques Françaises* (hereinafter cited as DDF), 1-ère série, tome 5, doc. no. 405.

the Little Entente and Poland[1]. Constantin I.C. Brătianu, referring to the Romanian foreign policy and its purpose, showed the need to "organize powerfully our country in peacetime, to retain the full confidence of our allies, and to impose respect to our opponents, in order to determine them not to speak about the revision of the Treaties"[2].

The fascist and revisionist danger determined the union of political democratic forces in our country in a common front to fight the aggressor and to defend peace and the territorial status-quo. Among the measures of military order that the Romanian State understand that must be taken, was the visit in Romania, at the invitation of Tătărescu, of the secret mission led by General Victor Pétin, between 3-8 April 1934. Following discussions between the Romanian and the French side, Pétin has consented to support the effort of endowment of the Romanian army[3].

In the following period, due to international developments, were taken effective measures to support South East European states. In March 1935 Germany denounced the clauses of the Versailles Treaty, annexed the Saar and reestablished military aviation, thus passing to the reconstruction of a threatening military force[4] that will endanger world peace. European countries have seen thus jeopardized their national independence. The resolution adopted in April 1935 at the Stressa Conference of the three major Western powers (Britain, France, Italy) could not reassure the nations awaiting resolute measures to put an end to the rampaging policy of Germany[5].

In mid 1935, collective security policy has received a new blow, when on June 18 was signed in London the Anglo-German Naval Agreement, an act through which the English government broke up the fragile "front" formed in Stressa to counteract the Nazi danger. The agreement has had strong military and political meanings, directly advantaging the German policy of arming and affirmation of revisionism[6].

New situation, that the League of Nations could not resist the aggressive policy of fascist states, caused serious problems to small and medium-sized states. The Entente, organized as an instrument of diplomacy for maintaining the status quo, "was directed against Hungary and Bulgaria. It was not, therefore, appropriate to promote inter-Balkan reconciliation or the general Eastern European conciliation"[7]. Its creation has only managed for a brief period to maintain the existing boundaries against Bulgaria's protests. The Balkan States have proven unable to find a solid basis of mutual defense and cooperation in an era of relative peace and safety.

With the rise of Nazism and Fascism, the small and medium states were forced to adapt their foreign policy. In this respect, Romania tried to rely, although insufficient, on

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[1] *România şi revizuirea tratatelor. Discursurile d-lor Iuliu Maniu şi C.I.C. Brătianu în şedinţa Adunării Deputaţilor din 4 aprilie 1934. Răspunsul d-lui N. Titulescu, ministrul afacerilor străine*, în *Monitorul Oficial* şi *Imprimeriile Statului*, Imprimeria Naţională, Bucureşti, 1934, p. 8.

[2] *Ibidem*, pp. 33-34.

[3] DDF, 1-ère série, tome 6, doc. no. 70.

[4] On April 16, 1935 Germany introduced conscription and established the Wehrmacht; on May 25, 1935 France sent the Memorandum through which the French-Soviet Pact was seen "as a violation of the Locarno Agreement".

[5] N. Daşcovici, *Interesele şi drepturile României,* în *texte de drept internaţional public*, Iaşi, 1936, p. 493.

[6] See Gheorghe Zaharia, Gheorghe Matei, Eliza Campus, *Probleme de politică externă a României 1919-1939*, Bucureşti, Editura Militară, 1971, p. 185.

[7] Barbara Jelavich, *Istoria Balcanilor. Secolul al XX-lea*, vol. II, Iaşi, Institutul European, 2000, p. 195.

external political alliance network. In Yugoslavia, the fall of the Stojadinović government in early 1939 was interpreted by Italy as a weakness[1] and its international isolation was completed by the invasion of Czechoslovakia by Germany and of Albania by Italy. In order to develop cordial relations with Germany, the new Yugoslav government appointed at the head of the Ministry of Foreign Affairs Alexander-Cincar-Markovic, who had been by then minister plenipotentiary in Berlin. With regard to Germany's intentions, the newspaper "Politika" on February 18, 1939 published a correction of the German Agency "D.N.B." to disprove the "tendentious" news about "an alleged German evasion and aggression against Hungary and Romania". In these circumstances, Romania's military attaché in Yugoslavia, Gheorghe Popescu, noted in February 1939 that "Yugoslavia's aim is to maintain a good relationship with neighbors and seems to give more importance to those with Romania"[2].

In 1937, Yugoslavia, through the Prime Minister M. Stojadinović signed two treaties that changed its foreign policy orientations thus far: the Yugoslav-Bulgarian Treaty of 20 January 1937 of "lasting peace and eternal friendship" and the Italian-Yugoslav Convention of friendship and neutrality of 25 March 1937. This was contrary to the spirit of alliances that Belgrade was part of, Little Entente and the Balkan Entente. Romania and Yugoslavia's neighbors and allies were put before an accomplished fact. Under its new policy guidelines, Yugoslavia did not intervene in defense of the integrity and then of the existence of the Czechoslovak state, which led, in 1938, to the disappearance of the Little Entente.

The year 1939 brought, once with a new world war, changes in the political and military vision of decision makers from the two states. Although an attempt was made for territorial dissolution, both Yugoslavia and Romania were forced to pay a distressing tribute to revisionist trends of the totalitarian states. Territorial raptures of 1940, and then Romania's attraction in the war in East will later mark the road of the Romanian state that has defended its sovereignty and independence, and Yugoslavia, practically occupied by Nazi Germany, had to take a painful partisan war which will affect negatively the economy and the population.

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[1] Stefano Bianchini, *op. cit.*, p. 48.
[2] A.M.R., fond 456, dosar nr. 321/1939, f. 263 (fund 456, file no. 321/1939, folio 263); Mihaela Bărbieru, *op. cit.*, pp. 111-112.

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*** *România şi revizuirea tratatelor. Discursurile d-lor Iuliu Maniu şi C.I.C. Brătianu în şedinţa Adunării Deputaţilor din 4 aprilie 1934. Răspunsul d-lui N. Titulescu, ministrul afacerilor străine*, în *Monitorul Oficial* şi *Imprimeriile Statului*, Bucureşti, Imprimeria Naţională, 1934.

A ROMANIAN DIPLOMAT ON THE ENGLISH FOREIGN POLICY FOLLOWING THE MUNICH AGREEMENT

*Marusia Cîrstea**

Abstract

The article *A Romanian diplomat on the English foreign policy following the Munich Agreement* is based on a *Confidential report* written by Romanian diplomat Radu Florescu and refers to English foreign policy (1938-1939), outlining Great Britain's interests in: maintaining and strengthening military partnership with France; the partnership with the USA; the means of cooperating with Germany and Italy; maintaining the *status quo* in the Mediterranean; establishing peace in the Far East with a view to "disengaging the Japanese from the activity of the Rome-Berlin Axis"; stopping anti-Semitic excesses in Germany; preventing "German expansion towards Eastern Europe and England's prospect of helping countries in the Black Sea basin."

Key words: *Diplomat Radu Florescu, Great Britain, Romania, The Munich Agreement, the Black Sea*

In the interwar period, multiple and complex problems arose on the international stage. The peace treaties in Paris, signed in 1919-1920, recorded, on the one hand, the victory of the Allied powers, and, on the other hand, the results of the national-revolutionary struggle of certain peoples for reconstructing and reuniting their national states.

Haunted by the memory of the First World War, the elites and the population in Great Britain remained, until 1938, attached to the principles of disarmament, peace and collective security. *Peace seemed to be the most important national objective.* British Governments hoped that keeping the balance of power in Europe was the main safeguard against the outbreak of a new war. Many British were convinced that World War I had expanded upon the peoples of Western Europe because of a rigid system of alliances and unbending military plans. Therefore, most governments refused to force the country make sacrifices in order to maintain the *status-quo* and particularly to assume recognition or protection of the borders of Eastern Europe. This attitude was to mark Britain's politics until 1939. Most politicians acknowledged the importance Europe had for the United Kingdom, but very few considered Great Britain a European country fully interested in working with other states – especially those newly emerging after World War I. British interests were global rather than merely continental. It was appreciated that preserving the Empire was essential for Great Britain to remain a great world power. In 1924, the Foreign Office drew up a document of exceptional importance, establishing the United Kingdom's future directions of foreign policy. Entitled *British Policy considered in Relation to the European Situation*, the document "clarifies British foreign policy strategy" in relation to two

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categories of problems: the interests of the British Empire itself; European peace and security in relation to these interests[1].

During the interwar period, Britain's main objectives were[2]: maintaining good relations with the United States, the United Kingdom having to take into account the fact that the USA was already a great economic power and potentially a great military power and could be in need of American help at any time; another goal shared by all governments was to ensure a proper defence mechanism for the country. The defence policy was based on four major objectives: the security of the United Kingdom; defence of the main British trade routes; defence of the Empire; the decision to cooperate in ensuring the defence of Great Britain's allies; at the same time, most British politicians hoped that a judicious policy of conciliation and compromise could prevent a new conflict. This was later called a policy of *appeasement/conciliation*. *Appeasement* and *conciliation* can be used to characterize almost all manifestations of British diplomacy between the two world wars. Or better still, they could be used to characterize the attitude of N. Chamberlain towards Germany in 1937 and 1938; the commitment to a policy of collective security, in particular through the support of the League of Nations. Governments (as well as public opinion) in the United Kingdom agreed that the League possessed its own system for the peaceful settlement of all international problems. Many British politicians believed no aggressor would dare start a war against the 50 member states of the League, and, consequently, force would not have to be employed to support the principles of the League. Confident in its ability to defend itself in the event of real danger[3], Great Britain refused obstinately throughout the interwar period to become allied with any of the European states, becoming the custodian of Europe's balance of power[4].

The entire foreign policy of the United Kingdom – during this period of turmoil and political, military and statal transformations in Europe – is captured by Radu Florescu, in a confidential report entitled *On British Policy after the Munich Agreement*[5]. In his brief analysis, Radu Florescu emphasises that Britain's foreign policy differs from that of other European countries because "*the British Empire, being a community of interests so widely spread over the surface of the globe, her actions and reactions are naturally different from those of a State with limited and compact geographic interests*"[6]. That's why "*No head of a British Government and no Parliament would be able to engage the entire Empire to defend local interests, knowing that they would be*

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[1] Viorica Moisuc, *Istoria relațiilor internaționale. Până la mijlocul secolului al XX-lea*, București, Editura Fundației România de Mâine, 2002, p. 209.

[2] Apud Alan Farmer, *Marea Britanie: politica externă și colonială, 1919-1939*, București, Editura ALL, 2000, pp. 11-45.

[3] Great Britain's confidence in being able to "defend itself" was based on the numerous strengthening and modernization programmes run by the military forces. A fine example is *The Aeronautical Development Programme* which, in only two years, led to the construction of 1500 aircraft; the development of 34 new aerodromes; the training and selection of 3100 pilots; and the total number of enlisted men in Aeronautics rose to 51000 people, 4850 of whom were officers. Apud Arhivele Militare Române, Pitești (The Romanian Military Archives, hereinafter: A.M.R.), fond 3832, dosar nr. 198, ff. 3-7.

[4] See Marusia Cîrstea, Gheorghe Buzatu, *Europa în balanța forțelor. 1919-1939*, vol. I, București, Editura Mica Valahie, 2007, pp. 91-108.

[5] Arhiva Ministerului Afacerilor Externe al României, București (The Archives of the Romanian Foreign Ministry, Bucharest, hereinafter: A.M.A.E.), fond 71 România, vol. 262, ff. 196-219.

[6] *Ibidem*, f. 196.

putting much higher interests at risk"[1]. However, continues diplomat Radu Florescu, "*a vital concern for the Empire is the geographical and military connection between England and a continental power. For England, Europe's gendarme is France, so anyone who attacks France weakens England's military bridgehead on the Continent*"[2]. Taking into account these interests, England and also France, unwilling to engage in a detrimental war, will sacrifice the integrity of Czechoslovakia on the altar of what supporters of the "conciliation" policy called "the cause of peace"[3]. "*The impression of the unfavourable moment prevails in the explanations of the government-inspired press. Added to this, the belief that the revision of the Czechoslovakian borders prevented the German armies from immediately invading south-eastern Europe, which could not have been defended effectively by the Bohemian fortifications, isolated after the annexation of Austria and the defection of Poland. Chamberlain's invitation that Mussolini come to Munich to stave off German pressure confirms Italy's role in Central Europe as well as the difficulty of reaching a solution in the absence of Italian consent*"[4]. Thus, Munich inaugurated a change in the direction of British foreign policy to the effect that any conflict "*arising outside England's vital areas should be brought under control, as much as possible, to prevent war*"[5].

At the beginning of 1939 N. Chamberlain received a series of disturbing reports (some incorrect) from the British secret services, predicting German actions against Poland, Czechoslovakia, Ukraine and even the Netherlands and Switzerland. After Germany occupied the whole of Czechoslovakia on 15 March 1939, Chamberlain accused Berlin of having become alienated from the spirit of Munich. In late March, Chamberlain's government abandons the appeasement policy pursued so far and tries to organise a common resistance against Hitler's threat, in cooperation with the French government[6]. Guarantees were given to Poland, Romania and Greece[7]. Under the circumstances, Great Britain moved even closer to France. Both countries had embarked on the road to democracy and were equally afraid for their security. That is why the two countries' main concern was extending their military cooperation based on "the strength of the British fleet, which needed to be maintained at a level that would frustrate the reunited European fleets in their attempts to defy it. Germany's latest demand for parity in submarine tonnage was met with wonder here and the Germans' explanations were not convincing in the least. On the grounds of the Franco-British cooperation, the French army, in its turn, is called upon to stand against an enemy of Germany's size, expecting

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[1] *Ibidem*, f. 197.

[2] *Ibidem*, f. 198

[3] M.P. Renouvin, *Les relations franco-anglaises, 1935-1939. Esquisse provisoire*, în vol. *Les relations franco-britanniques de 1935 à 1939*, Paris, Éditions du Centre National de la Recherche Scientifique, 1975, pp. 39-45.

[4] A.M.A.E., fond 71 România, vol. 262, ff. 199-200.

[5] *Ibidem*, f. 199.

[6] Alexandru Cretzianu, *Ocazia pierdută*, ediţia a doua, prefaţă de V.Fl. Dobrinescu, postfaţă de Sherman David Spector, Iaşi, Institutul European, 1998, p. 49; Gh. Buzatu, Marusia Cîrstea, *Din istoria relaţiilor anglo-române, 1920-1941. (Un raport sinteză al lui Al. Cretzianu)*, în "Europa XXI", vol. XI-XII/2002-2003, Bucureşti, Editura Mica Valahie, 2003, pp. 249-265

[7] M.F.W. Deakin, *Anglo-French Policy in relation to South-East Europe, 1936-1939*, in vol. *Les relations franco-britanniques de 1935 à 1939*, pp. 63-87.

England to extend her own army by training reservists and instituting permanent reserves"[1].

Analysing the political and military situation of 1939, Radu Florescu emphasised that Great Britain wished "to avoid, if possible, in case of conflict, having to face the risks of a war in which she would stand against the three states bound in the Anti-Comintern Pact, albeit together with Russia and France"[2]. The British government's secret hope – emphasized Radu Florescu – was that "they would in the end manage to break the Axis, separating Italian interests form German ones" and that they would turn the two countries' claims "towards the European East" because "Italy has just as much interest as Germany in reserving areas of commercial influence up to the mouths of the Danube, including the Romanian oil"[3].

Radu Florescu's examination of English foreign policy – after 1938 – outlines Great Britain's interests in: maintaining and strengthening military partnership with France; the partnership with the USA; the means of cooperating with Germany and Italy; maintaining the *status quo* in the Mediterranean; establishing peace in the Far East with a view to "*disengaging the Japanese from the activity of the Rome-Berlin Axis*"; rediscusssing "*the problem of the colonies*", going as far as retrocession of some of them "*if German methods of military pressure and propaganda aggression were discarded*"; a project which made provisions for "*the deployment of Ukraine*" so as to "*to provide Germany with an abundance of the foods she lacks*"; stopping anti-Semitic excesses in Germany; preventing "*German expansion towards Eastern Europe and England's prospect of helping countries in the Black Sea basin*"[4].

It is well known that Great Britain's main ally in the interwar period was France. Nazi Germany's increase in power was a constant concern for both countries, which promoted a closer cooperation, especially in the military domain. This cooperation, Radu Florescu emphasised, "*is based on the strength of the British fleet, which needed to be maintained at a level that would frustrate the reunited European fleets in their attempts to defy it. Germany's latest demand for parity in submarine tonnage was met with wonder here and the Germans' explanations were not convincing in the least. On the grounds of the Franco-British cooperation, the French army, in its turn, is called upon to stand against an enemy of Germany's size, expecting England to extend its own army by training reservists and instituting permanent reserves. The government's plan is to begin training reservists. The British air force is going to be superior to the most powerful continental aviation. At this time, due to production efforts in aviation, this latest British desideratum is about to be accomplished. They say that by next summer, regardless of the size of the French and other aviations, the English air force will be the strongest in the world. The strength of this air force resides in the fact that the new factories producing aircraft for the British army are located outside the area under threat from of any aggressor, being set up partly in Canada and Australia*"[5].

Globally speaking, British interests exceeded the continental sphere and many English politicians were hoping to maintain the balance of forces in Europe with the support of the U.S.A. Therefore, "the King of England's visit to Washington (in June 1939) is meant to reaffirm the need for closer cooperation between the two great

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[1] A.M.A.E., fond 71 România, vol. 262, ff. 214-215.

[2] *Ibidem*, ff. 215-216.

[3] *Ibidem*, ff. 196-219.

[4] *Ibidem*.

[5] *Ibidem*.

Empires"[1]. This closeness between the two states – showed Radu Florescu – "*was hastened by the government in Washington who, following persecution in Germany, was quick to overcome any petty difficulties in order to have a new agreement signed. This agreement is meaningful not just for purely commercial reasons, as it opens the doors for countries with hard currency, for those exporting raw materials and food, and, to the same extent, it is meant to frustrate exports of countries with a controlled currency. The relinquishment of the advantages that dominions had in the import of grain and raw materials on the English market and their placement on the same level with the United States illustrate the height of the widespread solidarity of all Anglo-Saxon countries, including the United States, all together forming an economic block and an extensive community of material interests supported by identical political goals and ideals*"[2].

Regarding cooperation with Germany, it was stipulated that the English Government should not give "Germany any financial support outside of that resulting from current commercial arrangements"[3]. This measure – as Radu Florescu emphasised – derived from the English politicians' intimate desire that "*Germany alter its methods and strive to understand the Anglo-Saxon mentality, so that they could cooperate again within the concert of European powers. If German methods of military pressure and propaganda aggression were discarded, I think, with the reserve of the League of Nations' formal agreement, Great Britain would not be opposed to retroceding some of the colonies*[4]. The economic policy pursued in relation to Germany also aimed at stopping the Nazi's anti-Semitic excesses, because "The persecution of one race by another through uncontrolled domination is foreign to the English and Western political concept while today's colonial systems are everywhere called to raise the cultural level of the dominated nations and this is often done even against their will. Cooperation between individuals and peoples in the sense of the English or American "*Commonwealth*" requires respect both for the personality of individuals and races[5].

However, so as not to "inflame" diplomatic, political and economic ties with Germany, certain British political circles were considering "*a project for the deployment of Ukraine*", taking into consideration that "*there are two areas that may offer Germany the economic compliment it needs: the Danubian Plain or Ukraine*"[6]. In order to maintain the status-quo in the Mediterranean, "*the compensations the English can offer to the Italians are primarily financial and economic. An understanding on such bases would facilitate the development of Italian trade with European countries, among which Romania stands first. However, the Mediterranean reconciliation plan does not seem easily achievable, which in Mussolini's view, confirms the necessity of maintaining the Axis*"[7].

Referring to the British government's foreign policy towards the countries in South-Eastern Europe, Romanian diplomat Radu Florescu explained: "*The coming spring (1939) is being mentioned and it seems that around the middle of February several hypotheses of operation will be analysed by the leaders of present-day Germany. The operation along the Danube requires cooperation with Hungary, the one in Ukraine – cooperation with Poland. Between the two alternatives, the English would prefer Ukraine, given that England considers that the straits and the Eastern Mediterranean need the protection of the combined forces of the three countries within the Balkan Pact. The straits and the*

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[1] *Ibidem.*

[2] *Ibidem.*

[3] *Ibidem.*

[4] *Ibidem.*

[5] *Ibidem.*

[6] *Ibidem.*

[7] *Ibidem.*

Black Sea associate us to British interests. According to the English political school of thought it would seem that if Romania's position were uncertain, the defence of the straits could be entrusted to an association of the other three Balkan States, which explains why Great Britain doesn't discourage the Bulgarians. If the strike were directed towards Ukraine, English politics would probably be limited to expressing their justified indignation without public opinion being stirred. The Poles themselves know that isolated, they cannot count on the support of Western democracies after the moment of crisis last September had an action which was contrary to the interests of the English and French, being well-known that the Poles were the first to ask to be exempt from the obligations of automatic sanctions within the framework of the League of Nations. All these would lead to the conclusion that only an unlikely revival of solidarity within the League of Nations or a union of all the Eastern European States could urge the States of Western Europe to come to their rescue in the case of an aggression"[1].

Taking into account the relations between the great powers, Romania pursued, after Munich, *a politics of realities*[2] on the foreign stage – as stated by Grigore Gafencu, the Romanian Foreign Minister from December 1938 to May 1940. During his ministry, Gafencu attempted, in addition to the broad guidelines that had been drawn on the occasion of his appointment as head of Romanian diplomacy, to strengthen ties between the states that formed the Balkan Pact, aiming to turn it into *a block of neutrals* that could stop German penetration in the Balkan Peninsula and safeguard borders in this area. The journeys undertaken in the first half of 1939 to Berlin, Paris, London, Belgrade, Ankara and Athens addressed complete accomplishment of the political objectives Grigore Gafencu had undertaken when he was appointed Minister of Foreign Affairs. Under pressure from public opinion, determined to defend the country's independence and territorial integrity, as well as due to the positive stance of certain leaders, Romania's foreign policy after Munich corresponded to the fundamental interests of the people and of peace in Europe. In an exposé immediately after being appointed head of the Romanian diplomacy, Grigore Gafencu declared Romania firmly pursued a foreign policy of peace. Gafencu specified Romania would continue to fulfil "*her peaceful duties towards herself, her neighbours and all the surrounding states, on the foundation of absolute independence and complete national integrity. No Romanian shall ever allow them to be infringed upon [...] Romania will reject with the utmost resolve any foreign interference in its state affairs, as well as any conspiracy that would tend to disturb her thinking and her life, to weaken her institutions, her defence power, her spiritual unity and faith in the free fulfilment of her high destiny*"[3].

As a result of Germany's increased role in East-Central Europe after the occupation of Austria and the Sudetenland, Romania put great emphasis on specifying her relations with the Third Reich[4]. In this case, Gafencu suggested, "*we have to analyse our position so that we are ready to make certain concessions to Germany, but at the same time maintain our stand in all matters that may endanger our independence and sovereignty*"[5]. Thus, the position that Romania

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[1] *Ibidem.*

[2] Grigore Gafencu, *Preliminarii la Războiul din Răsărit*, Bucureşti, 1996, p. 245 şi urm.

[3] Apud Nicolae Mareş, *Alianța româno-polonă între destrămare şi solidaritate (1938-1939)*, Bucureşti, Editura Biblioteca Bucureştilor, 2010, p. 108.

[4] See *Hitler, Regele Carol şi Mareşalul Antonescu. Relaţiile germano-române (1938-1944)*, ediţie Stelian Neagoe, Bucureşti, 1994; Ioan Chiper, *România şi Germania nazistă. Relaţiile româno-germane între comandamente politice şi interese economice (ianuarie 1933 – martie 1938),* Bucureşti, 2000.

[5] Grigore Gafencu, *Politica externă a României. 1939. Cinci cuvântări*, Bucureşti, 1939, pp. 7-11.

prepared was as clear as possible: have economic connections with the Reich, but within the framework of respect for national independence and sovereignty. This attitude of Romania, coming into conflict with the goals and methods of the Nazi Reich, will explain the difficulties of the Romanian-German negotiations that preceded the famous economic agreement of 23 March 1939[1].

After the events of March 1939, Romania benefited for a while from advantageous external conditions. In the context of the gradual abandonment of the appeasement policy, France and Great Britain proved through material efforts that they were not indifferent to the political and economic enslavement of South-Eastern Europe, including Romania, by Germany. Accordingly, on 31 March 1939, France signed an economic agreement with Romania, and on 11 May 1939, the United Kingdom followed suit by signing a protocol, reinforced on 12 July 1939 through an agreement[2].

Therefore, throughout 1939 Great Britain repeatedly sought to avoid leaving Romania in complete isolation. Referring to this, Alexandru Cretzianu, secretary general of the Ministry of Foreign Affairs, emphasises that Romania had accepted England and France's guarantees and remained connected with them both through close political contacts and also, indirectly, through alliances with Turkey and Poland, which had openly joined the Franco-British system[3].

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[2] *Ibidem*, p. 136.

[3] A.M.A.E., fond 71 Anglia, vol. 39, f. 17.

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THE PARTY OF THE NATION – KING CAROL II'S LAST ATTEMPT TO MONOPOLIZE THE ROMANIAN POLITICAL LIFE

Mihaela Camelia Ilie[*]

Abstract

In the spring of 1940 it became clear to King Carol II that his political construction – the National Renaissance Front – did not receive the support that the King had expected neither from the representatives of the political class, nor from the rest of the citizens. The Sovereign was also concerned with the territorial claims raised by the neighbours of Romania, demands that have been encouraged by Germany, the most powerful military force in Europe at that time. In those circumstances, the King decided to establish the Party of the Nation, labelled as "sole and totalitarian", in order to attract the members of the Iron Guard and to get the support of Berlin. This party maintained, with few exceptions, the organizing structure and functional regulations of the old one. Unfortunately for King Carol II, the replacement of the National Renaissance Front with the Party of the Nation proved to be another of his political errors and consequently, less than three mounts after that transformation, the Monarch left the Romanian political life.

Key words: *King Carol II, National Renaissance Front, the Party of the Nation, Iron Guard, Territorial Losses*

Introduction

For King Carol II becoming the most influent political leader of Romania was a goal he had since 1930, when he returned to Romania. The Monarch, believing that the only way to dominate the political class was to subordinate it, tried, unsuccessfully, to create coalition governments that he could control easier. His plan could became reality at the end of 1937, when none of the political party that run the election was able to reach 40% of the votes[1], that could guarantee for that political party the necessary majority to create the government. The sovereign took that opportunity and let the party that obtained only 9.15 % in the election (fourth place) to create the now Council of ministers[2].

The political instability that Romania was crossing at the beginning of 1938 was speculated by the King, whom, at March 30th, gave a decree mentioning that all the traditional political parties had to be dissolved[3].

National Renaissance Front – the royal political party

On December 16th, that same year, King Carol II created his own political party – the National Renaissance Front[4]. This political construction tried to reunite the leaders and

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[1] Lucian Boia, *România, ţară de frontieră a Europei*, Bucureşti, Editura Humanitas, 2002, p. 90.

[2] Ioan Scurtu, Gheorghe Buzatu, *Istoria românilor în secolul XX*, Bucureşti, Editura Paideia, 1999, p. 334.

[3] *Istoria Românilor*, vol. VIII, *România Întregită (1918-1940)*, coord. prof. univ. dr. Ioan Scurtu, secretar dr. Perte Otu, Bucureşti, Editura Enciclopedică, 2003, p. 395.

[4] Serviciul Arhivelor Naţionale Istorice Centrale (The Service of Central Historical National Archives of Romania, hereinafter: S.A.N.I.C.), Fund Frontul Renaşterii Naţionale, file no. 1/1939, f. 8.

also the regular members of the traditional political parties in order to legitimate its existence.

In early 1939, the central structure of the royal political party was established: it was established the Directorate and the National Superior Council of the National Renaissance Front[1] and it was also created the first government of the Front[2], under the leadership of Miron Cristea, the Patriarch of Romania[3]. The attempt to recruit the representatives of the Orthodox Church was not random and the nominalization of the Patriarch Miron Cristea as prime minister brought to the royal political party the support of one of the most important Romanian state institutions – the Church. In a time when the majority of the Romanian population belonged to the Orthodox confession, and the obedience to the priests was undeniable, the involvement of Orthodox Romanian Church leaders and its priests in the King's political plan[4] gave, at least in theory, the prospects of a rapid development for the N.R.F.. From participation in different festivals staged by the representatives of the single political party[5], Orthodox priests led a campaign to promote the Romanian single party[6]. With all this support, the Front failed to translate into practice the political ideas of King Carol II.

The reorganization of the single political party

Another characteristic of the royal political party, which worked to its detriment, was the legislative instability manifested throughout the entire existence of the National Renaissance Front. The policy depicted by the founding documents of the N.R.F., complemented by the decree for the establishment of the Front[7] from January 5th, 1939, proved to be ineffective. If, at the central level the institutions necessary to coordinate the party's activity have been created in a few months – the Directorate, the National Supreme Council and the N.R.F. Government[8], the local organizations raised various problems. Among them we mention the lack of communal secretaries, poor communication between local and central institutions[9], but also a low interest expressed by the representatives of the single political party for the implementation of the instructions coming from the centre[10].

After the assassination of Armand Călinescu[11], on September 21th, 1939, the National Renaissance Front entered a new stage. By losing one of the most important representatives of the royal political construction, Carol II felt the need to become more

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[1] *Ibidem*, f. 10.
[2] "România" from February 3rd, 1939, p. 1.
[3] S.A.N.I.C., Fund Preşedinţia Consiliului de Miniştri, file no. 167/1939, f. 5.
[4] Idem, Fund Frontul Renaşterii Naţionale, file no. 174/1939-1940, f. 83.
[5] Idem, Fund Casa Regală, vol. III. Carol al II-lea, file no. 10/1940, f. 2.
[6] Idem, Fund Frontul Renaşterii Naţionale, file no. 262/1939-1940, f. 56.
[7] *Ibidem*, file no. 1/1939, ff. 10-11.
[8] *Ibidem*, f. 10.
[9] Idem, Fund Frontul Renaşterii Naţionale, Anexă, file no. 2/1939, ff. 21-23; Fund Inspectoratul General al Jandarmeriei, file no. 6/1940, ff. 24-26.
[10] Idem, Fund Frontul Renaşterii Naţionale, file no. 176/1939, f. 232; file no. 234/1939, f. 16.
[11] *Istoria Românilor*, vol. VIII, pp. 403-404. Carol al II-lea, *Însemnări zilnice. 1937-1951*, vol. II, *13 martie – 15 decembrie 1939 (Caietele 8-10)*, Bucureşti, Editura Scripta, 1997, p. 229.

involved in the reorganization of his political party[1]. Thus, the last months of 1939 and the first half of 1940 were dominated by the attempts to reform the N.R.F.[2]. Less than a year after the creating the single political party, the Sovereign found himself in a the position to start a campaign to reorganize the N.R.F., an action reflected in the establishment of two new ministries – the Ministry of Propaganda and the Ministry of the National Renaissance Front Organization[3]. Both of them had as main purpose to propagate the political principles of N.R.F. and to help their implementation. An important part of that new direction was the openness of the single political party to the former representatives of the traditional political parties, especially the Iron Guard[4]. In theory, the attempt to recruit the Legionnaires was justified by the close relations that they had with the leaders of Germany[5].

The Party of the Nation – "sole and totalitarian"

The beginning of 1940 brought new changes in the legislation and the organization of the National Renaissance Front[6]. The final makeover of the first single political party from Romania was yet to come. The last attempt to re-organize the royal political creation was on June 21th, 1940, when King Carol II issued a law-decree that transformed the National Renaissance Front Royal into the Party of the Nation.[7] The first article of that document described that the Party of the Nation was "sole and totalitarian party"[8].

To legitimize his actions, King Carol II tried to promote the idea that the road to totalitarianism was the only chance that Romania had to succeed during those troubled times. Starting with June 23rd, 1940, Horia Sima the leader of the Iron Guard, asked the Legionnaires to join the new political party – "[...] I order to all my comrades and to their friends to join immediately «the Party of the Nation», where, as his loyal soldiers, to serve faithfully and with all their straight the Country and its King"[9]. As expected, the formal leaders of the traditional political parties protested against the new royal political party.[10]

The Party of the Nation would have to operate "under the supreme leadership of His Majesty the King" becoming also similar to "a public institution"[11]. The totalitarian character of the royal political party was depicted in the third article of the low-decree mentioned above: "the Supreme Leader appoints the top forums of the political party that

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[1] *Ibidem*, p. 230.
[2] S.A.N.I.C., Fund Ministerul Propagandei Naţionale (Presa Internă), file no. 403/1939, ff. 120-126.
[3] Idem, Fund Preşedinţia Consiliului de Miniştrii, file no. 167/1939, ff. 85-86.
[4] Horia Sima, *Sfârşitul unei domnii sângeroase (10 decembrie 1939 – 6 septembrie 1940). Lupta Mişcării Legionare contra regimului Carol II*, Constanţa, Editura Metafora, 2004, *passim*.
[5] Rebecca Haynes, *Politica României faţă de Germania între 1936 şi 1940*, translated by Cristina Aboboaie, Iaşi, Editura Polirom, 2003, *passim*.
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[7] S.A.N.I.C., Fund Frontul Renaşterii Naţionale, file no. 2/1939-1940, f. 30.
[8] *Ibidem*.
[9] Lucreţiu Pătrăşcanu, *Sub trei dictaturi*, Bucureşti, Editura Politică, 1970, p. 175.
[10] Joachim von Kürenberg *Carol al II-lea şi doamna Lupescu*, translated by Liana Fieraru, Bucureşti, Editura Ştiinţifică, 2000, p. 178.
[11] S.A.N.I.C., Fund Frontul Renaşterii Naţionale, file no. 2/1939-1940, f. 30.

became the only ones responsible"[1]. Any democratic election for the leaders of the P.N. was thus excluded.

Internally, the leaders and members of the traditional political parties, becoming aware of the seriousness of the international situation and the severity of the repercussions that could have (and has had) on Romania, have given their endorsement on the policy of the Sovereign and, by default, to the Party of the Nation. Among them, Ion Mihalache was an important personality, one of the leaders of the National Peasants' Party, who accepted the position of royal advisor. This late support from some of the Romanian politicians did not counteract the pressures exercised form the outside on the territorial integrity of Romania.

The transition to the Party of the Nation was the last attempt to establish a viable political construction, which actually never reached the popularity level that the King Carol II hoped for. A few days after the act of transforming the National Renaissance Front into the Party of the Nation, Romania's drama began[2]. For the Romanian citizens the Sovereign was responsible for the territorial losses – Bessarabia and Northern Bukovina, an important part of Transylvania, and also the Quadrilateral[3]. The King appealed to General Ion Antonescu in order to form a new government. On September 5th, 1940, Carol invested the general with full powers in order to rule Romania; four days later, Ion Antonescu signed the law-decree for abolishing the Party of the Nation.

Conclusions

The last months of existence of the single political party corresponded to the last months of the King's political life. By the Romanian territorial losses from the summer and autumn of 1940, Carol II became responsible for this situation, his abdication, imposed by the new conditions on September 6th, 1940, causing the abolition of the royal party. Emerged from the Sovereign's desire to dominate the Romanian society, through his own party, the N.R.F. (thereafter P.N.) disappeared from the political scene together with its initiator. Born from an idea of the authoritarian ruler of Romania, who wanted to expand his projected absolute power not only on the Romanian political class, but also on the entire nation, the National Renaissance Front embraced the fate of its creator – without external support and without real internal support, the Party of the Nation left the political scene in the fall of 1940.

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[1] *Ibidem.*

[2] Mihaela Ilie, *Re-Scaling Territories and Borders: Regional Claims and Local Powers in Romania in the Mid-20th Century Period*, in "Revista de Ştiinţe Politice. Revue de Science Politiques", no. 44/2014, Craiova, Universitaria Publishing House, pp. 203-212.

[3] Corneliu Mihail Lungu, Ioana Alexandra Negreanu, *România în jocul Marilor Puteri 1939-1940*, ediţia a II-a, Bucureşti, Editura Curtea Veche, 2003, *passim.*

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TRASFONDO DEL DECRETO-LEY 187 DE 1945 PARA LA REFORMA AGRARIA: PROLEGÓMENOS DE LA COLECTIVIZACIÓN EN LA RUMANÍA DE POSGUERRA

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Resumen

En plena II Guerra Mundial, el golpe de Estado de Mihai I el 23 de agosto de 1944 para romper los lazos de Rumanía con el eje alemán y capitular ante la Unión Soviética, permitió la entrada del Partido Comunista Rumano en el gobierno de Bucarest. A partir de ese momento, su influencia creciente en el Parlamento y el resto de instituciones del Estado permitió que el proyecto de reparto de tierras presentado por los socialdemócratas se sustituyese por una más radical reforma agraria, ejecutada mediante el Decreto-Ley 187 de 1945, que benefició a más de 796.000 familias campesinas pero que operó, sobre todo, como una plataforma para la victoria comunista en los comicios de 1946, su consolidación en el poder y la puesta en marcha del esquema de colectivización del campo rumano, con la URSS como modelo socioagrario.

Palabras clave: *Rumanía, reforma agraria, 1945, Partido Comunista Rumano*

1. El contexto reformista

Sin que hubiese finalizado aún la II Guerra Mundial, Rumanía había perdido casi de 1/3 de su territorio. El 26 de junio de 1939, el Ministro de Asuntos Exteriores de la URSS, Viacheslav Mijáilovich Molotov (1890-1986), impuso a Rumanía un ultimátum por el cual o devolvía Besarabia y el norte de Bucovina, o invadían el país. Más tarde, el 29 de agosto de 1940, con el beneplácito de Hitler, Hungría impuso a Rumanía el Dictado de Viena por el que debía renunciar a parte de la Transilvania anexionada tras la I Guerra Mundial. Finalmente, el 7 de septiembre del mismo año, Rumanía perdía el Cuadrilátero dobrogeano a favor de Bulgaria mediante el Tratado de Craiova, también apoyado por Alemania[1].

En este sentido, Rumanía no se benefició de sus alianzas con las potencias del Eje, más bien al contrario. El país poseía en Ploieşti uno de los mejores yacimientos de petróleo de Europa. Hitler había conseguido absorber la práctica totalidad tanto del petróleo como de la producción agrícola del país carpático, bienes que necesitaba controlar hasta el final de la contienda. De ahí que, subyugada Rumanía, priorizara ante

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[1] Ello supuso el final de la *România Mare* o Gran Rumanía, es decir, la Rumanía que, tras la I Guerra Mundial y la firma de la Paz de París (1919-1920) en condición de aliada al bando vencedor, había conseguido anexionarse Transilvania, Maramureş, Crişana, el Banat, Besarabia y buena parte de Bucovina, duplicando su tamaño hasta los 294.030 km².

todo la estabilidad entre el resto de sus aliados regionales, apaciguando las reclamaciones de Hungría y Bulgaria en detrimento de las rumanas.

Pérdidas territoriales y humanas de tal magnitud, el debilitamiento alemán en el Frente del Este y la práctica ocupación de Rumanía por parte del Ejército Rojo dejaron poco margen de maniobra al rey Mihai I, quien dio un golpe de Estado el 23 de agosto de 1944[1], depuso y entregó a las autoridades al dictador Ion Antonescu (1882-1946), nombró como Primer Ministro al pro-aliado Constantin Sănătescu (1885-1947), retiró oficialmente al país del Pacto Tripartito firmado entre las potencias y aliados del Eje el 27 de septiembre de 1940 en Berlín, declaró la guerra a Alemania y sumó sus fuerzas al ejército soviético. Tal giro hizo que Rusia tomase de facto el control de buena parte del país, gestionando el orden público en Transilvania e imponiendo el rumbo de la vida administrativa en Moldavia y Bucovina. Ello supuso a la postre un hecho trascendental para el Partido Comunista de Rumanía pues lo que verdaderamente estaba haciendo el gobierno rumano era apoyar a la URSS, la mayor potencia aliada de la región.

En uno de sus viajes a la zona durante 1944 y 1945, el historiador Henry Roberts constató cómo el ejército rojo comenzaba ya a obligar a los campesinos a poner en común parte de sus tierras y unirlas a fincas abandonadas para trabajarlas de forma conjunta[2]. Es necesario tener en cuenta que la II Guerra Mundial provocó en Rumanía, según fuentes estadounidenses, más de 985.000 muertos, 375.000 deportaciones de judíos, 177.000 de húngaros y 61.000 de búlgaros, además de la huida de 200.000 alemanes y la entrega a la URSS de otros 80.000 germanos transilvanos en concepto de mano de obra por daños de guerra[3]. Ello provocó el abandono de muchas tierras que tras la llegada del ejército soviético estaban siendo improductivas, lo que repercutía negativamente en la propia URSS, que había impuesto a Rumanía la obligación de mantener materialmente a su ejército mientras durase el periodo de ocupación. Es en este contexto en el que cabe interpretar la puesta en marcha de las primeras asociaciones de trabajo colectivo, un tanto informales aún, que el ejército soviético propició, de forma parecida a como lo estaban haciendo en la URSS, si bien para el propio interés ruso y no del campesinado rumano.

Más allá de estos ensayos puntuales, Rumanía se descalabraba agroeconómicamente. De ser el granero de Europa a finales de los años 30 con una producción anual por encima de los 44,5 millones de toneladas de trigo y más de 60,5 millones de toneladas de maíz, había pasado a tener el rendimiento agrícola más bajo del continente, con no más de 560 kilogramos de trigo por hectárea, mientras Gran Bretaña superaba los 2.400. Ello le

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[1] Los fracasos de 1942 en el frente del Este comenzaron a virar la opinión de Mihai I y su corte, hasta entonces coaligados con un gobierno totalitario y pro-nazi. Stalingrado estaba siendo un desastre. El invierno de 1942 se echó encima del VI Ejército Alemán sin haber sido capaces de tomar la ciudad, en ruinas y enfrascada en una guerra de guerrillas urbanas, mientras que Stalin estrechaba el cerco. Las brigadas siberianas resistieron la acometida alemana y el invierno jugó a su favor. El 31 de enero de 1943, el enfrentamiento había sido ganado por la URSS, lo que supuso un punto de inflexión en la guerra. Por primera vez, el ejército nazi había perdido una gran batalla, debilitando la lealtad de sus aliados. Ante tales acontecimientos, Mihai I envió a altos represents del Estado a negociar armisticios con Gran Bretaña y Estados Unidos. Tras las negociaciones y la ocupación de Rumanía por el ejército ruso, el rey retiró su confianza al gobierno germanófilo.

[2] Henry L. Roberts, *Political problems of an agrarian State*, New Haven, Yale University Press, 1951.

[3] USDC (Departamento de Comercio de Estados Unidos), *East Europe report: Romania's socialist agriculture*, Foreign Broadcast Information Service, Springfield, 1985.

supuso producir por debajo de los 10,6 millones de toneladas de trigo al año y no más de 11 millones de toneladas de maíz[1]. La contienda estaba destrozando las estructuras productivas del país, especialmente las agrarias.

Ante esta situación, el Ministro socialdemócrata Şerban Voinea (1893-1969) propuso ceder las tierras abandonadas a los campesinos que fuesen capaces de trabajarlas. Urgía aprovechar los recursos nacionales y aumentar la producción. Los campesinos debían estar al menos 6 semanas trabajándolas para demostrar que podían ponerlas en producción, plazo tras el cual comenzaría el proceso de expropiación a su favor. Tal propuesta produjo enfrentamientos en el parlamento rumano incluso entre los mismos partidarios de la reforma, especialmente entre miembros del Partido Comunista Rumano, en adelante PCR, y del Partido Nacional Campesino, en adelante PNT[2], puesto que los primeros eran partidarios de solventar el problema económico y social del medio rural a través de expropiaciones a gran escala, de todas las propiedades que excedieran de 50 hectáreas, mientras que los del PNT preferían expropiaciones selectivas según la demanda de tierras y sujetas, por supuesto, a compensaciones económicas[3].

El apoyo de la URSS a los líderes comunistas y pro-soviéticos del gobierno de coalición constituido el 23 de agosto de 1944 permitió finalmente que se impusiesen las tesis del PCR y se promoviese con celeridad una nueva reforma agraria. No obstante, los comunistas no controlaban totalmente el gobierno del país, de ahí que la propuesta y elaboración del proyecto de reforma agraria deban ser interpretadas muy especialmente en clave electoral.

Rumanía tenía una cita con las urnas el 19 de noviembre de 1946 y al PCR no le bastaba con el apoyo explícito de la URSS, necesitaba además conseguir el respaldo del electorado para poder consolidarse en el poder sin las tensiones propias de las revoluciones vividas más al Este. Tras varios años de guerra, cambios de bando y una economía desquebrajada, los líderes comunistas no se permitieron el lujo de un cambio político a base de revueltas y alzamientos populares al estilo de los acontecidos en Rusia en las décadas anteriores, aunque el escenario político y miliar se lo hubiera permitido. Planificaron por tanto una transición hacia el comunismo de forma más paulatina y controlada.

Para ello, el PCR necesitaba obligatoriamente conectar con el campesinado. Rumanía continuaba siendo un país de población mayoritariamente rural, con lo que el granero de votos estaba en el campo. ¿Y qué podría generar un mayor número de simpatías entre los campesinos rumanos que un reparto de tierras? Efectivamente, la reforma agraria resultaba no sólo una herramienta fundamental para la purga ideológica y étnica de una Rumanía controlada por un gobierno germanófobo y con ideología filo-leninista sino también un reclamo perfecto para atraer a los campesinos a la causa comunista.

Así, Petru Groza[4] (1884-1958) recogió el guante de las manifestaciones campesinas que se estaban dando lugar en varios puntos del país[1] y persiguió, antes aún de ascender al

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[1] A. Cartwright, *The return of the peasant. Land reform in post-Communist Romania*, Ashgate, Aldershot, 2001.

[2] Siglas del nombre original en rumano: *Partidul Naţional Ţărănesc.*

[3] I. Scurtu, *România: viaţa politică în documente 1945*, Bucarest, Arhivele Statului din România, 1994.

[4] Futuro Primer Ministro desde 1945 a 1952 y luego Presidente de la Gran Asamblea Nacional de Rumanía hasta 1958.

poder, trabar una relación estrecha entre el PCR y el campesinado atrayendo sus voluntades con la enérgica promesa de una reforma agraria inmediata, animando incluso a la desobediencia civil y la insurrección:

"Țărani și țărance! de la guvernul care este acum la putere, Voi nu aveți nimic bun de așteptat, căci în acest guvern, cei mai mulți miniștri trimiși acolo de conducerile partidelor Național Țărănesc și Liberal nu vor ca voi să fiți împroprietăriți. Se apropie timpul însămânțărilor de primăvară. Voi vreți să faceți însămânțările pe pământul vostru. Nu aveți timp de pierdut. Treceți imediat la lucru. Aveți comitetele voastre sătești. Strângeți-vă cu toții și dați însărcinare comitetelor voastre, să alcătuiască tabel cu plugarii fără pământ și cu pământ puțin, pentru ca fiecăruia să i se dea în stăpânire lotul cuvenit. Frați țărani, strângeți-vă rândurile, adunați-vă puterile, înfăptuiți imediat reforma agrară"[2].

"Campesinos y campesinas! El gobierno está en el poder, no tenéis nada bueno que esperar [de él], porque en este gobierno, muchos de sus ministros elegidos por el liderazgo del Partido Campesino y el [Partido] Liberal no quieren que seáis propietarios. Se acerca el tiempo de la cosecha de primavera. Deberíais poder sembrar en vuestras tierras. No hay tiempo que perder. Poneos manos a la obra. Constituid comités en vuestros pueblos. Reuníos con todos y dadles un lugar en vuestro comité, conformando mesas con jornaleros sin tierras y pequeños campesinos para que a cada cual se le dé el lote [de tierra] convenido. Hermanos campesinos, erguíos firmes, tomad el poder, emprended inmediatamente la reforma agraria". Traducción propia.

Mejoradas las posiciones del PCR en el gobierno, una vez destituido Nicolae Rădescu (1864-1953) por presiones del Kremlin y nombrado Primer Ministro a Petru Groza el 6 de marzo de 1945, el titular de la cartera de Agricultura y Secretario de Estado, Romulus Zăroni (1906-1962), dirigió el 22 de marzo una misiva a Mihai I en la que notificaba al soberano que el país necesitaba social y económicamente la pues en marcha de una reforma agraria. La finalidad última de la reforma sería la de distribuir tierras entre jornaleros y pequeños campesinos, lo que fortalecería al campesinado y mejoraría su nivel de vida, especialmente el de los estratos más pobres. Tal notificación no tenía ningún objetivo negociador con la Corona y los sectores más conservadores afines a ella sino puramente protocolario, informativo, pues la reforma ya estaba consensuada y el decreto preparado para su aprobación y publicación en el *Monitorul Oficial al României*. De hecho, al día siguiente, el 23 de marzo de 1945, el gobierno promulgó el Decreto-Ley 187 para la aplicación de la Reforma Agraria, publicado ese mismo día en el boletín oficial del Estado[3].

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[1] Por ejemplo, la manifestación del 22 de octubre de 1944 en Bârlad (Vaslui), en la que desfilaron pancartas con lemas como *"Queremos la expropiación de los latifundios y su reparto entre los campesinos"* o *"Hacemos pan y comemos polenta"*. Fuente: Archivo del Partido Comunista de Rumanía, Bucarest.

[2] Arenga reformista de Petru Groza, folleto de 10 de febrero de 1945, en G. Ionescu, *Communist in Rumania 1944-1962*, Londres, Oxford University Press, 1964.

[3] *Decreto-Ley n° 187, de 23 de marzo de 1945, para la aplicación de la Reforma Agraria*, en "Monitorul Oficial", nr. 68 bis, de 23 de marzo de 1945.

"Prin justa aplicare a decretului de față se soluționează una din problemele de bază ale României și se deschid pentru o importantă parte a țărănimii noastre noi perspective de viață"[1].

"Con la justa aplicación del presente decreto se soluciona uno de los problemas de base de Rumanía y se abre para una importante parte de nuestros campesinos nuevas perspectivas de vida". Traducción propia.

2. Estructura y alcance de la norma

La Ley, estructurada en 5 capítulos y 26 artículos, comenzó con parecidas palabras a las dirigidas por Zăroni a Mihai I, acompañadas al final de toda una declaración de intenciones relativa a las clases sociales de las que se detraerían las tierras y bienes necesarios para implementar la reforma:

"Art. 1. Reforma agrară este pentru țara noastră o necesitate națională, economică și socială. Agricultura României se va sprijini pe gospodării puternice, sănătoase și productive, pe gospodării care sunt proprietatea particulară a celor care le stăpânesc"[2].

"Art. 1. La reforma agraria es para nuestro país una necesidad nacional, económica y social. La agricultura rumana se apoyará en las explotaciones familiares más potentes, sanas y productivas, con las propiedades de aquéllos que gobernaban". Traducción propia.

Los objetivos, al menos oficiosos, de la Ley se recogieron en el artículo 2, y giraron en torno a la ampliación de las explotaciones agrícolas menores de 5 hectáreas, el reparto de tierras entre los jornaleros, la cesión de huertos a los funcionarios, obreros y artesanos de las ciudades y pueblos industriales, y la reserva de suelo para promover escuelas agrarias y de experimentación agronómica y zootécnica, postergándose en el tiempo el reparto de suelos forestales y vitivinícolas.

La norma no estableció, como en anteriores reformas sí se había hecho, un detallado sistema de prioridades con objeto de resolver los conflictos de intereses entre las diferentes familias con derecho a tierras[3]. Más allá de solventarlo, se introdujo un único

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[1] Extracto de la nota oficial del Ministro de Agricultura al rey Mihai I, del 22 de marzo de 1945, en *Decreto-Ley n° 187, op. cit.*

[2] Artículo 1 de la Ley, sobre el propósito de la norma, en *Decreto-Ley n° 187, op. cit.*

[3] En la reforma agraria de 1864, la primera en la historia de Rumanía, la norma estableció un sistema de prelación diferenciando campesinos con tierras y campesinos sin tierras, cuya región de origen (condados de Milcov al Este, condados de Milcov al Oeste o condados del Prut) y carga ganadera (número de bueyes y vacas en propiedad), determinaban la superficie de tierra a la que tenían derecho (*Ley, de 15 de Agosto de 1864, para la Regulación de la Propiedad Rural*, en "Monitorul Oficial" nr. 181 de 15 de agosto de 1864). Por otro lado, para la reforma agraria aplicada en Rumanía entre 1918 y 1921 se establecieron sistemas de prelación más complejos introduciendo criterios etnonacionalistas (aunque negado por el gobierno, tuvo el propósito de detraer las tierras de la clase dominante transilvana, de origen mayoritariamente magiar y germánico) y belicista (para gratificar la participación en las contiendas mantenidas por Rumanía en las primeras décadas del siglo XX), de hecho, en el reparto de tierras prevalecieron los derechos de los movilizados en las campañas militares de 1913 y de 1916-1919 a los derechos de los jornaleros y los campesinos (*Decreto n° 1036, de 11 de marzo de 1920 para la reforma agraria en Besarabia*, en "Monitor Oficial" nr. 258 de 13 de marzo de 1920; *Ley n° 3093, de 14 de julio de 1921, para la Reforma Agraria de Oltenia*,

referente de prioridad: haber sido parte del ejército en la contienda bélica. Así, el artículo 12 de la Ley decretaba la prelación de todos aquellos soldados concentrados, movilizados y en general que hubiesen combatido contra la Alemania de Hitler, que quisiesen tierras, en detrimento de los anteriores grupos.

Al contrario que la reforma agraria de 1921, en la que el gobierno bajo la tutela de Ferdinand I se ufanó en negar cualquier tipo de discriminación étnica en el propósito de la Ley, en el Decreto de 1945 se señaló literalmente a los germanos como el grupo prioritario sobre el que aplicar las expropiaciones. De hecho, el punto 'a' del artículo 3 de la Ley decretó la expropiación de todas las tierras y propiedades de cualquier naturaleza que perteneciesen a ciudadanos germanos (con o sin nacionalidad rumana) que hubiesen colaborado con la Alemania nazi. Podría haberse omitido el grupo étnico y castigar con tal medida punitiva a cualquier ciudadano colaboracionista con el Eje, mas al contrario, el gobierno se constituyó portavoz de la germanofobia que imperaba en Rumanía tras de 5 años de guerra y varios siglos de dominación rural de los germanos, junto a los magiares, en amplias zonas de Transilvania. La identificación sin paliativos de la comunidad germana de Rumanía con el Eje[1] ayudó al nuevo gobierno a azuzar la inquina contra los germano-transilvanos, sin que éstos encontrasen voces críticas dentro de los partidos mayoritarios que advirtiesen que también el régimen y los seguidores de Antonescu habían comulgado con Hitler y que sin embargo, ello no se interpretaba en clave etnonacional.

Ahondando en la línea belicista, la Ley decretó la confiscación de todas las tierras y bienes de los criminales de guerra y de "*ale celor vinovaţi de dezastrul ţării*", es decir, de todo "aquel responsable del desastre del país"[2]. La guerra no había acabado aún y evidentemente, todo aquel considerado criminal de guerra contaba con pocas garantías de ser juzgado de forma no sumarísima. Además, el gobierno había introducido el concepto de "responsable del desastre del país" como una suerte de eufemismo, de fronteras semánticas absolutamente ambiguas, cuya principal función fue la de permitir la incautación arbitraria de los bienes de todo aquel que entrase dentro de los planes de purga o revancha del grupo en el poder.

Además de germanos colaboracionistas, criminales de guerra y responsables de no se sabe muy bien qué problemas nacionales, la Ley permitió confiscar las tierras de todos

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Muntenia y Dobrogea (del Antiguo Reino), en "Monitorul Oficial" nr. 82 de 17 de julio de 1921; *Ley n° 3610, de 30 de julio de 1921 para la reforma agraria de Transilvania, el Banat, Crişana y Maramureş*, en "Monitor Oficial" nr. 93 de 30 de julio de 1921 y *Ley n° 3608, de 23 de julio de 1921 para la Reforma Agraria de Bucovina*, en "Monitor Oficial" nr. 93 de 30 de julio de 1921). Lo anterior puede consultarse con mayor detalle en J. Díaz-Diego, *La reforma agraria rumana de 1864. Frustración campesina y precarización de la servidumbre*, en "Transylvanian Review", vol. XXII, n° 2, 2013, pp. 242-265, y en J. Díaz-Diego, *La tierra en el puzzle rumano de entreguerras: razones, modos y consecuencias de la reforma agraria rumana de 1918/1921*, en "Acta Histriae", vol. XXII, n° 3, 2014, pp. 715-740.

[1] En una entrevista al diario Público, el 1 de octubre de 2011, Eginald Schlattner, uno de los más destacados escritores transilvanos en lengua alemana, expresaba la total sintonía de la comunidad germano-rumana de la época con el bando alemán, de la siguiente forma: "*Sentíamos un entusiasmo auténtico y verdadero, estábamos fascinados por Hitler. Incluso llegamos a celebrar su cumpleaños en Bucarest. Estábamos dispuestos a saltar por los aires por Hitler si fuera necesario. Es imposible poder explicarlo. Probablemente tenía algo de irracional y metafísico*", en G. Domínguez, *Sentíamos auténtica fascinación por Hitler*, en "El Público", online: http://www.publico.es/culturas/399254/sentiamos-autentica-fascinacion-por-hitler, 01/10/2011.

[2] Art. 3, *Decreto-Ley n° 187, op. cit.*

aquellos que hubiesen huido a cualquier país al que Rumanía hubiese declarado la guerra o bien se hubiesen refugiado en el extranjero después del 23 de agosto de 1944, fecha en la que el rey y el nuevo gobierno habían cambiado de bando. Evidentemente, la elección de tal fecha afectaba principalmente a la comunidad alemana de Transilvania pues el giro de alianzas había hecho que el bando hacia el que los germanos tenían afinidad pasase a ser el enemigo, el perseguido. Tras el 23 de agosto, la situación para los germanos transilvanos se complicó enormemente, tomando muchos de ellos el camino del exilio.

A renglón seguido, la Ley decretó la expropiación de todas las tierras y bienes de los ausentes. Por tanto, el punto anterior no tenía más sentido que hacer especial hincapié en la incautación de los bienes de los germanos en el país, pues al fin y al cabo, se encontrase fuera de Rumanía el ciudadano de la nacionalidad o grupo étnico que fuese, allá donde fuese y en la fecha en la que hubiese salido, si se constataba su ausencia, sus tierras pasaban a formar parte del fondo de reserva para la reforma agraria, por lo que se podría haber evitado la redacción del punto que le precedía, sobre los refugiados posteriores al 23 de agosto de 1944.

El artículo 3 sobre la expropiación proseguía permitiendo la confiscación de todas aquellas fincas mayores de 10 hectáreas que en los últimos 7 años no hubiesen sido trabajadas, es decir, las tierras que estuviesen en régimen de manos muertas. Se expropiaron también los bienes de todos aquellos que se alistaron voluntariamente para luchar en cualquier ejército enemigo de las Naciones Unidas. No obstante, el artículo introducía un matiz muy significativo que permitía exonerar de responsabilidad a los "rumanos" (en su sentido étnico) que hubiesen combatido junto al ejército alemán, aliado de Rumanía, recordemos, hasta agosto de 1944. Así, la Ley volvía a introducir un elemento de discriminación étnica, presuponiendo tácitamente que los rumanos de etnia rumana se vieron forzados a luchar contra los Aliados mientras que los rumanos germanos y magiares lo hicieron voluntariosamente. Se trataba, una vez más, de encarnar al enemigo simbólico de Rumanía en la piel de húngaros y alemanes.

Finalmente, la Ley fijó en 50 hectáreas la extensión máxima de tierras que podía poseer una familia. Todo lo que excediese de 50 hectáreas sería expropiado, se tratasen de tierras de cultivo, huertos, prados, pastos, lagunas, estanques o tierras inundables[1]. Toda construcción, estructura o instalación vinculada a la tierra expropiada, así como el ganado en proporción a los bienes decomisados, sería incautado también, si bien el propietario tenía el derecho a elegir qué lote de 50 hectáreas se quedaría, de entre todas sus posesiones y, por tanto, qué instalaciones anejas. En cualquier caso, las 50 hectáreas debían formar una sola finca en pos de la concentración parcelaria. Por su parte, la maquinaria agrícola destinada al trabajo de la tierra expropiada pasaba directamente al Estado, quien lo gestionaría en centros provinciales en los que los campesinos podrían alquilarla[2] para todas las tareas agrarias excepto para la recogida de la cosecha subsiguiente, pues la Ley protegió el derecho de las familias terratenientes al usufructo de lo plantado en sus fincas con

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[1] La norma no estuvo exenta de excepciones. No fueron objeto de expropiación, hasta la consolidación de la República Popular, las tierras y bienes de los monasterios, las metropolías, los episcopados, las basílicas, las parroquias, la Corona, los hospitales, los instituciones culturales, la Academia Rumana, la Casa Escolar y en general los bienes del Estado.
[2] Art. 3, 4 y 6, *Decreto-Ley n° 187, op. cit.*

posterioridad al 23 de agosto de 1944[1], lo que les valió poder cosechar al año siguiente, decretado ya, incluso, el decomiso de sus tierras.

Para calcular el tamaño de las propiedades rústicas de cada familia, la norma fijó como propiedad agrícola todo suelo no urbano, continuo o no, ubicado en cualquier parte del país que perteneciese a un único propietario, si bien el cómputo final no resultaba de las posesiones individuales sino de las familiares, dado que para determinar si procedía o no la expropiación, se sumaban todas las propiedades y copropiedades del matrimonio y de los hijos menores de edad. Tan sólo en el caso en que la mujer hubiese adquirido o heredado alguna propiedad rústica antes o después del matrimonio de forma privativa, es decir, que la misma no pudiese ser considerada bien ganancial, se respetarían 10 hectáreas más por familia, por lo que podrían conservar hasta 60 hectáreas. La Ley rehuía así del sentido individual de la propiedad para decantarse por la dimensión familiar de la misma[2].

Y todo ello sin compensación alguna[3]. Era la primera reforma agraria en la historia de Rumanía en que los propietarios afectados no recibirían contraprestación por los bienes que se les incautaban en aras del bien nacional, lo que alejaba significativamente el espíritu de la norma de las anteriores reformas agrarias de corte liberal y la aproximaba a la filosofía socialista que se consolidaba en los campos de su vecino más influyente, la URSS.

En cuanto a la expropiación, tras la publicación de la norma en el boletín oficial de 23 de marzo, los alcaldes contaron con 10 días para reunirse en asamblea con todos los jornaleros sin tierras y los campesinos con pequeñas explotaciones (< 5 ha) para elegir un Comité Local de Apropiación (*Comitetul Local de Împroprietărire*[4]), cuyos miembros oscilaron entre 7 y 15. Los comités locales fueron los encargados de elaborar y facilitar al Estado el inventario actualizado de todos los bienes objeto de incautación, expropiación y reparto, además de la carencia de pastos en cada uno de los pueblos para el análisis y planificación de las subdivisiones[5].

Al mismo tiempo, se constituyeron comisiones comarcales (*comisii de plasă*) para coordinar el trabajo de los comités locales, dirimir los desacuerdos entre propietarios o entre aldeas y resolver las controversias que pudiera suscitar el texto de la norma. Tales comisiones comarcales estaban compuestas por dos miembros de cada comité local y un presidente designado por el Ministerio de Agricultura que debía ser juez o abogado[6].

El tamaño de los lotes de tierra dependió del conjunto final de expropiaciones y la demanda de los campesinos. En cualquier caso, los lotes asignados no sobrepasaron las 5 hectáreas, excepto en los casos en que los campesinos accedieron a trasladarse a otras regiones con menor demanda o una mayor reserva final de tierras[7], como fue el sureste

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[1] Art. 19, *Decreto-Ley n° 187, op. cit.*

[2] Art. 5, *Decreto-Ley n° 187, op. cit.*

[3] Art. 7, *Decreto-Ley n° 187, op. cit.*

[4] El Archivo Nacional Histórico Central de Rumanía, en Bucarest, conserva una importante fototeca de comités locales en trabajos de deslinde, como por ejemplo, el Comité Local de Corabia (Olt) en trabajos de expropiación en 1945.

[5] Art. 9 y 11, *Decreto-Ley n° 187, op. cit.*

[6] Art. 10, *Decreto-Ley n° 187, op. cit.*

[7] Art. 14 y 15, *Decreto-Ley n° 187, op. cit.*

lacustre del país[1]. Tras el reparto de lotes y el primer pago, los títulos de propiedad eran expedidos por la prefectura provincial[2].

En cuanto al precio de la tierra, el valor de cada hectárea se fijó en la mitad de su producción anual. Así, 1 hectárea pasó a valer 1.000 kg de trigo o bien 1.200 kg de maíz. Cada nuevo propietario debía hacer frente a un primer pago inmediato en efectivo o en especie calculado sobre el 10% del valor del lote asignado. Si lo pagaba en efectivo, debía ajustarse al precio del trigo en el mercado a 1 de marzo de 1945. El 90% restante debía ser amortizado a razón de un pago anual durante un máximo de 10 años en el caso de los pequeños campesinos y de 20 años en el caso de los jornaleros sin tierras. Evidentemente, la colectivización y estatalización posteriores trastocaron este sistema, anulando los repartos individuales y derivando la mayor parte de los lotes designados hacia comunas colectivas.

Los campesinos con menor poder adquisitivo contaron con el recurso de solicitar a la comisión comarcal correspondiente un receso de 3 años en el pago, que debía aprobar finalmente la prefectura[3]. Por último y para aliviar las cargas económicas de los campesinos que se acogieron a la norma, el registro de las nuevas propiedades estuvo libre de impuestos y, en todo caso, quedaron exentos de cualquier responsabilidad sobre las posibles cargas fiscales anteriores de la finca, como hipotecas, créditos o avales, entre otros[4].

Las nuevas propiedades no se podían vender, arrendar o hipotecar total o parcialmente salvo excepcionales ocasiones que, en cualquier caso, debían contar con la aprobación directa del Ministerio de Agricultura[5]. El texto de la norma no estableció cuáles podían ser esas excepcionales ocasiones, arrojando arbitrariedad a favor de la Administración en manos del PCR, en concordancia con su marcada carga ideológica.

1. La reforma agraria: impulso electoralista y plataforma de consolidación

En 1944, cuando se creó el gobierno de coalición en el que participaron los comunistas, el PCR apenas contaba con 1.000 afiliados. Tras la puesta en marcha de la reforma agraria, sus aliados aumentaron pero aún resultaba una red social débil. Era necesario mejorar el número de afiliados para fortalecer el capital humano del partido y adquirir músculo en todas las instituciones de la vida rumana. En este sentido, la reforma agraria brindó al PCR un amplio respaldo del campesinado, traducido en nuevas afiliaciones. El partido pasó de 1.600 afiliados en febrero de 1945, fecha en la que se lanza la iniciativa, a 42.633 en marzo de ese mismo año, apenas un mes más tarde de aprobar la reforma y comenzar con las primeras medidas de incautación. Es decir, en un brevísimo periodo de tiempo, el partido había aumentado el número de sus afiliados 46,6 veces. Un par de meses más tarde, en agosto de ese mismo año, el número de miembros rozaba ya los 260.000. En este sentido, resulta necesario decir que el partido buscó a los afiliados

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[1] "*Cuando terminó la guerra* [II GM]*, se repartieron tierras y mi abuelo me contaba que le ofrecieron irse más al sur, a la zona de Tulcea, si quería una buena finca, porque allí vivía menos gente y además que no son tierras tan buenas, muchas son pantanosas y estaban peor conectadas, sin tren, menos carreteras…*". Extracto de entrevista realizada por el autor en 2008 a Mihai, campesino de 49 años, de Vaslui.

[2] Art. 13, *Decreto-Ley n° 187, op. cit.*

[3] Art. 16 y 17, *Decreto-Ley n° 187, op. cit.*

[4] Art. 18 y 21, *Decreto-Ley n° 187, op. cit.*

[5] Art. 20, *Decreto-Ley n° 187, op. cit.*

más que los afiliados al partido. El PCR aprovechaba los actos de expropiación, deslinde y reparto de tierras para organizar fiestas en las que, junto al título de propiedad, se regalaban carnés del partido comunista. Tan sólo en 1945 se repartieron así más de 100.000 credenciales[1]. Un año más tarde, aún sin haberse celebrado las elecciones, el PCR contaba con prácticamente 720.000 correligionarios, 449 veces su cifra inicial[2].

Tal escalada de apoyo popular junto a las medidas puestas en marcha relativas, principalmente, al reparto de tierras entre pequeños campesinos y jornaleros, le valió al PCR una amplia victoria en los comicios del 19 de noviembre de 1946. El PCR se presentó en coalición con el Partido Social Demócrata Rumano, el Frente de Labradores, el Partido Nacional Liberal Tártaro, la Unión Patriótica, el Partido Nacional Campesino de Alexandrescu y el Comité Demócrata Judío. El Bloque de Partidos Demócratas consiguió el 68,74% de los votos, lo que se tradujo en el 82,62% de los escaños del parlamento[3]. Ello le otorgó una holgada mayoría absoluta que permitió al PCR poner en marcha, desde el principio, cualquier medida por la vía del decreto.

Refrendados por las urnas, los dirigentes del PCR impulsaron la reforma agraria hasta alcanzar en 1947 la cifra de 1.500.000 hectáreas expropiadas. No obstante, las lagunas de la Ley, la arbitrariedad de la Administración y el exceso de celo de los comités locales, las comisiones comarcales y las prefecturas provinciales, le valieron al gobierno rectificar la resolución de incautación de más de 200.000 hectáreas, restituyendo los derechos de sus legítimos dueños[4]. Aun así, a finales de 1948, tras 3 años de reforma, se habían expropiado 1.057.674 hectáreas y repartido las mismas entre 796.129 familias, lo que arrojaba la pírrica cifra de 1,33 hectáreas de parcela media por familia beneficiada, hecho que mejoró algo la situación de los campesinos medios, pero del todo insuficiente para permitir un proyecto agrícola a los anteriores jornaleros sin tierra.

Evidentemente, la reforma agraria persiguió aplacar las revueltas campesinas, relajar el ambiente social en el campo y evitar tensiones revolucionarias que complicasen sobremanera el control político del país, además de cumplir, meridianamente claro, un destacado papel electoralista[5]. No obstante y a la luz de lo expuesto con anterioridad, es necesario subrayar también la dimensión programática de la norma. Se sostiene aquí con ello que en la decisión de lanzar una reforma agraria en 1945 pesaron tanto el aciago presente del campesinado como los planes de consolidación y absorción del Estado por parte del PCR. Teniendo en cuenta la ideología estalinista de la mayoría de los líderes del PCR que participaron en la preparación de la reforma, su aprobación y puesta en marcha,

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[1] G. Ionescu, 1964, *op. cit.*

[2] S.D. Roper, *Romania. The unfinished revolution*, Ámsterdam, Harwood Academic Publishers, 2015.

[3] M. Stefan, *În umbra cortinei de fier*, en "Magazin Istoric", nr. noviembre, 1995 y P. Turlea, *Alegerile parlamentare din noiembrie 1946,* en "Dosarele Istoriei", vol. 51, nr. 11, 2000, p. 35.

[4] A. Cartwright, 2001, *op. cit.*

[5] Entre otros autores, dicho análisis está presente en: D. Kideckel, *The socialist transformation of agriculture in a Romanian commune, 1945-1962*, en "American Ethnologist", vol. 9, n° 2, 1982, pp. 320-340; D. Kideckel, *The solitude of collectivism: Romanian villagers to the revolution and beyond*, Londres, Cornell University Press, 1993; K. Verdery, *National ideology under socialism. Cultural politics in Ceausescu's Romania*, Berkeley, University of California Press, 1993; D. Sandu, *Reforma agrară din 1945 in România*, Bucarest, Institutul Național pentru Studiul Totalitarismului, 2000; A. Cartwright, Andrew, 2001, *op. cit.*; G. Kligman y K. Verdery, *Peasants under siege. The collectivization of Romanian agriculture, 1949-1962*, Princeton, Princeton University Press, 2011.

es necesario atender a que la misma estuvo orientada por las actuaciones agraristas ya consolidadas en la URSS tras 20 años de gobierno soviético. Es decir, no cabe pensar que en la Rumanía del 45, ocupada por el ejército rojo y dirigida por el Partido Comunista, organización influenciada a su vez por el Kremlin, se fuesen a aprobar reformas con objetivos diametralmente opuestos a los perseguidos en el gigante del Este.

En la URSS se había abolido la propiedad privada, expropiando las tierras y bienes de todos los terratenientes y obligando a los campesinos a unirse a las comunas y asociaciones agrícolas de producción para impulsar una agricultura planificada desde el Estado, mediante la concentración de tierras, el trabajo cooperativo, la tecnificación agrícola y la producción en extensivo. ¿Impulsarían los líderes comunistas rumanos una reforma con la finalidad contradictoria de aumentar y consolidar en el campo la pequeña propiedad? La respuesta, evidentemente, es no. Los dirigentes rumanos pro-soviéticos promovieron la reforma agraria principalmente como parte de un programa de ingeniería social que comenzaría en 1949 con la colectivización de las explotaciones agrarias. La reforma de 1945 sofocó efectivamente buena parte de las tensiones sociales en el campo debido al hambre de tierras y a las penurias económicas propias de la guerra, reforzó el capital social del PCR y lo impulsó a la victoria electoral de 1946 pero sobre todo, redujo el poder de los terratenientes en el campo a favor del pequeño campesino que vio aumentar el tamaño de su explotación, si bien los lotes recibidos por los trabajadores de la tierra resultaron inviables económicamente.

En 1948, más de la mitad de las explotaciones agrícolas de Rumanía tenían menos de 5 hectáreas. De todas ellas, más del 7% eran menores de 1 hectárea, más del 26% tenía entre 1 y 3 hectáreas y más del 24% estaba entre las 3 y las 5 hectáreas. Al final de la reforma agraria de 1945, apenas el 3% de todas las explotaciones agrícolas del país superaban las 50 hectáreas, siendo insignificante el porcentaje de explotaciones que superaban las 100 hectáreas, cuando recordemos que en 1930, estas últimas eran más del 0,4% de las fincas rumanas y concentraban más del 10,8% de la tierra[1]. Dicho lo cual, la reforma agraria detrajo efectivamente tierras a los latifundistas de forma que entre 1930 y 1948, las explotaciones menores de 5 hectáreas disminuyeron un 17,3%, diferencial que fue absorbido por los pequeños campesinos, cuyas explotaciones crecieron en un 16,7% por encima de las 5 hectáreas (gráfico 1). Aun así puede comprobarse un ligero incremento en el número de grandes explotaciones (50-100 ha) debido a que si bien fueron estas fincas el principal objetivo de las expropiaciones, durante el periodo de entre guerras y a lo largo de la II Guerra Mundial las grandes familias terratenientes consiguieron recuperar las posesiones perdidas con la reforma agraria de 1921 y ampliar sus bienes.

[1] ICS (Instituto Central de Estadística), *Recensământul Agricol din Republica Populară Română*, Bucarest, Institutul Central de Statistica, 1948.

Gráfico 1. Evolución del tamaño de la propiedad agraria, 1930-1948
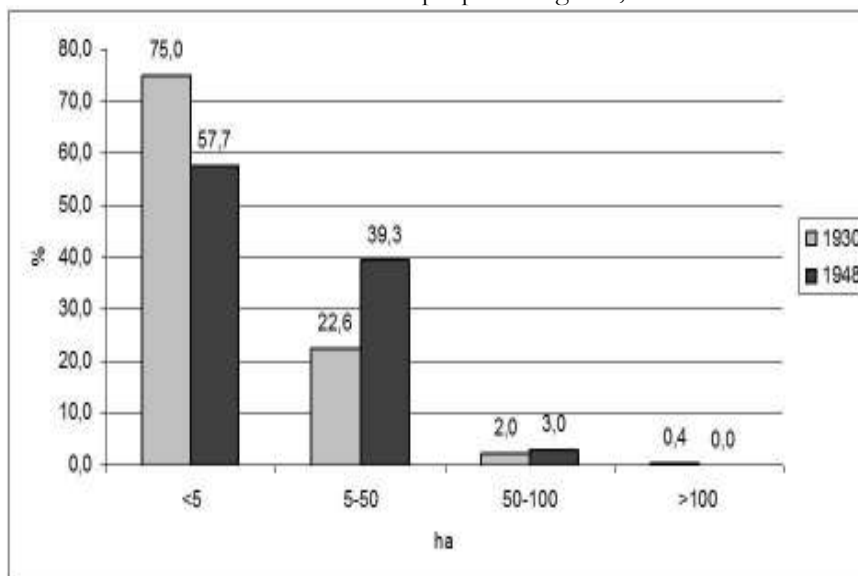
Elaboración propia a partir de ICS, 1948[1], Ionescu, 1958[2], Hunya, 1987[3] y Meurs, 1999[4].

Por tanto, el gobierno había conseguido reforzar a los pequeños campesinos en detrimento de las familias latifundistas, la élite conservadora del medio rural y enemiga ideológica del PCR. La reforma había consumado su primer objetivo de fondo: horadar el poder de la clase dominante en el campo, o lo que es lo mismo, con influencia sobre el 75% de la población rumana. A partir de entonces, el PCR comenzó a recomendar las cooperativas de campesinos y demás sistemas asociativos como el medio idóneo para mejorar la situación social y económica de los pueblos y aldeas.

Para entonces, la caída de la producción y la nefasta situación económica de posguerra habían provocado un estado general de necesidad y carestía de bienes básicos que, en algunas regiones, como en Moldavia, podrían ser considerados de hambruna, hasta el punto de verse el gobierno obligado a solicitar alimentos a EEUU y a la URSS por razones humanitarias[5]. Paralelamente, la deuda de 300 millones de dólares impuesta por la Unión Soviética a Rumanía por daños de guerra impedía una más rápida recuperación económica al tiempo que doblegaba cualquier discrepancia ideológica con respecto a las directrices de Moscú, que pasaban por la voluntad de dominar unos países-satélite urbanos e industrializados y no eminentemente agrarios, como Rumanía, cuya economía a finales de los años 40 dependía aún de la agricultura en más de un 70%.

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[1] ICS, 1948, *op. cit.*

[2] G. Ionescu, *Social structure: Rumania under communism*, en "Annals of the American Academy of Political and Social Sciences", nr. 317, 1958, pp. 53-62.

[3] G. Hunya, *New developments in Romanian agriculture*, en "East European Politics and Societies", vol. 1, nr. 2, 1987, pp. 255-276.

[4] W. Meurs, *Land reform in Romania – A never-ending story*, en "South East Europe Review", vol. 2, nr. 2, 1999, pp. 109-122.

[5] I. Scurtu, 1994, *op. cit.*

Para lograr el control del campo, al decreto de reforma agraria le siguieron otros, como el que dio luz verde a la Ley 565/1945 por la cual el gobierno pasaba a gestionar la práctica totalidad del mercado de productos agrícolas, elevados a la categoría de componentes de interés nacional[1]. Una de las atribuciones que absorbía el Estado era la de marcar los precios agrícolas que, al situarlos por debajo de los precios de mercado[2] generaban un beneficio neto que antes terminaba principalmente en manos de los terratenientes y los intermediarios, y ahora iba a las arcas del Estado. Al mismo tiempo, la devaluación de las producciones agrícolas vía precios, atenazaba las grandes explotaciones privadas, destinadas en su mayoría a la producción cerealista en extensivo, lo que repercutía negativamente de nuevo sobre los terratenientes, pues los pequeños campesinos practicaban mayoritariamente una agricultura de semisubsistencia basada en el policultivo. Así, el gobierno, bajo el control ya del PCR, podía mejorar las exportaciones, disminuir la rentabilidad del latifundio, controlar los precios del mercado interior, mejorar el acceso a los productos básicos de la familia media y, sobre todo, ir ganando terreno en el control del mundo agrario, de cara a su posterior reconversión.

Otra medida que permitió al Estado aumentar su influencia intervencionista sobre la agricultura fue la puesta en marcha de las Estaciones de Maquinarias y Tractores (en adelante SMT[3]), con las que el gobierno impulsó la mecanización del campo mediante la fabricación de maquinaria agrícola nacional a disposición de los campesinos. Se iba imponiendo paulatinamente el modelo agrario soviético, que contaba exactamente con estas mismas instalaciones para dotar a las diferentes cooperativas, comunas y fincas estatales de la maquinaria necesaria para las labores agrícolas.

Para acceder a los servicios de las SMT, principalmente alquiler de cosechadoras, tractores y segadoras, los campesinos debían participar de alguna fórmula de trabajo asociativo. La asociación, y no los agricultores a título individual, firmaban un contrato con la SMT, normalmente durante varios años y a precios regulados por el Estado. De esta forma, el gobierno evitaba que los recursos y energías de las SMT terminasen en manos de grandes propietarios. A toda costa, se perseguía excluir del sistema a los medianos y grandes agricultores.

En 1947, las SMT poseían ya el monopolio de la maquinaria agrícola en Rumanía y sus tractoristas estaban obligados a inventariar cada cosecha en la que participaban, de manera que el gobierno poseía permanentemente actualizada la información sobre prácticamente la totalidad de la producción agrícola del país.

Ambas medidas, el control de la maquinaria y del comercio y la compra-venta de productos agrícolas, además de las propias de la reforma agraria, permitieron al gobierno introducirse profundamente en el mundo rural, desde las explotaciones agrarias hasta la vida cotidiana de las familias pasando por los referentes identitarios elegidos para reforzar la "esencia" del pueblo rumano frente a otros grupos étnicos minoritarios considerados enemigos de la patria. Recordemos que, por ejemplo, la Iglesia Ortodoxa Rumana, no sufrió en esta primera etapa de gobierno pro-soviético desamortización alguna de sus bienes.

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[1] *Ley n° 565, de 1 de septiembre de 1945, referente a la compra, venta, circulación y consumo de productos agrícolas*, en *"*Monitorul Oficial", nr. 203, de 7 de septiembre de 1945.

[2] N. Tănăsescu, *Colectivizare: între propagandă şi realitate*, Bucarest, Globus, 1992.

[3] Siglas del nombre original en rumano: *Staţii de Maşini şi Tractoare*.

3. A modo de conclusión

La reforma agraria de 1945 no fue sólo y por tanto un mero reparto de tierras para aliviar al campesinado de sus penurias en un ejercicio de justicia social que contribuyese a la resolución del hambre de tierras y la explotación en el campo de las clases más bajas por parte de los terratenientes, con el objetivo de mejorar su situación y aumentar la producción agraria sino, y principalmente, una vía de empoderamiento del PCR para neutralizar a sus enemigos ideológicos y afianzarse en el poder para, a partir de ese momento, introducirse en la estructura social y económica del mundo rural, coparla y controlarla con el objetivo de fondo de comenzar, poco más tarde, la reconversión del país, que pasaba por colectivizar, nacionalizar e industrializar todos los sectores económicos de Rumanía, al modo soviético. La reforma fue así la antesala programada de la socialización de la agricultura.

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POLITICAL, DIPLOMATIC AND CULTURAL RELATIONS BETWEEN ROMANIA AND ITALY AFTER THE SECOND WORLD WAR

Ionuţ Şerban

Abstract

A recent research at the Foreign Affaires Ministry Diplomatic Archive in Bucharest revealed a recently unclassified brief that contains information on the political, diplomatic, cultural and economical relations between Romania and Italy after the Second World War. This period of a decade after the end of the most devastating war mankind witnessed was a period in witch the two Latin friend countries went separately on their own path, one being thrown in the communist part of the world while the other one went down a smoother way into the capitalist world. In this period, the Romanian-Italian relations started on a descendent path only to come to a normalized situation mostly at a cultural and economic level.

The new authoritarian regime in Bucharest started in 1949 a powerful campaign against western powers in implementing the U.S.S.R. politics that affected our diplomatic, cultural and economic relations with old friend states.

After being supportive one another for many years in accomplishing their national ideals, from unity to independence and from being allies in the Triple Alliance to being enemies in the Second World War, the two Latin states seemed to get along after the Peace Conference in Paris in 1946-1947, but the Soviet influence on our politics ruined all that.

Key words: *Diplomatic Relations, International Relations, Romania, Italy, Second World War*

After the Second World War, the two Latin friend countries went separately on their own path, one being thrown in the communist part of the world while the other one went down a smoother way into the capitalist world.

Even if in the modern era, staring 1859 the two countries fought in the same time for completing their national unity and supported diplomatically one another in the international system, starting with the last world conflagration the bilateral relations between the two became more and more distant because of their interests, their separated international status, Italy being considered a Great Power while Romania a small country from eastern Europe. Moreover, towards the end of the Second World War, Romania broke the alliance with Germany and Italy to go against them for its best interest of that time.

Despite their differences and separated interests, Romania and Italy did not broke the diplomatic relations during the Second World War although between 1943 and 1944 the interests of Romanian in Italy were represented by the Swedish Legation in Rome[1]. In 1941 Italy's minister in Bucharest is appointed Renato Bova Scopa and he will represent his country's interests in Romania until 1945. Bova Scopa will recognize in 1943 the new

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[1] Arhiva Ministerului Afacerilor Externe al României, Bucureşti (The Archives of the Romanian Foreign Ministry, Bucharest, hereinafter: A.M.A.E.), fond Italia, Problema 220/1956, ff. 19-25.

Italian government under the command of Italy's Marshal Pietro Badoglio, after the fall of Mussolini[1].

In December 1944, at the initiative of the Italian government, Romania appoints a Charge d'Affaires ad interim in Rome.

As a token of their good intentions, in January 1945, the Italian government canceled, after the unanimous vote in the Italian Parliament, the arbitrary Wien Dictate from 1940 when the Fascist Italy and Nazi Germany decided to give the northern part of Transylvania to fascist Hungary.

The normal relations between Romania and Italy did not last long because of their different political and ideological orientation. In 1947, as communists were gaining more and more ideological ground in Romania and as extremist forces were cleaned out of the Italian government, the Romanian government proceeded in closing Italy's consulates in Romania while the cultural agreement was denounced.

All this aggressive measures, taken by the Romanian government, were followed by some drastic economical ones that affected permanently the Italian businesses in Romania. The Romanian government claimed that the measures were part of the economical recovery plan that should help Romania rehabilitate after the losses suffered in the Second World War. Nevertheless, the reaction of the Italian Legation in Bucharest and the Foreign Affaires Minister in Rome were extremely consistent blaming the Romanian government of violating the international agreements. In his very not diplomatic response, the Romanian diplomacy stated that it was written in 79th article of the Peace Treaty that all Italian belongings in Romania must be transferred to the U.S.S.R. as reparations[2].

As a response to the Romanian actions, the Italian courts ruled in March 1949 that based on the Valduz Court decision they have the authority to apply a conservative seizure on all Romanian belongings in Italy, especially on the APIR stocks and on the Romanian vessels that will dock in Italian harbors. Moreover, in 1949, based on the Italian Minister of Treasure proposal, the Italian authorities seized the entire warehouse containing 120.9511 kg of gold deposited at The Italian Commercial Bank under the Maritime Danube Direction ownership, Direction that was under the authority of the Popular Republic of Romania's Minister of Naval and Air Transport. The seizure was made in order to recover some loans accorded by Italy in 1915 and 1922 to the former European Danube Commission, loans that were later annulated in base of the Danube Navigation Convention from April 1948, matter resolved later in a trial.

Italy retaliated to the closure of their Consulates by closing, in 1949, the Romanian General Consulate in Milan and other honorifically ones in various Italian cities.

Unfortunately, not only the political, diplomatic and economic relations were affected by this reorientation policy of this to former friend countries. The cultural ones suffered also as the Bucharest government decided to denounce unilaterally in 1950 the Romanian-Italian cultural agreement. And as if that was not enough, the Romanian authorities decided to close the Italian Cultural Institute in Bucharest. That was a very inappropriate decision that affected on a long term the Romanian-Italian relations. In past, the cultural relations between Romanian and Italy were the foundation of their friendship and collaboration. For example, in 1860 upon a Romanian request, the Italian government

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[1] *Ibidem.*

[2] *Ibidem.*

sent Carlo Pierrerati from the Turin Museum of Zoology to help organize and lead the Museum of Natural History in Bucharest[1].

As a result of the Romanian actions, the Italian diplomacy protested against the unilaterally denouncement of the bilaterally agreement and decided to stop the Romanian Legation in Rome to print it's Press Bulletin and also closed the activity of the Romanian School in Rome and the one of the "Nicolae Iorga" House in Venice, in June 1950.

Unfortunately, we can see that a "cold war" between two former friend states started after the end of the Second World War as a result of their political and ideological reorientation. In appearance it was only Romania's fault. It is true, the Bucharest authorities started this "unproductive game", but we must look more into the matter, more profound to see that it was the "strategic" decision of the western powers that threw Romania under the soviet influence and that so former friends and allies became feared enemies.

Continuing this "war of fools" the Romanian authorities arrested for spying activities, in 1951, a high functionary of the Italian Legation in Bucharest, Eraldo Pintori, and also it's chaplain, the priest Clemente Gatti.

In response to these actions, Italian authorities arrested in May 1951 the driver of Romanian Legation in Rome and release him after 3 months. As expected, the Italian press started a tremendous campaign against the Popular Republic of Romania accusing Bucharest of false allegations against the two Italian diplomats and that their condemnation was just a cheap show without any real foundation.

In the occasion of the reception organized by the Romanian Legation in Rome on the 23rd of August 1951, the Italian diplomacy not only that did not attend to the ceremonies, the Italian Foreign Minister appealed to all diplomats present in Rome and all local institutions to boycott the event.

Between 1948 and 1952 the actions of abuse of the Romanian authorities against Italian citizens were frequent and unfair. They were arrested, expulsed or imposed the house arrest. All the interventions of the Italian Legation in Bucharest or of the Italian Foreign Minister remained without response from the Romanian authorities.

As a result of the massive layoffs of the Italian citizens in 1951-1952 and their repatriation, the Italian press started a massive and violent attack against Romanian authorities for the expulsion of the Italian citizens.

Starting 1952, we can observe an improvement of the Romanian-Italian relations as the Bucharest authorities decided to release the priest Clemente Gatti. Both government start talking in order to resolve some sensitive issues like the release of the Italian "spy" Eraldo Pintori who was condemned in 1951 to forced labor for life, the matter of the building of the Romanian Academy in Rome, or an agreement that would guarantee each country that it's belongings will not be seized by the other one in the account of some private individual or company debts[2].

The Romanian authorities wanted to recover the APIR stocks seized by the Italian authorities in 1949 and that their vessels could dock in Italian harbors without being threaten to be seized.

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[1] A.M.A.E., fond arhiva istorică, vol. IV, dosar nr. 46/1860, ff. 26-28.
[2] Idem, fond Italia, Problema 220/1956, ff. 19-25.

The Italian authorities agreed to have these discussions that took place in 1952 and they came with some proposals at the end of the year, proposals that were not answered by the Romanian authorities until the summer of 1954 when, the discussions were resumed. The agreement was signed in 1955 after the release of Eraldo Pintori. The stocks of the APIR Company, property of the Romanian government, were sold in Italy while the building of the Romanian Academy in Rome remained closed in custody of the Romanian Legation in the Italian capital. They also agreed to respect each other belongings on foreign soils.

If the beginning of year 1955 saw some improvement in the Romanian-Italian relations, as the new totalitarian regime in Bucharest sought to consolidate its position, started to accuse the Italian government of supporting the fugitive *legionnaires* like Constantin Drăgan, Octavian Roşu, priests like A. Tăutu, Cosma etc., and ex romanian teachers like Iroaie, Isopescu etc.

At the beginning of 1956, during the Conference on *Unionists in exile outside the Iron Curtain*, held in Rome, the Undersecretary of the Italian Labor Minister, Umberto Delle Fave, saluted the foreign delegates saying that *he wishes them to return to their fee countries as soon as possible*. That, of course, irritated the Romanian authorities witch saw this as an encouragement to the Romanian exiled *legionnaires* as Gherasim. The Romanian regime accused also the Italian media, especially the radio of calumnies and rough interpretations of the situation in the Peoples Republic of Romania.

Nevertheless, after resolving their main litigious problems, at the beginning of 1955, the bilateral relations between Romania and Italy entered on a more normal way.

In July 1955, the Presidium of the National Assembly of the Peoples Republic of Romania invited the Italian Parliament to send a delegation to visit the country. The Italian inter-parliamentary delegation formally accepted the proposal, but until the end of the year 1956, they did not decided on the details.

The Romanian delegates participated to many important political, cultural and scientific international manifestations held in Italy such as the session of the Inter-parliamentary Union, World Congress of Mayors, World Congress of History, The Romanic Studies Congress etc.

After a long discussion between the Italian Minister in Bucharest with the Romanian prime-minister, Chivu Stoica, in October 1955, a delegation of Romanian specialists in cellulose left for Italy between 20 of February and 2 of March 1956 to visit various research institutes and factories that manufactured cellulose by processing reed, wheat straws etc. and other factories involved in the process.

Upon the invitation of the Italian President of the Milano's Fair, a delegation led by the Romanian Foreign Commerce visited the Fair where products of the Romanian companies like Prodexport and Cardimex were exposed[1]. The Romanian delegation visited important industrial facilities like Fiat, Snia Viscosa etc. and had some talks about possible future economical exchanges.

From the economical point of view, the relations between Romania and Italy were based on the Commercial Agreement from 30 November 1950 that was prolonged in 1955 for another year.

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[1] *Ibidem.*

The preconized value of the commercial exchanges between the two countries was never reached but in 1955 there was a considerable growth of those exchanges regarding 1954 with over 153% in exports and 240% in imports.

The main imported materials were raw textile materials, chemicals and citrus, while the main exported materials were naphtha, corn, timber, food or glass.

From the cultural point of view, after the denunciation of the Cultural agreement in 1950 we did not have any cultural relations between Romanian and Italy. Although from 1954 the cultural actions sustained by the "Friendship Association between Romania and Italy" were numerous. Activities like theater plays, festivals, conferences, publication of some literary works, symphonic concerts etc. were all in favor to popularize the Romanian culture in Italy[1].

On the other hand, in Romania were commemorated great Italian artists like Michelangelo, Torquato Tasso, painting expositions were held in Bucharest and also concerts, spectacles or the Italian movie week.

An exposition of Romanian popular art was opened in 1955 and many other cultural events were organized by the "Friendship Association between Romania and Italy".

Other technological and scientific exchanges took place between specialist from Romania and Italy in 1955.

In conclusion, after the end of the Second World War, the first years were characterized by the same friendly approach as before the war. Starting with the end of the fourth decade of the 20th century the bilateral relations between Romania and Italy became very tense as the Romanian part started a witch-hunt against all Italians and their belongings on the Romanian soil.

From 1955 the cultural and economical relations between Romania and Italy started to ameliorate as the Romanian authorities realized that a more relaxed relations with an old ally is in their benefit. As the economic and cultural relations became more and more straightened, the diplomatic ones came to a fragile normality.

After the Second World War until 1956, the Romanian-Italian relations started on a descendent path only to come to a normalized situation mostly at a cultural and economic level.

The new authoritarian regime in Bucharest started in 1949 a powerful campaign against western powers in implementing the U.S.S.R politics that affected our diplomatic, cultural and economic relations with old friend states.

After being supportive one another for many years in accomplishing their national ideals, from unity to independence and from being allies in the Triple Alliance to being enemies in the Second World War, the two Latin states seemed to get along after the Peace Conference in Paris in 1946-1947, but the Soviet influence on our politics ruined all that[2].

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[1] *Ibidem.*

[2] *Ibidem.*

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NEW CONTRIBUTIONS TO THE WESTERN PRESS COMMENTARIES IN REGARD TO THE BUCHAREST IVᵀᴴ WORLD FESTIVAL OF YOUTH AND STUDENTS (1953)

*Marian-Alin Dudoi**

Abstract

The study analyses other Western correspondents' articles, especially the Swiss, West-German, British and American, present in Bucharest for the IIIʳᵈ World Youth Congress and the IVᵗʰ World Festival of Youth and Students.

The Westerners had different views about the Communist Romania upon visiting it. As the adepts of Human Rights, Democracy and Capitalism denied the effects of Communist rule in Romania, the Western pro-Communist papers took the opposite side; however, the leading newspapers in the West, that were among the former, presented the negative views.

Key words: *Cold War, Communism, Détente, Propaganda, Romania*

The study analyses other Western correspondents' articles, especially the Swiss, West-German British and American, present in Bucharest for the IIIʳᵈ World Youth Congress and the IVᵗʰ World Festival of Youth and Students; the study continues the first part of the research, already disseminated by the author in a previous issue of this review[1].

The press articles, already translated into Romanian by the Romanian Press Agency "Agerpres", were found in Gheorghe Gheorghiu-Dej Collection belonging to the Central Committee of the Romanian Workers' Party, now in the possession of the National Central Historical Archives in Bucharest. The limited papers with positive views about Bucharest and the Festival determines us to admit Gheorghiu-Dej was preponderantly sent the criticising articles (only two Austrian newspapers praised the Communist achievements while for the Communist or pro-Communist papers only some resumes were found).

Communist Romania, backed by the Soviets, mobilized huge human and material resources in order to build the necessary buildings for the Festival, and provided a more than enough quantity of food while Romanians had to endure the famine several months before it, noted also by the Western diplomats[2]. At the beginning of July, the regime

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[1] Marian-Alin Dudoi, *Bucharest and the IVᵗʰ World Festival of Youth and Students (1953) in Western Press Commentaries*, in "Annals of the University of Craiova. History", Year XVIII, no. 1 (23)/2013, pp. 101-108.
[2] Florin Niculescu, *Festivalul Mondial al Tineretului, Bucureşti, 1953*, in "Anale Sighet", Volume 7, "Anii 1947-1953: Mecanismele terorii. Comunicări prezentate la al VII-lea Simpozion al Memorialului de la Sighetu Marmaţiei (2-4 iulie 1999)", Editor Romulus Rusan, Bucureşti, Fundaţia "Academia Civică", 1999, p. 89; *Foreign Relations of the United States, 1952-1954*, Volume VIII, *Eastern Europe; Soviet Union; Eastern Mediterranean*, Editor in Chief William Z. Slany, Washington, Government Printing Office, 1988, doc. no. 28, Minister Shantz's Telegram no. 866.03/5-553 of

publicly admitted food shortages and took into consideration the improvement of the situation[1]. We think only the new crop and the preparation for the IIIrd World Youth Congress determined such an act.

The IIIrd World Youth Congress (25th to 30th July 1953) took place in the Floreasca Hall where 80 countries sent 1200 delegates. Petru Groza, the Chairman of the Romanian People's Republic Presidium, was amongst the leading figures; Gheorghe Gheorghiu-Dej, Romanian Prime-Minister and Secretary General of the Romanian Workers' Party, missed the Congress. There were 1200 delegates, mostly Communists, from eighty countries. The speakers praised the Soviet Union and declared it again the second homeland for any Communist. Alexander Nikolayevich Shelepin, head of Komsomol[2], repeated the words of Malenkov, the new Soviet Prime-Minister, regarding the peaceful co-existence in the world on the basis of mutual understanding. The phrase became a light motif, being present in the speech of Jacques Denis, Secretary General of the Congress, and other speakers ("With a religious fervour, it was repeated in all languages, and not a single word changed from this Holy Text" – the journalist noted)[3].

The Swiss journalist disapproved the two Communist observers' pressures upon the Swiss delegation regarding their delimitation of the Swiss Federal Council forbidding Festival posters. The Swiss delegation expressed in writing the hope of a higher support for the Youth Federation from the part of the Swiss Government but the organizers became alarmed and demanded a denial that came verbally the following day; the denial represented the proof that the Youth Federation was only a branch of Communist propaganda for which Swiss Government promoted bourgeois ideologies[4].

The Festival, held between 2nd and 14th August 1953, meant for "The New York Times" the presence of 30.000 Foreign guests from 102 countries and 40.000 Romanians. For the first time in more than five years, four journalists from the United States could visit Bucharest[5]. Workers and soldiers painted all buildings after three months of hard labour. The guests received free packs of food but the Western diplomats "whispered" the white bread was sold for the first time in Bucharest after the war![6]

5.05.1953 to the Department of State, pp. 58-60 (accessed at http://digicoll.library.wisc.edu/cgi-bin/FRUS/FRUS-idx?type=header&id=FRUS. FRUS195254v08).

[1] *Ibidem*, doc. no. 38, Minister Shantz's Telegram no. 766.00/7-953 of 9.07.1953 to the Department of State, p. 74.

[2] The abbreviation for the All-Union Leninist Young Communist League – the youth division of the Communist Party of the Soviet Union.

[3] National Central Historical Archives, Gheorghe Gheorghiu-Dej Collection (hereinafter: NCHA. GGD), Dossier no. 725, Volume I, Top Confidential News *O săptămână în spatele Cortinei de Fier*, published by Bernard Beguin, in "Journal de Geneve", of 08.08.1953 (the fourth of the series), ff. 93-94.

[4] *Ibidem*, f. 96.

[5] See also Katharina Kilzer, *România anilor '50 în presa din R.F. Germania*, in "Anale Sighet", Volume 8, "Anii 1954-1960: Fluxurile şi refluxurile stalinismului. Comunicări prezentate la al VIII-lea Simpozion al Memorialului de la Sighetu Marmaţiei (2-4 iulie 2000)", Editor Romulus Rusan, Bucureşti, Fundaţia„Academia Civică", 2000, pp. 949-950.

[6] NCHA. GGD, Dossier no. 725, Volume I, Top Confidential News *România de o curăţenie ireproşabilă în vederea "reuniunii" păcii. Bucureştiul îmbracă o haină de văruială proaspătă în cinstea celor 30.000 de delegaţi din 102 ţări*, published in "The New York Times", on 3.08.1953, ff. 147-148.

The correspondent Beguin disregarded the modern equipment of the Bucharest ultramodern typography, imported from the Soviet Union and ironically called the thinking works as it allowed the printing of five millions newspapers necessary for the five newspapers controlled by the party, as the Romanian people had a critically low standard of living[1]. Although the Romanian Press Agency received France Press and Reuter news, the ones that appeared showed war criminals released by the "bourgeois Governments" and the sacking of the latter from power (in order to demonstrate the instability in the West)[2]. The 30 Foreign journalists heard an infamous lie of Agerpres Director about the permanent presence of correspondents belonging to the Western Press Agencies, although the last of them had to leave several months before the Festival![3]

The "Manchester Guardian" noted the anti-Western direct critics at the Festival as the organizers promoted "the fight for peace, liberty and national independence" but worried the slogans could affect the Western anti-Communist World and acted as a pill, especially at one event like that where amusement was supported by free food; the anti-Western tone appeared before, at the World Youth Congress, when Vasile Muşat, Romanian delegate, criticized the countries, without naming them or referring to their political regimes, that were spending a huge budget for military purposes and obliging the youth to wear military clothes but the correspondent wondered if the Communist Romania was among them as the youth had to fulfill a two year compulsory military service![4] The organizers did not forget to remind the Yugoslav Youth's refusal to honour the invitation but there was no mention regarding the forbidding by World Youth Federation for the Yugoslav Youth to participate to 1949 Budapest Youth Festival and the exclusion of Yugoslav Youth from the membership of World Youth Federation. Instead, in a leading article, "Izvestia" respected a political view and concluded the Congress and the Festival proved the youth was ready to fight against "the dangerous Imperialist aggressors"[5].

William Ryan of "The Associated Press" characterized the Festival "as one of the most deceiving and dangerous forms of activity initiated by the first column of Moscow (the Communist Romania, author's remark)" and considered the participating South-Asian and Middle East youth as a future core of Communist Parties in their countries (author's translation from Romanian)[6].

A Peace Carnival organized in the Stalin Park of Culture and Leisure on August 12th permitted to the 50.000 people, mostly foreigners, to dance and to see fireworks[7].

"Frankurter Allgemeine Zeitung" published a lengthy article on the event. Disturbing many visitors, the customs control lasted for hours and repeated in each Communist

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[1] *Ibidem*, Top Confidential News *O săptămână în spatele Cortinei de Fier*, published by Bernard Beguin, in "Journal de Geneve", of 10.08.1953 (the fifth of the series), ff. 144-145.

[2] *Ibidem*, f. 146.

[3] *Ibidem.*

[4] *Ibidem*, Top Confidential News *Tineretul petrece la Bucureşti*, published by "Manchester Guardian", on 08.08.1953, ff. 148-149.

[5] *Ibidem.*

[6] *Ibidem*, The Associated Press Commentary by William Ryan (presented in a Top Confidential Agerpres Bulletin of 12.08.1953), f. 151.

[7] *Ibidem*, Top Secret News *Focuri de artificii în parcul de odihnă Stalin*, published in "The Times", on 13.08.1953, f. 132.

countries under soldiers' surveillance, while the Romanian youth shouted "Peace and Friendship" in many languages; it was clear for Westerners the only unity in Eastern Europe lasted in "the powerful Soviet fist", while the sums needed for the travel expenses of 40.000 persons were acquitted by "you don't have to guess too much", as the East Berlin and Vienna committees of the Festival easily managed to succeed in sending thousands of West-Germans, even without passports, to Bucharest. What were the Westerners' reasons for coming to Bucharest? The British, the Dutch, the Norwegian and the Danish youth were the least interested in the Communist ideology and came for leisure activities, but the French and the West-German, especially the latter, came for ideological reasons[1].

There were hilarious events around the Festival. Some well-trained West-German sportsmen were not allowed to participate at the games and they had to return too soon from Bucharest under the official reason of organization mistakes. When returning on the Dresden-Berlin night train, an East-German worker admitted he was going to West Berlin to buy food for his family[2].

The Western Communist sympathizers returned cured as they sincerely believed before the Festival in Peace, Friendship and Détente, but, afterwards, they experience deceptions seeing too much propaganda (the speakers very often used the words "fight" and "preparation" which seemed disturbing), returned feeling empty-hearted and admitted "Still, the Festival was Communist".

The different opinions alerted the journalistic analysts to try to be more comprehensive. The Swiss Communist sympathizers kept their positive views while the non-Communist had rather negative views. The Swiss delegation comprised of 300 persons, and only one had been refused for disciplinary reasons but it seemed he had strong anti-Communist beliefs. The offered food was in large quantities not only during the Festival but also in the trains[3].

The informant-participants also feared to reveal the identity of Romanians who gave the information since the latter feared for their private safety. The Swiss participants accepted to go to Bucharest as result of the promotion and articles appeared in the press. In Hungary, the trains were supervised by Hungarian police although in railways stations Hungarian youth delegations came and saluted enthusiastically the visitors with music and dances.

They received food in excess and some gave it to the railways workers who happily and quickly accepted it!

In Budapest, the visitors were disturbed by seeing badly dressed women at work on the railways maintenance.

In Romania the trip was seen more interesting as the Romanian authorities were specifically prepared although their trains, the bridges, the tunnels and the roads found in

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[1] *Ibidem*, Volume II, Top Secret News no. 3198, *O privire în dosul Cortinei de Fier. Vizită la Bucureşti*, published by Hugo V. Sein, in "Frankfurter Allgemeine Zeitung", no. 1888 of 15.08.1953, ff. 53-55.
[2] *Ibidem*, ff. 55-56.
[3] Idem, Dossier no. 727, Volume II, Top Secret News no. 3378, *Impresiile participanţilor genevezi la Festivalul Mondial al Tineretului: Bucureşti 1953*, published in "Tribune de Geneve" on the morning edition of 27.08.1953, ff. 132-134.

the proximity of railways were guarded by soldiers and the delegations, provided also with other sources, took into account the existence of partisans in the Carpathians[1].

According to a West-German journalist there was no program for the Festival. The participants got a grey coat, three blue shirts, two pairs of socks, a pair of boots and a suitcase; only the Western fighters for the People's Democracy received toothpaste, tooth brush, a razor, blades, comb and a cloth for the boots. In Romania people lacked elementary goods such a (photo) camera and they even wondered when seeing one. The former Royal Palace was transformed into the Pioneers' Palace and the guide, in an act of typical Communist propaganda for the innocent foreign youth, told the visitors the State helped not only the Romanian youth, but also their parents if they needed without receiving anything in return![2]

The journalist deplored the decadence of the Orient-Express which after Vienna usually remained with only a few passengers (and those under the eyes of civilian secret police) as the famous train voyage lost its Romanticism due to the Cold War, during which Eastern Europe became a region of terror. During the voyage to the Festival, at the Austrian-Hungarian frontier the Hugarians searched the luggage, including train mirrors, pillows, cabinets, and light bulbs; also some secret agents got on to act as a shadows in order to watch over the foreigners. In Budapest, a lot of policemen and soldiers made the train full and the missing restaurant-wagon obliged the unprepared voyagers to eat their own food[3]. At the Romanian-Hungarian frontier, another control happened and in Curtici the train was saluted by armed soldiers, which represented for journalist "the symbol of control in a police state, better instructed and more severe than in any other Eastern European Communist country, Soviet Union excepted"; there the Romanian police very seriously checked the trains carrying Westerners even to call that "the small Iron Curtain", as a terrifying symbol of the most obedient Soviet ally[4].

"The Economist" noticed the presence of old Communist supporters such as the British D.N. Pritt and the infamous "Red Dean", Hewlett Johnson, and the payment of 200 lei in each of the last months as a "voluntary contribution" by Romanian workers for the Festival to which the foreigners represented 30.000 people from 106 countries. In the last five months there were built the 125 acres 23 August Park of Culture and Sports comprising of a 80.000 people stadium, a 4000 people open theater, a children, a 6 acres artificial lake, a 260 feet tower for parachuting, a 80 feet bridge, one thousand megaphons, 20.000 trees and 10.000 plants were planted. There were built an opera, open theaters and open cinemas.

The people had to take care of 1200 blocks and 10.000 house façades, 55 boulevards and streets were repaired, 600 streetcar wagons got a new paint and 25 new ones represented the means of transport[5]. There were plenty of food and juice, a real joy for

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[1] *Ibidem*, ff. 135-136.

[2] *Ibidem*, Top Secret News no. 3371, *Satul muncitorilor în 1950. Tovarăşii aranjează totul. Trei săptămâni în 4 Democraţii Populare. Vestul a văzut o altă lume*, published in "Bonner Rundschau", no. 201 of 29.08.1953, by Heinz Stuckmann, ff. 137-140.

[3] *Ibidem*, Top Secret News no. 3360, *Orient-Express fără Romantism. Grănicerii unguri controlează până şi becurile*, published in the West-Berliner "Telegraf" of 28.08.1953, by Richard O'Regan, ff. 163-164.

[4] *Ibidem*, ff. 164-165.

[5] Idem, Dossier no. 725, Volume II, Top Secret News no. 3210, *Pâine şi jocuri în oraşul Bucureşti*, published in "The Economist" of 15.08.1945, ff. 131-132.

every Romanian. The visitors had flowers in their rooms and offered a present from voluntary contribution. The Romanian newspaper "Munca" ("The Work") concluded regarding 700.000 hours of free labour done by 700.000 persons[1].

As the official statistics for the second trimester admitted the lack of meat and sugar, beginning with 9th July state reserves provided the necessary products while prices went low by a quarter or more, a new cloth for trousers began to be produced after 24th July, visitors received flowers in their bedrooms and each of them were offered presents paid by "voluntary contribution" of Romanians[2].

"Österreichische Zeitung" reacted and accused the journalist O'Reagan considering him as pro-American, creator of dirty stories[3]. The newspaper made use of the tactics of diversion as it accused the United States Government of imposing almost a forced residence to a Soviet chess player but the newspaper was right when writing about the fact O'Reagan did not present the cultural and sports activities[4].

The positive views in regard to the Festival were assured also by other Communist and pro-Communist papers (a leading role being played by those from the German-speaking countries), especially by bringing the presence of youth representing the African and Asian colonies or former colonies[5].

The Western correspondents focused mainly on the political matters not only seen on Bucharest but also the Westerners' delegates and participants. The Westerners received packs of food during the train trip (especially in Romania, where even the railways stations and Bucharest buildings had had a new paint and the Romanian people greeted them enthusiastically).

The Communists built constructions for cultural and sports activities which lasted for decades but with the price of a tremendous amount of free work done by Romanians who had to endure several months of lacking elementary food products such as meat and sugar.

A disturbing matter within the study regarded the number of foreign participants (the foreign presence in the press articles, varied from 30.000 to 40.000, while the countries varied from 102 to 106, while it seemed it had been 111 countries). Finally, a vast majority of the latter concluded to reject the Communist model in the Western World.

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[1] *Ibidem*, ff. 133-134.

[2] *Ibidem*. Also Diplomatic Archives of the Romanian Ministry of Foreign Affairs, Fund Anglia, Box Anglia T.C. 1953, Dossier no. 28 (Telegrame cifrate primite de la Oficiul Londra, iunie-iulie 1953), Decyphered Telegram no. 87450 of 30.07.1953 sent from the Legation of the People's Republic of Romania in London to Romanian Ministry of Foreign Affairs, signed Babuci 1651, f. 278.

[3] In the matter of O'Reagan's article, see details to M.A. Dudoi, *art. cit.*, in *loc. cit.*, p. 105.

[4] NCHA. GGD, Dossier no. 725, Volume II, Top Secret News no. 3208, *Cea mai mare escrocherie a tuturor timpurilor*, published in "Österreichische Zeitung", no. 189 of 18.08.1953, ff. 125-126.

[5] *Ibidem*, Vol. I, Resumés in the Agerpres Bulletin no. 2641 (The Roma "Il Paese" of 12.08.1953, the London "Daily Worker" of 14.08.1953, "Szabad Nep" no. 227 of 15.08.1953, "Szabad Ifsjusag" etc.), f. 103. *Ibidem*, Vol. II, Resumés in the Agerpres Bulletin no. 2671 of 21.08.1953 (The Linz "Neue Zeit", no. 186 of 14.08.1953, the Düsseldorf "Freies Volk" no. 191 of 17.08.1953, the East-Berlin "Neus Deutschland", no. 191 of 16.08.1953, "Vorwärts Neues Deutschland", no. 33/64 of 17.08.1953, "Österreichische Volkstimme", no. 189 of 18.08.1953, the London "Daily Worker" of 17.08.1953, the Roma "Avanti" of 13.08.1953, and the Geneva "Voix Ouvrière" of 17.08.1953), ff. 40-41.

As the North-Western youth came for leisure activities, the Communist organizers had no chance to find new adepts. We consider that in the matter of French and West-German youth, some sympathy for Communism existed thanks to the Communist members of the Résistance or to the idea of German reunification under Communist auspices.

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LA DYADE CAMEROUNO-NIGERIANE, «LE PARADOXE DE LA POULE AUX ŒUFS D'OR»: ENTRE ESPACES D'OPPORTUNITES ET SPHERES DE LITIGES (1885-2008)

Willy Didié Foga Konefon*

Résumé

Cet article propose une réflexion sur la complexité et l'ambiguïté de la notion de frontière en Afrique subsaharienne à partir d'un exemple précis sur la dyade Cameroun-Nigéria. Le discours dominant de plusieurs travaux des universitaires a montré l'arbitraire colonial et l'artificialité des frontières comme source de l'instabilité socio-politique du continent. En fait, la factualité historique des frontières africaines nous indique une antinomie et une nouvelle relecture épistémologique des frontières en Afrique. Au-délà des frontières «digitale» et «analogique» imposées par la Grande-Bretagne et l'Allemagne au lendemain de la «fièvre de la carte» à la conférence de Berlin en 1885, les populations transfrontalières entre le Cameroun et le Nigéria ont exprimé leur négation en percevant toujours cet espace comme un lieu d'opportunité. De 1960, date d'indépendance des deux États voisins, jusqu'en 2008 date de la résolution finale par les Nations Unies sur le conflit de la presqu'île de Bakassi, cette zone bordière a contrasté avec les soubresauts économiques et socio-politique des deux pays. Elle est demeurée une ressource capitale. Toutefois, ses ressources ont attiré de la criminalité transfrontalière et des disputes entre les deux États.

À partir des sources primaires, secondaires et enquêtes menées sur le terrain de 2007 jusqu'en 2013, nous avons privilégié la méthodologie historienne: la confrontation des sources collectées, la critique et l'interprétation. Le dessein de cette communication est de faire une "archéologie" de la notion de frontières, de retracer l'orogenèse entre le Cameroun et le Nigéria et de montrer comment cette zone bordière a été une ressource et un espace cristallisant certains litiges. Les résultats escomptés de cet article indiquent que cet espace n'est pas vénéneux pour les populations transfrontalières mais, c'est plutôt les convoitises de ces ressources et les nationalismes qui s'y créent autour, qui sont à l'origine des mésententes entre le Cameroun et le Nigéria.

Mots clés: *dyade, espaces d'opportunités, litiges, Cameroun-Nigéria, ressource*

Introduction

L'année 1960 marque l'âge d'or des indépendances de l'Afrique subsaharienne. Le continent noir sort des années séculaires d'humiliation et d'abjection dues à la traite négrière et à la colonisation. Cette euphorie de la liberté se heurte très rapidement à des nouveaux maux à savoir: le sous-développement, le néocolonialisme, les conflits et crises frontalières entre certains pays africains. L'Afrique peine à assumer son héritage colonial dans un monde bipolarisé et mondialisé. La gestion des frontières héritées du colonisateur fut à l'origine de la pomme de discorde dans les cercles concentriques des leaders et intellectuels. À propos des frontières africaines, deux thèses s'affrontent.

D'une part, les frontières africaines sont perçues par certains auteurs comme des créations coloniales. De ce point de vue, le tracé des frontières africaines serait arbitraire car, il a séparé douloureusement des ethnies, des peuples qui vivaient jadis dans la même aire géoculturelle et partageaient certaines affinités culturelles et linguistiques. Ce tracé fut

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à l'origine de la balkanisation du continent et générateur d'effets négatifs multiples[1]. Certains intellectuels africains se sont prononcés en faveur de la révision de ces frontières héritées de la colonisation. Ils pensaient qu'il fallait un «deuxième congrès de Berlin», car ces frontières portaient en elles même des germes belligènes pouvant déstabiliser le continent à tout moment. D'ailleurs à titre illustratif, Wole Soyinka a qualifié l'Organisation de l'Unité Africaine (O.U.A.) de traîtresse et estimé que les Africains devraient s'asseoir munis d'une équerre et d'un compas pour redessiner les frontières des nations africaines[2]. Par la suite, l'historien burkinabé, Joseph Ki-Zerbo, il écrivit que Les frontières africaines actuelles étaient allogènes, belligènes folles, délirantes et schizophrènes[3]. Elles étaient une exportation de paradigme et aussi de lignes imaginaires matérialisées par les vainqueurs européens manipulant des longitudes, des latitudes, des parallèles dans le dépeçage d'un continent battu et abattu[4]. Bien plus, elles furent à l'origine des conflits sanglants entre États africains particulièrement les deux conflits qui ont opposé le Mali et le Burkina-Faso[5]. Avec la revivification des crises frontalières que l'Afrique a connues au milieu des années 1970 jusqu'à la décennie des années 1990, le juriste kenyan Makau Wa Mutua a redessiné une nouvelle carte géopolitique africaine de 15 Etats, qu'il a publié en 1994 dans un journal américain dénommé le Boston Globe[6]. L'O.U.A créée en 1963 érigea en dogme le principe de l'intangibilité des frontières issues de la colonisation au sommet du Caire en 1964. Autrement dit, elle leur accorda une «sacralisation».

D'autre part, certains auteurs[7] estiment que les frontières internationales africaines sont une ressource, le veau d'or de l'intégration par le «bas» et les espaces d'opportunités qui contrastent avec l'atonie économique des pays d'Afrique.

Dès lors, l'étude sur le cas de la dyade camerouno-nigériane dans cette réflexion aborde des questions suivantes: en quoi cette frontière est génératrice d'un paradoxe? Quelles sont les mamelles nourricières des ressources et des frictions au niveau de la frontière entre le Cameroun et le Nigéria? Les disputes sur les zones bordières et l'essor de la criminalité transfrontalière aux confins du territoire du triangle national avec le Nigéria

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[1] A. Mbembé, *À la lisière du monde. Frontières, territorialité et souveraineté en Afrique*, in B. Antheaume et al., *Le territoire est mort Vive les territoires! Une (re) fabrication au nom du développement*, Paris, IRD, 2005, pp. 47-78.

[2] A.I. Asiwaju, *Fragmentation ou intégration: quel avenir pour les frontières africaines?*', Unesco, Colloque international tenu à Bamako sur *Des frontières en Afrique du XII è au XXe siècle*, Paris, 2005, pp. 73-84.

[3] J. Kizerbo, *Frontières et paix: quelques considérations méthodologiques liminaires*, Unesco, Colloque international tenu à Bamako sur *Des frontières en Afrique…*, pp. 85-90.

[4] *Ibidem.*

[5] *Ibidem.*

[6] A.I. Asiwaju, *Fragmentation ou intégration…*, pp. 73-84.

[7] À cet effet, nous pouvons citer quelques auteurs comme, Verkijika Fanso, *Transfrontier relations and resistance to Cameroon-Nigeria colonial boundaries 1916-1945*, Thèse de Doctorat en Histoire, Université de Yaoundé, 1982; C. Roncière, *La frontière à l'épreuve du temps et de l'espace Ouest-africain*, Paris, L'Harmattan, 1998; A.I. Asiwaju, *Fragmentation ou intégration…*, pp. 73-84; E. Sourna Loumtouang, *Les borderlands en Afrique: état, enjeux et défis pour le désamorcement des frontières coloniales et l'intégration africaine (1960-2010)*, communication présentée à la XIIIème Assemblée générale du CODESRIA: L'Afrique et les défis du XXIème siècle du 5 au 9 décembre 2011, Rabat, Maroc.

ne sont-ils pas la résultante d'une déficience de l'encadrement de l'État camerounais de ses périphéries frontalières?

Ainsi, pour mieux mener cette réflexion, notre analyse se structure en deux grandes parties suivantes. La première porte sur l' «archéologie» du concept de frontières, en jetant un faisceau de lumières sur la protogenèse de la frontière camerouno-nigériane. La seconde, nous indique en quoi cette frontière est demeurée une ressource capitale pour les populations transfrontalières des deux pays, des acteurs commerciaux nationaux et transnationaux mais aussi un ferment qui a attiré la criminalité transfrontalière et de disputes entre le Cameroun et le Nigéria.

I. Des frontières précoloniales aux frontières occidentales: aux origines de la dyade entre le Cameroun et le Nigéria (1885-1961)

Avant de traiter la question de fond sur la formation historique de la frontière entre le Cameroun et le Nigéria, nous pensons qu'une analyse préalable sur les significations multiples de la notion frontière est d'une importance capitale. C'est une notion nébuleuse et une construction sociale qui a évolué dans le temps et par conséquent elle mérite une nouvelle relecture.

1. «archéologie» de la notion des frontières

Elles sont désignées par les vocables divers respectivement par les auteurs suivants: J.O. Igué «périphéries nationales», J.P. Raison «régions informelles», E. Grégoire et P. Labazee «espaces d'échanges réels» et de D. Bach de «régionalisme transétatique»[1]. D'après le géographe français M. Fourcher, la frontière est perçue comme une discontinuité géopolitique à fonction de marquage réel, symbolique et imaginaire[2]. La symbolique renvoie à l'appartenance à une communauté politique inscrite dans un territoire qui est le sien; il a trait à l'identité et par conséquent désigne le rapport à l'autre, le voisin ou l'ennemi[3]. C'est l'enveloppe continue de l'ensemble spatial d'un État[4]. Sur ce point, il désigne les frontières sous l'appellation de dyade qui désigne la limite commune entre deux États contigus[5]. Autrement dit, les frontières sont des lignes de partages des souverainetés, elles enveloppent par une délimitation suivie d'une démarcation sur le terrain au moyen des bornes et autres outils physiques ou électroniques de séparation des territoires régis par une souveraineté étatique et formant le cadre de l'attribution et de la transmission d'une nationalité, d'une citoyenneté comme lien juridique d'un État à sa population constitutive[6].

En ce qui concerne Tomke Lask et Winkin Yves, la frontière est appréhendée comme une barrière et un filtre. Elle contient autant qu'elle repousse[7]. Ils précisent que, la frontière «interne» contribue à la définition de la communauté, elle désigne au

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[1] Nous avons emprunté toutes ces expressions dans l'article de K. Bennafla, *La fin des territoires nationaux? Etat et commerce frontalier en Afrique Centrale*, in "Politique africaine", n° 73, 1999, pp. 25-49.
[2] M. Fourcher, *Fronts et frontières. Un tour du monde géopolitique*, Paris, Fayard, 1991, p. 38.
[3] *Ibidem*.
[4] *Ibidem*.
[5] Idem, *L'obsession des frontières*, Paris, Perrin, 2007, p. 8.
[6] *Ibidem*.
[7] Tomke Lask et al., *Avant-propos: frontières visibles/frontières invisibles*, in "Quaderni", n°27, 1995, pp. 59-64.

renforcement de son identité ou de son intégration: «Ici on est chez nous»[1]. Tandis que, la frontière «externe» signifie aux «autres» qu'ils sont dehors et qu'ils ne pourront pénétrer à l'intérieur que sous certaines conditions[2]. En d'autres termes, juridiquement la frontière est «digitale» parce qu'elle est palpable, mais dans les faits, elle est «analogique»[3], d'où ils désignent la frontière comme à la fois visible et invisible, tangible et insaisissable sur les murs et dans la tête, fixée au sol et ancrée dans l'Histoire[4].

Dans cette réflexion, nous allons associer la frontière aux notions dyade, périphéries frontalières et confins des territoires nationaux. Elles sont le produit des artefacts historiques qui s'appuient sur des éléments naturels pour délimiter territorialement les souverainetés de deux États voisins ou de plusieurs pays voisins et par conséquent, Elles rassemblent, unissent et permettent de distinguer des autres.

De cette brève étude conceptuelle, il convient à présent d'analyser la façon dont on percevait les frontières en Afrique antécoloniale par rapport au modèle occidental.

2. Des frontières plurielles en Afrique au modèle occidental

L'Afrique ancienne connaissait bel et bien la notion de frontière avant l'arrivée des Européens sur leur sol. De ce fait, elle peut être considérée comme un moteur et produit de l'Histoire africaine à plusieurs niveaux, en ce sens qu'elle a joué plusieurs rôles dans ces sociétés, notamment politiques, économiques et socio-religieuses. Les frontières n'avaient pas les mêmes perceptions que celles imposées par l'Occident à la fin du XIXe siècle. Dans l'Egypte ancienne, on peut lire d'après les hiéroglyphes l'ambition des premiers souverains de dépasser les frontières des nomes (territoires) afin de réunir la double couronne du Sud et du Nord, et d'établir une frontière avec les peuples du désert occidental et oriental, ainsi qu'avec les peuples de la mer[5]. Bien évidemment, en Afrique ancienne, la reconnaissance des frontières s'appuyait sur l'écologie ou encore sur l'oro-hydrographie. Les limites des frontières dans l'Afrique ancienne se fixaient sur les éléments naturels: montagnes, collines, fleuves, forêts[6]. Il est important de noter que la frontière s'étirait ou se contractait au gré, des mobilités des personnes, de l'intensité et la régularité des échanges commerciaux, des conquêtes militaires, religieuses et des ambitions hégémoniques de certains monarques ou souverains africains. À titre illustratif, les chefferies Bamiléké et du royaume Bamun du XVIe au XIXe siècle nous révèle que c'est l'omniprésence du phénomène guerrier pour le contrôle de l'espace qui a été très souvent à l'origine du tracé de leurs délimitations territoriales[7]. Autrement dit, leurs frontières faisaient l'objet des remaniements incessants, car elles étaient soient rétractives ou expansives en fonction de leur potentiel militaire et de leur poids démographique[8]. En ce

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[1] *Ibidem.*

[2] *Ibidem.*

[3] *Ibidem.*

[4] *Ibidem.*

[5] J. Kizerbo, *Frontières et paix: quelques considérations méthodologiques liminaires*, Unesco, Colloque international tenu à Bamako sur *Des frontières en Afrique…*, pp. 85-90.

[6] *Ibidem.*

[7] Bah, *Frontières, guerre et paix dans l'Afrique précoloniale: l'exemple des chefferies Bamiléké et du royaume Bamun dans l'Ouest-Cameroun*, Unesco, Colloque international tenu à Bamako sur *Des frontières en Afrique…*, pp. 145-158.

[8] *Ibidem.*

qui concerne notre cas d'étude, la frontière avait des significations multiples. De la même manière, elle pouvait être comprise comme un espace unissant communautés culturelles qui partageaient une même langue, une même autorité politique et réligieuse. À propos, Fanso nous renseigne que:

The ethnic factor also implied – that the traditional African boundary had together in one territory and under one authority a linguistically and culturally unified ethnic group of chiefdom, not withstanding the spill – over population from neighbouring states. Such a unified group might, for purposes of local or lineage administration, be divided into small units, or be completely ruled intact by a strong centralised authority[1].

L'exemple de la communauté des Ejaghams qui chevauche les confins du territoire camerounais vers la région du Sud-Ouest à la périphérie frontalière Nigéria vers la région de l'Est est assez illustratif. Bien avant la colonisation, il n'existait aucune frontière entre les Ejaghams du Nigéria et ceux du Cameroun. Cet espace était une zone de fusion culturelle, de contacts et d'échanges économiques. Ce peuple avait pour dénominateur commun l'itinéraire migratoire, l'histoire, la langue et la religion. Les chefs religieux des Ejaghams qui se trouvaient au Nigéria précolonial se déplaçaient aisément vers le territoire de leurs pairs qui se trouvaient vers la région du futur territoire, que les Allemands allaient appeler plus tard Kamerun[2].

Dans le même ordre d'idée, les peuples transfrontaliers qui se retrouvent actuellement à la lisière de cette frontière et principalement vers la partie septentrionale du Cameroun et la zone du lac Tchad percevaient également la frontière comme un cercle de communion de contacts, d'échanges économiques et de coopération diplomatique. À ce titre, Fanso écrit que:

The groups inhabiting any portion of both sides of the Cameroon-Nigeria borders, from the gulf of Guinea to lake Chad, had formed themselves, as it were, extended culture communities or areas of close transaction and interaction and constant interchange and diffusion of customs and practices for a very long time before the advent of colonialism. Interactions through diplomatic relations, gifts, exchanges, trade, movements, marriages, social customs, institutions and material culture become a social traditions that was used to cement alliances and friendships in the region[3].

En Afrique précoloniale, la notion de zonalité était plus en vigueur que celle de la linéarité car, les frontières s'apparentaient à des limites culturelles et mentales mais aussi à des scissions naturelles (frontières naturelles)[4]. C'est la colonisation qui introduisit la

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[1] V. Fanso, *Transfrontier-relations and resistance to Cameroon-Nigeria…*, p. 10.

[2] Pour étayer notre analyse, nous pouvons prendre comme exemple le cas de la plus haute autorité traditionnelle des Ejaghams, Ntoé Eka qui se trouvait dans la vile de *Big Kwa* dans le vieux calabar (Nigéria). À chaque fois, qu'il fallait faire des rites et sacrifices aux divinités et à leurs ancêtres communs; ils se déplaçaient vers Mbabong dans la case de ses ancêtres dans l'actuel subdivision administrative de Manyu dans Sud-Ouest du Cameroun. Cf. V. Fanso, *Transfrontier-relations and resistance to Cameroon-Nigeria…*, pp. 15-17.

[3] V. Fanso, *Interrelationships and movements in the border zone before and after the imposition of the Cameroon-Nigeria boundary*, in C. Dubois et als., *Frontières plurielles, frontières conflictuelles en Afrique subsaharienne*, Paris, L'Harmatan, 2000, pp. 359-372.

[4] E. Sourna Loumtouang, *Les frontières dans le lac Tchad: une notion ignorée ou contestée?*, in "Revue d'histoire de l'Université de Sherbrooke", vol. 4 no 2, 13 janvier 2014, mis en ligne en 2014, consulté le 15 mars 2015, http://www.rhus.info/?articles=les-frontieres-dans-le-lac-tchad-une-notion-ignorée-ou-contestée.

notion de linéarité. Cette dernière apporta des profondes modifications et turbulences sur la notion de frontière des sociétés traditionnelles africaines.

La conférence de Berlin convoquée par le chancelier allemand Otto Von Bismarck du 15 novembre 1884 au 25 février 1885 fut décisive dans la balkanisation de l'Afrique et le tracé de ces frontières actuelles. Les articles 34 et 35 de l'acte de ce congrès qui matérialisaient «*l'occupation effective*» des territoires africains et la division de l'Afrique en «*Sphères d'influences européennes*»[1] marquaient l'accélération de la course au clocher ou du «*scramble of Africa*»[2]. À la «règle, au compas» et au prix des âpres négociations diplomatiques entre puissances occidentales, les frontières africaines furent dessinées et imposées sans l'assentiment des Africains. La territorialité coloniale avait brisé l'organisation spatiale intérieure constituée de «réseaux étendus de parentés, de groupes appartenant à la même communauté marchande ou religieuse, de marchés hebdomadaires, de villes»[3]. À titre illustratif, on peut évoquer les Isangélé qui parlent les langues ekoï, efiks et ibibios qu'on retrouve dans l'arrondissement d'Isangélé au Cameroun et dans les localités d'Oron et Annoto au Nigéria qui furent partagés aléatoirement entre ces deux pays par l'Allemagne et la Grande-Bretagne[4]. Cette méprise occidentale vis-à-vis des Africains n'est pas une occasion de souligner que ces frontières africaines imposées étaient arbitraires. Bien qu'elles aient douloureusement déchiré les ethnies, les tribus, les clans ou des groupes humains et des aires linguistiques homogènes de part et d'autre d'une frontière et bouleversé leur mode de vie culturel. En effet, aucune frontière dans le monde n'est arbitraire. À propos de cette factualité historique, l'historien camerounais Achille Mbembé écrit:

(…) Dans une large mesure, toute frontière relève d'une convention. En dehors de cas flagrants de découpages hasardeux, les frontières dessinées par la colonisation prennent, pour certaines d'entre elles, appui sur des bornes naturelles, à l'exemple des côtes, des rivières ou des chaînes de montagne. D'autres encore sont le produit de négociations diplomatiques ou de traités de cession, d'annexion ou d'échange entre puissances impériales. D'autres prennent en considération les vieux royaumes[5].

La particularité de cette imposition des frontières au modèle occidental en Afrique résidait dans le fait que, celles-ci répondaient à des nouvelles fonctions. Elles avaient une fonction légale ou de régulation (définition d'une aire territoriale à l'intérieur de laquelle le droit positif d'une communauté politique…); une fonction fiscale (surveillance des biens et des hommes) et une fonction de contrôle militaire et idéologique[6]. Dans le même ordre d'idées, la géographe française Karine Bennafla indique que:

Le mode de territorialité imposé par les Européens induit le maintien des personnes au sein d'un espace, cadre du contrôle et de la souveraineté de l'État. Ainsi, l'une des principales tâches de l'administration coloniale a consisté à regrouper et stabiliser les

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[1] Godfrey N. Uzoigwé, *Partage européen et conquête de l'Afrique: Aperçu général*, in *Histoire Générale de l'Afrique, l'Afrique sous domination coloniale, 1880-1935*, vol. II, Unesco / Nea, Paris, 1987, pp. 39-65.
[2] J.S. Canale, *La conférence «Africaine»…*, pp. 133-162.
[3] K. Bennafla, *La fin des territoires nationaux? Etat et commerce frontalier…*, pp. 25-49.
[4] Mfegué cité par W.D. Foga Konefon, *Le Cameroun et la question de l'immigration nigériane: 1963-2008*, Mémoire de Master en Histoire, Université de Yaoundé I, 2010, p. 39.
[5] A. Mbembé, *À la lisière du monde. Frontières, territorialité…*, 2005, pp. 47-78.
[6] P. Guichonnet et al., *Géographie des frontières*, Paris Vendôme, Presses Universitaires de France, 1974, pp. 49-53.

indigènes pour les soumettre à l'impôt, symbole même de leur assujettissement. La «fixation» des ethnies opérée par le biais d'une dénomination rigide fut le fait d'une administration hantée par le souci de répertorier, de classifier et d'ancrer dans le territoire colonial ses administrés[1].

Le nouveau découpage spatial relatif à la dyade camerouno-nigériane fut la résultante de nombreux accords signés entre l'Allemagne et la Grande-Bretagne.

3. «crayons, équerres, compas» et négociations diplomatiques de l'entreprise coloniale pour le croquis de la dyade camerouno-nigériane (1884-1961)

La démarcation de la frontière entre le Cameroun et le Nigéria remonte au lendemain de la conférence de Berlin. Elle s'est faite par de nombreux accords entre les puissances colonisatrices (Allemagne, Grande-Bretagne et la France). Nul ne doute que l'Allemagne fut la première puissance coloniale à annexer le Cameroun en 1884. Cette annexion courrouça les Anglais, parce qu'ils eurent la possibilité de le faire avant les Allemands. Les chefs de la côte camerounaise à savoir les Duala envoyèrent des pétitions afin de réclamer une annexion de leur territoire par les Anglais[2]. Les nombreuses tergiversations de l'Angleterre permirent à l'Allemagne d'annexer le Cameroun. Les Anglais virent leurs vieux-rêves de faire de la côte comprise entre le fleuve «*cross-river*» et le fleuve Cameroun leur colonie ne plus se réaliser[3]. Par conséquent, ils utilisèrent tous les moyens: protestations officielles, l'incitation des populations indigènes à se révolter contre les Allemands pour les empêcher de ne plus étendre leur zone d'influence au delà du fleuve Bimbia et de faire que le mont Cameroun reste dans leur domaine[4]. La Grande-Bretagne déjà fortement installée au Nigéria voulait étendre son territoire jusqu'aux côtes camerounaises. Pour mettre fin à sa rivalité et délimiter ses zones d'influences, elle eut lieu depuis le mois de juillet 1884 jusqu'au début de l'année 1885 entre ses deux gouvernements un échange de notes, parfois aigre-douces qui finirent par dissiper tous les malentendus[5]. C'est ainsi que, les négociations entre l'Allemagne et la Grande-Bretagne aboutirent au tracé de la frontière internationale entre le Cameroun et le Nigéria.

Sectionnée du bassin du Lac Tchad à la presqu'île de Bakassi, la frontière Cameroun-Nigéria a été établie par de nombreux traités ou accords internationaux. Le tout premier accord signé entre l'Allemagne et l'Angleterre relatif à cette frontière fut celui qu'on peut dénommer les accords anglo-germaniques du 29 avril au 16 juin 1885.

L'aboutissement de ces accords s'est fait au prix d'âpres négociations entre Lord Grand ville et le Comte Herbert de Bismarck. Elles furent résumées dans une note du ministre anglais au Comte Münster, ambassadeur de l'Allemagne à Londres en date du 29 avril 1885[6]. La section délimitée commençait sur la côte de l'océan Atlantique et se terminait à un point de la rive du vieux Calabar appelée «*rapids*». Par conséquent, la Grande-Bretagne s'engageait à ne pas acquérir de territoires, à ne pas accepter de protectorats et à ne pas entraver l'extension de l'influence allemande dans la partie littorale

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[1] K. Bennafla, *La fin des territoires nationaux? Etat et commerce frontalier en Afrique centrale…*, pp. 25-49.

[2] V.J. Ngoh, *Cameroun 1884-1985 cent ans d'Histoire*, Yaoundé, CEPER, 1990, pp. 13-18

[3] A. Owona, *La naissance du Cameroun 1884-1914*, Paris, L'Harmattan, 1996, pp. 55-56.

[4] *Ibidem*.

[5] *Ibidem*.

[6] L. Kouam, *La dynamique historique du Cameroun 1884-1961*, Mémoire de Maîtrise en Histoire, Université de Yaoundé, 1979, p. 18.

du Golfe de Guinée, et vers l'intérieur de terres, dans les districts se trouvant à l'Est de la ligne suivante:

À la côte, la rive droite du Rio-Del-Rey, ayant son embouchure entre 8°42 et 8°46 longitude Est de Greenwich; vers l'intérieur, une ligne suivante la ligne droite du Rio-Del-Rey depuis cette embouchure jusqu' à sa source, de là se dirigent vers la rive gauche de la rivière du vieux Calabar ou Cross-River, et se terminant, après avoir coupé cette rivière à un point situé vers 9°8 de longitude Est Greenwich marqué par le mot «Rapids» sur la carte de l'amirauté anglaise[1].

Il faut noter que l'Allemagne s'était engagée à respecter les mêmes clauses que la Grande-Bretagne, précisément, à ne pas traverser l'extension de l'influence anglaise dans la partie du littoral du Golfe de Guinée se trouvant entre la rive droite du Rio-Del-Rey telle qu'il est évoquée ci-dessus[2]. Par ce traité, la Grande-Bretagne prenait dans son escarcelle coloniale, la mission de Victoria située dans la baie d'Ambas bien qu'étant dans le Kamerun.

La mission de Victoria et la localité de Victoria devenaient une portion du territoire anglais. Face à ces inquiétudes, dans une seconde négociation entre les Allemands et les Britanniques, les Anglais se proposèrent de céder la localité de Victoria aux Allemands. Les négociations pour l'échange de Victoria furent menées entre la société de Mission Baptiste de Londres et la Mission Allemande de Bâle. La Mission Baptiste demanda 4700 livres au gouvernement allemand parce que c'était elle qui l'avait fondée. La Mission réduisit le chiffre à 4.000 livres pour la Mission de Bâle[3]. Un échange de notes qui a eu lieu le 27 et 31 janvier 1887 aboutit au transfert officiel de la localité de Victoria de l'Angleterre à l'Allemagne[4].

Un deuxième accord fut conclu du 27 juillet au 2 août 1886, entre Lord Rosebery et le comte Hatzfeld prolongeant la frontière occidentale du Cameroun vers le lac Tchad. Cette section commençait au: «point terminal de la ligne primitive sur le vieux Calabar ou *Cross-River*, en diagonale, jusqu'à la rive droite de la Bénoué à l'Est de Yola»[5].

Ainsi, la ville de Yola était restée dans la sphère d'influence britannique, parce que les commerçants anglais étaient installés dans ce territoire depuis novembre 1885. Cette section «*Atlantique-Rapids-Yola*» fut soumise à une révision. Le 15 novembre 1893, un traité fut signé entre l'Allemagne et la Grande-Bretagne. Il précisait la frontière occidentale du Cameroun, de Yola au Lac Tchad, laissant à l'Allemagne le Massif des Mandaras[6]. Toujours imprécise, cette frontière fut l'objet de nombreuses tensions entre les deux puissances. Pour entériner les accords précédents, le traité du 15 novembre 1893 fut complété par une commission de délimitation de frontières du 10 août 1903 au 24 février 1904 et approuvé par les accords du 19 mars 1906 à Londres[7]. Cette commission de frontières avait procédé au bornage de la section "Yola-Mer" de 1907 à 1909. Elle était présidée par White Lock, représentant de la Grande-Bretagne et Von Stéphani, celui de l'Allemagne. Cette commission avait parcouru toute la frontière camerouno-nigériane à

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[1] A. Owona, *La naissance du Cameroun…*, p. 42.

[2] *Ibidem*.

[3] V.J. Ngoh, *Cameroun 1884-1985…*, p. 28.

[4] *Ibidem*.

[5] L. Kouam, *La dynamique historique…*, p. 19.

[6] A. Owona, *La naissance du Cameroun…*, p. 47.

[7] L. Kouam, *La dynamique historique…*, p. 20.

partir du 1er novembre 1907 de Nassarao, près de Yola jusqu'à la borne frontalière n°7[1]. Une autre commission de délimitation des frontières du Rio-Del-Rey – Cross-River – Bashu visita la région de Bashu et travailla jusqu'au 15 avril 1909. À l'issue de cette mission, fut signé le 16 avril 1909 un autre accord entre ces deux puissances coloniales[2]. La frontière Yola-Mer était ainsi réaménagée par des abornements. Il restait ainsi le tracé de la frontière Bénoué au lac Tchad. C'est le protocole d'accord du 12 mars 1907 qui fixait les frontières du Cameroun de la rive droite de la Bénoué au lac Tchad. De la synthèse de ce protocole, il ressort que les Mandaras revenaient au *Kamerun* et le royaume de Bornou était éclaté. Une partie restait ainsi au Nigéria et une autre dans le *Kamerun*[3]. Ainsi, la frontière entre le Nigéria et le Cameroun depuis l'océan atlantique jusqu'au lac Tchad était matérialisée. Cependant, elle subit une autre modification qui aboutit à l'accord du 11 mars 1913.

Cette frontière fut appelée «*provisional boundary*»[4] parce qu'elle fut l'objet de nombreuses tensions frontalières entre la Grande-Bretagne et l'Allemagne. La documentation relative à l'accord du 11 mars 1913 servit de document de référence sur le tracé frontalier entre le Cameroun et le Nigéria[5]. En réalité, cet accord précisait les repères de la délimitation des frontières entre les deux pays. Cette délimitation obéissait à trois repères: celui des frontières naturelles telles que les cours d'eaux et les chaînes montagneuses. Celui des frontières basées sur les éléments astronomiques tels que les méridiens et les parallèles et enfin celui des éléments conventionnels[6].

C'est par ce traité que les frontières du Cameroun avec le Nigéria furent vraiment délimitées. Toutefois, il faut souligner que cette frontière a connue de nombreux remaniements notamment dues aux vicissitudes coloniales.

La première guerre mondiale qui débuta en Europe de 1914-1918 se déroula aussi au *Kamerun*[7] entre les Allemands et les forces alliées Franco-Britanniques. Cette âpre bataille se termina en 1916 par la défaite et la fuite des Allemands à Fernando-pô (actuelle Guinée Equatoriale). C'est ainsi que les Français et les Anglais se partagèrent le *Kamerun*. Les Français s'arrogèrent les 4/5 du territoire et les Anglais se contentèrent du 1/5e[8]. Ce partage fut entériné par la Société des Nations (S.D.N.) en 1922. Les deux puissances coloniales administrèrent leurs nouvelles colonies selon leurs convenances. Le Cameroun britannique fut divisé en deux parties; Le Cameroun septentrional ou le *Northern Cameroon* administré comme une partie du Nigéria septentrional et le Cameroun méridional ou *Southern Cameroon* rattaché aux provinces orientales du Nigéria[9]. Quant au tracé frontalier entre le Cameroun et le Nigéria, il s'est matérialisé dans une série d'accords. Précisément

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[1] *Ibidem.*

[2] *Ibidem.*

[3] *Ibidem.*

[4] A. Owona, *La naissance du Cameroun*…, p. 55.

[5] C.G. Titila, *Les grandes dates d'une triste Histoire*, in "Jeune Afrique Economie", n° 374, 2008, p. 60.

[6] L. Kouam, *La dynamique historique*…, p. 22.

[7] L'orthographe Kamerun avec K: c'est pour désigner l'appellation du territoire du Cameroun actuel par les Allemands à l'époque de la colonisation.

[8] D. Abwa, *Commissaires et hauts commissaires de la France au Cameroun (1916-1964). Ces hommes qui ont façonné politiquement le Cameroun*, Yaoundé, Presses universitaires de Yaoundé, et presses de l'UCAC, 2e édition, 2000, p. 8.

[9] V.J. Ngoh, *Cent ans d'Histoire*…, p. 146.

l'accord ou la déclaration de Milner-Simon du 10 Juillet 1919 à Londres qui traitait les problèmes frontaliers entre le Cameroun et le Nigéria dans le lac Tchad[1].

Cette déclaration a été précisée en 1930 par la déclaration Thomson-Marchand, laquelle a été confortée et incorporée par un échange de notes dit Henderson-Fleuriau entre la France et la Grande-Bretagne le 9 Janvier 1931. Précisément la fixation de la frontière du point triple du lac Tchad au pic Kombon (secteur 1)[2]. De même en 1946, il eut un autre accord franco-britannique relatif à la définition du secteur 2 de la frontière de Kombon à la rivière de Gamana[3]. Les dernières fluctuations de la frontière entre le Cameroun et le Nigéria se sont jouées en 1961 suite au plébiscite qui eut lieu dans les deux parties du Cameroun britannique. Les autorités britanniques avaient l'ambition de rattacher leur escacerlle coloniale du Cameroun au Nigéria. Toutefois, la montée du nationalisme (1945-1960) dans cette partie divisa les leaders du Cameroun britannique. Certains leaders comme John Ngu Foncha voulaient le rattachement du *Southern Cameroon* au Cameroun français et le premier ministre du *Southern Cameroon*, Endeley voulait son rattachement à la République Fédérale du Nigéria. À la suite d'un plébiscite du 11 au 12 février 1961 organisé par les Nations Unies dans le *Northern et le Southern Cameroon* à la question de savoir s'il voulait leur rattachement à la République Fédérale du Nigéria., le *Southern Cameroon* vota massivement pour son adhésion au rattachement au Cameroun Oriental (français)[4]. Par ailleurs, le *Northern Cameroon* par trucage ou complicité de la Grande Bretagne vota pour son rattachement à la République fédérale du Nigéria. Le Cameroun perdit 44.000 km2 au profit du Nigéria[5]. Malgré les protestations officielles de Yaoundé à la Haye, ces plaintes restèrent lettres mortes. C'est ainsi que la frontière camerouno-nigériane fut définitivement dessinée sur une longueur de plus de 1720 km. À la période post-indépendance, les chefs d'Etats camerounais et nigérians ont multiplié des visites relatives aux problèmes frontaliers entre leur deux pays. Au cours de celles-ci, l'accord la plus notoire fut celui signé entre le Président camerounais Ahmadou Ahidjo et le Président nigérian Yakubu Gowon dénommé la déclaration de Maroua signée le 1er Juin 1975[6].

Le tour d'horizon fait sur le tracé frontalier entre le Cameroun et le Nigéria nous renseigne sur la charge mémorielle que renferment les frontières africaines. Chaque frontière internationale voire nationale charrie une histoire.

Loin de considérer la frontière comme une contrainte et une barrière à la mobilité des personnes et aux flux des marchandises, les populations transfrontalières entre le Cameroun et le Nigéria exprimèrent leur écœurement et leur négation de ce nouveau maillage colonial par une guerre contre les Allemands en 1904[7], à travers la mise sur pied

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[1] B. Le Dur, *Cour internationale de justice: le parcours du combattant*, in "Jeune Afrique Economie", n° 374, 2008, pp. 44-59.

[2] N. Mouelle Kombi, *La politique étrangère du Cameroun*, Paris, L'Harmattan, 1996, pp. 109-110.

[3] *Ibidem.*

[4] V.J. Ngoh, *Cent ans d'Histoire…*, pp. 194-197.

[5] L. Kouam, *La dynamique historique…*, p. 64.

[6] Mouelle Kombi, *La politique étrangère du Cameroun…*, pp. 105-110.

[7] Il s'agit de l'alliance des peuples Anyang, des Keaka, Basho etc. qui étaient répartis entre la dyade camerouno-nigériane qui s'insurgèrent contre les Allemands en 1904. Bien vouloir lire V. Fanso, *Interrelationships and movements in the border zone before and after the imposition of the Cameroon – Nigeria boundary*, in C. Dubois et al., *Frontières plurielles…*, pp. 359-372.

des réseaux commerciaux informels, et la violation des réglementations des politiques publiques d'immigration mises sur pied par l'administration coloniale[1]. Elle fut davantage un espace d'opportunités, une ressource lucrative pour les contrebandiers. Le spectaculaire développement de la contrebande à la dyade camerouno-nigériane amena l'Allemagne, la Grande-Bretagne et la France à créer des postes frontaliers avec un personnel qui augmenta au fil des ans[2].

Au lendemain des indépendances des deux pays voisins, l'on constate toujours la volonté des populations transfrontalières à braver et à transgresser les sphères de souveraineté de leurs pays respectifs en quête des ressources de vie. Ces populations se sont appropriées et domestiquées cette dyade à cause de ses ressources multiples depuis les années 1960 jusqu'en 2008. Les disputes quant à ces ressources naturelles entre les deux États et l'installation de la criminalité transfrontalière ont été aussi une de ses particularités.

II. L'ambiguïté de la ligne frontalière entre le Cameroun et le Nigéria: ressources et litiges (1960-2008)

À n'en point douter, la frontière est un espace déterminé qui assemble, réunit et sépare les hommes. Autour d'elle s'organisent des rapports socio-culturels et économiques entre les hommes, mais également des frictions parce que, où les hommes se côtoient il y a forcément des altercations. Le dessein de cette partie est de montrer en quoi cette frontière est à la fois un espace du possible ou de multiples opportunités mais, également l'objet des convoitises sur les nombreuses ressources naturelles qu'elle regorge. D'où elle attire de la criminalité transfrontalière mais aussi, des escarmouches armées entre le Cameroun et le Nigéria.

1. La frontière camerouno-nigériane: un lieu de ressource

Contrairement aux idées reçues selon lesquelles, le tracé des frontières africaines est exogène et qu'il fut imposé aux Africains sans leur approbation, il se dégage une certaine curiosité quand on regarde leur gestion du point de vue vertical et horizontal. Depuis 1960, année d'indépendance du Cameroun et du Nigéria, on observe que leur dyade est devenue véritablement africaine dans la mesure où il y a eu une véritable appropriation et de domestication de cette frontière par les populations transfrontalières et les autres acteurs qu'elle attire. De nos jours, plusieurs auteurs s'accordent respectivement à qualifier les frontières africaines en général et celle entre le Cameroun et le Nigéria comme lieux de possibilités[3], d'opportunités[4] ou comme une ressource[5].

En réalité, au délà de la fonction de cette frontière comme enveloppe ou clôture des États suscités, on peut constater que cette zone bordière est devenue une véritable

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[1] À cet effet, nous vous recommandons de lire les travaux de V. Fanso, *Transfrontier relations and resistance to Cameroon-Nigeria…*, pp. 318-340.

[2] W.D. Foga Konefon, *Le Cameroun et la question de l'immigration nigériane: 1963-2008*, Mémoire de Master en Histoire, Université de Yaoundé I, 2010, p. 124.

[3] K. Bennafla, *La fin des territoires nationaux? Etat et commerce frontalier en Afrique Centrale…*, pp. 25-49.

[4] Piet Konings, *The Anglophone Cameroon-Nigeria Boundary: Opportunities and Conflicts*, in "African Affairs", vol. 104, n° 415, 2005, pp. 275-301.

[5] J.L. Piermay, *La frontière et ses ressources: regards croisés*, in B. Antheaume et al., *Le territoire est mort Vive les territoires! Une (re) fabrication au nom du développement*, Paris, IRD, 2005, pp. 203-223.

fourmilière commerciale caractérisée par des marchés frontaliers, des flux commerciaux formels et informels. Cette ligne frontalière a contrasté avec les divers soubresauts socio-politiques et économiques qu'ont connu le Cameroun avec la crise économique et les programmes d'ajustement structurel vers les années 1987 et également le Nigéria avec ses différents coups d'États militaires dans les années 1970, la guerre civile de 1967-1970. Longue de plus de 1720 Km[1], caractérisée par une grande perméabilité et la forte prégnance de la solidarité ethnique transnationale, cette frontière est une ressource multiforme en matière d'échanges économiques et de commerce interétatique entre le Cameroun et le Nigéria. Autour et à travers elle s'est réalisée une mobilité et un échange régulier et intensif des individus, des biens, des éléments culturels et des symboles. La multipositionnalité des populations transfrontalières de cet espace leur a permis de jouer et de manipuler les brigadiers frontaliers afin de leur contrôler efficacement lors de leurs transactions commerciales. Par exemple, Il est difficile aux gardes frontaliers d'empêcher un Ejagham du Nigéria de rendre visite à toute sa famille Ejagham du côté du Cameroun ou encore à Kanuri, ou Peul vers les régions frontalières vers la partie septentrionale du Cameroun de se rendre vers leur famille installée dans le Nord du Nigéria. Allant dans le même ordre d'idées, Karine Bennafla indique que c'est un socle indispensable sur lequel s'appuient et se superposent les échangent transfrontaliers[2].

Les échanges commerciaux au niveau de cette dyade ont permi la création des marchés frontaliers (Sabon Gari, Limani, Banki, Amchidé, Gambaru, Kerawa, etc.), la composition des figures inédites d'acteurs commerciaux, des contrebandiers, des passeurs, des transporteurs, etc. Par les frontières terrestres, lacustres et maritimes du Cameroun avec le Nigéria de nombreux trafics commerciaux se sont opérés. Ceci a permis à une bonne frange des acteurs commerciaux au niveau de cette frontière à bénéficier d'un bon nombre de profits[3].

Au délà d'être une ressource culturelle et économique, cette zone bordière est également une ressource stratégique par ses richesses halieutiques, faunistiques et floristiques qui attirent également des populations d'autres pays. Le cas du lac Tchad, l'île de Darack et les criques de la presqu'île de Bakassi sont illustrant[4]. Leurs multiples ressources halieutiques attirent les nationaux et internationaux et sont à l'origine d'une effervescence commerciale et des frictions entre pêcheurs sur cette dyade. Le cas du lac Tchad est assez patent. L'assèchement des eaux et l'amenuisement des ressources halieutiques dans certains recoins des pays riverains à ce lac amènent les populations à transgresser les aires d'influences d'États pour les modalités de survie. À cet effet, Erick Sourna nous indique que:

Dans la zone du Lac Tchad, la perception de la frontière comme ligne ou espace de différenciation sur le plan spatial n'est pas un concept partagé par les populations (pêcheurs). Ceux-ci considèrent le Lac Tchad comme un espace à part, une zone internationale où ils peuvent aller et venir sans avoir conscience de violer les limites territoriales d'un autre État. (…) La transgression de la frontière n'est donc pas un terme

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[1] Mouelle Kombi, *La politique étrangère du Cameroun…?*, p. 104.

[2] K. Bennafla, *La fin des territoires nationaux? Etat et commerce frontalier en Afrique centrale…*, pp. 25-49.

[3] À ce titre, bien vouloir lire Foga Konefon, *Le Cameroun et la question de l'immigration nigériane…*, pp. 125-134.

[4] Archives Nationales de Yaoundé 1 AA 38/6, relations nigériano-Camerounaises, 1966-1969. Archives du MINATD, Situation dans les îles camerounaises du lac Tchad, 1988.

qui convient à cette zone géographique où les populations vivent des ressources halieutiques. Ainsi, un pêcheur nigérian doit-il attendre que le poisson qui a migré vers la partie camerounaise revienne? La réponse à cette question saute aux yeux et fait du Lac Tchad un espace international ou la transgression des limites établies entre les États riverains est une modalité de survie des populations du Lac Tchad[1].

Cette situation ne manque pas de créer des tensions entre pêcheurs des pays riverains au lac Tchad et bien évidemment entre le Cameroun et le Nigéria et le Tchad.

Il faut aussi préciser que cette dyade a toujours été considérée comme un lieu de refuge pour les réfugiés nigérians, par exemple lors de la guerre civile au Nigéria (1967-1970) et lors des différentes crises entre éleveurs et agriculteurs dans le Nord du Nigéria dans les années 2000[2].

Cet emboîtement de faits répertoriés dans la durée nous permet de dire que la dyade camerouno-nigériane est une ressource, ou encore une «poule aux œufs d'or». Toutefois, quelques escarmouches entre le Cameroun et le Nigéria relatives à des disputes frontalières, au contrôle stratégique des ressources naturelles et la criminalité transfrontalière sont des éléments qui amènent à penser que c'est une zone belligène.

2. Aux confins des espaces entre le Cameroun et le Nigéria: entre métastase et la nonchalance de l'État camerounais

Dans les analyses précédentes, nous avons démontré que cette périphérie frontalière est une ressource stratégique par ses nombreuses ressources naturelles qu'elle recèle. Le Cameroun et le Nigéria ont eu des litiges frontaliers dus aux incursions militaires de l'armée nigériane en territoire camerounais et à cause des disputes sur des zones renfermant des richesses halieutiques, pétrolifères et floristiques. On peut noter quelques incursions militaires des nigérians dans le territoire camerounais dans les années 1967-1970, principalement dans les criques de Bakassi[3] pendant la guerre civile du Nigéria. On peut aussi noter leur incursion régulière et exactions commises sur les populations dans les îles camerounaises du lac Tchad[4] depuis les années 1984 jusqu'en 2004. Cette violation du territoire camerounais par l'armée nigériane n'a pas manqué de susciter des tensions diplomatiques entre ces deux pays. Ces faits ont incité le gouvernement de Yaoundé à penser que le Nigéria avait un projet irrédentiste sur les espaces périphériques du Cameroun.

Allant dans le même sens, à cause des velléités irrédentistes du Nigéria sur la zone de Bakassi et dans les îles camerounaises du lac Tchad riche en ressources naturelles, le Cameroun et le Nigéria se sont affrontés militairement pendant une quinzaine d'années de 1994 à 2008. Comme le note Achille M'bembé, c'était en réalité un conflit dormant qui a

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[1] Sourna Loumtouang, *Les frontières dans le lac Tchad…*, http://www.rhus.info/?articles=les-frontieres- dans-le-lac-tchad-une-notion-ignorée-ou-contestée.

[2] Archives du MINATD, situation des réfugiés nigérians dans le Mayo-Banyo, 2002. Archives du MINATD, dossiers réfugiés nigérians dans la subdivision administrative de Donga-Mantung, 2002.

[3] National Archives of Buéa, original file: TC 1966/20 Nigerians Biafrans clandestine activities in Cameroon Town et the Cameroon-Nigeria frontier West Cameroon 1966-1970 et National Archives of Buea, original File: TC 1968/4 Nigerian conflict, incursion of Nigerian soldiers an atrocities in Cameroon Town like Abana, Isangélé, Atabang, Bamuso, also Ibos atrocities 1968-1970, West Cameroon.

[4] Archives du MINATD, Situation dans les îles camerounaises du lac Tchad, 1988.

consisté en des escarmouches qu'en un véritable conflit ouvert[1]. Il indique que l'origine de ce conflit n'était pas de faire coïncider cet espace ethno-culturel et espace étatique, mais c'était la lutte pour le contrôle de ressources considérées comme vitales[2].

L'éloignement géographique et la nonchalance ou la non présence effective de l'État camerounais dans ses espaces périphériques avec le Nigéria ont favorisé un terrain fertile du développement de la contrebande, des activités illicites et de la criminalité transfrontalière. Une réunion interministérielle camerounaise tenue le 22 novembre 1967 reconnaissait déjà que les criques de Bamusso qui étaient majoritairement peuplés des Nigérians (90%) au détriment des citoyens camerounais, étaient un foyer par excellence de contrebande de diverses denrées et de trafics[3]. Elle exhortait le gouvernement à renforcer l'encadrement administratif et des forces du maintien de l'ordre nécessaires pour assurer le respect des lois et règlements par une population étrangère hostile[4].

En réalité ce long corridor frontalier est apparu depuis les indépendances comme un espace handicapé et négligé par le Cameroun. Le chercheur camerounais Erick Sourna précise que: «la situation d'abandon et de négligence chronique des frontières camerounaises est un phénomène étrange»[5]. On note que l'absence d'une politique de sécurisation de ses périphéries frontalières avec le Nigéria a suscité l'éclosion et l'essor des criminels maritimes et des petits groupes de bandes d'armées sur les espaces maritimes, lacustres et terrestres camerounais. À titre d'exemple, le 09 juin 2008, des hommes armés venus du Nigéria prirent pour cible une pirogue à moteur transportant des officiels civils et militaires dans la localité d'Akwa dans l'arrondissement d'Abedimo, 9 militaires furent tués et le sous-préfet de la localité, monsieur Fonya Félix Morfaw fut pris en otage au Nigéria[6].

Il faut souligner que l'absence de politique efficiente et efficace de la gestion de la frontière occidentale du Cameroun pourrait en majeure expliquer la transmission de l'hydre Boko Haram en territoire camerounais tel que nous le vivons actuellement. Le Cameroun a servi au départ de base de repli, puis de recrutement des combattants et enfin d'espace d'expression d'une «identité socio-politique». Le développement exponentiel de la contrebande, l'absence d'affirmation de souveraineté manifeste de l'État camerounais aux confins de ses territoires avec le Nigéria ont alimenté insidieusement l'installation de la secte terroriste Boko Haram.

Ces faits articulés peuvent amener certains chercheurs à penser que, les zones frontalières sont des véritables métastases. La frontière en elle-même ne pose aucun problème, c'est un espace utile, mais c'est son incurie, sa mauvaise gestion qui amène à penser qu'elle est mauvaise pour le sort de l'Afrique.

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[1] A. Mbembé, *À la lisière du monde. Frontières, territorialité et souveraineté en Afrique…*, pp. 47-78.

[2] *Ibidem*.

[3] Archives Nationales de Yaoundé 1 AA 38/6, relations nigériano-camerounaises, 1966-1969.

[4] *Ibidem*.

[5] Sourna Loumtouang, *Les borderlands en Afrique: état, enjeux et défis pour le désamorcement des frontières coloniales et l'intégration africaine (1960-2010)*, Maroc.

[6] V. Hameni Bieleu, *Politique de défense et sécurité nationale du Cameroun*, Paris, L'Harmattan, 2012, pp. 457-458.

Conclusion generale

Au terme de notre analyse, plusieurs constats se sont dégagés: un certain nombre de remarques et de leçons. La notion de frontière est le moteur et le produit de l'histoire de toutes les civilisations dans l'humanité. Elle a joué un rôle fondamental dans l'organisation de l'espace, l'établissement de certaines institutions politiques et dans la symbiose culturelle et économique des peuples africains. L'étude de cas sur la dyade camerouno-nigériane nous enseigne que malgré son tracé exogène et imposé aux populations transfrontalières, cet espace est resté une ressource depuis l'époque coloniale jusqu'à nos jours. Ces populations se sont appropriées et domestiquées ces frontières coloniales qui sont devenues par la suite des frontières africaines. Ce sont ces multiples ressources qui attirent des convoitises et les disputes entre hommes et États.

Le grand débat sur la question des frontières en Afrique ne devait plus se poser sur son révisionnisme. Ce ne sont pas les frontières qui créent les guerres, mais plutôt les nationalismes qui se sont construits autour de ces frontières[1]. L'Afrique doit assumer son héritage colonial et enlever le venin à ces frontières. Penser et réinventer des nouveaux modèles d'intégration et de coopération transfrontalière dans ces espaces frontaliers seront un pas décisif vers l'unité du continent tel que le pensaient les leaders africains sur la question du panafricanisme. Le Cameroun gagnerait à élaborer une politique harmonieuse, d'identification et de stabilisation de ses frontières avec le Nigéria. Sa souveraineté est encore en mal dans ses périphéries. Le scénario amour-désamour entre le Cameroun et le Nigéria est axé principalement sur leur frontière commune. Comment comprendre que le Cameroun et le Nigéria se refusent le droit de poursuivre militairement le groupe islamiste et terroriste Boko-Haram dans leur territoire respectif, mais plutôt permettent au Tchad de le faire? La réponse à cette interrogation nous permet de comprendre l'impact, le poids ou les multiples enjeux de la frontière chez les politiques camerounais et nigérians. La frontière est un élément entier de l'existence des États africains. Elle demeure sacrée.

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[1] C. Coquery Vidrovitch, *Histoire et perception des frontières en Afrique du XII au XXè siècle*, Unesco, Colloque international tenu à Bamako sur *Des frontières en Afrique du XII è au XXe siècle*, Paris, 2005, pp. 39-54.

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ENHANCING ROMANIAN POST-COMMUNIST DEMOCRACY. HISTORICAL INSTITUTIONALISM PERSPECTIVES IN EUROPEAN INTEGRATION STUDIES

*Cătălina Maria Georgescu**

Abstract

Institutionalism studies argue that institutions matter in molding and explaining behaviors and policy choices. Research on the European integration has focused lately on the *Europeanization* phenomenon defined to account for the transformations visible at supranational, national, local and regional level as a result of accession and integration conditionality. The present study builds upon a rich literature to follow a research hypothesis according to which European conditionality was the driver of change in Romanian post-communism transition aimed at achieving membership status.

Key words: *Enlargement, Historical Institutionalism, Post-communism, Romania, Transition*

Introduction: outlining mainstream research

European integration has recently benefitted from intensive analyses based on institutionalism approaches claiming that institutions matter in molding and explaining behaviors. Institutionalism provides the methodological basis for explanations of the changes under way at supranational, regional, national and local levels within the European integration context[1]. Thus, recently accounting for the "the *import* of the rule of law as a democratic tradition" institutionalism creates a favorable framework for analyzing changes in policy-making[2].

Research on the European integration of old and new Member States has focused lately, beginning with the 1990s, on the *Europeanization* phenomenon conceptualised to account for the transformations visible at supranational, national, local and regional level in the context of the widening of the European construction.

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[1] Studies accomplished by Wolfgang Streeck and Kathleen Thelen (editors), *Beyond Continuity: Institutional Change in Advanced Political Economies*, Oxford, Oxford University Press, 2005; Sven Steinmo, Kathleen Thelen and Frank Longstreth, *Structuring Politics. Historical Institutionalism in Comparative Analysis*, Cambridge University Press, 1992; Walter W. Powell, Paul J. DiMaggio, *The New Institutionalism in Organizational Analysis*, The University of Chicago Press, 1991; Bruno Palier, Giuliano Bonoli, *How do welfare states change? Institutions and their impact on the politics of welfare state reform in Western Europe*, Cambridge University Press, 2000; Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia and China*, Cambridge University Press, 1979; Timo Weishaupt, *From the Manpower Revolution to the Activation Paradigm. Explaining Institutional Continuity and Change in an Integrating Europe*, Amsterdam, Amsterdam University Press, 2011; Colin Hay, Daniel Wincott, *Structure, Agency and Historical Institutionalism*, in "Political Studies", 1998, (46), pp. 951-957 provide explanations for changes in politics, policies and polities through institutional transformations.

[2] Anca Parmena Olimid, *The "Import" of the Rule of Law as a Democratic Tradition in Post-Communist Constitutional Usage: Charting a Multi-Level Theoretical Matrix*, in "Revista de Ştiinţe Politice. Revue des Sciences Politiques", Craiova, Editura Universitaria, No. 41/2014, pp. 53-64.

Methodological inputs: Europeanization and historical institutionalism

The focus on *Europeanization* has been dealt with in single case studies aiming at explaining the transformations of the Member States' administrations as a result of accession and integration conditionality. International relations scholars advanced the utility of institutionalism in the study of integration[1]. Lately, the research has moved to cross-countries comparisons accomplished in order to identify diverging paths or convergence towards a European administrative model. We thus resumed the comparative analyses of Germany, the United Kingdom, Denmark, Great Britain[2], the Netherlands, Greece, France, Ireland, the group of Nordic states, the Balkan region, the Eastern former communist bloc and the Southern states Italy and Greece, or between "old" and "new" Member States[3]. To sort out the theoretical framework, as Boerzel and Risse conceptualised the term in 2000, Europeanisation is "when Europe hits home"[4].

However, the integration process has triggered a series of transformations which were resented differently by the national executives and legislatives. In other words a re-configuration of the balances of forces occurred during this process which was the vector for installing a diversity of models rather than a single European model.

A series of political implications were thus identified as regards the roles of national parliaments within the integration process with some researchers claiming the weakening of the national legislatives drawn as due-payers of the integration costs[5] and increasing the democratic deficit at EU level[6]. On the other hand, there are authors who back the idea that national parliaments strategically re-positioned themselves in order to receive the benefits to integration[7] purely adapting to the new political equation[8]. By politically legitimizing their actions through citizens' preferences, national parliaments either

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[1] Ionuţ Şerban, *Theories and Concepts in International Relations – from Idealism to Realism*, in "Revista de Ştiinţe Politice. Revue des Sciences Politiques", Craiova, Editura Universitaria, No. 40/2013, pp. 52-58.

[2] Arthur Benz, *Path-Dependent Institutions and Strategic Veto Players: National Parliaments in the European Union*, in "West European Politics", 2004, 27:5, pp. 875-900.

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[6] Dionyssis Dimitrakopoulos, *Incrementalism and Path Dependence: European integration and Institutional Change in National Parliaments*, in "Journal of Common Market Studies", 2001, Vol. 39, No. 3, pp. 405-422.

[7] Dimitris Papadimitriou, Eli Gateva, *Between Enlargement-Led Europeanisation and Balkan Exceptionalism: An Appraisal of Bulgaria's and Romani's Entry into the European Union,* in "Perspectives on European Politics and Society", 2009, 10:2, pp. 152-166.

[8] Geoffrey Pridham, *Assessing democratic consolidation in Central & Eastern Europe: The European dimension,* in "Acta Politica", 2006, 41(4), pp. 342-369.

institutionally vetoed legislation originating in EU norms[1], or succeeded in increasing parlimentary control over governments[2].

The general opinion, however, is that national governments benefited the most from the integration process by raising their influence on establishing the EU policy agenda and increasing their importance in the policy-implementation process[3]. Policy-implementation is the theme of common interest for researchers who wish to identify and explain the convergence[4] or divergence of national political systems in European affairs. Some analyses of the transposition issues in Member States conclude that it was not convergence, but simple internalized practices of adaptation that led to the accounted outcomes[5]. Moreover, national interest to "fit" or already acquired compatibility to EU law was used as a variable to explain the convergence of some national political systems[6]. Multi-level governance models corroborated to institutional structures intended to increase citizens' participation was also accounted as a vector for the restrain of national parliaments weakening process within the European integration process and the decrease of the democratic deficit[7] and the activity of national political parties.

Within this framework we will follow a research hypothesis according to which European conditionality was the driver of change in Romanian post-communism transition aimed at achieving membership status.

Post-communist political transition and EU imposed conditionality: the Romanian case

The post-communist political transition studies have focused mainly on determining the evolution and impact of cleavages on the democratization process. Approaching the slow pace of the reform process and the conditionality of both endogenous and exogenous factors, the literature has legitimized the idea of the backwardness of transition societies of South-Eastern Europe (Romania being asserted to this category) characterized as instable and fragmented[8]. The distance between Western consolidated democracies and the South-Eastern European former Communist countries was depicted in studies

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[1] Ian Bailey, *National adaptation to European integration: institutional vetoes and goodness-of-fit,* in *"*Journal of European Public Policy", 2002, 9:5, pp. 791-811.

[2] Arthur Benz, *Path-Dependent Institutions and Strategic Veto Players: National Parliaments in the European Union*, in "West European Politics", 2004, 27:5, pp. 875-900.

[3] Cristina Chiva, David Phinnemore, *Preface: The European Union's 2007 Enlargement*, in "Perspectives on European Politics and Society", 2009, 10:2, pp. 149-151.

[4] Berglund, Sara, Ieva Gange, Frans van Waarden, *Mass production of law. Routinization in the transposition of European directives: a sociological- institutionalist account*, in "Journal of European Public Policy", 2006, 13:5, pp. 692-716.

[5] Dionyssis Dimitrakopoulos, *The Transposition of EU Law: "Post-Decisional Politics" and Institutional Autonomy*, in "European Law Journal", Vol. 7, No. 4, December 2001, pp. 442-458.

[6] Antoaneta Dimitrova, *Enlargement, Institution-Building and the EU's Administrative Capacity Requirement*, in "West European Politics", 2002, 25:4, pp. 171-190.

[7] Arthur Benz, *op. cit.*, p. 878.

[8] The processes of democratisation and Europeanization of the Balkans are discussed in Othon Anastasakis, *The Europeanization of the Balkans*, in "Brown Journal of World Affairs", Summer/Fall 2005, vol. XII, Issue 1, pp. 77-88.

directed to identify the causes of this divergence[1]. The edited work of Daniel Chirot, the incisive approach of Barrington Moore or the innovative and comprehensive coordinated work of Berglund, Ekman and Aarebrot have in common a historical and comparative complex approach of the backwardness and peculiar character of CEE and SEE democracies. Power and borders re-scaling[2], imported forms of democratic institutions, economic and political instability, extremist backlashes and local monarchic traditions and diplomatic accomplishments[3] characterized the interwar period considered by some the seed (commonplace even) of democratization in Romania. William Crowther depicts this image exploring the peculiarities of the Romanian transition and "proto-politics", a term coined to account the level of political culture, political elites mix, political parties' institutionalization and societal forces[4].

In this sense it is important to note the approach of Geoffrey Pridham who discusses about the difference between Europeanisation and democratization arguing that the time-frame and scope of enlargement must be correlated to the nature of the relations between supranational institutions and national governments on the one hand, and between national governments and the national context[5]. Also, the author draws attention to the difference between "political will and political capacity", the latter being determined by the efficiency of the political system[6]. EU-led conditionality on Romania meant more than fulfilling the Copenhagen criteria outlined in 1993. For the Central and Eastern European countries the EU applied new stages of conditionality, under the form of Regular Reports, the PHARE Democracy Program, and twinning arrangements. Possessing stable institutions promoting rule of law, a fast track of economic growth and the respect of human rights were the expression of the standardized image sought in for candidate countries (with which Romania synchronized only marginally). Within this framework, politicization of the administration was analyzed as path dependence from the communist legacy[7] while the "return to Europe" rhetoric tried to overshadow the critical country image issues.

Moreover, what is interesting to note is that studies on pre-accession negotiations and post-accession reforms and consolidation point towards the European discretion over Romanian reform actions[8]. This discretion was particularly visible in designing the government's accession plan and in the reforms of the judiciary in 2004, in the pressures

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[1] Daniel Chirot (editor), *The Origins of Backwardness in Eastern Europe. Economics and Politics from the Middle Ages until the Early Twentieth Century*, University of California, 1989. Also see the historical institutionalism approach of Barrington Moore, *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World*, Beacon Press, 1993.

[2] Sorin Liviu Damean, *8 noiembrie 1945: Rezistenţă şi represiune în România*, in "Historica", Craiova, no. 1/2006, pp. 52-54.

[3] Marusia Cirstea, *Romanian Kings' Official Visits to London*, in "Revista de Ştiinţe Politice. Revue des Sciences Politiques", Craiova, Editura Universitaria, no. 21-22/2009, pp. 16-20.

[4] William Crowther, *Romania*, in Sten Berglund, Joakim Ekman, Frank H. Aarebrot, *Handbook of Political Change in Eastern Europe*, Northampton, Edward Elgar Publishing, 2004, p. 365.

[5] Geoffrey Pridham, *The Effects of the European Union's Democratic Conditionality: The Case of Romania during Accession*, in "Journal of Communist Studies and Transition Politics", 2007, 23:2, pp. 233-258.

[6] *Ibidem*, p. 235.

[7] *Ibidem*, p. 248.

[8] Aneta Borislavova Spendzharova, *Bringing Europe In? The Impact of EU Conditionality on Bulgarian and Romanian Politics*, in "Southeast European Politics", 2003, Vol. IV, No. 2-3, pp. 141-156.

to ensure economic reforms as envisaged by the EU, to modernize and stabilize the state apparatus[1] and bring about pubic administrative reforms[2]. What was added in the streamline analysis on European enlargement was the security issue in the Balkans. The war in Yugoslavia was tackled as an incentive for the EU to begin the negotiation process with Romania[3].

Conclusions: creating a framework for further research

Europeanization stands at the basis of numerous explanations of the transformations of the triad *polity-politics-policy* (as was the notion conceptualised by Kevin Featherstone and Claudio M. Radaelli in 2003). *Europeanization* has recently gained much attention entering the mainstream of scientific research for European integration studies. Methodologically supported by the new institutionalisms, *Europeanization theory* focuses on explicit changes of national political systems and qualitative and quantitative effects of EU supranational integration for public policy-making and implementation. National convergence towards a common European model in policy-making has benefitted the support of contingency theory and models which grant the establishment of future strategic modes of action on past and current incentives, stimuli and influences. Contingency models thus explain the institutional changes correlating the interdependence and synergies among the supranational, national, regional and local levels. However, compliance with the EU accession criteria was sometimes analyzed as a means of being awarded the membership status. As such, one could analyze the institutionalisation of the rule of law in Romania as a determination for the country's accession to the EU[4] with the co-operation of the Ministry of European integration.

Within such a complex and rigid timeframe for some sensitive areas such as anti-corruption measures and justice reform policy-making was enacted through windows of opportunity opened by EU tight conditionality. Transparency in public affairs was shoved through the freedom of information act while justice reform was driven with the establishment of an elected institution – the Superior Council of Magistrates – and the adoption of strategic actions to cut through the EU-imposed "safeguard clause". It was thus argued that reform processes started to emerge following the start-up of negotiations aimed at achieving membership status. In this manner researchers considered that differences between successive waves of enlargement and between accession countries themselves can be outlined through diachronic studies of conditionality exposure within the three dimensions "iconic acts of differentiation, enhanced conditionality and the securitization of EU marginalization"[5]. According to this framework authors have analyzed Romania's having been postponed the entry to the negotiation process at the

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[1] Geoffrey Pridham, *op. cit.*, pp. 248-249.
[2] Denita Cepiku, Cristina Mititelu, *Public Administration Reforms in Transition Countries: Albania and Romania Between the Weberian Model and the New Public Management*, in Lucica Matei, Spyridon Flogaitis, (editors), *Public Administration in the Balkans from Weberian bureaucracy to the New Public Management*, in *South-Eastern European Administrative Studies*, Bucureşti, Editura Economică, 2011, pp. 299-322.
[3] Geoffrey Pridham, *op. cit.*, p. 245.
[4] *Ibidem*, pp. 245-246.
[5] Dimitris Papadimitriou, Eli Gateva, *Between Enlargement-Led Europeanisation and Balkan Exceptionalism: An Appraisal of Bulgaria's and Romania's Entry into the European Union*, in "Perspectives on European Politics and Society", 2009, 10:2, pp. 152-166.

same time with the other CEE countries, the inclusion of a special minority rights clause in the country's Association Agreements, the insertion of a "unilateral suspension clause" in the Final Provisions of the Agreements and, furthermore, the thrust of three safeguard clauses in the Accession Treaty (against economic failure, internal market implementing setback and against miscarry to cooperate in criminal and civil matters). Researchers also point to the facts that European conditionality did not end with the accession, on the contrary, Romania has been driven with the load of a so-called "postponement of accession clause" and the entry in the "cooperation and verification mechanism"[1]. In the same manner researchers have analyzed EU twinning exercises as part of the exogenous conditionality towards administrative convergence during the accession process[2].

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[1] *Ibidem.*

[2] Dimitris Papadimitriou, David Phinnemore, *Europeanization, Conditionality and Domestic Change: The Twinning Exercise and Administrative Reform in Romania*, in "Journal of Common Market Studies", 2004, 42, pp. 619-639.

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THE EVOLUTION OF THE EUROPEAN UNION AS GLOBAL ACTOR IN THE LIGHT OF THE LISBON TREATY

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Abstract

From the middle of the XXth Century, the European Union represents an unique and innovative model of international organization. For the first time in history, with the integration solutions provided by the creation of the common market, Europe has thrived by peace and the traditional conflicts have been successfully converted in partnerships that benefit all parts involved. In this paper we aim to analyze the evolution of the European Union as a global actor and its actions on the international scene. On the other hand, we question the ways in which this regional organization has the ability to act and influence globally. In order to obtain these answers, we analysed the main institutions introduced by the Treaty of Lisbon that contribute to developing the European foreign policy. We also tried to analyze the relationship between national foreign policy and European foreign policy and which of the two types of institutions are more resourceful in the matter of external action. The conclusion that we reached was that, although the European Union has managed to reach an unprecedented level of integration between its members, and despite the creation of common institutions of foreign affairs, this field is strictly linked to matters of state sovereignty, and the member states are not ready yet to give up completely such resources.

Key words: *Europe, Global, International Actors, Treaty of Lisbon, International Organization*

Fourty years ago, Henry Kissinger wondered: "*Who do I call if I want to call Europe?*". This question is still of interest today, and should be understood based on at least the following perspectives: first of all, is there a person designated to represented the European Union's point of view when it comes to international relations, and with the ability to speak on behalf of the interests of all the member states and the Union as a whole? And second, when referring to Europe as the international organization known as the European Union, can one speak of a common interest, do all the member states agree on the matters of their international interests?

Despite Europe's attempts during the past fourty years to advance from an economical community towards political integration, we believe that the answer to this question is yet under debate. This is the conclusion that Kissinger also reached in an interview with a German journal: "*Nation-states have not just given up part of their sovereignty to the European Union but also part of their vision for their own future. Their future is now tied to the European Union, and the EU has not yet achieved a vision and loyalty comparable to the nation-state. So, there is a vacuum between Europe's past and Europe's future*"[1].

The debate on Europe as a global actor has been highly polarized. On the one hand, we have seen a profusion of authors detecting the emergence of a genuine global

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[1] Interview available at http://www.spiegel.de/international/world/spiegel-interview-with-henry-kissinger-europeans-hide-behind-the-unpopularity-of-president-bush-a-535964.html

"superpower"[1]. For these analysts, by and large, the EU's "success" derives from conscious political purpose and preferences. On the other hand, there are those with minimal expectations who, however much they might personally wish it were otherwise, see little in the EU's performance on the global stage other than political muddle, thin rhetoric and even mythology[2]. Here, the argument is essentially driven by a focus on the tensions between the parts and the whole. In between, there is a group of scholars who believe that the EU can influence certain world outcomes, but only around the margins and only as a 'civilian power' through the deployment of normative instruments[3].

In order to describe the European Union's evolution as a global actor, we start from the presumption that this organization has, in fact, global action. We must differentiate the common European action from the distinctive relations that the member states have with third parties. Globalization may be defined as a comprehensive world-wide process of the internationalisation of communication, trade and economic organization. In the economic sphere it can be seen in international trade agreements, vast increases in the volume of international trade and growing economic interdependency. It is also marked by the expansion of the size and power of multinational corporations and the development of the American entertainment industry's domination of international cultural communication[4]. In general, the process is seen as driven by the growth of international capitalism and involving the transformation of the culture and social structures of non-capitalist and pre-industrial societies.

The original treaties establishing first the European Coal and Steel Community in 1952, and then, in 1957, both the European Atomic Energy Community and the European Economic Community made no mention of foreign or security policy. Nonetheless, the Communities were international actors by virtue of their very existence: their international treaty base and their interaction with other global actors and institutions. Furthermore, there was an underlying political assumption that the process of European integration was one that was inherently political and which aspired to the creation of a truly political European community of states. Thus, it was to be expected that shared interests would gradually and increasingly be assigned to a supranational authority which, over time, would further extend its policy reach[5]. Moreover, within this neo-functionalist perspective, it was presumed that such a process would not be limited to domestic welfare issues of trade and production, but that it would also spillover from this area of "low politics" into the "high politics" of international relations and foreign policy. For these theorists, the move from a Common Commercial Policy to a Common Defence Policy was both desirable and inevitable[6].

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[1] S. Haseler, *Super-State: The New Europe and its Challenge to America*, London, I.B. Tauris Publishing, 2004, pp. 121-124; M. Leonard, *Why Europe will run the 21ˢᵗ Century*, London, Fourth Estate Publishing, 2005, p. 76.

[2] I. Manners, *Global Europa: Mythology of the European Union in World Politics*, in "Journal of Common Market Studies", Vol. 48, Issue 1, January 2010, pp. 67-87.

[3] Z. Laïdi, *Norms over Force: The Enigma of European Power*, New York, Palgrave, 2008, pp. 52-66.

[4] Robert O. Keohane, Joseph S. Nye, *Putere și interdependență*, Iași, Editura Polirom, 2009, p. 94.

[5] Ernst Haas, *The Uniting of Europe: Political, Economic and Social Forces, 1950-1957*, Stanford University Press, 1958, p. 32.

[6] Robert O. Keohane, Joseph S. Nye, *op. cit.*, pp. 145-146.

The nomination of Javier Solana, not only to continue in his role as co-ordinator of the European Union's common foreign and security policy, but also to take over as the European Union's first foreign minister once this function is formally established, was a major boost for continuity in the European Union's foreign relations: "*Europe has to adapt itself and continue to be a player in international affairs*", as Solana has stated.

The amendments introduced by the Lisbon Treaty
Starting with just six member states in 1958 and now with 28, the EU (and its predecessor, the European Economic Community, which evolved into the European Community, or EC) has been a significant force behind the unification of a historically war-torn continent under a peaceful, legally binding democratic covenant. It has encouraged democratic and free-market economic reforms in Greece, Portugal, and Spain (all of which were formerly under authoritarian rule) and in the former communist nations of central and eastern Europe. In the Balkans and in Turkey, the prospect of EU membership has spurred economic and political reforms and promoted democratic values. And the EU has established a single market free of barriers, a common monetary policy (including a common currency for most member states), a zone of passport-free travel (excluding the United Kingdom and Ireland), and a significant body of common laws. For member states to have transferred so much sovereign power to the EU's central institutions is a unique achievement. However, foreign policy has always been the weakest element of the EU's integration project.

Member states began coordinating their foreign policies in the 1970s through an informal process known as the European Political Cooperation, which the Maastricht Treaty later formalized into a distinct intergovernmental decision-making process. Even then, however, the impact of EU foreign policy remained limited. Despite issuing countless declarations and "common positions" setting out official recommendations, the EU was usually unable to shape world events. Its role was largely confined to responding to crises, rather than preventing them or marshaling EU resources proactively to achieve defined objectives.

However, the deep divisions among member states that surfaced during the Iraq war reinforced concerns that flaws in the EU's structure hampered its ability to exert power. One problem was that the European Union's High Representative for Common Foreign and Security Policy coexisted with the post of European commissioner for external relations, which handled the European Commission's relations with the world (except for trade), including overseeing diplomatic delegations in non-EU countries. The former High Representative had political clout as the member states' representative but had a limited budget, mandate, and staff; the commissioner for external relations had a significant budget and staff, but only spoke for the European Commission, the EU's unelected executive branch. Their overlapping responsibilities and occasional lack of coordination resulted in ineffective uses of scarce resources. Meanwhile, the EU was still represented abroad by a slightly amended but equally unwieldy troika: the High Representative for EU common foreign and security policy, the commissioner for external relations, and the foreign minister of whichever country held the Council of the European Union presidency. It took the Lisbon Treaty to end that arrangement.

The Lisbon Treaty is the latest in a long line of EU reform efforts. It is the fifth amendment to the 1957 Treaty of Rome. Following the Single European Act of 1986 –

which laid the foundations for Europe's single market, assuring for the first time the free flow of goods, capital, people, and services among the member states – the EU reformed its institutions and decision-making process through the Maastricht Treaty of 1992, the Amsterdam Treaty of 1997, and the Nice Treaty of 2001. But with the cumulative effect of these amendments widely acknowledged to have complicated decision-making – and with the organization planning to enlarge from 15 to 25 member states in 2004 – EU leaders sought to replace the confusing patchwork of EU treaties with a single, overarching constitution. The resulting document, drafted by a constitutional convention in 2002-3, was signed by all EU heads of government in 2004 but was rejected the following year by French and Dutch voters, who feared that a European constitution would limit their countries' national voting rights, sovereignty, and access to EU funds[1].

In its 1997 publication, Agenda 2000: For a stronger and wider Europe, the European Commission proposes a range of ambitious, global roles for the European Union[2]: "*The Union must increase its influence in world affairs, promote values such as peace and security, democracy and human rights, provide aid for the least developed countries, defend its social model and establish its presence on the world markets…prevent major damage to the environment and ensure sustainable growth with an optimum use of world resources. Collective action by the European Union is an ever increasing necessity if these interests are to be defended, if full advantage is to be taken of the benefits of globalization and if the constraints it imposes are to be faced successfully. Europe's partners…expect it to carry out fully its responsibilities*".

On December the 1st, 2009, after nearly a decade of acrimonious debate, the Treaty of Lisbon entered into force across the 27 member states of the European Union. The treaty reformed all the EU's institutions, making the organization more accountable to voters and enhancing its ability to address European and global challenges. On the long term, the treaty may make the EU a more coherent international actor, thereby significantly affecting non-EU countries, including the United States.

Europe's foreign affairs institutions

The Lisbon Treaty created the post of High Representative of the Union for Foreign Affairs and Security Policy, who serves a five-year term as EU foreign minister and is supported by a large corps of diplomats. This new High Representative, who also serves as a vice president of the European Commission, carries out policies determined by the member states. The responsibilities of the High Representative were previously held by two separate persons within the EU: the High Representative for Common Foreign and Security Policy (CFSP) and the Commissioner for External Relations. The Treaty of Lisbon therefore puts all of the powers related to common foreign and security policy into the hands of one person. The aim is to improve the consistency, effectiveness and visibility of the EU's external action. The new post replaced Solana's, and although it bears a title similar to the one that was held by Solana, it has a clearer mandate. The treaty establishes, for example, that the new High Representative speaks for the EU's Common Foreign and Security Policy in international forums and organizations, which the troika

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[1] Iordan Gheorghe Bărbulescu, *Procesul decizional în Uniunea Europeană*, Iaşi, Editura Polirom, 2008, p. 431.
[2] Commission Communication (I), *Agenda 2000 for a stronger and wider Union*, in "Bulletin of the European Union", 15.07.1997, p. 90.

used to do. This new streamlined system should enhance the EU's credibility, continuity, and communication.

However, the High Representative of the Union does not have the monopoly on the EU's external representation. The Treaty of Lisbon also gives the President of the European Council responsibility for the external representation of the EU, at a separate level, without prejudice to the powers of the High Representative. However, the text does not specify how the work is to be divided between the two, allowing practical experience to determine their respective roles.

Also, the High Representative participates actively in the common foreign and security policy of the Union. First of all, he contributes to the development of that policy by submitting proposals to the Council and the European Council. He then enforces the decisions adopted, as a representative of the Council.

The High Representative of the Union also has a duty of representation, by conducting political dialogue with third countries and is responsible for expressing the EU's positions in international organisations.

In replacing the High Representative for CFSP and the Commissioner for External Relations, the High Representative has also inherited their respective responsibilities. Within the Council, he is responsible for ensuring the consistency and continuity of the work relating to EU foreign policy. To this end, he chairs the Foreign Affairs Council. On the other hand, within the Commission, he holds the responsibilities of the latter in the field of external relations. In addition, he is responsible for ensuring coordination between external policy and the Commission's other policies and other services[1].

The High Representative is appointed by the European Council[2] acting by a qualified majority with the agreement of the President of the Commission. The European Council may also end the High Representative's mandate in accordance with the same procedure.

By virtue of his position, the High Representative is one of the Vice-Presidents of the Commission. In this capacity, he is subject, together with the President and the other members of the Commission, to a vote of approval by the European Parliament. The Treaty on European Union provides that, in the event of a censure motion passed by the Parliament against the Commission, the High Representative must resign from his functions within the Commission. *Per a contrario*, he retains the responsibilities which he holds within the Council until the new Commission is formed[3].

Foreign policy has always been the weakest element of the EU's integration project. Cameron's proposals highlight a central issue regarding the Lisbon Treaty and the EU in general: their ultimate effectiveness will depend on whether politicians and voters in the member states embrace integration or focus instead on maintaining their own national prerogatives.

The European External Action Service (EEAS or EAS) was first included in the original European Constitution, a single EU external relations department was seen as necessary to support the proposed single High Representative post; as Charles Grant, Director of the Centre for European Reform, says, it would "...*be like having a conductor*

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[1] *Treaty amending the Treaty on European Union and the Treaty Establishing the European Community*, in "Official Journal of the European Union", 17.12.2007, art. 18.2.

[2] *Ibidem*, art. 18.1.

[3] Iordan Gheorghe Bărbulescu, *op. cit.*, p. 455.

without an orchestra or rather, a conductor trying to conduct two separate orchestras at the same time"[1]. Following the rejection of the Constitution, the changes were revived in the Treaty of Lisbon which came into force in 2009.

The mandate for the External Action Service is laid down under article 13a-III of the Treaty of Lisbon (TEU Article 27), and states the following: "*In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission*"[2].

Shortly before the treaty came into force, Catherine Ashton was named High Representative and tasked with drawing up the structure of the new EEAS. Following the 2010 Haiti earthquake, Ashton chaired a meeting of the foreign policy actors across the Commission, Council and member states to give a coordinated response to the disaster. Although she refused to describe it as the first act of the external action service, Ashton did stress that it was the first time that such a co-ordination between all the various EU foreign policy actors had been accomplished before[3].

Throughout the first half of 2010 the High Representative fought for agreement between the Council, Parliament and the Commission as to the future shape of the EEAS. The Commission wanted to retain as many of its existing competencies (trade, development, enlargement, representations and so forth) as possible[4], while the Parliament fought to gain as much oversight over the EEAS as possible by demanding scrutiny of appointments and budgets. The Parliament removed the last hurdle to the plan on the 8th of July, when the members of the European Parliament approved the service by 549 votes for and 78 against with 17 abstentions. The Council approved the transfer of departments to the EAS on the 20th of July. Until the EEAS became operational, Ashton was only been supported by around 30 people on a floor of the Berlaymont building[5]. The EEAS was formally launched at the Commission headquarters in a low key event on 1 December 2010[6].

In achieving his mission, the new High Representative's main tools are a budget estimated at 4 billion euros and the European External Action Service, a team of 3,000 diplomats stationed in 130 delegations in countries and international organizations worldwide. These delegations represent the entire EU, not just the European

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[1] Charles Grant, *Constitutional fudge. The EU's foreign policy arrangements are dysfunctional, so why is Britain trying to block plans to make them more effective?*, in "Guardian blog", 19 June 2007.

[2] *Treaty amending the Treaty on European Union and the Treaty Establishing the European Community*, in "Official Journal of the European Union", 17.12.2007, p. 27.

[3] Andrew Rettman, *EU foreign relations chief tests new powers in earthquake response*, in "EU Observer", 14 January 2010.

[4] Jan Gaspers, *Putting Europe First*, in "World Today", Vol. 66 Issue 1, January 2010, p. 20.

[5] Council of the European Union, *Council decision establishing the organisation and functioning of the European External Action Service*, Brussels, 20 July 2010.

[6] Andrew Rettman, *EU foreign relations chief tests new powers in earthquake response*, in "EU Observer", 14 January 2010.

Commission, as past delegations did. This means that these delegations (rather than the embassy of the country holding the rotating Council of the European Union presidency) represent the EU in non-EU countries on all matters of foreign policy. If this new diplomatic corps builds broad and deep expertise on foreign policy and facilitates the emergence of an EU-wide perspective, it may prove to be the Lisbon Treaty's most significant innovation.

There are, however, certain factors that may limit the High Representative's possibility of action and practical achievements. On the one hand, despite the fact that the High Representative is the central figure in the foreign policy of the European Commission, four other commissioners are responsible for related external issues: international trade; EU enlargement and "neighborhood policy" toward non-EU countries that are not candidates for accession; international cooperation, humanitarian aid, and crisis response; and development assistance. So, it is still to be seen how effective this commissioners will be in coordinating their responsibilities. The Lisbon Treaty partly ends the inefficient system of six-monthly rotations in the leadership of the Council of the European Union by providing that the High Representative shall chair and craft the agenda for all monthly Council of the European Union meetings on foreign affairs. However, the old system lives on to some extent because the relevant minister from the country holding the rotating presidency will continue to chair and craft the agenda for meetings on general affairs – which include some affairs of international significance, such as EU enlargement, humanitarian aid, climate change, energy security, and economic and monetary policy. The High Representative might therefore have some difficulties in ensuring that all the matters of the EU's foreign policy are consistent.

On the other hand, managing the diversity of interests among the 28 EU member states will be another challenge. Any further accessions, of course, will compound the challenge. Also, it is possible that energetic national leaders may seize the diplomatic center stage, much as French President Nicolas Sarkozy did in early 2009 when he sought to broker a halt to Israeli-Palestinian clashes even after France's six-month presidency of the Council of the European Union had ended. Germany's increasing assertiveness in foreign policy – and unwillingness to subordinate its national interests to those of the EU – may continue to complicate the search for consensus among EU members, especially on issues of particular concern to Germany, such as energy security and the relationship with Russia.

However, one may assume that the Lisbon Treaty does little to resolve the tense relationship between the foreign policies of each of the member states and that of the entire union. Despite the fact that the treaty offers sufficient tools for making the common foreign policy more effective, member states will probably still pursue their own policies. As a matter of fact, on almost every foreign and security policy issue, the High Representative is only able to act with the unanimous consent of the member states. This means that even one small country – such as Cyprus, Luxembourg, or Malta – can block an action supported by all the other EU member states. Likewise, the overseas delegations of the European External Action Service will cooperate with, but not replace, the diplomatic missions of the member states throughout the world[1]. Under the Lisbon

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[1] *Treaty amending the Treaty on European Union and the Treaty Establishing the European Community*, in "Official Journal of the European Union", 17.12.2007, art. 27.1.

Treaty, neither the High Representative nor the External Action Service affects the *"responsibilities and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organisations, including a Member State's membership of the United Nations"*[1]. In other words, foreign policy decision-making remains intergovernmental, rather than supranational.

European foreign policies

The EU's emerging foreign policy has not, as we have already seen, lent itself to easy categorisation and has successfully resisted being boxed into our existing understanding of European integration or international relations. It might even be argued that the EU is best viewed as a transitional entity, or one that generates international relations but which also remains itself a subsystem of those international relations[2]. In recent years too, the development of the EU's international capacity has made the effort to understand it even more challenging. This is rooted in the EU foreign policy's capacity to transform the construction, content and expression of the national foreign policies of the EU Member States. Regarding the construction of foreign policies, it is clear that institutionalised policy coordination involving common EU-wide work practices and structures, a partially shared information base, a common substantive agenda and a unique policymaking structure has established a truly collective context through which a significant share of "national" foreign policy is now formulated and pursued. Whether characterised as "Brusselsization"[3] or "Brussels-based intergovernmentalism", it amounts to a fundamental shift in the way that national foreign policies are being constructed. This does not put aside the role of national perspectives or even of declared "national interests". It does, however, underline the degree to which national foreign policies are translated and formulated through a European context even before they get to an intergovernmental negotiating table.

The Treaty of Lisbon sought to strengthen the role of the European Union on the international affairs scene. The reforms introduced by the Treaty aimed to make the Common Foreign and Security Policy (CFSP) of the EU more coherent and to increase its visibility.

To this end, the Treaty of Lisbon introduced two major innovations: first of all, it created the High Representative of the Union for Foreign Affairs and Security Policy and the European External Action Service, as stated above; furthermore, it enhanced the development of the Common Security and Defence Policy. Alongside these two innovations, the Treaty of Lisbon also introduced other less important changes, specifically concerning the procedures for implementing the CFSP.

The CFSP previously formed the 2nd pillar of the old EU structure. It was governed by intergovernmental cooperation, within which decisions were adopted mainly unanimously by the Council or the European Council.

The Treaty of Lisbon reforms the old EU structure by abolishing the distinction between the three pillars. However, this merging of the pillars does not affect the

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[1] *Ibidem*, art. 27.3.

[2] M.S. Filtenborg, S. Gänzle, and E. Johansson, *An Alternative Approach to EU Foreign Policy: Network Governance and the Case of the Northern Dimension Initiative*, in "Cooperation and Conflict", December 2002, vol. 37 no. 4, p. 390.

[3] Ernst Haas, *op. cit.*, p. 38.

decision-making procedures for CFSP matters. The main roles of the European Council and the Council of the EU are maintained, as is the principle of unanimity.

Furthermore, the merging of the pillars effectively makes the European Community disappear, to be replaced by the EU. The EU thereby has legal personality, which was previously an attribute of the European Community only. This legal personality confers on the EU new rights at international level. For example, the EU is henceforth capable of concluding international agreements and joining international organisations and conventions.

The Treaty of Lisbon modified the types of act adopted in the field of the CFSP. The previous instruments such as common strategies, common positions and common actions are replaced. Henceforth, the European Council and the Council of the EU shall only adopt decisions on[1]: the strategic interests and objectives of the Union; the actions to be undertaken by the Union; the positions to be taken by the Union; the procedures for implementing the actions and positions of the Union. Furthermore, no legislative act can be adopted in the field of the CFSP.

However, the Treaty of Lisbon does not make any major changes to the decision-making process in the field of the CFSP: the European Council is still the institution responsible for defining the general guidelines and strategies of the EU. On this basis, the Council of the EU is then responsible for developing and putting in place the implementing measures.

On matters relating to the CFSP, Member States and the High Representative for Foreign Affairs and Security Policy have a right of initiative. The High Representative exercises this right with the support of the Commission. In addition, the High Representative must regularly inform and consult the European Parliament on the implementation of the CFSP. It is the part of the High Representative to make sure that the views of the European Parliament are taken into consideration at all times.

Unanimity remains the general rule for decisions adopted by the Council and the European Council concerning the CFSP. However, the Treaty of Lisbon introduces a specific bridging clause use applicable to the whole of the CFSP. Exceptions are made for decisions with military implications or those in the area of defence. Using the bridging clause, the European Council may authorise the Council to act by a qualified majority to adopt certain measures.

The Treaty of Lisbon maintains the principle of the lack of jurisdiction of the Court of Justice in the field of the CFSP[2]. However, it provides for two exceptions where the Court of Justice may exercise judicial control: reviewing the legality of restrictive measures taken by the Union against natural or legal persons[3]; monitoring compliance with Article 40 of the Treaty on EU and monitoring respect of the powers of European institutions when implementing the CFSP. Furthermore, Article 218 of the Treaty on the Functioning of the EU provides that an opinion of the Court of Justice may be obtained as to whether an international agreement is compatible with the founding Treaties of the EU.

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[1] *Treaty amending the Treaty on European Union and the Treaty Establishing the European Community*, in "Official Journal of the European Union", 17.12.2007, art. 297.

[2] *Ibidem*, art. 24.

[3] *Ibidem*, art. 275.

Regarding the content of national foreign policies, there is also evidence of fundamental processes of change.

These are best illustrated by "*a consequent internalisation of norms and expectations arising from a complex, collective policymaking system*"[1]. Hill and Wallace[2] define this process as one in which rationality is seen differently as a result of intensive exchange between officials. Earlier, Nuttall identified this as a "consultation reflex" in which officials sought out the views of colleagues before constructing their own analyses of the situation and possible policy responses. The impact of this internalisation of beliefs and norms is that the content of national foreign policies has gradually shifted over time.

Despite the fact that the Lisbon Treaty is an important step forward, EU member states still need to develop a common view of their international security environment. It would be unrealistic to expect member states' fundamentally nationalist policies to become entirely consistent, but there are signs of convergence. We must acknowledge that European foreign policies are gradually becoming more "Europeanized". For instance, member states' foreign ministers now gather under EU auspices as regularly as they meet with their own cabinets. Even though we expect that times of crisis will continue to reveal high-profile disagreements among member states, the general instinct in European foreign ministries is increasingly to find a common European position on most issues, even at the price of making compromises. For instance, the EU's member states nearly always vote as a group in UN bodies and other international forums, such as the Organization for Security and Cooperation in Europe[3]. This process is likely to continue and should, along with the Lisbon Treaty, result in a more coherent EU foreign policy.

To conclude, the significance of the Lisbon Treaty should not be measured only according to the highest benchmarks, such as whether it could have ensured a common EU policy during the wars in the Balkans and Iraq. History has shown that better EU decision-making procedures improve the speed and quality of the decisions themselves and that it takes time for institutions to reach their full potential. The Lisbon Treaty may not compensate for strongly divergent views or a lack of political will among the EU's member states, but it will promote coherence and effectiveness when consensus is possible. Most likely, its effects will prove to be evolutionary, rather than revolutionary.

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[1] Simon Nuttal, *European Political Cooperation*, London, Clarendon Press, 1992, p. 35.

[2] Christopher Hill and William Wallace, *Introduction: Actors and Actions*, in Christopher Hill (editor), *The Actors in Europe's Foreign Policy*, Oxford, Routledge, 1996, p. 124.

[3] Barry Buzan, Richard Little, *Sistemele internaţionale în istoria lumii*, Iaşi, Editura Polirom, 2009, p. 423.

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HISTORICAL EVOLUTION OF PUNISHMENT SYSTEMS

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Abstract

We will notice that in human history, with the various stages of development and transformation of society, punishment was interpreted differently, thus suffering many variations from the point of view of theoretical analysis perspectives as well as in terms of typologies and methods of application.

Thus, the analysis of the historical evolution of the punishment system needs a dual approach, one that highlights the evolution of the concept of "punishment" in the doctrine, emphasizing the main definitions and theories debating this theme and the other approach, that points the temporal interpretation of punishment systems, outlining for each historical phase, the transformations that have undergone formal punishments and that marked and characterized historical periods.

Key words: *Punishment Systems, History of Punishment, Theoretical Perspectives on Punishment, Evolution of Punishment, Types of Punishment*

The doctrinally evolution of the concept of "punishment"

As Herbert L.A. Hart noticed in the book "Punishment and Responsibility. Essays in the Philosophy of Law", never has been greater the interest but also the confusion created by topic of punishment, as today[1].

We can find the attempt to define punishment from the Roman Empire to the founders of natural law and especially in the contemporary doctrine. A famous definition of punishment belongs to Hugo Grotius: "punishment is the harm of suffering that occurs for the harm of deed"[2]. One of the most popular definition is identified in the model Flew-Benn-Hart[3], in which we can recognize the imperative existence of five elements: involves pain or other unpleasant elements; violates legal norms; the deed must be committed by the offender or the presumed offender; is applied intentionally by a person (that is not the perpetrator); is imposed by a legally constituted institution[4]. Following the model described above, C. Rotaru defines punishment as the "injurious action directed against a person and applied by an authority, because that person is found guilty of a criminal offense to legal rules, provided that such an approach has been previously typed in norm"[5]. J. Hampton considers punishment as a response to the perpetrator's mistakes

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[1] Herbert L.A. Hart, *Punishment and Responsibility. Essays in the Philosophy of Law*, Second edition (with an introduction by John Gardner), Oxford, Oxford University Press, 2008, p. 1.

[2] Leontin Coraş, *Sancţiuni penale alternative la pedeapsa închisorii*, Bucureşti, Editura C.H. Beck, p. 8.

[3] Retrieved from Herbert L.A. Hart, *Punishment and Responsibility*, Oxford, Clarendon Press, 1968, pp. 4-5; Stanley Benn, *An Approach to the Problems of Punishment*, in "Philosophy", no. 33/1958, pp. 325-341; Antony Flew, *The Justification of Punishment*, in "Philosophy", no. 29/1954, p. 291.

[4] Herbert L.A. Hart, *Punishment and Responsibility*, Oxford, Clarendon Press,1968, pp. 4-5.

[5] Cristina Rotaru, *Fundamentul pedepsei. Teorii moderne*, Bucureşti, Editura C.H. Beck, 2006, p. 31.

and this response interferes with the perpetrator's freedom to fulfill his desires[1], and for H. Morris, punishment involves a deprivation and results in a conflict between what people want and what they get[2].

From a theological point of view, for A. Beristáin, punishment should be useful and necessary, and its implementation must respect dignity[3].

From the legal point of view, punishment is based on retributive, deterrence, incapacity and rehabilitation functions. As Cesare Beccaria observed as early as the eighteenth century, in his book "On Crimes and Punishment" laws are governing social life, and because of their despotic spirit and in order to prevent the existence of a chaotic society, people have given up partially to their freedoms for the common good and sovereignty, which by law, has created punishment as an element to be applied to those who break the law[4]. For Hall, punishment is the element that causes suffering to the perpetrator of the crime, but only when this suffering appears as a social response to the offense[5]. At the same time, punishment can be regarded as an instrument of criminal law, and to G. Hallevy it represents "the extreme expression of social control", especially when talking about a legal social control emerged as a result of the failure of other mechanisms[6].

Sociologically, punishment is a "complex social institution, shaped by a set of important social and historical elements and which has a number of effects that have a greater impact, affecting elements that go beyond population and delinquent persons"[7]. For Garland, the sociology of punishment is a discipline that investigates punishment from a more complex perspective than penology or philosophy do[8], thus being able to exhibit a more realistic and complete image of punishment. The author notes that in theory, sociological research approaches of punishment are not uniform, not forming an integral, not having a constant research agenda with clearly defined parameters, the same type of problem being addressed from different perspectives and thus leading to evidence some characteristics and different roles of punishment[9]. But with all these, Garland very fairly references the *character*, rather *complementary* than antagonistic, of various sociological analyzes of punishment.

Although the main doctrines of punishment come from the penology and philosophy, the sociology of punishment appears as a separate perspective that builds a "multi-dimensional exposure on the significance, functions and social forms of punishment, managing to help promote more appropriate and realistic targets for criminal policies and a

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[1] Jean Hampton, *The Moral Education Theory of Punishment*, in John Simmons (coord.), *Punishment*, Princeton, Princeton University Press, 1995, p. 129.

[2] Herbert Morris, *A paternalistic theory of punishment*, in "American Philosophical Quarterly", no. 18/1981, pp. 263-271.

[3] Antonio Beristáin, *El catolicismo ante la pena de la muerte*, in "La pena de muerte: 6 respuestas", Madrid, Boletin Official del Estado, 1978, p. 169.

[4] Cesare Beccaria, *Despre infracţiuni şi pedepse*, tradusă din italiană de Dana Grasso cu o prefaţă de Giulio Giorello, Bucureşti, Editura Humanitas, 2007, p. 47.

[5] Jerome Hall, *The general principles of criminal law*, Second edition, New Jersey, Lawbook Exchange, 2005, pp. 296-324.

[6] Gabriel Hallevy, *The Right to Be Punished. Modern Doctrinal Sentencing*, Berlin, Springer, 2013, p. 1.

[7] David Garland, *Sociological perspectives on punishment*, in "Crime and justice", no. 14/1991, p. 115.

[8] *Ibidem*, pp. 115-121.

[9] *Ibidem*, pp. 121-122.

more detailed assessment"[1]. In his work "Sociological perspectives on punishment" David Gardland makes a statement of what he considers to be the most representative sociological perspectives of interpretation of punishment and so the author identifies four approaches[2]:

- *the Émile Durkheim approach: punishment and social solidarity.* In Durkheimian perspective, punishment is seen as a cautionary mechanism that produces solidarity[3], based on collective feelings.

- *the Karl Marx approach: the political economy of punishment.* In the Marxist view, the penalty is a component of class rules. Marx studies punishment as an instrument of state, economically conditioned, which plays a political and ideological role in achieving class domination.

- *the Michel Foucault perspective: punishment, power and knowledge.* Foucault sees punishment as a form to exercise power, focusing on "power-knowledge"processes operating in the field of criminal law and links them to other networks of other areas and regulations.

- *the Norbert Elias perspective: punishment and sensibilities – the "civilizing" of criminal methods.* In Elias' view, punishment is an adopted cultural form. The author sees cultural sensitivity[4] and the procedure of"civilization", as being fundamental in the transformation of modern punishment systems.

The theories that discussed the "punishment" theme are found in doctrine in a wide variety, but one of the most complete classifications of these theories is made by A.J. Corlett[5], which identifies five categories. In addition to the five types identified by Angelo Corlett, we can find in literature a sixth type of theories, the eclectic theory, which, incidentally, I consider to be the most complete, managing to properly justify the need for punishment.

Thus, we can highlight 6 representative theories for explaining punishment systems:

a) *Punishment abolitionist theories.* This theory has two perspectives:

- *The extreme perspective*, which argues that punishment is morally incorrect. Authors such as Karl Marx and Max Stiner developed this point of view.

- *The moderate perspective*, stating that the institutions' action to punish, can be justified under certain conditions, and in others can not be justified.

b) *Vengeance theories of punishment.* These theories justify punishment as an element that brings satisfaction to society because the guilty persons pay for their actions and to alleviate negative feelings in society, that otherwise could lead to social disruption[6].

c) *Moral education theories of punishment.* The theory argues that punishment aims the moral education of the perpetrator but also of the whole society, by example. Authors such as Hampton, Nozick or Duff totally support this perspective and other writers, such

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[1] *Ibidem*, p. 115.

[2] *Ibidem*, pp. 115-152.

[3] Eugenia Udangiu, *Creativity and the pressures of contemporary world*, in "Network Intelligence Studies", Year IV, no. 2/2014, p. 306.

[4] Andreea Niță, *Cultural phenomena and processes in contemporary society-determinants of cultural policies*, in "Revista de Științe Politice", nr. 32/2011, pp. 61-69.

[5] Angelo Corlett, *Responsabiliy and Punishment*, third edition, Dordrecht, Springer, 2009, pp. 29-47.

[6] Joel Feinberg, *Reason and Responsability*, Belmont, Wardworth Publishing Company, 1989, apud Angelo Corlett, *op. cit.*, p. 348.

as France Gill, partially support it, considering it to be incomplete in terms of justification of punishment[1].

In the spectrum of this theoretical perspective we can also fit E. Durkheim, who highlights the functions of punishment for maintaining moral order and social solidarity and for fighting anomy[2]. We also find in the doctrine the nihilistic perspective of this theory based on moral education and the most representative author of this opinion is Foucault, who believes that, in any historical period, punishment can be morally justified[3].

d) *Utilitarian theories of punishment.* They argue that punishment is applied to deter the perpetration of other illegal or anti-social acts by the person who performed the deed or by other persons. The present interpretation is found in philosophers such as Seneca or Protagoras, but also modern authors such as G.E. Moore and J.S. Mills.

e) *Retributivist theories of punishment.* These theories justify punishment by the guilt of those who commit criminal acts and by the fact that it is deserved by those who violate social and moral order[4]. Among the supporters of this vision we find Kant, Hegel and Hobbes.

f) *Eclectic theories*, justify moral requirement, to punish the negative act committed, but they also take into account the society's need to punish, for the act, not to be committing in the future, thus using the power of example[5]. J. Rawls is one of the most well known authors, who supported this theory.

Historical staging of punishment systems
General considerations

Throughout history, it was considered that man is unable to realize the seriousness and adverse effects of his actions, if he doesn't personally feel the effects of a punishment[6]. Hence the need for punishment at all stages of society evolution, taking into account its afflictive nature. We will observe that in time, punishment has undergone a series of transformations as a result of societal development. We will try to make a historical analysis of punishment, taking into account that the history of punishment is "a part of the universal history of criminal law"[7], thus analyzing in historical context the evolution of the socio-legal punishment system.

We will explore the historical evolution of the punishment system, taking into account the division of human history into five stages, indicating that the temporality of these eras is structured according to the transformation found in the general punishment system: *Prehistory, Antiquity, Middle Ages, Modern Age, Contemporary Age.*

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[1] Frances Gill, *The moral benefit of punishment: self-determination as a goal of correctional counseling*, Oxford, Lexington Books, 2003, p. 17.

[2] Mark Colvin, *Penitentiaries, Reformatories and Chain Gangs. Social theory and the history of punishment in nineteenth-century America*, New York, St. Martin's Press, 1997, p. 2.

[3] Michel Foucault, *A supraveghea şi a pedepsi. Naşterea închisorii. Ediţia a doua*, tradus din franceză de Bogdan Ghiu, Piteşti, Paralela 45, 2005, p. 194.

[4] Alf Ross, *On guilt, responsibility and punishment*, California, University of California Press, 1975, p. 33.

[5] Traian Pop, *Curs de criminologie*, Cluj, Institutul de Arte Grafice Ardealul, 1928, pp. 121-122.

[6] Mădălina-Elena Mihăilescu, *Sancţiuni contravenţionale. Aspecte de drept material în dreptul românesc şi comparat*, Bucureşti, Editura Hamangiu, 2013, p. 3.

[7] *Ibidem*, p. 5.

To see the difference from the classical periods of human history, we will structure temporally the five stages of punishment evolution, in comparison with the universally recognized periods in human history. In order to achieve a clearer differentiation, we present these periods in the form of a logical scheme (Table 1).

Table 1. *Classical stages of Human History vs. Historical Stages of the Evolution of Punishment System*

Historical ages	Classic stages of human history	Historical stages of the evolution of punishment system
Prehistory	First humanoids communities→Year 3000 B.C.	First humanoids communities → Year 3000 B.C.
Antiquity	Year 3000 B. C. → 3rd century/6th century (depending on the continent/country)	Year 3000 B.C. →6th century (Justinian Code)
Middle ages	3rd century/ 6th century (depending on the continent/ country) →15th century/18th century (depending on the continent/country) *Some historical sources consider even the beginning of the 19th century as being the extinction period of the Middle Ages	6th century (Justinian Code) →Second half of the 18th century and beginning of the 19th century (the historical moments differ according to the period when countries renounced to corporal punishment and public execution)
Modern age	15th century/18th century (depending of the continent)→18th century/ 20th century (depending of the continent)	The beginning of the 19th century/ The second half of the 19th century →The end of the 19th century (applying predominantly the punishment of deprivation of liberty)
Contemporary age	18th century/ 20th century (depending on the continent/country) → present	The beginning of the 20th century→present (the appearance and development of measures to substitute the punishment of deprivation of liberty). This stage can be classified in 3 other substages: a) The first half of the 20th century (the first measures to substitute punishment of deprivation of liberty) b) The second half of the 20th century (developing alternative measures for the deprivation of liberty) c) The end of the 20th century -present (The stage of intermediate punishments,of intense probation)

Prehistory

Gabriel Hallevy, makes in the book "The right to be punished. Modern doctrinal sentencing", a historical analysis of the evolution of punishment, the author exploring punishment from the Paleolithic, Mesolithic, Neolithic and Chalcolithic ages and also surprising key aspects of punishment evolution in the period of ancient Greece, ancient Mesopotamia and the Roman Empire.

Prehistory covers the period stretching between the appearance of the first humanoids communities to 3000 B.C. In the Paleolithic era we find punishments imposed by group leader, such as the expulsion of a group or ostracism, but also punishments imposed by religious beliefs and applying corporal punishment using stone. In the Mesolithic era, with the advent of small rural communities, social norms and institutions are created, the violation of those rules leading to the first formal sanctions. In the Neolithic era, with the advent of urban communities, legal order appears, that imposes following rules and enforcing imposed penalties. In the Chalcolithic era, the appearance of first metropolitan areas, determines the birth of rules of criminal law, but they coincide with the rules imposed by religion and thus consider that a person committing a crime, while violating a legal and divine rule, became impure and had to undergo a series punishments meant to bring purity[1].

Since punishment has become a habit, it turned for community members in rule of law, becoming mandatory[2].

Antiquity

In human history, antiquity, can temporally be positioned from the period around the year 3000 B.C. and ends in the 5th century, with the fall of the Western Roman Empire. In terms of punishment system, antiquity ends with the emergence of the Justinian Code. In this context we will analyze the main punishments developed in the great civilizations of antiquity. In ancient Mesopotamia there were introduced a series of criminal penalties such as death penalty, drowning, burning, mutilation, economic sanctions, exile etc[3]. In ancient Greece, the offense meant "the violation or denial of living according to the behavior standards mandatory in society", "a prohibited action" or "revolt of the person against society"[4].

Initially, in ancient Greece there were highlighted disputes based on violating private rights[5] and only in the period of 8th century B.C. we can find some concepts that can be considered as belonging to criminal law. It is the period in which processes are required, we find affidavits of the parties and witnesses, and homicide although it was seen as an issue to be resolved within a family setting, there is still the idea that it brings moral vitiation and start the useof cleansing homicide rituals, as state attribute[6].

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[1] Gabriel Hallevy, *op. cit.*, pp. 2-3.
[2] George M. Calhoun, *The growth of criminal law in Ancient Greece*, New Jersey, Law Book Exchange LTD Union, 1999, p. 2.
[3] Gabriel Hallevy, *op. cit.*, pp. 3-4.
[4] Richard Dargie, *Ancient Greece, Crime and Punishment*, Minneapolis, Compass Point Books, 2007, p. 6.
[5] Ionuţ Şerban, *The Greek and Latin cultures reflected in modern Romanian culture*, in "Revista de Ştiinte politice", no. 29/2011, pp. 42-45.
[6] Robert J. Bonner, *Administration of justice in the Age of Hesiod*, in "Clasical Philology", vol. 7, no. 1/1912, p. 23.

In the classical period of ancient Greece[1], justice was administered by the People's Assembly and punishments varied according to the social condition[2]. Economic sanctions were applied as well as the confiscation of goods and properties and physical punishments such as the death penalty, poisoning, slavery, deprivation of certain civil rights, deportation, torture of slaves etc[3]. Athenian justice was characterized by evolution, thus appearing the suppression of collective punishment and the law of retaliation but we can also identify short comings, that were the lack of a specialized legal body and legislative code as well as the different application of punishments according to class[4].

We can see since the dawn of the emergence of Roman civilization an indissoluble relationship between the rule of law (ius) and religious norm (fas) with no differentiation between them. For that period, we can talk about "ius divinum", that law which always had to be according to the will of the gods. Initially, for the Romans there was no equivalent word for "punishment", the term "poena" appearing relatively late in the Roman legal vocabulary[5] .

The first clear specifications on the rules of Roman law appear around 200 B.C., during which the prosecution was based on punishment applied by the "pater familias" within the family, "juvenile magistrates" (tresuviri Capitales) in community safety issues and the "people's representatives" (comitia) that judged processes[6]. In the Roman Empire, they used mostly economic sanctions such as fines and confiscation of property, even resorting to the law of retaliation, but there were also used combined modes of punishment, resorting to various types of punishment like exile, annulment of marriage, death penalty etc[7].

One of the most important laws of the Roman Empire was the Law of XII Tables, which remained in force for XI centuries and we can find in it, regulated, the fundamental principles of law like universality of law and equality of individuals before the law, but also identify elements less valued in the doctrine, as well as solidary liability of race for each of its members or own judgment of race for crimes committed within it[8].

Starting with the 6th century, after the codification of Roman Law, punishment governed by the Code of Justinian became the legal basis for sanctions in the Middle Ages in Europe continent[9].

Middle Ages

The Medieval Age, also called the Middle Ages, from a historical perspective, lies between the 3rd or 6th century, depending on the continent or country and 15th to 18th century. Some theorists appreciate even the early 19th century as the extinction period of

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[1] Ionuţ Şerban, *op. cit.*, p. 43.

[2] Mădălina-Elena Mihăilescu, *op. cit.,* p. 13.

[3] Gabriel Hallevy, *op. cit.*, pp. 4-5.

[4] Mihai Bădescu, *Sancţiunea juridică în teoria, filosofia dreptului şi în dreptul românesc*, Bucureşti, Lumina Lex, 2002, p. 93.

[5] Ioan Tanoviceanu, *Tratat de procedură penală*, vol. III, Bucureşti, Curierul Judiciar, 1924, p. 15.

[6] Olivia F. Robinson, *The criminal law of ancient Rome*, Baltimore, John Hopkins University Press, 1995, pp. 1-2.

[7] Gabriel Hallevy, *op. cit.*, p. 5.

[8] Romulus Gidro, Oana Mihuţiu, *Drept roman. Partea I*, Cluj, Casa Cărţii de Ştiinţă, 1996, p.15.

[9] Gabriel Hallevy, *op. cit.*, p. 6.

the Medieval Age. The times of onset and end of the Middle Ages vary widely because they are indissolubly linked to the performance of some key events for the development of various countries. In the first chapter "*The body of the condemned*" of the book "*Discipline and punish. The birth of the prison*" Michel Foucault presents *medieval* punishments, characterized by physical punishment, torture, humiliation, mutilation and murder in the most horrid ways and the period of transition to a Modern Age, "new era for criminal justice"[1] characterized by the criminal law reform projects and even the emergence of "modern criminal codes"[2]. In this era, even the penalties involving deprivation of liberty were associated with torture and cruelty[3]. Since the second half of the 18th century, Enlightenment thinkers crumbled the foundations of feudal law, making common front against it. Thus, works like "Dei delitti e delle pene" (1764) by C. Beccaria, "Du contract social" (1762) by J.J. Rousseau or "L'esprit des lois" (1778) by Montesquieu, have deeply influenced legislative changes, representing the pillars of classical law doctrine[4]. Foucault identifies the period between *the second half of the 18th century and early 19th century* as the medieval final period, characterized by the disappearance tortured, amputated, dismantled, marked symbolically and offered as punitive show body, thus the body no longer being the target of criminal repression[5], speaking thus of the emergence of a discrete punishment, which will be the hidden part the criminal trial.

Michel Foucault identifies the importance of Cesare Beccaria's work in 1764 "On crimes and punish", author who claimed the waiver of the death penalty and public execution[6] which is seen as a "fireplace able to reignite violence"[7]. The author of "*Discipline and punish. The birth of the prison*" states that since 1848 we can talk about an almost definitive disappearance of "torture", the show of public punishment, thus entering the "era of punitive sobriety"[8]. For Foucault the period 1330-1848 (the great transformation), represents the historic period when global public corporal punishment was dropped, but the "transformations didn't occur in the block or in a single process"[9], so we can discover different times for each state.

Modern age

What historically is considered to be the "modern age" is the period between the 15th or 18th century (the period is different depending on events occured in various parts of the world) and the 18th century to 20th century (depending on the continent/country). From the stand point of the history of punishment, the modern era has its onset upon extinction

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[1] Michel Foucault, *op. cit.*, p. 13.

[2] *Ibidem*.

[3] Cristina Ileana Piciu, Oana Bolovanu, *The Socio-profesional reintegration of the persons that leave the detention system*, in "The bulettin of the center for dialogue between sciences and theology", Year VIII, no. 1-2/ 2011, p. 276.

[4] Constantin Sima, *Măsurile de siguranţă în dreptul penal contemporan*, Bucureşti, Editura All Beck, 1999, p. 5.

[5] Michel Foucault, *op. cit.*, pp. 13-14.

[6] Cesare Beccaria, *op. cit.*, pp. 175-191.

[7] Michel Foucault, *op. cit.*, p. 16.

[8] *Ibidem*, p. 21.

[9] *Ibidem*.

of physical punishment, torture and public performances, namely it starts at the beginning or the second half of the 19th century, and its end point is the late 19th century.

Since the second half of the 19th century, the punishment ceased to be focused on torture as a technique for producing suffering, its object becoming the loss of property or a right, focusing on those punishments that are "humanized" such as forced labor, electrocution, lethal injection or incarceration in prison (although there are identified multiple combinations of punishment execution in prison with corporal suffering). It is the moment when Foucault identifies the change of punishment object from "body and blood" to an intangible reality that invokes the "soul" of the delinquent person, thus aiming to control the individual, threat neutralization, changing criminal predisposition overall, transformation of the perpetrator[1].

We find in Foucault the "presumption of innocence" as an essential element in differentiating the two eras: the classical era, where we don't find this presumption, and punishments were tangible and cruel and the modern era, there appears the presumption of innocence, prohibiting applying brutal punishments, the person's character is now the central element of punishment[2].

Most criminal codes during the 19th century use extensively confinement even for minor offenses[3], thus appearing an "experimental fever" in prison organization[4].

Late 19th and early 20th century mark a negative reaction on the classical systems of criminal law, characterized by excessive use of confinement and thus reaching the stage where imprisonment didn't repulse society, being thus in the presence of an apparent weakening of the moral conscience of people and an alarming increase in the number and seriousness of offenses[5]. This is the moment of "positivist criminology", represented by Enrico Ferri, Cesare Lambroso, Raffaele Garofalo, Andre M. Guerry, Hanry Mayhew and Lambert A.J. Quetelet[6]. E. Ferri gives the failure of the classical stage of criminal law to the following reasons: psychological automorphisms (the normal person assignes normal feelings to the offender); criminal dosimeters (application of mitigating circumstances for repeat offenders); impersonality (criminals are not known and analyzed); abandonment of the inmate when leaving the prison system[7].

Contemporary age

We can place the contemporary era in historical context, as beginning with the 18th century or 20th century (depeding on the continent/country). And in terms of the history of punishment it coincides with the emergence of the first measures to substitute punishment. But the evolution of these measures was marked by different events that lead to the possibility of dividing it into three sub-phases:

- The first half of the 20th century (appearance of probation and suspension of punishment);
- The second half of the 20th century (development of alternative measures).

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[1] *Ibidem*, pp. 21-25.
[2] Frances Gill, *op. cit.*, p. 24.
[3] Jean Pradel, *Droit penal compare,* Paris, Dalloz, 1995, p. 569.
[4] Viorel Pașca, *Măsurile de siguranță. Sancțiuni penale*, București, Editura Lumina Lex, 1998, p. 16.
[5] Gheorghe Diaconu, *Pedeapsa în dreptul penal*, București, Editura Lumina Lex, 2001, p. 142.
[6] Eugen Sandu, Florin Sandu, Gheorghe Ioniță, *Criminologie,* București, Editura Sylvi, 2001, p. 38.
[7] Traian Pop, *op. cit.*, pp. 393-394.

- The end of the 20th century to the present (intermediate punishment, the development of intensive probation).

There appear, in the first three decades of the 20th century, innovative concepts, which will aim to impose new types of sanctions that seek to represent alternative to prison regime and in most European countries and the American continent modern criminal codes are adopted[1]. That was the moment when firt appeared the institution of probation and of suspension of punishment execution.

Since the second half of the 20th century there are developed alternatives to detention punishment. During this time the focus is on the process of individualization of punishment taking into account the personal circumstances of delinquents, it is developed the system for suspension of sentence execution. (simple and under probation), unpaind community work, etc[2].

The years 1980-1990 brought another new element[3] in the punishment system, namely the emergence of intermediate punishments between deprivation of liberty and probation, so the basic tools being probation with intensive surveillance, house arrest, semi-detention, detention at night or day, community service, shock interventions (short – term detention) etc.

Conclusions

We notice that throughout history, in parallel with stages of development and transformation of society, there constantly have occurred changes in terms of how to theoretically interpret punishment in terms of its functions, foundations and objectives, and also evolved the typologies and procedures for the application of punishment.

After this analysis conducted by theoretically and historically perspective I can conclude that, indeed, the transformation in time of punishment systems has led to an evolution both doctrinally, so the eclectic system is best defined and able to provide a comprehensive explanation on punishment, and in terms of the legal methods of application of the punishment, the current application forms, those that include a combination of deprivation of liberty punishments and intensive probation, representing the most advanced form of punishment administration.

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[1] Viorel Paşca, *op. cit.*, p. 32.

[2] Leontin Coraş, *op. cit.*, p. 40.

[3] Ionuţ Şerban, *Reconfiguring the international system. The 1989 events and the fall of an ideology*, in "Revista de Ştiinţe Politice", no. 42/2014, pp. 147-156.

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INTERNATIONAL LEGAL REGIME APPLICABLE TO CERTAIN CATEGORIES OF WEAPONS

*Adrian Bogdan**

Abstract

The international community governed by treaties some issues relating to certain categories of weapons, targeting especially weapons of mass destruction, which due to their potential are a real threat to humanity. Interdicting the use of this category of weapons is imposed by international law in certain situations because its use would result in the disappearance of subjects of international law.

Key words: *Weapons of Mass Destruction, International Law, Treaty, Legal Status, Interdiction*

In order to understand how does the human rights protection effectively take place in the event of armed conflict we must start from two concepts, namely "humanitarian law" and "armed conflict".

International humanitarian law of armed conflict can be defined as the set of rules of international law, stemming from customary or conventional specifically designed to regulate matters arising in situations of international armed conflict[1].

This right has two main sectors and namely: Law of War which stipulates the rights and obligations of belligerent states; Humanitarian law which aims to save military and civilians that are out of the battle.

In addition to these sectors, there were two new dimensions, showing relevance for us human dimension.

This is represented firstly by protecting the human rights of victims of war, and broader human rights protection of the civilian population in armed conflicts, and later to include their protection in peacetime[2].

The armed conflict implies the existence of a dispute that is settled by force of arms. In the event of an armed conflict there are present at least two military forces belonging to different states.

With the adoption of UNO Charter in 1945, prohibiting the use of force or threat of force has become a rule of "ius cogens gentium". Thus Charter O.N.U in art. 2 pt. 4 states that "All members shall refrain in their international relations from the threat to use force or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations". On the basis of this clause have been created a number of institutions, which were aimed at maintaining world peace, war criminalization of aggression and aggressor states impose liability for damages.

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[1] Ionel Cloşcă, Ion Suceavă, *Drept internaţional umanitar*, Bucureşti, Editura Şansa SRL, 1992, p. 11.

[2] *Ibidem*, p. 12.

Prohibitions on use of certain means and methods of warfare

These prohibitions are closely related to the protection of civilian and military persons in time of war. The Hague Regulation of 1907 prohibited the following methods of combat: use of poison or poisoned weapons; killing or wounding treacherously of individuals belonging to the nation or enemy army; killing or wounding an enemy, who surrendered weapons or submitting, no longer having means of defense; statement that no one will be spared; irregular or misuse of a truce flag, national flag or of the military insignia and uniform of the enemy, as distinctive emblems of the Geneva Conventions; constraint of the enemy part citizens to participate in operations of war directed against their state.

Geneva Protocol I of 1977, taking into account environmental protection by prohibiting the use of methods or means of warfare intended to cause harm to the widespread, long-term or serious damage to the environment.

Regulation laws and customs of war on land, which was attached to the Ninth Conference of the 1907 Hague in art. 23 prohibits attacking or by any means bombard cities, villages, dwellings or buildings which are not defended. So under international law warring parties have an obligation not to attack such places. For a city to be declared desperately need to meet certain conditions, namely: fixed military installations are not to be used; to evacuate all combatants and mobile military equipment; not be committed acts of hostility from the authorities or the population; not be undertaken activities to support military operations.

Protocol I, art. 56 shows that the following goods may be subject to attacks: cultural goods, consisting of historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; goods necessary for the survival of the civilian population, such as foodstuffs, agricultural areas, crops, livestock, equipment and means of water supply, irrigation works, etc.; works or installations that are sources of danger such as dams, dams, nuclear power plants, etc.

Also, The Geneva Protocol I of 1977 imposes on the armies behalf certain measures, which include: verification objectives to be attacked (whether they are civilian or military); the means and methods of attack in such a way as to produce as little damage to human and civilian; refrain in triggering an attack would cause human and material damage on the civilian population.

Most international treaties relating to rules of warfare are provided as special clause prohibiting attacking military targets not. It thus makes a distinction between military objectives and civilian objects.

Military objectives are limited to objects which by their nature, location, purpose or use, make an effective contribution to military action and whose destruction, capture or neutralization in critical circumstances at the time, offers a certain military advantage[1].

Since the first international regulations on laws and customs of armed conflicts were established a set of rules and principles for waging war. This was prohibited use of Weapons of nature to cause superfluous or unnecessary suffering harm. This includes: nuclear weapons, bacteriological or biological weapons, chemical weapons, incendiary weapons, other types of weapons.

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[1] *Geneva Protocol* I from 1977, art. 52, para. 2.

Over time, there were promulgated a series of international acts, which sought to limit the human and material losses produced civilian population.

The Petersburg Declaration of 1868 prohibits the use of weapons that cause unnecessary suffering worsening men knocked out or that would make their death inevitable. Rules endorsed by the Fourth Convention of The Hague of 1907 prohibits the use of certain categories of weapons that cause unnecessary suffering. Geneva Protocol I of 1977 once again reaffirms ban.

A. Nuclear weapons

The use of atomic weapons was prohibited by Resolution 1653 of the UN General Assembly 1961 whereas their use is non-discriminatory affecting both combatants and civilians, and especially the effects of radiation are not controllable and affecting the territory over a long period of time.

Conventional international law contains various limitations on nuclear weapons, such as possession, testing, deployment, use or threat of use. There are a number of general principles of customary nature that could be considered as well with reference to the legality of these weapons of mass destruction[1].

The use of such weapons is not a war against an enemy but against humanity.

Certain nuclear States made specific statements during the negotiations of the 1977 Protocol I emphasizing that this legal instrument should not impair their right of 'sovereignty' with regard to nuclear weapons. Protocol I of 1977 has not explicitly prohibited the use of nuclear weapons. But given the fact that these weapons are by nature indiscriminate and it is not possible to ensure the protection of the civilian population in an attached territory, nuclear weapons are indirectly prohibited by the Protocol's provisions on indiscriminate or area attacks.[2] The effects or radiation, nuclear weapons fall into the category of poisonous weapons as absorbing radioactive materials can be treated with absorbing material poisoned, thus breaching the Hague Rules. Also, the use of nuclear weapons leads to the existence of the crime of genocide as destroying large groups of nations.

B. Bacteriological weapons

They are also called biological weapons and consist in the use of living organisms or their derivatives toxic to trigger the creation of a dead human or inability or injury. Their action can be extended to animals and crops. They are considered weapons of mass destruction as if it would be used against cities would cause loss of human lives, without any discrimination.

Convention of 11 April 1972 prohibits the production and storage of bacteriological weapons constitute the first international document that provides for the elimination of arsenals Member of an entire category of weapons[3].

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[1] Anguel Anastassov, *Are Nuclear Weapons Illegal? The Role of Public International Law and the International Court of Justice*, in "Journal of Conflict & Security Law", Oxford University Press 2010, Vol. 15, No. 1, p. 66.

[2] Ingrid Detter, *The Law of War,* Cambridge, Cambridge University Press, 2007, p. 240.

[3] Ionel Cloşcă, Ion Suceavă, *op. cit.*, p. 115.

C. Chemical weapons

Define the means of fighting based chemicals used in armed conflicts, producing direct toxic effects on humans, animals and plants[1]. They all fall into the category of weapons of mass destruction.

For the first time the Declaration of the Hague Peace Conference of 1889 banned the use of asphyxiating gases harmful.

Modern international law prohibits combatants from deploying any means that exceed what is necessary for the achievement of their legitimate military objectives[2]. On 17 June 1925 adopted the Geneva Protocol on the prohibition of the use in war of asphyxiating gases, toxic bacteriological or similar means.

Since 1971, the Chemical Weapons has been the subject of a separate item on the agenda of the UN General Assembly debates that have taken place so far have revealed the existence of extremely complex issues such as the scope of the prohibition (partial or total), activities and agents to be prohibited, means of verification and control of compliance with an agreement. Some of the difficulties have been overcome so that the development of an international convention is currently under negotiation[3].

D. Incendiary weapons

Protocol III on incendiary weapons ban or limit defines them as "any weapon or ammunition specially designed to set fire burns objects or persons through the action of flame, heat or a combination of fire and heat, releasing a chemical reaction of -a substance dropped on target" . Initially, incendiary weapons were conventional weapons, but by improving their success, they become weapons of mass destruction because of the effects they produce. Geneva Protocol I of 1977 in art. 2, paragraph 1 prohibits any attack with incendiary weapons against civilians. It is forbidden to use incendiary weapons on forests and plantations except where they are used for concealing military objectives. Although this was partly prohibited incendiary weapons, taking into account their non-discriminatory character to be established a general ban on these weapons.

Other types of weapons. This includes: battle lasers; radiologic weapons; means and methods of electronic warfare; ultrasounds devices; devices with bright lightning. These types of unconventional weapons have no international regulation because they have not been officially used in armed conflict, they also are called weapons specialists of the future.

In the new political and technological environment, the traditional arms control approach no longer monopolizes the international legal strategy against weapons of mass destruction[4].

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[1] *Ibidem*, p. 110.

[2] Thomas Franck, *On Proportionality of Countermeasures in International Law*, in "The American Journal of International Law", Vol. 102, No. 4, 2008, p. 727.

[3] Ionel Cloşcă, Ion Suceavă, *op. cit.*, p. 114.

[4] David Fidler, *Weapons of Mass Destruction and International Law*, in ASIL Insights, vol. 8, no. 3, 2003, in http://www.asil.org/insights/volume/8/issue/3/weapons-mass-destruction-and-international-law

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Geneva Protocol I from 1977, art. 52, para. 2.

BOOK REVIEW

Aurelian Chistol, *Generalul Gabriel Marinescu. Între lege şi fărădelege* **(Le general Gabriel Marinescu. Entre la loi et l'infraction), Târgovişte, Editura Cetatea de Scaun, 2014, 356 p.**

Le général Gabriel Marinescu est un personnage assez connu de l'histoire contemporaine de la Roumanie, mais dont même les historiens savent très peu. Son nom apparaît souvent à cote de celui de Charles II. Il a été sans doute un des plus proches collaborateurs du Roi et, avec les mots de Florin Constantiniu, son instrument pour «les sales besognes». Mais au dela de la *Camarilla* royale, sa biographie n'a pas été recherché jusqu'à cette parution.

Aurelian Chistol, spécialiste de l'histoire des années '30 (auteur, entre autres, d'un ouvrage sur le Gouvernement Gheorghe Tătărescu), est un des historiens les plus appropriés pour écrire un livre sur celui qu'on appelait à l'époque «Gavrilă». Il a suivi la vie de personnage de son enfance jusqu'à sa mort tragique, en novembre 1940. Il s'agit d'une preuve supplémentaire que, malgré nos perceptions, dans l'histoire il n'y a pas de personnage exclusivement positif ou négatif.

Le garçon issu d'une famille modeste (mais dont tous les trois fils ont atteint le grade de général et deux d'entre eux ont été ministres) est devenu un officier très apprécié (selon les avis de ces supérieurs), avancé plusieurs fois «exceptionnellement». Pendant la Première guerre mondiale, il a sollicité la permission que son bataillon démarre l'attaque de Mărăşti, puis il est arrivé à Chişinău et a Budapest. On ne peut pas dire exactement comment s'est-il approché du prince Carol. Ils ont été camarades dans le même régiment et ils ont eu également une passion pour les cartes à jouer, mais on n'a aucune preuve dans cette direction. Après la guerre, il a suivi sa carrière, jusqu'au grade de colonel. Au temps de la Régence, il n'a pas caché son filocarlisme, mais, de nouveau, on ne sait pas s'il a eu des relations avec le prince exilé. Lors de la rentrée à Bucarest, Marinescu a commandé un des régiments qui ont accompagné Charles et, trois jours après la Restauration, il a reçu la fonction de préfet de police de la capitale.

Même le Journal du Roi montre que «Gavrilă» est devenu rapidement un de ses plus proches, fideles et compétents conseillers. En tant que préfet de police il a beaucoup réalisé. Il a lutté contre la délinquance ordinaire mais aussi contre les adversaires politiques du régime, les légionnaires et les communistes. Il a dirigé la construction d'une caserne et d'un Palais de la Police. En 1938, il a même organisé à Bucarest un Congrès de la Commission Internationale de Police Criminelle. Avancé au grade de général et promu sous-secrétaire d'état, «Gavrilă» était, selon le Roi, «le grand maher des polices». Après la mort du premier ministre Armand Călinescu, il dirigé, en tant que ministre de l'intérieur, la répression contre les légionnaires. Puis, il est a tête nommé, pour peu de temps, à la tête d'un nouveau ministère de l'ordre public. Mais le Roi a changé subitement d'avis et l'ancien conseiller préféré est tombé en disgrâce: «il paraît que le vol qu'il a patroné à la Police a dépassé toute mesure».

En ce qui concerne les péchés de «Gavrilă», Aurelian Chistol a attentivement inventorié les opinions des contemporains: Grigore Gafencu, Armand Călinescu, Zaharia

Boilă, Ioan Hudiţă et surtout Constantin Argetoianu, le plus cité et qui a les expressions les plus dures.

Généralement, toute l'activité de Gabriel Marinescu est une réflexion miniaturée de celle de son patron. Il a même essayé de créer un culte de sa personnalité dans les milieux qu'il contrôlait. Il faut retenir un texte extrait d'une gazette policière: «Gavrilă n'est pas seulement le diminutif de caresse d'un nom respecté. Il est un symbole».

Après l'abdication de Charles II, Marinescu est tombé victime de la vengeance légionnaire. Il a été assassiné, en même temps que beaucoup d'autres dignitaires carlistes, le 26-27 novembre 1940, à Jilava.

Mihai Ghiţulescu

A.U.C.H. ("Annals of the University of Craiova. History") is a bi-annually journal published by the History Department of the University of Craiova. A.U.C.H. is a peer-review academic publication addressed to professors and researchers interested in the study of history. A.U.C.H. supports interdisciplinary approaches of history, engaging the following domains: history, international relations, European studies, political sciences, philosophy, theology, geography, international law.

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Instructions for authors

The texts written in English, French, German, Spanish or Italian must be sent by e-mail, in electronic format and have an *abstract*. The texts must be sent in B5 paper format, Microsoft Word, Times New Roman, Size Font 12, Space 1 and have to be preceded by five keywords. The articles must not exceed 15 pages. The references will be cited as follows:

- For *books*:

David Talbot Rice, *Art of the Byzantine Era*, London, Thames and Hudson, 1977, p. 100.

- For *articles*:

James Ross Sweeney, *Innocent III, Hungary and the Bulgarian Coronation: A Study in the Medieval Papal Diplomacy*, in "Church History", 42, 1973, no. 2, p. 320.

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