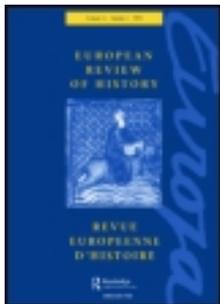


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# The Unyielding Boundaries of Citizenship: The Emancipation of 'Non-Citizens' in Romania, 1866–1918

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**ABSTRACT** *This article attempts to contribute historical data to studies of the emergence and development of the institution of citizenship in Romania. Designed as an overview of Romanian citizenship legislation between 1866 and 1918, the article focuses on the contradiction between claims for the universality of bourgeois-democratic liberal ideology and the hierarchic and illiberal citizenship practice, which disenfranchised a considerable number of men, denied women substantive civic and political rights and excluded from state citizenship significant ethnic and religious minorities. Special attention is devoted to the legal status of these categories of 'non-citizens,' to their strategies of emancipation and their relationship with the Romanian national ideology.*

There has recently been renewed scholarly interest in the concept of citizenship in an interdisciplinary effort of political scientists and historians, anthropologists and sociologists.<sup>1</sup> Challenged by socio-political developments of the post-Communist and post-Maastricht era, numerous scholars have re-examined established notions of citizenship and civil society and tried to adapt them to new historical circumstances. Nevertheless, as Brian Turner has pointed out, while the growing body of scholarly works on citizenship has concentrated overwhelmingly on theoretical aspects, the history of the institution of citizenship in Western Europe—and, this author would add, especially in Eastern Europe—have remained largely under-researched.<sup>2</sup>

This article attempts to contribute historical data to studies of the emergence and development of the institution of citizenship in Romania between 1866 and 1918 by connecting the subject matter of citizenship with issues of state formation, the construction of national identity and the structuring of the private and public spheres. The primary question of the article is: did citizenship legislation in Romania function as a mechanism of socio-political emancipation and national integration of marginal gender and ethno-religious groups in the given period? In investigating this question, the analysis highlights the contradiction between the claim for universality of the bourgeois-democratic ideology and the hierarchic and illiberal citizenship practice which disenfranchised a considerable number of men, denied women substantive civic and political rights and excluded from state citizenship significant ethnic and religious

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1. From the abundant recent scholarly production on citizenship, I mention selectively works by: Michael Mann, 'Ruling Class Strategies and Citizenship' in *Sociology*, 21 (1987) 3, pp. 339–54; Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, New York, 1989; Rogers W. Brubaker, *Citizenship and Nationhood in France and Germany*, Cambridge, 1992; Reinhard Bendix, *Nation Building and Citizenship. Studies of Our Changing Social Order*, New Brunswick, 1996; and Charles Tilly, ed., *Citizenship, Identity and Social History*, Cambridge, 1996. See also collections of articles in Bryan S. Turner and Peter Hamilton, eds, *Citizenship. Critical Concepts*, London, 1994, Vols I–II; and in Ronald Beiner, ed., *Theorising Citizenship*, New York, 1995.

2. Turner, 'Outline of a Theory of Citizenship' in *Sociology*, 24 (1990) 2, pp. 189–217.

minorities. Special attention is therefore devoted to the legal status of these categories of ‘non-citizens,’ to their strategies of emancipation and their relationship with the Romanian national ideology<sup>3</sup>.

The article is composed of six parts. The first explores the main characteristics of the Romanian *ius sanguinis* citizenship legislation and their relation to the process of nation and state building. From a neo-Weberian theoretical perspective, it is argued that Liberal political elites in Romania utilised citizenship as an efficient instrument of ‘social closure’ in order to foster national integration, to control social change and to reduce competition for resources from concurrent economic elites. The following sub-sections explore the Romanian citizenship doctrine ‘at work,’ by concentrating on three major case-studies. The second part discusses the relationship between immigration, economic competition and the legal status of Jewish ‘denizens’. The third part analyses the impact of citizenship legislation on the assimilation of the former Ottoman province of Northern Dobrogea into Romania (1878–1913). The fourth part attempts to introduce gender as an analytical category into the study of the Romanian citizenship legislation by highlighting the subordinate civic and political status of women. The fifth part of the article explores the impact of World War I on the status of minorities in Romania, in an attempt to offer a key to understanding some salient characteristics of political developments in interwar Greater Romania. The last part of the article reviews the main features of the Romanian citizenship legislation, and—on the basis of this case study—it derives more general theoretical conclusions for the study of citizenship.

## 1. Citizenship, Nation and State-Building in Romania, 1866–1918

### 1.1 *Citizenship and ‘Social Closure’*

Most scholarly analyses of nation-states and nationalism focus rather unilaterally on community solidarity in terms of language and common descent, an approach which neglects the fact that ethnic groups also constitute interest groups. In contrast, Max Weber’s sociology of group formation considers ethnicity as essentially a political phenomenon, produced during an intensive competition for livelihood.<sup>4</sup> The most elaborate form of organisation of an ethnic community as a ‘corporate interest group’ is the nation-state, based as Rogers Brubaker pointed out on the claim that ‘the state [is] “of” and “for” a particular, distinctive, bounded nation.’<sup>5</sup> Weber’s framework highlights the way in which the state uses citizenship as an effective instrument of social closure by establishing ‘a legal order that limits competition through formal monopolies, and transforming the body of citizens into a ‘legally privileged group’ on the basis of legislative rules which can take the form of a written Constitution.’<sup>6</sup> As a typically closed social relationship, citizenship has an underlying inclusion/exclusion dimension, and this makes our world one of ‘bounded and exclusive citizenries.’<sup>7</sup> Building on Weber’s conceptualisation of open/closed social relationships, Rogers Brubaker identified the following major forms of closure embedded in citizenship status: ‘territorial closure’,

3. On the emergence and main features of the Romanian national ideology, see the seminal work of Katherine Verdery, *National Ideology under Socialism. Identity and Cultural Politics in Ceausescu’s Romania*, Berkeley, CA, 1991, mainly pp. 8–12 and 27–63. In analysing the Romanian national ideology, Verdery focused on the ‘discursive struggles in which the concept of “the nation” or “the Romanian people” has formed a central preoccupation’ (p. 9).

4. Weber, *Economy and Society*, Berkeley, 1978, Vol. I, pp. 341–2.

5. Brubaker, *Citizenship and Nationhood in France and Germany*, Cambridge, 1992, p. 48.

6. Weber, *Economy and Society*, Vol. I, p. 343.

7. Brubaker, *Citizenship and Nationhood*, p. 5.

regulated at the inter-state level and ‘domestic closure,’ which is an internal affair of the state.<sup>8</sup> Territorial closure relates mainly to border jurisdiction. Domestic closure, however, consists of multiple variables. These range from the ‘routine’ or ‘taken for granted’ closure of electoral participation, conscription and naturalisation, to more specific state policies regulating security, political, or even material interests of diverse socio-political groups. On this basis, Brubaker concluded, ‘citizenship is thus both an instrument and an object of closure.’<sup>9</sup>

Romanian citizenship legislation qualifies as an example of a closed-type social relationship. Modelled on the 1831 Belgian Constitution, the 1866 Constitution of Romania implemented a modern concept of citizenship, by emulating the Western ideological model of the nation-state, with its liberal, secularised and egalitarian features. The 1866 Constitution exhibited, however, what Jürgen Habermas named—in his influential analysis of the emergence and development of the bourgeois public sphere—the ‘ambivalence’ of the bourgeois-democratic ideology.<sup>10</sup> In theory, the 1866 Constitution was formally committed to a universalistic definition of citizenship, that pledged economic and socio-political emancipation of marginal social categories. To this end, the Constitution established a liberal political regime that guaranteed civic rights and liberties, and—as such—compared favourably with other political systems in East-Central Europe.<sup>11</sup> In practice, however, instead of a unified and universal-egalitarian citizenship status, the Constitution implemented a hierarchical and multi-layered citizenship. First, membership in the political community was reserved for ethnic Romanians, who had exclusive access to land tenure, bureaucratic positions and political participation. Second, the system of parliamentary representation was highly restrictive and divided the electorate into active and passive citizens. Finally, at the margins of the society there were the heterogeneous categories of the excluded ‘others,’ such as peasants, women, Roma, non-Christian inhabitants (mainly Jews), and starting with 1878, the inhabitants of the newly annexed Ottoman province of Dobrogea. These groups were denied significant economic, civic or political rights. The following sections explore the main feature of the Romanian citizenship legislation at the following levels: citizenship as political participation (*Staatsbürgerschaft*), and citizenship as state membership (*Staatsangehörigkeit*).

## 1.2 Being a Citizen in Romania: Rights and Duties of Citizenship

Romanian national citizenship was established in the period 1859–61 through the political union between the Principalities of Wallachia and Moldavia and the process of legal and administrative unification of the two countries that resulted in a common capital, government, and legislative body. Although the process of state unification enjoyed the consensus of a large part of political elites in both principalities, in regard to the specific path of development to be followed by the new state there were,

8. See the chapter ‘Citizenship as Social Closure’ in Brubaker, *Citizenship and Nationhood*, pp. 21–34.

9. Brubaker, ‘Citizenship as Social Closure’, p. 23.

10. Habermas, *The Structural Transformation of the Public Sphere: an Inquiry into a Category of Bourgeois Society*, Cambridge MA, 1989, p. 55.

11. The view of the Romanian historiography of Romania’s political system between 1866 and 1918 had changed considerably during the time. Before 1989, official Communist historiography regarded the political system that functioned in the period 1866–1918 as a retrograde oligarchic coalition between great landowners and bourgeoisie. In contrast, recent historical works regard the political regime established by the 1866 Constitution as essentially a democratic political experience, and invoke the historical legacy of the 1866–1918 period as a potential basis for rebuilding democracy in Romania. See Apostol Stan, *Putere politică și democrație în România, 1859–1918*, Bucharest, 1995.

nevertheless, significant ideological differences among various political fractions. The main cleavage was between a modernising political leadership, recruited mainly from liberal *boyars*, members of the intelligentsia and urban middle strata of the population, and traditional conservative political elites, represented mainly by great landowners.<sup>12</sup> Influenced primarily by French Romantic political thinkers such as Jules Michelet, Robert de Lamennais, and Edgar Quinet, Romanian Liberal politicians—gathered around the Wallachian leaders I. C. Brătianu and C. A. Rosetti—promoted a comprehensive program of social and political reforms.<sup>13</sup> In contrast, Conservative politicians opposed the radical socio-political changes envisioned by the Liberals, and favoured the maintenance of the political status-quo through limited evolutionary reforms ‘from above.’<sup>14</sup> During the rule of Prince Alexandru Ioan Cuza (1859–66), the political rivalry between these two dominant factions of the Romanian political establishment was largely repressed. Unable to gain unconditional support from either the Conservative or the Liberal fractions, Cuza based his political legitimacy on a fragile political grouping of moderate liberals. Since this support could not secure him sufficient political authority, in 1864 Cuza staged a coup d’état that suppressed political opposition and conferred him the necessary means for implementing a comprehensive program of national and social reforms.<sup>15</sup> Nevertheless, Cuza’s forced abdication in February 1866 unleashed the political rivalry between Liberals and Conservatives, which came to dominate Romania’s political life.

In the first phase that started in April, political debates between Liberals and Conservatives concentrated on the adoption of a new constitution, seen by both factions as the cornerstone of the future political organisation of the country. After fervent political bargaining, the final text of the 1866 Constitution was shaped by a political compromise between the two leading political groupings. On the one hand, the Conservative majority of the 1866 Constitutional Assembly accepted a Liberal Constitutional draft composed by the Wallachian political leader C. A. Rosetti as the basis of constitutional debates. The final text of the 1866 Constitution endorsed many features of the Liberal project. The Constitution established a constitutional monarchy with a parliamentary political regime and provided for the separation of powers among the bi-cameral Parliament and the Prince as the legislative power (art. 33 and 113), the government and the Prince as the executive power (art. 35), and an independent system

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12. Surely, social distinctions between liberals and conservatives were not so clear-cut, political affiliation being a function of many social variables, such as, among others, personal interests, ideological convictions, and specific political contexts. As Andrew Janos pointed out in his statistical research on Romanian political elites in the period 1866–1918, numerous great landowners adhered to the Liberal Party, while conservative politicians often engaged in trade and manufacturing industry. See Janos, ‘Modernization and Decay in Historical Perspective’ in Kenneth Jowitt, ed., *Social Change in Romania 1860–1940: A Debate on Development in a European Nation*, Berkeley, 1978, pp. 70–116.

13. On the history of liberalism in Romania, see Apostol Stan & Mircea Iosa, *Liberalismul politic în România: De la origini până la 1918*, Bucharest, 1996; Gheorghe Cliveti, *Liberalismul românesc: eseu istoriografic*, Iasi, 1996; and Dan A. Lăzărescu, *Introducere în istoria liberalismului european și în istoria Partidului Național-Liberal din România*, Bucharest, 1996.

14. On the history of conservatism in Romania, see Anastasie Iordache, *Originile și constituirea Partidului Conservator din România*, Bucharest 1999; and Ion Bulei, *Sistemul politic al României moderne. Partidul conservator*, Bucharest, 1987.

15. For a comprehensive analysis of Romanian political life between 1859–71, see Paul E. Michelson, *Romanian Politics, 1859–1871: from Prince Cuza to Prince Carol*, Iași, 1998; and Anastasie Iordache, *Instituirea monarhiei constituționale și regimul parlamentar în România, 1866–1871*, Bucharest, 1997. For the next period, see Anastasie Iordache, *Sub zodia Strousberg: Viața politică din România între 1871–1878*, Bucharest, 1991; Lothar Maier, *Rumänien auf den Weg zur Unabhängigkeitserklärung 1866–1877*, München, 1989; and Traian Lungu, *Viața politică în România, 1899–1910*, Bucharest, 1977. For syntheses on Romania’s history, see Keith Hitchins, *Romania, 1866–1947*, Oxford, 1994; and *The Romanians, 1774–1866*, Oxford, 1996.

of courts as the judicial power (art. 36 and 104).<sup>16</sup> It also guaranteed fundamental rights and liberties, such as the sovereignty of the people, representative government, freedom of the press, freedom of association and conscience, and the right to state-sponsored education; private property was declared sacred and inviolable (see art. 5, 21, 23, 24, 26, and 31). On this basis, the Constitution provided for the functioning of a multi-party system based on adult male suffrage with a secret ballot.

On the other hand, while endorsing substantive civic liberties, the Conservative parliamentary majority nevertheless imposed an inegalitarian and highly restrictive electoral system. Thus, the Constitution granted political rights only to propertied and educated adult males, a feature that excluded the great majority of the population from political participation. Even by 1911, in spite of a gradual opening up of the electoral system, there were only 1,077,863 male voters in Romania out of a total population of about 6,900,000 inhabitants.<sup>17</sup> In addition, the electoral system divided the electorate into direct and indirect voters and grouped them according to their socio-professional category. As a result, territorial constituencies for the Chamber of Deputies—the lower house of the Romanian Parliament—were divided into four colleges which assured the dominant representation of great and middle landowners (Colleges I and II, representing 1.5% of the total voters, but electing 41% of the deputies), and of the urban middle class and professional categories (College III, representing 3.5% of the voters, but electing 38% of the deputies). At the same time, the remaining 95% of the electorate were confined to a single college (IV) which elected only 21% of the deputies; within it, the illiterate voters without a standard level of income (91% of the electorate) elected only an electoral ‘delegate’ for every 50 voters. These delegates exercised a direct vote in a second ballot, on behalf of the indirect voters.<sup>18</sup> The electorate for the Senate was even more limited, consisting of only 2% of the voting body: the great landowners and high professional categories. The system of parliamentary representation in Romania was thus based on an underlying electoral inequality. According to official statistics, in 1901, a majority of voters—93.5% of the electoral body, or 839,305 persons—disposed of only one indirect vote, and elected about 20% of deputies. At the same time, the remaining part of the voters—representing 6.5% of the electoral body or 89,201 persons—elected, through a direct ballot, about 80% of the deputies. Within the latter category of direct voters, a small elite of 1.7% of the electorate, or 23,632 persons, disposed of two influential votes (one for the Senate and one for the Chamber of Deputies), and elected over 50% of deputies.<sup>19</sup>

The exclusion of the majority of citizens from substantive political participation had important consequences for the evolution of the Romanian political system, undermining the development of a liberal political culture, the consolidation of free civic institutions

16. In the period 1866–78, Romania was still formally under the suzerainty of the Ottoman Empire. Therefore, Carol I of Hohenzollern-Siegmaringen held the title of *Prince*. It was only in 1881, after the achievement of Romania’s state independence following the 1877–78 Russian-Turkish War and the proclamation of the Kingdom, that Carol I took officially the title of *King*.

17. Leonida Colescu, *Statistica electorală. Alegerile generale pentru Corpurile Legiuitoare în 1907 și 1911*, Bucharest, 1913, pp. 11–13.

18. I am relying here on data provided by Philip G. Eidelberg, *The Great Rumanian Peasant Revolt of 1907. Origins of a Modern Jacquerie*, Leiden, 1974, pp. 15–16. For additional data, see also Paraschiva Cancea, Mircea Iosa and Apostol Stan, eds, *Istoria parlamentului și a vieții parlamentare din România pînă la 1918*, Bucharest, 1983, pp. 252–55.

19. Colescu, *Statistica electorală. Alegerile generale pentru corpurile legiuitoare in anii 1901 si 1905*, Bucharest, 1905, p. 7.

and the emergence of modern political parties.<sup>20</sup> In the lack of genuine electoral competitions, the leading political factions of Liberals and Conservatives had to resort to political clientelism, momentary political alliances, and regular legislative ‘adjustments’ of the electoral system in order to dominate the political life of the country. Generally, the electoral support of the Conservatives was more homogeneous and stable, being based on the dominant economic basis and electoral power of great landowners; in 1905, landowners represented, according to electoral statistics, 40% of the electoral body and elected 45% of the deputies. In order to match the electoral influence of the Conservatives, Liberals pleaded that the Constitution conferred political rights to ‘the middle class’—such as the urban middle classes, various strata of the *intelligentsia*, and state functionaries—defined in the Liberal discourse as ‘the basis of the constitutional regime.’<sup>21</sup> Since many of these categories could not reach the minimal standard of income qualification set by the electoral system, the Liberals lobbied that the Constitution guaranteed voting rights to professors, priests, persons engaged in the liberal professions, and retired state bureaucrats, irrespective of their incomes.

Despite the over-representation of the middle class, the Liberal Party was nevertheless compelled to rely primarily on the bureaucratic apparatus in order to dominate political life. This policy was favoured by a specific feature of the Romanian political system: in case of political crisis, the Prince, as the representative of the executive power, could, at any time, dissolve the Parliament and appoint a new government for organising parliamentary elections. Through effective administrative pressure exercised over the electorate by prefects and subprefects at local level, the new governmental party was always able to win the majority in national elections, which varied between 51% and 97% during the period from 1866 to 1914.<sup>22</sup> Always making use of a comfortable parliamentary majority, the government was thus able to exert genuine control over the legislative power so that according to one deputy, in Parliament ‘we do not deliberate, we just follow the government.’<sup>23</sup> The result was a *de facto* pre-eminence of the executive apparatus over elected institutions. According to the deputy Becescu-Silvan ‘this subordination of the national will to the government is due to our Constitution, so unequal in its fundamental principles .... The executive power, through the Prince, can, always dissolve one or both Chambers of the Parliament.’<sup>24</sup> This practice shifted the source of political power from leverage over public opinion to control over bureaucracy. The state administration acquired an important role in the political life of the country, and the Ministry of the Interior became the most influential governmental position. The political scene thus became a back-stage competition between successive Conservative and Liberal administrations, ‘the Sodom and Gomorrah of Romanian politics.’<sup>25</sup> This feature of the political system contributed ultimately to the expansion of the bureaucratic machinery; in 1871, the Conservative politician Titu Maiorescu estimated the number of

20. Romanian political factions evolved at a late stage as permanent and fully structured territorial organizations. The Liberal Party was created in 1875 and the conservative Party in 1881. For a comprehensive discussion of the Romanian political system, see Paul E. Michelson, mostly the chapter ‘The Hohenzollerns Come to Romania, 1866–1867’, in *Romanian Politics, 1859–1871*.

21. Deputy Nicolae Ionescu, quoted in Alexandru Pencovici, *Dezbaterile Adunării constituționale din anul 1866 asupra constituției și lezei electorale*, Bucharest, 1883, p. 23.

22. Janos, ‘Modernization and Decay’, p. 87; and Eidelberg, *The Great Rumanian Peasant Revolt*, p. 18. This characteristic of the Romanian political system—which remained dominant for the interwar period as well—was suggestively expressed by the Conservative politician P. P. Carp: ‘Give me the government and I will deliver you the Parliament.’

23. Deputy Nicolae Enășescu, quoted in *Istoria parlamentului*, p. 460.

24. *Istoria parlamentului*, p. 459.

25. Metaphor coined by Nicolae Iorga in *Neamul Românesc*, 25 June 1906: ‘Now Sodom is out of power; but when Gomorrah governs again...’

bureaucrats at 64,000 and their salaries at one third of Romania's annual budget.<sup>26</sup> The direct beneficiaries of this bureaucratic expansion were the pauperised categories of lower *boyars*, who saw entry to bureaucratic positions as a viable sustenance alternative to economic initiative and therefore instituted a virtual monopoly over accession into Romanian bureaucracy<sup>27</sup>. Andrew Janos has pointed out that between 1866 and 1878, middle and lower *boyars* held approximately 77% of all cabinet posts.<sup>28</sup> Recruitment into bureaucracy was gradually liberalised only after 1878, when the achievement of Romania's state independence stimulated a further expansion of the bureaucratic apparatus. Between 1895 and 1915, non-*boyar* professional elements accounted for 51% of the cabinet seats, 59.5% of parliamentary seats and over 80% of the higher bureaucracy.<sup>29</sup> Through an effective alliance with this influential social category, the Liberal Party succeeded in dominating the political life of the country and in shaping the evolution of the political system; socio-political reforms 'from above' undermined the economic efficiency of great estates and promoted a projectionist program of sheltered industrialisation.<sup>30</sup> The result was the emergence of a *bureaucratic nationalism*, in which Romanian socio-political elites used citizenship legislation as an effective tool for stimulating economic development, appropriating state resources, and curbing competition from concurrent economic elites.<sup>31</sup> These underlying characteristics of citizenship legislation in Romania also shaped the stipulations regarding the accession to Romanian state-citizenship.

### 1.3 Romanian State-Citizenship as a Privilege of Ethnic Romanians

Pertaining to citizenship as state-membership (*Staatsangehörigkeit*), Romanian citizenship doctrine was initially balanced between a political and an ethno-cultural definition of nationhood. Thus, the 1864 Romanian Civil Code, passed under the rule of Prince Cuza, adopted the *ius sanguinis* principle, by automatically ascribing Romanian citizenship to a child born of the marriage of a Romanian man.<sup>32</sup> Nevertheless, under the direct influence of the 1804 *Napoleonic Code*, the Romanian Code included also a strong *ius solis* component. According to article 8, 'Any individual born and raised in Romania until adulthood can claim Romanian citizenship in a year's time after reaching maturity, providing that he has never been subject of a foreign state.' Most importantly, the Code admitted also for the naturalisation of non-Christian inhabitants, providing that they lived in Romania for at least ten years, and that their requests for naturalisation reached the approval of the Prince and of the Parliament (art. 16).

During the parliamentary debates on the 1866 Constitution, this inclusive citizenship legislation was challenged by an ethno-cultural understanding of nationhood. Ultimately, the final text of the Constitution implemented an illiberal turn, by reversing many stipulations of the 1865 Civil Code. The Constitution abolished the *ius solis* component of the citizenship legislation, by abrogating articles 8, 9 and 16 of the Civil Code and

26. See Titu Maiorescu, *Insemnări zilnice*, Bucharest, 1937, Vol. I, p. 175.

27. See Janos, 'Modernization and Decay,' p. 89.

28. Janos, 'Modernization and Decay', p. 89.

29. Janos, 'Modernization and Decay', p. 89.

30. For a comprehensive account of the evolution of Romania's socio-political system in this period, see Gale Stokes, 'The Social Origins of East European Politics' in Daniel Chirot, ed., *The Origins of Backwardness in Eastern Europe*, Berkeley, 1989, pp. 210–52.

31. On the concept of Eastern European bureaucratic nationalism, see Peter F. Sugar, 'External and Domestic Roots of Eastern European Nationalism' in Peter F. Sugar & Ivo Lederer, eds, *Nationalism in Eastern Europe*, Seattle, 1969, pp. 46, 50–52.

32. Constantin Hamangiu, *Codul Civil Adnotat*, Bucharest, 1899, Vol. I, art. 6–20, pp. 60–82.

denying the access of non-Christian foreigners to Romanian citizenship. Article 7 of the Constitution stipulated that ‘Only foreigners of Christian rite can acquire naturalisation’ (art. 7). In addition, the Constitution reinforced the *ius sanguinis* component of the citizenship legislation. Article 3 of the Constitution stipulated that ‘Romanian territory cannot be colonised with foreign population,’ while article 9 read that ‘an [ethnic] Romanian from any state, regardless of his place of birth, upon renouncing his foreign subjection, can immediately acquire political rights, through a vote of the Parliament.’<sup>33</sup> The latter stipulation expressed the incomplete ethnic boundaries of the Romanian nation-state and legitimised an irredentist policy directed towards absorbing ethnic Romanians from Austro-Hungary, the Tsarist Empire and the Balkans. From 1866, the principle of *ius sanguinis* thus served as an exclusive basis for ascribing Romanian citizenship. In addition, ethnic Romanians from neighbouring countries (*români de origină*), had instant access to Romanian citizenship without being subject to a naturalisation stage. By contrast—in a dissimilationist spirit—the *ius solis* component of the citizenship legislation was virtually absent; birth and uninterrupted residence in Romanian territory alone did not have any bearing on ascribing Romanian citizenship. The only exception admitted were the abandoned new-born babies, who, since found on the Romanian territory, were assumed as having Romanian parents and ascribed Romanian citizenship. The Romanian citizenship legislation thus departed from the French assimilationist citizenship model which supplemented the *ius sanguinis* principle with a strong *ius solis* component and exhibited strong resemblance to the German and Russian examples of ‘pure’ *ius sanguinis* citizenship legislation.

The adoption of the *ius sanguinis* principle in ascribing Romanian citizenship had important practical consequences for the system of legal evidence of citizenship, for the accession to Romanian citizenship of ethnic Romanians who immigrated from neighbouring countries, and for the legal status of ethnic minorities in Romania. First, in cases under juridical contention, the system of the legal evidence required for Romanian citizenship was very complex, especially for the period before 1878, when state administration was less developed and identity papers were generally missing. If an individual could not provide a written evidence that he was born of the marriage of a Romanian man, he was compelled to supply instead a wide range of oral testimonies and written documents in order to prove his Romanian citizenship, including evidence that he paid taxes, exercised political rights, and performed military service.<sup>34</sup> The system of legal evidence was even more problematic in the case of ethnic Romanians from neighbouring countries immigrating to Romania. How could one prove that one is an ethnic Romanian? Romanian legislation required that, in order to qualify for naturalisation under art. 9 of the Constitution, an ethnic Romanian from abroad had to provide certificates of nationality issued by the Ottoman, Russian, or Austro-Hungarian authorities. Nevertheless, since in practice many immigrants were generally missing identity papers, Romanian authorities had to take into account other ‘markers’ of ethnicity, such as knowledge of the Romanian language, or the practice of the Eastern Orthodox religion. The legislation regarding ethnic Romanian immigrants was further complicated by an additional—and more substantial—legal controversy. The 1866 Constitution employed the term ‘Romanians’ (*români*) with two radically different meanings in order to designate both Romanian citizens (art. 7) and ethnic Romanians from neighbouring countries (see art. 9, alternatively named *români de origină*). This major terminological flaw generated an acute controversy in regard to the legal status of ethnic Romanians

33. ‘Constituția din 1866’ in Ion Muraru & Gheorghe Iancu, eds, *Constituțiile Române*, Bucharest, 1995, p. 32. Translations from the original text are mine.

34. For details, see Barbu Berceanu, *Cetățenia: monografie juridică*, Bucharest, 1999, pp. 200–1.

from abroad. According to some juridical interpretations, ethnic Romanians from neighbouring countries were foreigners who needed naturalisation in Romania. In contrast, other interpretations of the Constitution asserted that, by virtue of their ethnic origin, ethnic Romanians living abroad were an integral part of the Romanian national community, and were therefore automatically entitled to a formal 'recognition' of their Romanian citizenship by the Parliament.

The absence of an *ius solis* component in ascribing Romanian citizenship coupled with the exclusion of non-Christian inhabitants from naturalisation resulted in a significant numerical difference between the overall permanent resident population of the country and the more limited category of full citizens. In 1876, out of a total population of 4,800,000, there were approximately 700,000 non-citizen residents, representing 14% of the inhabitants.<sup>35</sup> This difference was further aggravated toward the end of the century when Romania's resident alien population grew on average by approximately 20,000 immigrants a year, or four to five persons to every 1,000.<sup>36</sup> As a result, according to official statistics, in 1899 Romania had, after Switzerland, the second greatest ratio of non-citizen residents in Europe, with seventy-nine 'foreigners' to every 1,000 inhabitants representing 467,394 inhabitants.<sup>37</sup> The legal status of these non-citizen residents was very ambiguous, and generated numerous political controversies. Analysing the heterogeneous legal status of Romania's inhabitants, Leonida Colescu, the head of the Romanian Service of General Statistics, acknowledged that the concept of citizenship 'cannot be applied in its strict scientific meaning to the various legal groupings that compose the inhabitants of the Kingdom.'<sup>38</sup> Colescu identified two distinct categories of non-citizen residents in Romanian territory: foreign citizens who resided temporarily or permanently in Romania and 'foreigners who immigrated in Romania' and 'lost their original citizenship without becoming Romanian citizens either.'<sup>39</sup> Consequently, this latter category of residents had an intermediary legal status between full citizens and aliens. In Colescu's words, 'they live under the protection of the Romanian state, and enjoy full civic rights as all the other inhabitants, but are denied the exercise of political rights of Romanian citizenship.'<sup>40</sup> According to the official census, in 1899, these permanent non-citizen residents in Romania amounted to 278,560 individuals, or 47.3% persons to every 1,000 inhabitants.<sup>41</sup> They were represented mainly by 'Jews from Galicia and Russia, as well as by other nationalities such as Bulgarians, Austro-Hungarians, Poles, and Russians.'<sup>42</sup> Romanian legislation had great difficulties in labelling this category of non-citizen residents; at times, the legislation employed various legal formulas, such as 'Romanian subjects' (*supuși români*), 'inhabitants of the country' (*locuitori ai țării*) or 'foreigners who are not subjects of a foreign power' (*străini nesupuși unei puteri străine*).

35. Data on the total Romanian population in the second half of the nineteenth century are usually arbitrary since comprehensive general demographic surveys were conducted only in 1859–60 and 1899. For estimates on non-citizen residents, I used here M. G. Obedenaru, *La Roumanie économique d'après les données les plus récentes*, Paris, 1876, p. 402.

36. Ibid. For the entire period between 1859 and 1899, Colescu estimates the number of immigrants in Romania at 329,560 persons, or an annual average of 8,239. See Colescu, *Analiza rezultatelor recensământului general al populației României din 1899*, Bucharest, 1944, pp. 29–31. For useful data on immigration in Romania, see also Ion Ghica, 'Industria' in *Însemnări economice*, Vol. I, Bucharest, 1937; and Dan Berindei, *Societatea românească în vremea lui Carol I (1866–1876)*, Bucharest, 1992, pp. 72–82.

37. Colescu, *Analiza rezultatelor recensământului*, pp. 90–92, and 95.

38. Colescu, *Analiza rezultatelor recensământului*, p. 91.

39. Colescu, *Analiza rezultatelor recensământului*, p. 92.

40. Colescu, *Analiza rezultatelor recensământului*, p. 92.

41. Colescu, *Analiza rezultatelor recensământului*, p. 95.

42. Colescu, *Analiza rezultatelor recensământului*, p. 92.

How can one account for the massive exclusion of non-Romanian residents from citizenship? A possible theoretical explanation may be provided by Max Weber's sociology of group formation. As Weber pointed out, a social relationship may be closed in order to increase 'the opportunity of satisfying many diverse interests, whether the satisfaction be spiritual or material.'<sup>43</sup> Therefore, if participants 'are interested in improving their position through monopolistic practices they will tend to favour a closed relationship.'<sup>44</sup> In regard to citizenship, Weber's theoretical conclusion was best supported by Rogers Brubaker, who, in his authoritative comparative analysis of citizenship in France and Germany, pointed out that the exclusion of permanent residents from citizenship can be generally caused by the political utilisation of citizenship as an instrument of 'domestic closure' for satisfying material interests.<sup>45</sup> The Romanian citizenship legislation carried out this closure in two major ways. First, the 1866 Constitution was based on the commonly accepted principle that excludes foreigners from the exercise of political rights (art. 6).<sup>46</sup> In Romania political rights accounted for an extensive range of privileges. Thus land tenure—the main source of social status and income—was considered a political right and regulated by citizenship legislation: 'Only Romanians and those who have become naturalised Romanians can acquire rural properties in Romania' (art. 7/V). Moreover, only Romanians were eligible for positions in the state bureaucratic apparatus (art. 10). Secondly, Romanian political elites went beyond this 'routine' closure of political rights, and, through specific state policies, established a direct relationship between citizenship and the exercise of certain civil rights and economic activities. In so doing, the state acted concomitantly as a membership *and* territorial organisation; while participation in the political community was reserved for ethnic Romanians, the state nevertheless exercised territorial authority over the entire resident population. To this end, Romanian legislation defined *de facto* two types of naturalisation: a 'narrow naturalisation', which granted residence rights, transforming all permanent inhabitants of the country into virtual Romanian subjects and a 'broad naturalisation' which conferred full political rights.<sup>47</sup> This distinction offered the state an effective instrument for extracting duties from residents, while denying them the benefits of citizenship.

The laws concerning military draft are a relevant example. The classical republican definition of citizenship associated military conscription with citizen status; in modern France, the need for soldiers in waging modern wars was one of the salient reasons for assimilating second-generation immigrants into full citizens.<sup>48</sup> Significantly, Romanian legislation departed from the French example. Although successive conscription laws from 1876 and 1882 stipulated the obligation for military draft of all foreigners in the Romanian territory 'who are not subjects to a foreign country,' and, respectively, of all 'inhabitants of the country,' the conscription of non-citizen residents had no bearing on their legal status, except for cases of participation in major military conflicts.

43. Weber, *Economy and Society*, Vol. I, p. 343.

44. Weber, *Economy and Society*, Vol. I, p. 97.

45. Brubaker, *Citizenship and Nationhood*, p. 32.

46. Far from being specific to the Romanian legislation, the exclusion of non-citizens from political rights is in fact the most salient universal characteristic of nation-state citizenship. As Brubaker pointed out, this is an underlying feature of 'the routine, ordinary, taken-for-granted nationalism.' Brubaker, *Citizenship and Nationhood*, p. 28.

47. This distinction was introduced in the naturalization practice of the Principalities in 1831 by '*The Organic Regulations*,' the first constitutions of Wallachia and Moldavia, adopted under Russian occupation (1829–1934).

48. This collective naturalization was admitted on the basis of a special 1879 amendment to the Constitution: 'Those who served in the army during the War of Independence can be naturalized collectively, through a single law and without any other formality' (Art. 7, paragraph II, point c).

In 1879, 883 Jewish soldiers were granted citizenship for fighting in the Romanian army in the War of Independence (1877–78)<sup>49</sup>. Jewish soldiers participating in Romania's military campaign in Bulgaria during the Second Balkan War (1913) had to wait, nevertheless, until 1918 to be granted citizenship. Furthermore, the possibility of upward social mobility provided by the army were specifically denied to non-citizen soldiers; laws of 1875 and 1911 forbade their accession to the rank of officer.

In summary, Romanian citizenship legislation served as an effective instrument of social closure. According to the principle of *ius sanguinis*, political rights were reserved to ethnic Romanians who had exclusive access to land tenure, bureaucratic positions and political participation. At the same time, the absence of a *ius solis* component in ascribing citizenship degraded a substantial part of the resident population to the legally inferior status of Romanian subjects, which encompassed their obligation for taxation and military service, but denied their exercise of political rights and of certain economic activities. In addition, the highly bureaucratized procedure of naturalisation reserved to the bureaucracy full control over access to citizenship, a situation that favoured abuses and corruption. These underlying features of Romanian citizenship doctrine had a powerful impact on shaping the citizenship status of the legally subordinated categories of Jews, Dobrogeans, and women in the period 1866–1918. The following sections focus on the evolution of the legal status of these categories of 'non-citizens,' on their campaigns of emancipation, and their relationship to the Romanian national ideology.<sup>50</sup>

## 2. From 'Denizens' to Unwanted Citizens: The Status of Jews in Romania

The distinction between citizens and subjects was utilised by Romanian political elites as an efficient tool for promoting their socio-political interests to the detriment of non-ethnic Romanian elites. The most relevant example in this respect is the legal status of Jews in Romania. In the period from 1866 to 1918, Jewish inhabitants were denied access to Romanian citizenship on two major grounds: Jewish illegal immigration in Northern Moldavia and an alleged Jewish economic dominance over the Romanian economy.

Beginning with the second quarter of the nineteenth century, a considerable immigration of Yiddish-speaking *Ashkenazic* Jews from the Tsarist 'Pale of Settlements' into Northern Moldavia raised the proportion of Jews in Moldavia to 10.5% in 1899, as compared to a ratio of 1.8% Jews in Wallachia and a national average of 4.5%.<sup>51</sup> Jewish immigration reached dramatic proportions especially in the capital of Moldavia, Iași, where in 1899 Jews represented 51% of the population.<sup>52</sup> Romanian media devoted wide coverage to Jewish immigration in Romania, portraying it as a genuine 'invasion' of

49. See Carol Iancu, *Emanciparea Evreilor din Romania (1913–1919)*, Bucharest, 1998, p. 51.

50. Due to unavoidable space constraints, the following analysis does not cover all marginal groups in Romanian society. The article makes only general references to the socio-economic and political status of peasants in Romania, considering that, given its paramount importance and complexity, the peasant question in Romania would deserve separate treatment. Another important problem that is not covered here is the status of Roma population, mostly because their legal emancipation in Principalities occurred at an earlier period (1844/1845–55). For works on peasant question in Romania, see Eidelberg, *The Great Rumanian Peasant Revolt ...*; Daniel Chirot, *Social change in a peripheral society: the creation of a Balkan colony*, New York, 1976; and David Mitrany, *The land & the peasant in Rumania: the war and agrarian reform (1917–21)*, London, 1930. On the history of Roma in Romania, see George Potra, *Contribuțiuni la istoricul țiganilor din România*, Bucharest, 1939; and Viorel Achim, *Tigani în istoria României*, Bucharest, 1998. On the recent period, see Emmanuelle Pons, *Les tsiganes en Roumanie—des citoyens à part entière?*, Paris, 1995.

51. Colescu, *Analiza rezultatelor recensământului*, p. 85.

52. Overall, according to official statistics, during 1860–99 the population of Romania grew by 50%, while the Jewish population grew by 98.7%. See Colescu, *Analiza rezultatelor recensământului*, pp. 82–82.

Northern Moldavia. In the long run, this situation generated widespread anti-Semitic prejudices, skilfully instrumentalised by Romanian socio-political elites, who perceived the emergence of a numerous and active Jewish bourgeoisie as the major challenge to their economic dominance.

Deploring the inability of the Romanian administration to prevent the immigration of Jews, Romanian socio-political elites turned to legislative tools to protect their economic interests. As a result, the legal status of Jewish communities suffered, time and again, numerous and radical modifications. Initially, pre-1831 Romanian legislation favoured the socio-political integration of Jews born in Romanian territory, denying it only to recently immigrated Jews. In 1831, however, *The Organic Regulations* abolished the privileges of indigenous Jews, considering instead the entire Jewish population as foreigners.<sup>53</sup> During the period from 1859 to 1866, the modernisation of the legislation that followed the establishment of the Romanian nation-state seemed to favour the political emancipation of Jews. As a Prime Minister of Moldavia (1860–61) and of Romania (1863–65), Mihail Kogălniceanu militated for the gradual political emancipation and national integration of indigenous Jews through schooling, conscription into the Romanian army, and increased participation in ‘productive’ economic activities.<sup>54</sup> To this end, article 26 of the 1865 Communal Law granted political rights in local elections to several categories of indigenous Jews. Furthermore, the 1864 Romanian Civil Code (art. 8, 9 and 16), as well as an early draft of the 1866 Constitution (art. 7) stipulated full political emancipation of native Jews. During the constitutional debates, however, legislative projects on Jewish emancipation met an arduous parliamentary resistance, especially from the part of Moldavian deputies. Their effective parliamentary lobby was accompanied by an intense anti-Semitic media campaign that degenerated in violent anti-Semitic riots in Bucharest. Ultimately, under the pressure of this strong anti-emancipation offensive, the final text of article 7 of the Constitution denied non-Christians access to naturalisation. This illiberal citizenship legislation was soon supplemented with severe anti-Jewish administrative policies. In September 1866, a governmental decision abolished yet again the distinction between indigenous and foreign Jews, a principle that became subsequently the cornerstone of Romania’s naturalisation policy. Consequently, the entire resident Jewish population was excluded from citizenship, even if their families had been born and raised in Romania for generations. Furthermore, in March and April 1867, I. C. Brătianu, as Minister of the Interior, ordered harsh administrative measures in order to eradicate illegal immigration and to hamper the unhindered movement of illegal residents in Romanian territory. Brătianu’s directives occasioned widespread anti-Semitic abuses by Romanian authorities, and caused unanimous and legitimate international condemnation.

According to leading Romanian politicians such as Mihail Kogălniceanu and I. C. Brătianu, the compelling reasons for this policy were economic: the exclusion of Jews from citizenship was meant to compensate for their allegedly privileged economic situation. First, Romanian politicians blamed the fact that numerous Jews took advantage of the limited sovereignty of the Romanian Principalities until 1878 and acquired foreign protection from neighbouring powers, such as the Habsburg or the Tsarist Empires, by becoming *sudiți* (subjects of ‘Great European Powers’ living in Romania). Given the

53. According to Joseph Berkowitz, in *La question des Israélites en Roumanie. Étude de son histoire et des divers problèmes de droit qu'elle soulève*, Paris, 1923, the 1831 anti-Semitic legislation in Romania was adopted under Russian influence. The same argument was also put forward by Carol Iancu in *Les Juifs en Roumanie (1866–1919). De l'exclusion à l'émancipation*, Provence, 1978.

54. See Dumitru Vitcu, ‘Emanciparea evreilor români în gîndirea și practica politică Kogălniceniană’ in *Studia et Acta Historiae Iudaeorum Romaniae*, II, Bucharest, 1997, pp. 125–51.

formal incorporation of Romania within the Ottoman Empire, the status of *sudiți* was regulated, over the head of the Romanian government, by the terms of the ‘*capitulations*’ signed between the Ottoman Empire and the Great Powers.<sup>55</sup> Besides diplomatic protection, these treaties conferred to *sudiți* tax privileges, conscription exemption and total juridical immunity in their relationship with Romanian authorities. These substantive advantages triggered a dramatic increase of the number of *sudiți* in principalities. In exchange for a certain financial compensation, Russian consuls in Iași and Bucharest were especially generous in granting diplomatic protection, regardless of whether the claimants were Jewish merchants or Romanian *boyars*. Consequently, in 1860, in Moldova alone there were 6,164 Jewish *sudit* families who practised mainly trade and manufacturing.<sup>56</sup> Their irregular legal status aggravated their conflict with the Romanian administration, which constantly attempted to abolish consular jurisdiction and to subject *sudiți* to the authority of the Romanian state. Second, Romanian political elites portrayed an alleged Jewish dominance of significant sectors of the economy as being detrimental to Romanian national interests. Their arguments were based on official statistics which showed that Jews represented only 4.4% of Romania’s total population in 1899, but accounted for 21% of the total number of merchants, 39% of commercial agents, and possessed about 19.5% of the capital invested in large-scale industry.<sup>57</sup> In a suggestive but cynical account of Romania’s policy towards its Jewish inhabitants, I. C. Brătianu, the leader of the Liberal Party, compared Jews to a fox that sneaks into a garden through a hole in the fence and then grows so fat that she cannot go back through the hole. He thought that the Romanian state was thus in its own right to make sure that the fox starves enough to make it back through the exit hole.<sup>58</sup> To this end, between 1866 and 1918 the government issued over 200 administrative regulations that denied Jews the right to settle in the countryside, to own rural property and to practice certain professions and engage in certain economic activities, such as lawyer (1864 and 1884), pharmacist and inn-keeper (1910), tobacco and spirits dealer (1873 and 1887), lottery organiser, and so on.<sup>59</sup> These were to remain the privilege of either the Romanian state itself or of Romanian nationals.

The inferior legal status of Jews shaped their social composition and influenced their emancipation strategies. Jewish organisations in Romania reacted against the legal discrimination to which they were subjected and conducted a sustained campaign for political emancipation. Their domestic political lobby met, however, with the intransigence of Romanian political leaders. Therefore, Jewish associations attempted to foster an external solution to their emancipation and to this end they appealed for political support from influential international Jewish organisations and politicians. The legal status of Jews in Romania thus became a European diplomatic problem. Among the most devoted supporters of Jewish emancipation in Romania were the *Alliance israélite universelle*, the American consul in Romania, B. F. Peixotto, and Bismarck’s personal counsellor, Baron Bleichröder. Due to their intense lobbying, article 44 of the Berlin

55. These *capitulations* were applied in Principalities after the Treaty of Kuciuk Kainargi (1774), when many European powers established consulates and vice-consulates in Moldova and Wallachia for protecting their subjects. The consular jurisdiction was gradually abolished only after Romania achieved its state independence in 1878.

56. For a comprehensive discussion of the legal and social status of *sudiți* in Moldova, see Stela Măries, *Supușii străini din Moldova în perioada 1781–1862*, Iași, 1985.

57. See G. Bogdan-Duică, *Românii și Ovreii*, Bucharest, 1913, p. 223. For statistics on the industrial capital, see Colescu, *Ancheta industrială din anii 1901–1902*, Bucharest, 1904, p. 126.

58. Quoted in Nicholas M. Nagy-Talavera, *Nicolae Iorga. A Biography*, Iași, 1998, p. 39.

59. For a comprehensive analysis of this legislation, see Berkowitz, *La question des Israélites en Roumanie* and Iancu, *Les Juifs en Roumanie*.

Treaty (July 1878) conditioned diplomatic recognition of Romania's independence upon granting citizenship to non-Christian subjects. However, instead of appeasing political resistance to Jewish emancipation, this foreign intervention escalated anti-Semitic resentment in Romania to an unprecedented level. Without monitoring the acute and passionate political debates surrounding 'the Jewish question', suffice it to say that in 1879 the Romanian Constitution was finally amended to comply with the Berlin Treaty. Article 7, which excluded non-Christians from citizenship was revised as follows: 'In Romania, the difference of religious belief and confession can prevent neither the accession to civil and political rights, nor the exercise of these rights.'<sup>60</sup> This was, however, only an apparent liberalisation; instead of a *collective* emancipation, the amendment offered Jews only an *individual* access to naturalisation. The procedure of naturalisation was very restrictive, being granted 'exclusively by the legislative power.' The Parliament had to pass, with a majority of at least two-thirds of the votes, a special law on each individual case of naturalisation (art. 8). Furthermore, for qualifying for naturalisation, a foreigner had to fulfil the following conditions:

He should address to the government his request for naturalisation, in which he must indicate the capital he possesses, his profession, the occupation he intends to perform, and his domicile in Romania (art. 7, paragraph a); After this request he should live in the country for ten years, and demonstrate, through his acts, that he is useful to the community (art. 7/b).

Significantly, the 1879 amendment introduced a *ius solis* component in the naturalisation process by excepting from the mandatory naturalisation stage 'those born and raised in Romania, from parents established in the country, providing that none of them were subject to any foreign protection'(art. 7/b). Although a significant step toward the legal recognition of native Jews, the newly introduced *ius solis* component was in fact very weak, since it was dependent on a strong *ius sanguinis* condition ('born from parents established in the country'), required that neither parents nor sons had been subjects of a foreign state, (a condition that excluded *sudiți* from the naturalisation process) and because both the above-noted conditions had to be proven with legal documents. Since in many cases such documents were never issued, many residents were in effect disqualified from this naturalisation exemption. Consequently, the 1879 constitutional amendment made naturalisation extremely slow and restrictive. Far from being simple formalities, decisions on individual cases of naturalisation were debated by Parliament at great length and the number of favourable decisions was very limited; there were only 183 in the period from 1878 to 1911 out of an estimated many thousands of requests.<sup>61</sup>

How can the exclusion of Jews from citizenship in Romania be explained? In spite of the prevailing economic arguments employed by Romanian politicians, anti-Semitism in Romania was not triggered simply by economic incentives, but by a powerful combination of religious, economic, and ideological motivations. Consequently, the sociology of anti-Semitism in Romania cannot be understood without recourse to intellectual history. As Leon Volovici's authoritative analysis of anti-Semitism in Romania has pointed out, the image of the Jews in Romania was that of the 'internal foreigner', and served as a central ideological ingredient in the nationalists' campaign of political mobilisation.<sup>62</sup> The negative stereotypes of Jews that had already existed at the level of

60. Muraru, *Constituțiile României*, p. 34.

61. Iancu, *Les Juifs en Roumanie*, pp. 186–7.

62. Leon Volovici, *Ideologia naționalistă în problema evreiască în România anilor '30*, *Humanitas*, 1995, p. 5. On the intellectual history of anti-Semitism in Romania, see also William Oldson, *A Providential Anti-Semitism. Nationalism and Polity in Nineteenth-Century Romania*, Philadelphia, 1991, and Irina Livezeanu, *Cultural Politics in Greater Romania, 1918–1930*, Ithaca, 1995.

both popular and literary culture in the eighteenth century were reinforced in the second half of the nineteenth century by numerous Romanian writers and politicians and utilised as ‘a catalyst for the consolidation of nationalism and as stimulus to “national awakening.”’<sup>63</sup> From Mihai Eminescu to Nicolae Iorga and A. C. Cuza, prominent Romanian nationalists constructed—with significant nuances and variations—a symbolic axis of the Romanian national ideology between peasants and the Jews, in which the first were portrayed as the symbol of traditional Romanian national values, while the latter were perceived as cosmopolitan and disruptive social elements.<sup>64</sup> In this way, as Volovici asserted, ‘the Jewish question’ became not just ‘the central problem of Romanian economic and political life,’ but also ‘a vital question of the Romanian culture.’<sup>65</sup>

As a result, until World War One, Romanian Jews remained confined to the legally inferior status of subjects: they lived in Romanian territory, paid taxes and performed military service, but were denied significant civil and political rights. In 1912, there were only 4,668 Jewish citizens in Romania, representing 1.9% of the country’s total Jewish population, as compared to 228,430 Jewish subjects or 94.8% of the total, and 7,987 Jews under foreign protection, or 3.3% of the total.<sup>66</sup> Facing the intransigent attitude of Romanian authorities, numerous Jews chose to emigrate to the United States or Western Europe, with the result that their ratio within the Romanian population decreased from 4.5% in 1899 to 3.3% in 1912.<sup>67</sup>

### 3. Citizenship and Assimilation: The Integration of Northern Dobrogea into Romania

The second major legal category excluded from full citizenship rights in Romania in the period 1878–1909/1912 were the inhabitants of Northern Dobrogea. The province was granted to Romania following its participation in the 1877–78 Russian Turkish War. The Treaty of the European Congress in Berlin (July 1878) stipulated in article 46 that Romania would cede Southern Bessarabia to the Czarist Empire, and receive in compensation the former Ottoman province of Northern Dobrogea.

Romanian political elites perceived the annexation of Dobrogea as a major challenge to the Romanian *ius sanguinis* citizenship legislation. As a frontier zone at the borderland of the Ottoman Empire, Dobrogea carried a specific imperial demographic legacy, being inhabited by about twenty-one ethnic groups, such as Turks and Tartars, Romanians, Bulgarians, Russians, Greeks, Armenians, Jews, Germans, and Italians. The province was also a ‘micro-cosmos of all religions.’<sup>68</sup> Together with the predominant Muslim Turks and Tartars, there were also Eastern Orthodox Greeks, Romanians and Bulgarians, as well as Jews, Russian Old Believers (Lipovans), Catholics and Protestants. In Romania, the existence of an overwhelming Eastern Orthodox Christian majority, coupled with the tradition of the old treaties (*capitulations*) completed between the Principalities and the Ottoman Empire—which had forbidden the practice of the Muslim religion on Romanian territory—favoured the legal association between

63. Volovici, *Ideologia naționalistă*, p. 8.

64. See Livezeanu, *Cultural Politics*, especially Part I, Chapter 5. See also Volovici, *Ideologia naționalistă*, p. 7. On the social composition of Jews in Northern Moldova, see Ecaterina Negruți, *Structura demografică a orașelor și târgurilor din Moldova, 1800–1859*, Iași, 1997. On popular anti-Semitic stereotypes in Romania, see Andrei Oișteanu, *Mythos & Logos. Studii și eseuri de antropologie culturală*, Bucharest, 1997.

65. Volovici, *Ideologia naționalistă*, p. 7, and vii.

66. Iancu, *Emanciparea evreilor*, p. 210.

67. In real terms, given the natural demographic growth, the number of Jews increased from 239,016 in 1899 to 269,015 in 1912. Iancu, *Emanciparea evreilor*, p. 37.

68. Kogălniceanu, *Opere*, Bucharest, 1974, Vol. V, Part I, p. 287.

Romanian national identity and Christianity. While numerous Romanian politicians pleaded for religious tolerance toward non-Orthodox Christians, in the view of many nationalists the incorporation of a large Muslim population contradicted the doctrine of the Romanian Christian state.<sup>69</sup> Consequently, the integration of Northern Dobrogea into Romania was framed by an underlying dichotomy of symbolic inclusion but administrative exclusion. Despite its formal territorial incorporation into Romania, Northern Dobrogea was subject to a ‘*separate administrative organisation*’ between 1878 and 1913. Under this status, the Dobrogeans enjoyed a local type of citizenship, which denied them rights of political participation and of acquiring property outside the province.<sup>70</sup>

### 3.1 *Citizenship Legislation in Northern Dobrogea*

Romania took over the administration of Northern Dobrogea from Russia on 14 November 1878.<sup>71</sup> The prospective organisation of the province occasioned passionate polemics between Liberals and Conservatives. The ruling Liberal Party (1876–88) pleaded for a *separate* administrative organisation for the province, which was to give the government a free hand in implementing a gradual program of economic modernisation and ethnic assimilation. In contrast, the Conservative opposition advocated an immediate extension of Romania’s Constitution in the province as a guarantee against Dobrogea’s becoming a ‘colony of the Liberals.’ Animated by the determined leadership of Prime Minister Ion C. Brătianu and of the Foreign Minister Mihail Kogălniceanu, the Liberals succeeded in imposing their vision of the future organisation of Dobrogea: the Romanian Parliament authorised the Liberal government to administer Dobrogea through governmental *ad hoc* regulations until there was a final constitutional solution.

In order to implement their developmental strategy in the province, the Liberals designed a three-stage mechanism composed of ethnic assimilation, economic modernisation and cultural homogenisation which combined attempts at sheltered industrialisation with a campaign for national consolidation. Built on a restraining citizenship legislation, this mechanism facilitated the integration of Northern Dobrogea with Romania at the following levels: the colonisation of Dobrogea with ethnic Romanians; the nationalisation of the land in the province; the cultural homogenisation of Dobrogea; the implementation of a highly centralised political regime, which promoted the interests of the Bucharest-based political elites and weakened regional political resistance; and, finally, the exclusion of Dobrogea’s non-Romanian economic elites from political rights. The following analysis focuses on two main aspects of the administrative organisation of the province, namely citizenship and property legislation.

In March 1880, the Romanian Parliament adopted ‘the Law Concerning Dobrogea’s Administrative Organisation,’ with the primary aim of assimilating Dobrogea with Romania.<sup>72</sup> Article 3 of the Law read that ‘all the inhabitants of Dobrogea, who, on April

69. Legally, this contradiction was liquidated at just one year after the annexation of Dobrogea: the revision of article 7 of the Romanian Constitution provided for individual naturalization of non-Christians (1879).

70. For a comprehensive analysis of mechanisms of integration of Northern Dobrogea to Romania, see Constantin Iordachi, *Citizenship, Nation and State-building: The Integration of Northern Dobrogea into Romania, 1878–1913*, Carl Beck Papers in Russian and East-European Studies, University of Pittsburgh, 2001, and Iordachi, ‘A románok Kaliforniája’: a román határ kiterjesztése Észak-Dobrudzsa-ban 1878–1913, in *Replika* (Budapest), pp. 41–42, November 2000, pp. 239–261.

71. During the Russian-Turkish war, Dobrogea was occupied by Russian troops. This occupation lasted from April 1877 to November 1878.

72. *Legea pentru Organizarea administrativă a Dobrogei*, 2 March 1880. A complementary regulation was issued on 5 June 1880. See Hamangiu, *Codul General*, Vol. II, pp. 267–72, and 292–5.

11, 1877 were Ottoman citizens, have become Romanian citizens.’ Article 5 stipulated that ‘the inhabitants of Dobrogea who have become Romanian citizens are equal before the law, enjoy all the civil rights, and can be appointed in public functions, regardless of their origin or religion,’ while article 6 extended to the inhabitants of Dobrogea numerous civil rights provided by the Romanian Constitution. The Law also guaranteed free state education, liberty of conscience and religious belief, and stipulated the military recruitment of Dobrogeans into the Romanian army. Yet in spite of Dobrogea’s formal incorporation into Romania, the 1880 Law was conceived as a ‘Dobrogean Constitution,’ and was to form the basis of a separate, exceptional administrative regime in the province. This meant that, although nominally Romanian citizens, the Dobrogeans had no political rights; article 4 of the 1880 Law stipulated that ‘a special law will determine the conditions under which Dobrogeans will be able to exercise their political rights and buy immovable property in Romania proper. Another law will stipulate their representation in the Romanian Parliament.’<sup>73</sup> The law on the political emancipation of Dobrogeans announced by article 4 would be in fact passed by the Romanian parliament only in 1909. Thus, in the period 1878–1909, the inhabitants of Dobrogea were granted only a local-type of citizenship, since firstly, they were denied political representation in the Romanian Parliament and the right to enrol in political parties. Instead, once a year, two representatives of the province would raise issues of specific Dobrogean interest to the Prince. Secondly, once they crossed the Danube into Romania, Dobrogeans were treated as virtual foreigners, being denied both political participation and the right to acquire immovable property. In the words of the French traveller André Bellesort, the Dobrogeans were placed in a situation ‘at least as extraordinary as the nature of their country. ... While they are Romanian citizens in Dobrogea, outside the province they are neither Romanians nor citizens, and do not belong to any known category.’<sup>74</sup>

### 3.2 Ethnic Colonisation and Land Nationalisation in Northern Dobrogea, 1878–1913

According to one of its main authors, the Minister of the Interior Mihail Kogălniceanu, the exceptional administrative regime instituted in Dobrogea was a temporary measure necessary in order to regulate the transfer of the Ottoman hierarchical property into full capitalist property, prior to granting the Dobrogeans full citizenship.<sup>75</sup> This process occasioned massive reallocation of ownership among ethnic groups in the province, and resulted ultimately in the naturalisation of the land by ethnic Romanians. Organised under the close supervision of the Romanian state, the process of land naturalisation occurred gradually in four major ways: the succession of the Romanian state to the property rights of the Ottoman state in Dobrogea; the appropriation by the Romanian state of parts of the land possessed by Dobrogeans; the opening up of virgin lands for cultivation by ethnic Romanian colonists; and the distribution to Romanians of the lands of all Dobrogeans who emigrated from the province.

In the first phase, the 1880 Law stipulated the succession of the Romanian state to ‘all the rights the Ottoman government had had on immobile property in Dobrogea’(art. 11). As a result, the Romanian state gained property over the entire province, including potential arable land of 1,000,000 hectares. Second, on 3 April 1882, ‘The Law Concerning Immobile Property in Dobrogea’ aimed at transforming the Ottoman conditional land property (*miriè*) into capitalist ownership. In order to become full

73. *Codul General*, p. 268.

74. André Bellesort, *La Roumanie contemporaine*, Paris, 1905, p. 278.

75. *Monitorul oficial*, No. 24, 30 January 1880, p. 552.

owners over their plots, peasants had to redeem their annual tithe previously due to the Ottoman state, by paying, in successive instalments, financial compensation to the Romanian state. The value of this compensation was established at one third of the total price of the plot.<sup>76</sup>

The second major aim of the 1882 law was Dobrogea's colonisation, seen as an imperative in an age when 'economic progress depends on the number of arms employed.'<sup>77</sup> To this end, the 1882 Law granted the Romanian state the right to parcel the land in plots between three and ten hectares and to sell it, under favourable conditions, to colonists (art. 25–26). The Law functioned as a powerful instrument of social closure, by connecting land ownership in the province with citizenship status. According to article 2 of the Law 'only Romanians can acquire immovable property.' Under this generic label (Romanians), the Law distinguished several categories of citizens: the former subjects of the Ottoman Empire—*raja*—who had been residing in the province as of 11 April 1877; Romanian citizens from Romania proper (either by birth or naturalised) who were encouraged to settle into Dobrogea. If relocated into the province, they naturally retained their Romanian citizenship, but would *de facto* lose the exercise of their political rights, due to the lack of political life in the province; and ethnic Romanians from neighbouring countries. The 1882 Law stipulated that 'ethnic Romanians, who, according to article 9 of the 1866 Constitution can acquire citizenship without naturalisation and by a simple vote of Parliament, have the same right [to acquire property].' The successive modifications suffered by the 1882 Property Law in 1884, 1885, 1889, 1893, and 1910, highlighted the specific interests of the Romanian state in the colonisation process, namely: to assure a constant source of income for the state budget (hence, article 45 of the 1889 Law on State Estates allowed the state 'to dispossess without warning, or juridical action,' any buyer, who failed to pay two consecutive instalments to the state<sup>78</sup>); and to implement an effective colonisation of Dobrogea with ethnic Romanians. To this end, the state conditioned any acquisition of land on permanent settlement in Dobrogea, thus tying colonists to their land.<sup>79</sup> Finally, the Romanian state established a virtual monopoly on land circulation in Dobrogea, by supervising every land transaction in the province.<sup>80</sup> Overall, during the period 1889–1912, the state confiscated 127,483 hectares of land from native Dobrogeans who failed to redeem their tithe, and from colonists who did not pay their land instalments, or did not effectively relocate into the province. In the period 1889–1914, 82,127 hectares of the total land were redistributed to ethnic Romanian colonists in order to strengthen the Romanian character of the province.<sup>81</sup>

Under the impact of the state-sponsored colonisation of Dobrogea, the overall population of the province suffered a dramatic increase from approximately 100,000 inhabitants in 1878 to 261,490 in 1900, and to 368,189 inhabitants in 1912.<sup>82</sup> Most importantly, ethnic colonisation substantially altered the relationship between the three major ethnic groups in the province. In 1879, Romanian statistics indicated three major ethnic groups in Dobrogea, namely: 31,177 Romanians, 28,715 Bulgarians, and 32,033

76. See *Codul*, 'Regulament,' Art. 1–2, pp. 467–8, and 452.

77. Nicolae D. Ionescu, *Dobrogea în pragul veacului al XX-lea*, Bucharest, 1904, p. 350.

78. *Codul*, p. 538.

79. *Codul*, p. 453.

80. See art. 3 of the Interpretative Law, that modified article 26 of the 1882 Law, in *Codul*, pp. 453–4.

81. Toma Ionescu, 'Asupra proprietății și colonizării în Dobrogea' in *Dobrogea. Cincizeci de ani de viață românească*, Bucharest, 1928, p. 274.

82. Ionescu, *Dobrogea în pragul*; for 1912, Sabin Manuilă, 'La population du Dobroudja,' in *La Dobroudja Roumaine*, Bucharest, 1938, p. 456.

Turks and Tartars in Dobrogea.<sup>83</sup> In the next period, the Romanian population skyrocketed from 43,671 in 1880, to 119,562 in 1900, and to 216,425 in 1913. By contrast, the other major ethnic groups in the province experienced great fluctuations. The Bulgarian population initially decreased from 28,715 in 1879, to 24,915 in 1880 (due mostly to emigration in Bulgaria), and then to increase to 38,038 by 1900 and to 51,148 by 1913. The number of Turks and Tartars, the predominant ethnic groups prior to the Romanian annexation, increased in the first period from 32,033 in 1879 to 48,100 in 1880 (due to their partial repatriation after the devastating 1877–78 war), only to decrease again to 40,504 by 1900 and to slightly increase to 41,442 by 1913.<sup>84</sup> Consequently, in only twenty-five years the ratio of ethnic Romanians in Northern Dobrogea grew from a relative to an absolute majority (from 36.3% in 1880 to 52.5% in 1905 and to 56.9% in 1913). The Romanian population in Dobrogea was very heterogeneous. The province became ‘a mosaic of ethnic Romanian races.’<sup>85</sup> Together with autochthonous Romanians in Dobrogea—*Dicieni* (24.2% of the total Romanian population in the province), several other categories of Romanians settled in the province, such as *Cojani* from Wallachia (39.5%), Moldavians (8%), Bessarabians (5.6%), *Mocani* from Transylvania and the Banat (21.8%), Bukovinans (0.1%), and *Vlachs* from various Balkan regions such as the Pind Mountains and the Timoc Valley (0.8%).<sup>86</sup>

These demographic changes affected land ownership in the province as well. In 1882, Turks and Tartars were the leading land-owning ethnic group in the province, possessing almost 50% of the 175,075 hectares of arable land in Dobrogea, followed by Romanians and Bulgarians, both with shares of approximately 23% of the total land property.<sup>87</sup> The colonisation process radically altered these proportions. By 1905, cultivated land had increased to 685,449 hectares. Significantly, Romanians became the dominant landowners of the province, possessing a share of about 63% of the land. By contrast, the portion possessed by Turks and Tartars decreased dramatically to only 7% of the land. The share owned by Bulgarians, while increasing in absolute terms from 38,038 to 129,231 hectares, decreased nevertheless in proportion to about 19% of the total arable land. Thus, by 1905 Romanians had already managed to acquire approximately two-thirds of Dobrogea’s land.

### 3.3 Centralisation versus Regionalism: Strategies of Political Emancipation Employed by Northern Dobrogeans

A central component of the exceptional administrative regime in Dobrogea was local administration. The province laboured under a heavily centralised bureaucratic apparatus which escaped the control of locally elected institutions but was tightly controlled from Bucharest. Thus, according to the 1880 Law, mayors in Dobrogea were not elected—as they were in Romania proper—but appointed by the prefect in rural communes, and by the Ministry of the Interior in urban communes. Furthermore, unlike in Romania proper, where members of the communal councils were elected on a very large electoral basis, in Dobrogea local councillors were partly named by the prefect, while only some were elected by local inhabitants, on the basis of a restrictive franchise. Finally, local administrators had juridical immunity; the prefects, subprefects, policemen and mayors could not be sued without prior authorisation from the Council of Ministers (art. 35). The

83. *Statistica din Romania*, Bucharest, 1879, p. 3.

84. All figures are from Ionescu, *Dobrogea în pragul*, p. 654.

85. Dumitru Şandru, *Mocanii în Dobrogea*, Bucharest, 1946, p. 81.

86. Percentages derived from the figures provided for 1940 by Şandru, *Mocanii în Dobrogea*, p. 108.

87. V. Ciorbea and M. Stanciu, ‘Aspecte ale problemei agrare,’ in *Dobrogea de la*.

1880 Law thus invested the bureaucracy in Dobrogea with full control over the local population. To make things worse, the majority of these bureaucrats were recruited from outside Dobrogea and regarded the transfer in the remote province as a profitable but severe administrative ostracism.<sup>88</sup> This situation favoured corruption and abuses against local population and colonists, especially from the part of petty functionaries, such as tax collectors and land inspectors. The attitude of the Bucharest-dominated administration in Dobrogea placed it in conflict with an emerging local elite, composed of great landowners, rising urban bourgeoisie and persons engaged in liberal professions. This new Dobrogean elite was composed in the majority of colonists, being the product of Romanian rule. However, while benefiting from the new opportunities for economic development, their lack of political rights prevented the colonists from making a decisive political impact in the province. In reaction, Dobrogean elites developed a regional discourse of resistance against centralisation and administrative colonisation called *Dobrogenism*. Under the slogan ‘Dobrogea for the Dobrogeans,’ Dobrogenism aimed at correcting the discrepancy between the prominent socio-economic role of Dobrogean elites and their powerless political position. The main target of Dobrogenism became thus the exceptional administrative regime in the province, which denied Dobrogeans the rights to political participation and parliamentary representation. Gradually, this campaign generated a nucleus of tenacious local leaders, such as Ioan Roman, a Transylvanian jurist and publicist who in 1898 settled in Dobrogea. In a political pamphlet entitled *Dobrogea and the Political Rights of its Inhabitants* (1905), Ioan Roman constructed a fully articulated regionalist discourse composed of claims for a separate administrative budget of the province, and for an administrative reorganisation of Dobrogea more appropriate to regional needs, and requests for incentives for regional economic development.<sup>89</sup> Gathered around this regionalist political agenda, numerous Dobrogean departmental delegations lobbied the King and the Parliament for full political rights in 1893, 1899, 1902 and 1905.<sup>90</sup>

### 3.4 ‘Political Rights Without Liberties’: Dilemmas of Citizenship in Northern Dobrogea, 1908–13

The slowness of Dobrogeans’ emancipation expressed the citizenship dilemmas faced by Romanian political elites in Dobrogea: an emancipation *en bloc* of Dobrogea’s multi-ethnic population would have contradicted Romania’s *ius sanguinis* citizenship legislation. In 1909, invoking the principle according to which ‘the Constitution grants political rights only to [ethnic] Romanians’, Prime Minister Brătianu reiterated his determination to apply citizenship legislation ‘in the same spirit on both sides of the Danube.’<sup>91</sup> In other words, Romanian political elites were unwilling to grant to non-Romanians in Dobrogea the political rights that were denied to non-Romanians in Romania proper.<sup>92</sup> Consequently, on 19 April 1909, the first Law on Dobrogeans’ citizenship granted full political rights to former Ottoman citizens who resided in the province as of 11 April 1877 and to their descendants (art. 3, point A) and to ‘Romanians from every state, regardless their place of birth, who were owners of *rural properties* in Constanța and Tulcea counties,’

88. Ioan Georgescu ‘Invățămîntul public în Dobrogea’ in *Dobrogea, cincizeci de ani*, p. 651.

89. Ioan N. Roman, *Dobrogea și drepturile politice ale locuitorilor ei*, Constanța, 1905, pp. 88–9.

90. See Zeno Popov, ‘La situation et les luttes des Bulgares en Dobroudja du Nord (1878–1912)’ in *Bulgarian Historical Review*, 19 (1991), p. 21; and Alexandru Rădulescu & Ion Bitoleanu, *Istoria românilor dintre Dunăre și Mare. Dobrogea*, Bucharest, 1979, p. 298.

91. Rădulescu & Bitoleanu, *Istoria românilor dintre Dunăre și Mare. Dobrogea*, pp. 105–6.

92. Speech by Ion I. C. Brătianu in *Adunarea Deputaților, Dezbaterile*, 1908–1909, pp. 105–6.

their descendants, providing that they renounce their previous citizenship (art. 3, point b).<sup>93</sup> Together with the former Ottoman subjects in Dobrogea (*raja*), the law admitted thus to full citizenship all ethnic Romanian rural colonists. Nonetheless, the law excluded from political rights *all* post-1878 non-ethnic Romanian immigrants in Dobrogea, either in the countryside or urban areas; it also excluded Romanians without property, or those who owned only *urban properties*.

These stipulations provoked incendiary reactions among Romanian elites in Dobrogea, who resented particularly the exclusion of urban Romanians from political rights.<sup>94</sup> Ultimately, due to their intense political lobby, a new law on 14 April 1910 removed *rural* properties as a precondition for full citizenship, and granted instead political rights to all rural and urban Romanians 'owners of *immobile property* in Constanta or Tulcea counties, and domiciled there at the time of the law promulgation.'<sup>95</sup> The text of the new law remained, however, highly restrictive, and could not appease public opinion in Dobrogea. As a result, on 3 March 1912, a Conservative government led by Petre P. Carp issued yet another citizenship law for Dobrogea.<sup>96</sup> Compared to the previous ones, the new law was more inclusive, conferring political rights to: former Ottoman subjects (*raja*), residents in Dobrogea as of 11 April 1877; to Turks and Tartars who had emigrated from Dobrogea after the 1877–78 war, but returned in the province at least two years by the time of the promulgation of the law; all categories of Romanian population, namely *autochthonous* Romanians (the former Ottoman subjects—*raja*), Romanian colonists who owned *rural or urban property* in the province, and Romanians *without property* who had settled there by the time of the Law promulgation; and finally, foreign colonists who acquired *rural* property in Dobrogea. In a dissimilationist spirit, the law still excluded from political rights non-ethnic Romanians domiciled in urban areas, namely the numerous category of Jewish, Armenian and Greek merchants who 'infiltrated' Dobrogea after 1878.

#### 4. Modernisation as 'Regress': Women and Citizenship in Romania, 1864–1918

A third category excluded from full citizenship rights in Romania were women. Although nominally committed to a liberal and universalistic definition of citizenship, the 1866 Romanian Constitution and the 1865 Romanian Civil Code were based on an underlying gender inequality, denying women political participation, and depriving married women of nationality, property and legal capacity. As such, the new bourgeois-democratic political order was essentially dominated by males, who relegated women to the 'private sphere' and monopolised forms of representation and allocation of resources in the public sphere.

The 1866 Romanian Constitution proclaimed, in articles 5, 13, 14, and 27, the liberal principles of popular sovereignty, civil equality and individual freedoms. However, articles 3 and 18 of the Constitution limited the application of these principles to men, placing women in the category of 'legal incompetents' together with children, criminals, and those with handicaps. This denial of political participation added to the acute legal

93. See 'The Law for Granting Political Rights to the Inhabitants of the Constanța and Tulcea Counties' in Hamangiu, *Codul General al României*, Bucharest, 1910, Vol. V, p. 392.

94. See Vasile Kogălniceanu, *Dobrogea, 1895–1909. Drepturi politice fără libertăți*, Bucharest, 1910.

95. Hamangiu, *Codul General*, Vol. VI, p. 357. Compared to the previous law, the only modification was in fact the removal of the word 'rural' from article 3, point B (see above).

96. See 'The Law for the Interpretation and Completion of Articles 3 and 4 of the Law of April 15, 1910, for Granting Political Rights to Dobrogeans' in Hamangiu, *Codul General*, Vol. IV, pp. 936–8.

inferiority of women under the 1865 Romanian Civil Code. Article 1285 excluded females from the lineage of parental inheritance and deprived married women of property rights over the paraphernalia of the household. Moreover, articles 307 and 308 admitted legal investigation on maternity, but forbade investigation on paternity. The principle of gender inequality also framed the legal relationship between husband and wife; article 195 read that ‘the husband owes protection to his wife, while the wife owes *subjection* to her husband.’<sup>97</sup> Consequently, married women lacked the legal capacity to represent the family, to decide about the education or property of children and to exercise certain professions without the express permission of the husband (art. 197, 199, and 200).

Apparently, the exclusion of women from civil rights was in line with the patriarchal tradition in the Principalities of Moldavia and Wallachia. Yet the new civil code degraded in many respects the legal status women had enjoyed under the previous civil codes, *The Codul Caragea* (1818) in Wallachia and *The Legiuirea Calimachi* (1817) in Moldavia. Compiled mainly after medieval collections of Byzantine laws, both codes subjected women to the obedience of men. However, while incorporating elements of the unwritten local mores (*obiceiul pământului*—the custom of the land), these codes of laws were more permissive towards women’s rights, such as their access to inheritance and to administering family property. The Moldavian *Codul Calimach* stipulated, in its articles 916, 917 and 918, equal rights of men and women for inheritance of goods and real-estate.<sup>98</sup> The Wallachian *Legiurirea Caragea* excluded women from direct lineage of inheritance, but stipulated nevertheless that, in case of parents who were unable to provide a dowry for their daughter at the time of her marriage, the brother was obliged to endow his sister with a dowry ‘for his own honor.’<sup>99</sup>

The denial of women’s inheritance rights was thus a departure from the local mores and established juridical practices in the Principalities. Furthermore, since the 1865 Romanian Civil Code was an almost literal translation of the 1804 Napoleonic Code, supplemented occasionally with influences from the Italian and Belgian Civil Codes, the limitation on women’s civil rights was a direct result of the ‘Westernisation’ of the Romanian legislation.<sup>100</sup> Authoritative studies on women’s status in France have highlighted the direct relation between the participation of women in the French revolution and their exclusion from civil and political rights.<sup>101</sup> In the first stage of the revolution women took an active part in the citizenry, and helped shape the outcome of revolutionary events. However, once they began to express their *specific interests*, the ‘uncontrollable’ and ‘unrestrained’ women were perceived as a threat to the new republican order, and were therefore excluded from substantive citizenship participation.<sup>102</sup> In Romania, the exclusion of women from civic and political rights was not triggered by women’s assault on the public sphere, but by the adoption of a ‘normative’ Western legislation. During the 1866 constitutional debates over women’s status, the liberal deputy Cezar Boliac invoked liberal principles and the juridical tradition in the Principalities, and pleaded for women’s enfranchisement. His view was successfully opposed by the deputy Ion Heliade-Rădulescu. Although he declared himself in favor of women’s emancipation, Heliade-Rădulescu objected that such a sudden reform would

97. Hamangiu, *Codul Civil Adnotat*, Bucharest, 1925, Vol. I, p. 222, my emphasis.

98. See *Codul Calimach*, Bucharest, 1958, art. 916, 917, and 918, p. 357.

99. *Legiuirea Caragea. Ediție critică*, Bucharest, 1955.

100. *Legiuirea Caragea. Ediție critică*, p. 95.

101. See Joan B. Landes, *Women and the Public Sphere in the Age of the French Revolution*, Ithaca, 1998, and Ofwen H. Hufton, *Women and the Limits of Citizenship in the French Revolution*, Toronto, 1992.

102. Landes, *Women and the Public Sphere*.

put Romania 'ahead of time' and much above the status enjoyed by women in Western European countries. Consequently, Heliade-Rădulescu defended a restricted male suffrage, and advocated only a gradual emancipation of women in Romania.<sup>103</sup>

Heliade-Rădulescu's discourse on women's rights expressed the dominant gender ideology of the new bourgeois-democratic political order. Citizenship legislation set the dividing line between an universal and rational public sphere, which was monopolised by men, and a particular and intimate private sphere, where bourgeois notions of domesticity and intimacy conferred an important role to women as mother, wives and housekeepers. The symbolic inclusion of Romanian women in the national community was not based on their nationality—which, according to the Civil Code, could not be transmitted to children on a maternal line and was to be lost by women marrying an alien—but on women's role in the reproduction of the nation and in educating the future generation.<sup>104</sup> The emancipation of women was therefore: conceived in a gradual manner, in order to minimise its impact on the established political order; confined solely to limited domains of participation in the public sphere—such as elementary or vocational education—which would strengthen the bourgeois family and reinforce women's specific social roles; and finally, accepted only for special categories of women, such as young spinsters and widows, whose emancipation would not disrupt the unity of the bourgeois family. Thus, in May 1878, a governmental bill on communal law proposed granting widows the right to delegate their vote for local administration to one of their sons, or sons-in-law<sup>105</sup>; in the same vein, in 1884, a group of liberal deputies proposed a bill for granting spinsters and widows political rights for parliament.<sup>106</sup> These proposals invariably met with the hostility of the parliamentary majority. While the cause of women's emancipation was making significant progress in Western European countries, many Romanian politicians argued, from a conservative stance, for a departure from the Western normative model, and advocated the emancipation of women in Romania 'through an integral education, and not through laws, as in the West.'<sup>107</sup>

### 5. Enlarging the Political Public Sphere: Citizenship as a 'Ruling Class Strategy'

In the period 1866–1918, Romanian political life was characterised by passionate debates over the enlargement of the political system established by the 1866 Constitution. By and large, we can identify two competing visions on citizenship participation in politics: one promoted by the Conservative Party, which pleaded for maintenance of a restricted franchise and another promoted by the Liberal Party, which favoured a gradual extension of the electoral body to include new social and political categories. The confrontation between these two visions occurred regularly, occasioned by parliamentary debates over the adoption of electoral, property, educational, or citizenship laws.

Stimulated by political debates over the expansion of the franchise, numerous representatives of Jews, women, and Dobrogeans intensified their campaign for civic and

103. See Ion Heliade-Rădulescu, *Echilibru între antiteze sau spiritul și materia*, Bucharest, 1859–69.

104. For the denationalisation and citizenship exclusion of married women, see Ursula Vogel, 'Is Citizenship Gender-Specific?' in Ursula Vogel & Michael Mann, eds, *The Frontiers of Citizenship*, London, 1991, pp. 58–85; and Ursula Vogel, 'Marriage and the Boundaries of Citizenship' in Bart von Steenberg, ed., *The Condition of Citizenship*, London, 1994, pp. 76–89.

105. See *Dezbaterile Adunării Deputaților*, Session 1877/1878, Meeting of 15 May 1878, p. 2928.

106. *Ibid.*, Session 1883/1884, Meeting of May 6, 1884, pp. 2353–2355.

107. Heliade-Rădulescu, *Vot și răsvot. Cu Modificarea legii electorale în favoarea intelectualilor de Ion-Heliade Rădulescu-fiul*, Bucharest, 1868, p. 17.

political emancipation. Their simultaneous struggle for an enlarged political participation did not result, however, in collaboration. Jewish associations, Dobrogean regionalists, and feminist societies employed divergent and even contradictory emancipation strategies, which further diminished their impact on the existing political order. Facing the steady refusal of Romanian politicians to grant them full citizenship rights, Jews had to rely ultimately on the international community for securing their emancipation. By contrast, Romanian regionalist leaders in Northern Dobrogea, as well as numerous women's organisations, emphasised their loyalty to the Romanian national cause, and opted for a strategic alliance with the Liberal Party for their prospective emancipation.

First, in their fight for political rights, Romanian regionalists in Dobrogea employed a peculiar dichotomy of exclusion/inclusion that attempted to concomitantly enlarge their political support, while reducing competition from local non-Romanian economic elites. Thus, on the one hand, Romanian regionalists attempted to forge a political coalition with local Turkish and Bulgarian elites, arguing that 'the voice of native Dobrogeans has to be heard and taken into account.'<sup>108</sup> On the other hand, the avatars of Dobrogean regionalists turned against the mercantile and cosmopolitan former Ottoman economic elites in the province, seen as a challenge to the economic supremacy of local Romanian elites. Jewish, Greek, and Armenian merchants in Dobrogea were thus portrayed as 'parasites', 'Bloodsuckers of the Orient', 'plagues in the body of the province', and 'people without country.'<sup>109</sup> This exclusionary attitude of Dobrogean regionalists weakened the basis of *Dobrogeanism*, and compromised its political impact. In reaction, Petru Grigorescu, a Romanian regionalist leader in Constanta, had to explicate that:

When we speak of foreigners... we do not mean the [ethnically diverse] autochthonous population of Dobrogea, whose rights we often supported and defended together with the rights of the Romanians, but we mean all kinds of parasites who invaded Constanța to the detriment of Romanianism and of the indigenous population. They formed numerous villages and monopolised the trade of the province, exploiting shamelessly the rural population.<sup>110</sup>

The regionalist discourse of resistance to centralisation in Dobrogea can be thus characterised as an 'accommodating one', since it was ultimately in line with the Romanian national ideology.<sup>111</sup> The regionalist campaign against the separate administrative regime in the province was based on the argument that 'Dobrogea is a Romanian province', with a reliable and loyal population, who deserves participation in the political life of the country.<sup>112</sup> In other words, regionalists were willing to play the role of local, secondary elites of the Romanian political order in Dobrogea. They portrayed therefore the separate administration in Dobrogea as a gross political mistake of Romanian political elites, which alienated their potential allies at the local level, and thus undermined the Romanian nationalist cause in the province.

In a similar vein to the regionalist discourse in Dobrogea, movements for women's emancipation assumed the gender roles envisioned by the bourgeois-democratic political

108. Roman, *Dobrogea și drepturile politice*, p. 121.

109. Ionescu, *Dobrogea în pragul*, p. 346.

110. Grigorescu, 'Toleranța culpabilă', *Constanța*, No. 158, April 21, 1896, in *Cestiuni Dobrogeane*, Constanța, 1910, pp. 152–53.

111. On the distinction between 'resistant' regional discourses, based on 'a claim to nationhood' and 'accommodating' regional discourses, based on 'variations on a common national theme', see Celia Applegate, 'A Europe of Regions: Reflections on the Historiography of Sub-National Places in Modern Times' in *American Historical Review* (October 1999), pp. 1157–1182, p. 179.

112. Roman, *Dobrogea și drepturile politice*, p. 157.

order, and challenged only rarely the existing political system. Surely, the feminist discourse accused the curtailment of women's rights under the Civil Code: 'read the Civil Code and you will become a feminist' wrote one of the first feminist activists in Romania, Cornelia Emilian.<sup>113</sup> Nevertheless, claims for women's emancipation were not supported by theories of gender equality, but by invoking women's role in reproducing the national culture. Thus, in a discourse with strong anti-Semitic overtones, Emilian deplored women's legal assimilation with 'alien' ethnic minorities, and emphasized women's symbolic adherence to the Romanian national cause:

Although our own sons, on becoming men, humiliate us with their laws, placing us among peoples without country—such as Jews and Gypsies—we, as mothers, do not abhor our mission when we see them threatened in their existence. Jews want to be naturalised, in other words they want to become masters over a household they have not worked for. The Jew has the wealth of the country, has its life, its soul, and its money—and that who has the money is the ruler. The Romanian has the vote, has a title, and if he loses that, as well, than he can declare his bankruptcy and go to work for the Jew. The Jewish disease is badly threatening Moldavia, and so it is wise that decision-makers keep Jews away from suffrage.<sup>114</sup>

In spite of this explicit adhesion of marginal groups to the national ideology, the Romanian political system proved, however, little receptive to a gradual enlargement of the political public sphere. An 1884 amendment to the Constitution revealed the limits of the Liberal program of political emancipation, and provoked a major political split within the party. The dominant Liberal faction led by I. C. Brătianu rejected a bill for universal suffrage promoted by the radical-liberals grouped around C. A. Rosetti, and imposed instead only a limited expansion of the electoral body with those social categories that would directly support the Liberal Party. Thus the constitutional amendment endorsed the accession of upper urban social strata to the Senate, and to College II of the Chamber of Deputies, previously reserved for landowners, and lowered substantially the electoral income threshold for middle urban strata in College III of the Chamber.<sup>115</sup> This was a clear indication that the Liberal Party was not motivated in enlarging the franchise, but utilised citizenship as a 'ruling class strategy' in order to consolidate its political position.<sup>116</sup> This strategy became more evident after the turn of the century, when the Liberal Party intensified its campaign for sheltered industrialisation. In order to undermine the economic efficiency of the great landed estates, the main rivals of the Liberal plans of industrialisation, the Liberal Party conducted a sustained campaign for emancipating the impoverished sharecropper peasantry and transforming it into independent farmers.<sup>117</sup> To this end, the Liberals attempted to invest schools in rural areas with an increased socio-cultural role, through active state intervention. They also

113. 'Buletinul Ligei femeilor' no. 9, February 1896, p. 7, quoted in Paraschiva Căncea, *Mișcarea pentru emanciparea femeii în România, 1848–1948*, Bucharest, 1976, p. 62. For a utilisation of the difference between women's civil rights under the 1817–18 Civil Codes in the Principalities, and women's rights under Romania's 1865 Civil Code as a political argument in favour of women's emancipation, see Calipso Botez, 'Drepturile femeii în Constituțiunea viitoare,' 22 January 1922, in *Constituția din 1923 în dezbaterile contemporanilor*, Bucharest, 1990, pp. 124–42.

114. Cornelia Emilian, 'Mai multe femei', 13 June 1893, in *Cîte Ceva*, Bucharest, 1909.

115. These changes enlarged the electorate of the urban college with 23,477 voters for the Chamber and 8,588 for the Senate. See Ion Bulei and Ion Mamina, *Guverne și guvernanți*, Bucharest, 1994, p. 55.

116. For a comprehensive theory of citizenship as a 'ruling class strategy' of political domination, see Michael Mann, 'Ruling Class Strategies and Citizenship.'

117. See Eidelberg, *The Great Romanian Peasant Revolt of 1907*.

tried to build a vast network of rural bank-cooperatives meant to consolidate a solid stratum of middle landowners as the basis for a prospective internal market necessary to absorb the products of the state-sponsored industry and to generate the proletariat as the working force required for industrialisation.<sup>118</sup> However, instead of fostering a capitalist transformation of the agriculture, the Liberal campaign unleashed social tensions in the countryside and failed dramatically in the great 1907 peasant revolt.<sup>119</sup> It was only in October 1913 that, stimulated by the economic crisis of the great estates and by the failure of their campaign for a capitalist transformation of agriculture ‘from below,’ a new generation of Liberal politicians led by Ion I. C. Brătianu—the son of Ion C. Brătianu—launched plans for substantial land reform and universal franchise. Because of the onset of the World War I, these plans for reform could no longer be discussed in parliament. Ultimately, the emancipation of non-citizen subjects in Romania would occur only later under the socio-political impact of the Great War and not through the development of an inclusive political discourse. The following section examines the successive emancipations of Dobrogeans and Jews and tries to account for the ‘missed opportunity’ of women’s emancipation.

### *5.1 Citizenship and the Great War: Paths toward the Emancipation of non-Citizens in Romania, 1914–18*

The first category of Romanian ‘subjects’ to be granted political rights before the First World War was the inhabitants of Dobrogea. Their 1909–13 political emancipation was, however, only partially provoked by the intense political campaign for political rights conducted by Dobrogean regionalist leaders. Most of the motivation behind the Dobrogeans’ emancipation was in fact geo-political. Alarmed by the escalation of political tensions in the Balkans, Romanian politicians expressed concern that Dobrogea’s separate administrative status could fuel Bulgaria’s irredentist policy, and argued therefore for ‘the definitive and constitutional incorporation’ of Dobrogea into Romania.<sup>120</sup> Moreover, the granting of political rights to Dobrogeans was also an indication that the separate administration in the province had achieved satisfactory results. In only thirty-five years (1878–1913) Northern Dobrogea was effectively assimilated by a growing Romanian ethnic majority. Consequently, in 1913, a series of laws regarding the local administration and the juridical system finally abolished Dobrogea’s separate administrative organisation and homogenised its legislation with that in Romania proper.

Although it followed a different path, the emancipation of Jews was also intimately connected to Romania’s foreign policy and geo-political position. In spite of the large participation of Jews in the Romanian army, estimated at approximately 23,000 soldiers or 10% of their total number<sup>121</sup>, the legal situation of the Jewish population worsened during World War I. Adopted on 15 March 1915, ‘The Law for the Control of Foreigners’ subjected foreign residents in Romanian territory to strict governmental control, obliging them to acquire a special residence permit from Romanian authorities. Through ambiguous juridical formulations, the Law treated Jewish subjects in Romania as virtual foreigners. Although theoretically exempt from the

118. The leading figure of the sustained educational campaign conducted by Liberals in the countryside was Spiru Haret, the Ministry of Education in 1897–99, 1901–04, and 1907–10. For a comprehensive account of Haret’s educational reforms, see Emil Băldescu, *Spiru Haret în știință, filosofie, pedagogie, învățământ*, Bucharest, 1972; and Livezeanu, *Cultural Politics in Greater Romania*, pp. 41–47.

119. See Eidelberg, *The Great Romanian Peasant Revolt of 1907*.

120. Titu Maiorescu, ‘Chestia Dobrogei’ in *Epoca*, Bucharest, XIV, no. 260, 6 November 1903.

121. See Wilhelm Filderman, *Adevărul asupra problemei evreiești din România, în lumina textelor religioase și a statisticii*, Bucharest, 1925, in Iancu, *Emanciparea a evreilor*, p. 135–7.

obligation of applying for a special residence permit, Jews were nevertheless compelled to prove their right of permanent residence in Romanian territory. This procedure occasioned numerous anti-Jewish abuses by the administration.<sup>122</sup> In the face of this overt discrimination, Jewish associations intensified their international propaganda for emancipation. The first diplomatic opportunity for Jewish emancipation was the Separate Peace Treaty signed by Romania with the Central Powers in May 1918. Due to a concerted Jewish lobby, the Treaty stipulated, in its articles 27 and 28, the access to naturalisation of Romanian Jews, providing that they either fought in the Romanian army, or were descended from parents settled in the country who had never been subjects of a foreign power. These stipulations were further consecrated by 'The Law for the Naturalisation of Foreigners Born in the Country' adopted by the Romanian Parliament on 25 August 1918. The law functioned, however, only for several weeks. With the fall of the government led by Alexandru Marghiloman on 10 November 1918, all laws passed by the 'collaborationist' Parliament that functioned under the German occupation were abolished.

The end of the World War I brought a striking legal paradox. Following the 1918 integration of Transylvania, the Banat, Bukovina and Bessarabia into Romania, a large Jewish population gained access to Romanian state citizenship;<sup>123</sup> at the same time, Jews of the Old Kingdom, who had in fact a much stronger connection to the Romanian state, were still in the inferior legal situation of non-citizen subjects. Addressing this anomaly, and determined to provide a domestic legislative solution to the Jewish question prior to the Paris Peace Conference, the Romanian Prime Minister Ion I.C. Brătianu issued, on 28 December 1918, a decree granting accession to naturalisation of Jews who either fought in the Romanian army or were born in the country and had not benefited from foreign protection. Following protests over the restrictive stipulation of the decree, in May 22 1919, the Romanian government issued yet another decree—this time more permissive—that granted access to naturalisation to Jews descendant from Romanian subjects. This law of emancipation came, however, much too late. Romanian political elites proved unable to provide a viable solution to the emancipation of Jews. As a result, the Treaty on Minorities—included in the Peace Treaty between Romania and Austria concluded by the Supreme Council on 10 September 1919 at Saint Germain—took the last steps toward the emancipation of Romania's Jews; it also granted full political rights and international protection to national minorities in Greater Romania. The Romanian political establishment strongly opposed these stipulations. Both Prime Minister I. C. Brătianu and his successor, Arthur Văitoianu, preferred to resign rather than accept what they regarded as an unmasked intrusion in Romania's domestic policy. However, geo-political interests ultimately prevailed over nationalist reasoning: on 9 December 1919, Prime Minister Vaida-Voevod signed the Minority Convention, which became subsequently part of Romania's internal legislation. In 1923, the new Constitution of Romania further consecrated these stipulations, by granting full civil and political rights to ethnic minorities in Romania.

Last but not least, the great socio-political upheaval of the World War I offered a unique occasion for women's emancipation in Romania. Given the general mobilisation

122. See 'Loi pour le contrôle des étrangers,' and 'Réglement pour le contrôle des étrangers,' Bucharest, 1915.

123. See Declarations of Union with Romania by *Sfatul Tarii* of the Democratic Republic of Moldavia (27 March 1918, accepted by Romania on 22 April 1918); by the Romanian National Council of Bukovina (15 November 1918, accepted by Romania on 18 December 1919); and by the Great National Assembly from Alba Iulia of Romanians of Transylvania, the Banat and Hungary (1 December 1918, accepted by Romania on 11 December 1918), and the subsequent inclusive legislation that granted Romanian citizenship to all permanent inhabitants of these historical provinces.

of men, the war required an unprecedented participation of women in the public sphere: in September 1916, shortly after Romania's entry into the war, a royal decree granted women temporary legal competence over the property of their household.<sup>124</sup> The increasing participation of women in the war effort contributed also to the radicalisation of their emancipation programs. In 1917 and 1918, women's associations addressed numerous memorandums to the Romanian Parliament, claiming political rights. Their campaign received encouraging reactions; parliamentary debates over the expansion of suffrage devoted considerable attention to women. In September 1917, the deputy Constantin Nacu proposed a bill stipulating integral civil rights for women. Nevertheless, due to grave war events, the project could not be discussed by the Parliament. Postponed *sine die*, the legislative emancipation of women thus became a missed opportunity. Adopted several years after the war, the 1923 Constitution of Romania granted universal male suffrage, but accepted women's enfranchisement only in principle: its article 6 stipulated that 'Special laws, voted with a majority of two thirds, will determine the conditions under which women can exercise political rights.'<sup>125</sup> The civil and political emancipation of women in Romania was thus very slow, and occurred only as part of the general process of administrative integration and legislative unification in interwar Greater Romania. In 1929, women were granted political rights in local elections, while in 1932, a new Romanian Civil Code finally granted women full civic emancipation.

In summary, the socio-political upheaval of World War I stirred an unprecedented liberalisation of access to Romanian state citizenship. The 1923 Constitution completed the long process of emancipation of non-citizens in Romania and transformed the citizenship body into a multi-ethnic and pluri-confessional community. Citizenship liberalisation was accompanied by a major socio-political reorganisation of the country. Comprehensive reforms such as universal male suffrage (1918), and massive land redistribution (1921) remodelled Romania into a full parliamentary democracy. In spite of the unprecedented enlargement of the political public sphere, the civil society of the nineteenth century failed, however, to develop into a lasting democracy in the interwar period. First, the system of 'universal' suffrage implemented by the Constitution still contained a notable restrictive criterion: that was gender. The slowness of women's emancipation proved that, although lumped in the same categories with ethnic and religious minorities in Romania, and forced to lobby for emancipation in the same manner with them, the exclusion of women from civil and political rights was in fact of a different nature, and had an important 'structural' dimension for the bourgeois political order.<sup>126</sup> Furthermore, instead of fostering new forms of 'constitutional patriotism (Verfassungspatriotismus)' the generalised access of ethnic minorities to Romanian citizenship generated instead a symbolic differentiation between formal state citizenship and membership in the Romanian national community. As a result, interwar political life was dominated by radical definitions of national identity that discriminated between Romanian citizens 'by blood' and Romanian citizens 'by papers', and militated for the exclusion of the latter from substantive socio-political rights.

124. See 'Monitorul Oficial', 24 September 1916, p. 6479.

125. Articol 6, Title II, 'Despre Drepturile Românilor,' in *Constituțiunea Promulgată cu Decretul Regal no. 1360 din 28 Martie*, Bucharest, 1923, p. 611.

126. See Habermas, 'Further Reflections on the Public Sphere' in Graig Calhoun, ed., *Habermas and the Public Sphere*, Cambridge MA, 1992, pp. 427–30. For debates on the nature of women's exclusion from the public sphere, see Landes, *Women and the Public Sphere*, and Keith Michael Baker, 'Defining the Public Sphere in Eighteenth Century France: Variations on a Theme by Habermas' in Calhoun, *Habermas and the Public Sphere*, pp. 198–208. Habermas, 'Historical Consciousness and Post-Traditional Identity' in Habermas, *The New Conservatism*, Cambridge, MA, 1989, pp. 249–267.

## 6. Conclusions

This article proposed a historically grounded analysis of the emergence and progressive enlargement of the political public sphere in Romania between 1866–1918, around issues of citizenship, ethnicity gender, and nationalism. In doing so, the article attempted to test the relevance of different concepts of citizenship for the specific context of Romanian history; explored ways in which citizenship legislation served as a ruling strategy of Romanian political elites; paid special attention to the legal status of marginal social, ethno-religious, and gender categories in that given period; and, last but not least, evaluated the impact of geo-political events on Romanian citizenship doctrine.

What were the main features of Romanian citizenship legislation in the period 1866–1918? Assessing the political and ideological legacy of the French Revolution and of subsequent nationalist movements in the nineteenth century, Rogers Brubaker identified six underlying features of an archetypal model of nation-state citizenship, namely ‘egalitarian, sacred, national, democratic, unique and socially consequential.’<sup>127</sup> Surely, this model has never existed in its ‘pure’ form in historical reality. As Brubaker pointed out, the perpetual interplay, contradictions, and variations among these membership norms have generated significant cross-national differences in citizenship doctrines.<sup>128</sup> In regard to admission to citizenship, these differences have revolved generally around the underlying tension between the normative striving for an egalitarian and democratic citizenship on the one hand, and the exclusionary and homogenising tendencies that the ‘sacred’, ‘unique’, and ‘national’ character of national community membership entails, on the other hand.<sup>129</sup> During the period 1866–1918, Romanian citizenship legislation was characterised by the above-mentioned tension highlighted by Brubaker. As this article has pointed out, Romanian citizenship shared most of the essential features of the model of nation-state membership, such as ‘national’, ‘sacred’, ‘unique’, and ‘socially consequential’. Romanian legislation implemented ‘from above’, a ‘primordial’ and ‘thick’ understanding of citizenship,<sup>130</sup> that defined the body of citizens as a community of shared language, common origin, and historical destiny, and assigned important rights and duties to citizenship status. Nevertheless, Romanian citizenship departed from the ideal-typical model of nation-state citizenship in two important aspects. First, on the political level, the democratic character of citizenship was undermined by the inequality of the electoral system, based on a virtual distinction between active and passive citizens. Second, and more importantly, Romanian legislation adopted the principle of *ius sanguinis* as an exclusive basis of ascribing citizenship. As a result, the numerous permanent non-ethnic Romanian residents was excluded from citizenship, and, what is more, it was also denied access to naturalisation. This feature undermined the egalitarian character of nation-state membership, and transformed citizenship from a universal and unitary status into a multitude of partial and intermediary forms of membership. In analysing the hybrid legal statuses of women, Jews and Dobrogeans, this article argued that the Liberal Party in Romania utilised citizenship legislation as an instrument of social closure, in order to control

127. Brubaker, ‘Immigration, Citizenship, and the Nation-State in France and Germany: A Comparative Historical Analysis’, in *International Sociology*, 5 (1990), pp. 379–407, in Turner and Hamilton, eds, *Citizenship*, p. 311.

128. Brubaker, ‘Immigration, Citizenship and the Nation-State’, p. 314.

129. Brubaker, ‘Immigration, Citizenship and the Nation-State’, p. 314.

130. For a typology on citizenships implemented ‘from above’ of ‘from below’, see Turner, ‘Outline of a theory of citizenship’, p. 189; on ‘primordial’ versus ‘learned’ and ‘thick’ versus ‘thin’ definitions of citizenship, see Tilly, ‘Citizenship, Identity and Social History’ in Tilly, ed., *Citizenship, Identity and Social History*, pp. 1–17.

social change and to curb competition from rival socio-political groups. Finally, on the basis of this case study, the article asserts two theoretical conclusions for the study of citizenship, namely: (1) citizenship is not a static and formal legal category, but a dynamic political concept, organically linked with issues of personal and collective identity, and social change; and (2) citizenship is not a monolithic and universal-egalitarian status, but a dynamic assemblage of heterogeneous legal and socio-political statuses.<sup>131</sup>

RESUME *Cet article tente de contribuer historiquement à l'émergence de l'institution de la citoyenneté en Roumanie. Conçu comme une analyse de la législation roumaine de 1866 à 1918, cet article se penche particulièrement sur les contradictions entre les prétentions universalistes de l'idéologie libérale démocrate bourgeoise et sa pratique de la citoyenneté qui ne donna le vote ni aux femmes, ni a nombre d'hommes ou encore aux membres d'importantes minorités ethniques et religieuses. Cet article se penche particulièrement sur le statut légal de ces catégories de non-citoyens, sur leur politique d'émancipation et sur leur relation avec l'idéologie nationale dominante.*

ZUSSAMENFASSUNG *Der Autor gibt einen Überblick über die rumänische Gesetzgebung zwischen 1866 und 1918 und zeigt das Entstehen und die Entwicklung der Staatsbürgerschaftsgesetze in Rumänien. Der Artikel konzentriert sich auf den Widerspruch zwischen der Forderung nach Universalität der bürgerlich-demokratischen Ideologie einerseits und der hierarchischen und unliberalen Handhabung des Staatsbürgerrechts andererseits, die einer beträchtlichen Anzahl von Männern bürgerliche Rechte aberkannte, Frauen entnationalisierte sowie ethnische und religiöse Minderheiten von der Staatsbürgerschaft ausschloß. Der Autor berücksichtigt insbesondere den rechtlichen Status dieser Bevölkerungsgruppen, ihre Emanzipationsbestrebungen und ihr Verhältnis zu der vorherrschenden nationalen Ideologie.*

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131. For other works on citizenship that reinforce this conclusion, see Margaret R. Somers, 'Citizenship and the Place of the Public Sphere: Law, Community and Political Culture in the Transition to Democracy' in *American Sociological Review*, 58 (1993), pp. 587–620; and Tilly, *Citizenship, Identity and Social History*.