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edited by
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Chapter I

Romanian Paths To Modernity: Culture And Moral Identity

Mihaela Czobor-Lupp¹

Plurality And Moral Concepts

The working hypothesis of this paper is the idea that the meaning of moral and political concepts cannot be divorced from their cultural roots. Such a hypothesis is based on an implicit critique of the Enlightenment, of the idea that there are values and meanings that can be deduced from a universal abstract reason, one divorced from any concrete context. The philosophical significance of such a hypothesis is, in the present setting, at least twofold. It consists first of all in the fact that any culture, which did not experience the Enlightenment, is not automatically excluded from the realm of reason, civilization and from the Western space. Secondly, it consists in the fact that to the extent that moral and political concepts are culturally rooted, their meaning cannot be defined in a one-sided manner. There is always a plural becoming, an intermingling of several different layers, otherwise what emerges is either an impoverished view of culture or a disfigured cultural heritage,² which brings with it, in turn, a distorted and one-sided, even extreme, meaning of moral and political concepts.

From an even broader philosophical perspective such a hypothesis puts at stake the concept of constructive rationality and with it the issue of otherness. To spell out the meaning of these issues is not part of this paper. Nevertheless, a few hints might help to better understand the overall standpoint that the present paper attempts to make. The concept of constructive rationality emphasizes the idea that the principles of reason, and also the value of what counts as rational is a construction, and not something to be discovered. As such, the concept of constructive rationality also implies that what counts as true is a construction, the ongoing effort to approximate what remains beyond the finite attempt to capture and express what could be only imperfectly spoken about. Therefore, both rationality and truth, to the extent that they are constructions, rather tend to emphasize the importance of interpretation and of expression.

The effort to construct is thus the effort to make explicit, the effort to spell out the particular features of both the subject and the object of knowledge. As such, what really counts is the expression, the capacity of both the subject and the object of knowledge to bring to the surface the unique character of a certain experiential pattern, cultural or historical meaning. The effort to construct as both interpretation and preservation of expression reflects the tension between the infinite character of what interpretation continuously tries to capture and the finite, unique and particular character of the expression. The core of this tension is given by otherness, by what is always beyond, because it always remains uncaptured.

Such a perspective on rationality reflects back on the issue of modernity and the Enlightenment. It affects first the meaning of rationality as defined by the Enlightenment, to the extent that the abstract status of reason, as understood by the Enlightenment, comes to be mediated by language and by so many different cultures. Secondly, it affects the conception of modernity itself, to the extent that modernity cannot be reduced to the Enlightenment. Modernity is thus never complete, being rather the continuous attempt to come to terms with the different, with otherness.³ As a consequence, modernity cannot ignore or exclude cultures like the Romanian,

which were only slightly affected by the Enlightenment,⁴ or which "translated and assimilated" the ideas and norms of the German *Aufklärung*.⁵

To the extent that modernity is rather a construction, which cannot be exhausted by only one interpretation of it, modernity incorporates plurality, in its becoming, as a constitutive category. Modernity is thus both the endless interpretation of its meaning, through the attempt to recover every finite and particular expression, as a potential candidate for its meaning, and the definition of any particular expression as a necessary component of it. From such a perspective, Western modernity cannot be reduced to any final meaning, continuously opening a space in its becoming for cultures that are not from its immediate proximity.

At the same time, the Romanian culture, like any other culture which tries to clarify its relationship with Western modernity, and thus, at least up to a point, with itself, cannot accomplish this other/inner-centered definition according to an oversimplified model of outside/inside or external/internal, insofar as being itself means exactly the capacity to maintain itself within the boundaries of the tension of otherness, the in-between interval of being oneself, by pointing beyond oneself and of being the other by going back to oneself. Therefore, the constructive conception of modernity also affects the potential candidates that are to be included in its meaning.

Within the horizon of this interplay of perspectives, the impact of the cultural roots of moral and political concepts and the larger of philosophical concepts, is, on the one hand, to bestow sense upon the idea of constructing modernity, due to the importance of plurality, and on the other hand, to make possible the definition of every participant in this construction, due to the existence of alternative meanings. Understood as a construction, modernity thus appears to be the interplay of remoteness and proximity, of the way it becomes accustomed to define itself and of the ways it is rejected or exiled from itself. The crux of this interplay of remoteness and proximity could be religion, insofar as religion represents one of the main routes in the becoming of modernity.

Therefore, any attempt to build a moral and political theory has to consider the cultural genesis of values, ideas, meanings and ways of thinking. As a consequence, neither the blind belief in an abstract and universal reason nor the blind import of moral and political values and ideas is meant to solve the issue of morality and politics in cultures like the Romanian, the issue of the way Romanian culture can participate in the Western world, and, above all, the issue of how Romanian culture can define its identity in relationship with its preferred 'Other', Western culture.

The first false option issues in the exile of Romanian culture from the Western space as a result of its failure to conform to the requirements of the Enlightenment's reason. The second false option is to create a free-floating layer of values and meanings for which the Romanian cultural soil might have no echo, no concrete anchorage. The third false option is the insular nationalism, the belief in the absolute value of one own culture – thus the impossibility for the others to grasp this value – and, as a consequence, the retreat from history and the construction of an imaginary space for self-definition, the space of the complete and total utopia, where contact with history is lost.

The background against which the first false option has to be considered is given by the way modernity is conceived. As a consequence, another hypothesis of this paper is the idea that modernity, as a Western phenomenon, cannot be entirely identified with the Enlightenment. Modernity is, at least, a twofold project: the Enlightenment and what Isaiah Berlin calls the Counter-Enlightenment. If modernity also includes the Counter-Enlightenment, which is identified by Berlin with German romanticism, as its core, then this opens up a broader scope for modernity, and thus a higher probability that cultures like the Romanian could be incorporated into modernity.

The second false option is perhaps best illustrated by Eugen Lovinescu's conception of the Romanian civilization. According to Lovinescu, whatever exists of a Western and thus a modern origin in the Romanian civilization came into being through revolution.⁶ Looking at this conception from a different perspective, the notion of revolution, according to Hannah Arendt, is entirely modern and is characterized by the belief in the possibility of an absolute beginning, by the belief that human beings can be the absolute source of reality, and by violence. Considering the unavoidable presence of revolutions in the modern world, Arendt makes the distinction between what she thinks is a real political revolution, the American revolution, and what is only a social revolution, the French revolution. The real political revolution is a conservative revolution, a revolution which works rather in a Burkean paradigm to the extent that it preserves what is already there and builds the new institutions within the framework of what it inherited, while the social revolution tries to achieve the complete liberation from everything, even from biological necessity.

The question is to what kind of revolution Lovinescu refers? He cannot speak about a political revolution, as understood by Arendt, due to the fact that he explicitly rejects the possibility of a Burkean approach to Romanian civilization and history.⁷ Therefore, what is left is a social revolution, that type of revolution, which, instead of creating an institutional framework for liberty, destroys everything in the name of an imaginary and abstract project. The project of the Romanian bourgeoisie, according to Lovinescu, was the national idea, the national project, the national identity. What the Romanian bourgeoisie did in the last century was to define not only the national ideal but the idea of nation itself within the Romanian civilization, waiting for historical evolution to fill in this empty form. The point I am trying to make, for the time being only a hypothesis which needs to be better verified, is that this tracing of the institutional form before any cultural and historical content exists for it, this revolutionary creation of the formal framework of Romanian civilization developed, over time, a rather radical tendency, reflected by the dominant character that utopia plays in the Romanian culture.

One instantiation of this utopian feature of Romanian culture is to be found in the thought of Constantin Noica. In a rather unusual book, by its naive and far too open adherence to Communism, Noica expresses his belief in the possibility of regenerating the Romanian culture through peasant values and attitudes. One of the main arguments he develops in support of this idea is the fact that the Romanian peasant culture is not affected by history. The eternal existence is, for Noica, the fundamental quality of peasantry, and it represents the possibility to begin in an absolute way, by effacing or by ignoring the whole of history.⁸ Therefore, what for Lovinescu seemed to be the path towards modernity and towards Western values, such as French liberalism, for Noica becomes the way to evade history, and thus the Western world, in both of its ramifications, the bourgeois and the proletarian values. The same structure, the evasion of history and the illusion of the absolute beginning, the fiction of going against history, serves two very different and even contradictory purposes.

The climax of the attempt to begin in an absolute way by means of the bracketing or effacing of history is illustrated by the way Stefan Zeletin described the two main ideological groups of Romania, the 'nationalists' [those who dismiss any foreign influence] and the 'liberals' [those who support and encourage Western influence]. This description also brings us close to the third false option, nationalism, defined as a total enclosure. According to Zeletin both groups, nationalists and liberals, opt for the destruction of reality. I addressed this issue in a previous work as follows:

The so-called liberals attempt to build a world on a non-existent ground, their image of the Western world, their myth, their construction. While, nationalists, instead of worshipping an ideal that melts the whole reality like the 'liberals' do, deify the native reality and transform it into a prison. If for the 'liberals' the ideal becomes the strait-jacket that encapsulates reality, for the nationalists reality is the one that arrests any attempt to give substance to the ideal. Both sides show a visible lack of flexibility and both end up in utopia. The liberal utopia is temporal. It is an utopia insofar as it is built on the assumption that the importation of the ideal can summarize, condense and represent the natural flow of time. The nationalist utopia is rather spatial. It is a utopia insofar as it is based on the idea that the national reality and its past can be made into an island unaffected by time.⁹

The spatial utopia of nationalists is the National Church, the fortress that makes it possible to isolate and hide from history. As this paper will attempt to point out, the Orthodox religion might become, from a perspective that tries to overcome the interplay of ideologies and utopias in the Romanian culture, a possible bridge between a more critical and diverse image and understanding of Romanian culture and a modernity where the Counter-Enlightenment is a self-standing modern attitude. As a consequence, instead of being a barrier made up of inflated ideas, utopias and ideologies, the Romanian culture can become the focal point where diverse attitudes, practices and prejudices meet.

What Zeletin hoped for is that the Romanian culture would go beyond these two ideologies, beyond their temporal and spatial utopias, to the point where it could meet history. In order to do this, in order to initiate a critical attitude, the Romanian culture should start by accepting the way it is, what Zeletin calls 'the donkeyhood',¹⁰ the donkey-like aspect of Romanian culture, its interplay of facades and images, the interplay of ideologies and projects. This can be defined as the peak of what Lovinescu considered to be the way Romanians can enter modernity, the revolution from the top to the bottom, by the creation of forms before any historical and cultural content is there. The Romanian society, as described by Zeletin, is nothing but the perfect and at the same time absurd incarnation of this preference for forms and ideas over habits and practices or, as Burke would say, before any prejudices are at work.

At the same time, the deconstruction of Romanian myths and clichés is not enough to open the Romanian culture towards modernity. What is required is a larger definition of modernity itself. Such a definition means to admit the twofold beginning of modernity, the fact that German romanticism is not a failure of the Enlightenment but simply a different way of being modern, of defining modernity. The point at stake is that the attempt to deconstruct the Romanian myths might have, as its result, the reconstruction of the place of Romanian culture within the space of a larger and more generous modernity, one that includes the Counter-Enlightenment as well.

Therefore, the deconstruction of Romanian myths in terms of moral and political meanings is situated, in this paper, between two extreme sides. One of them is based on the way several foreign travelers described the Romanian mores. The other one is based on what some Romanian thinkers consider to be the core of being a Romanian, either Orthodox Christianity or the Romanian folklore. Therefore, one extreme side is given by what the others say about the way Romanians are. The other extreme side is given by what some Romanian thinkers, among them Nichifor Crainic, D. Staniloaie, Nae Ionescu, and Constantin Noica, present as the innermost core of the Romanian way of being, e.g., the Byzantine tradition or language itself as the preferred locus for the sedimentation of meanings. I will try to find the middle point between these two sides, between the extreme other [incarnated by the figure of the 'traveler'] and the extreme ego [namely, the Orthodox religion, as the fortress which made the 'continuity', the 'authenticity', and the

‘essential’ features of Romanian ‘being’ possible, or the authentic and genuine character of the Romanian language] by finding those ideas and attitudes that seem to connect the Romanian culture to the Counter-Enlightenment, to the exiled side of modernity.

In what follows I will try to analyze and thus recompose some structural features of the Romanian moral character by means of a comparison between the testimony of foreign travelers, who basically depict an entirely negative image of Romanian *morés*, and the most orthodox Romanians, who offer a completely positive image of Romanian *morés*. From a methodological standpoint it should be made clear from the very beginning that the choice of this perspective – foreign travelers from between the 16th and the 18th centuries versus those Romanian thinkers from the 20th century who tried to recompose the Romanian culture around the Byzantine-Orthodox ideas and values or around language, understood as a means to the conservation of traditional ways of being – has to do with the issue of tradition. The two perspectives incarnate the same one-sided interpretation of ‘tradition’. They are both rather extreme and insulated perspectives on the way Romanians are. The first one reflects the absolute judgment of ‘the other’, as incarnated by the type of foreign traveler horrified by the barbaric *morés* of the uncivilized Romanians, untouched yet by culture. The second one reflects the impossible belief that Romanian culture can be defined from the standpoint of a pure – and unaffected by external influences – tradition, one which can be retrieved from a deep-rooted Romanian way of being.

The Two Extremes of the Romanian Moral Character: The Myth of the Absolute Other and the Myth of the Absolute Isolation

On the level of temporality, of the way the Romanian character exists in time, Romanians are, according to the picture offered by the foreign travelers, "perpetually discontent"¹¹ and "a people always desiring changes and transformations."¹² Related to this continuous desire to change there is the sensuous dimension, the excessive cult of the senses. Romanians seem to be entirely focused on the present moment. There is no teleological structure of time for them. As a consequence, time is rather without a structure and thus is perceived as a disordered mass of present moments. One very important consequence of this disordered and complete immersion in the present is the lack of a normative dimension. The latter is connected to what I called the aesthetic culture of surface and illusion, the total spectacle of Romanian culture.¹³

Desiring changes, perpetually discontent, Romanians seem to live in infinite time, time where the present moment is a mere vehicle, the innocent path from one present moment to another, a vehicle unable to link moments between them. From such a perspective on time, understood as an eternal present, or rather as a perpetually repeated present time, the future is an endless postponing, partially due to the lack of any purpose. This continuous movement, an imagination unstructured by any determinate desire, insofar as the core of any desire is to desire something else, the temporal infinite of an eternal present, all of which pinpoint the complete incapacity of Romanians either to face reality or to change it. The way they live in time shows precisely the ongoing flight from reality, the continual attempt to evade reality.

Such a way of living in time, and even of perceiving it, results in a way of building identity based on a total contempt for the others.¹⁴ Romanians are above everyone else, not because they have too good an opinion of themselves, but simply because they have no relative existence; the way they exist in history and time allows for no degrees of comparison; they exist in an absolute dimension, and this is an absolute present moment which endlessly repeats itself. They cannot even meet the other, because they cannot first of all meet themselves. They are exiled from their

own history. The only time they can exist is in the present moment. One more proof for this evasion of reality is the fanatic attitude of Romanians in regard to religious rituals. They identify so much with the carnal aspect of the ritual that any possibility to go beyond it is suppressed.¹⁵ The same attitude presides in the way they live in time, in an eternal present, and the way they fulfill and understand the religious rituals.

Therefore, the first layer of the Romanian moral character, according to the foreign travelers, is a world structured by an infinite way of living in time, an infinite dimension that comes from an eternal and repetitive present. In such a world no temporal anchorage is possible, no relative perspective on the world, because no degree of comparison exists. The world, and time as well, have no degrees, no stages, no steps, but they also have no precise boundaries. This indeterminate way of living in time and in the world bestows upon both of them a dream-like aspect. There seems to be no precise borderline between dream and utopia on one side, and reality and history, on the other side.¹⁶

This way of living in time speaks for the moral innocence of Romanians, which is tightly connected to the way the present time is signified. The present moment is always a vehicle, a neutral way of advancing towards an imprecise future, which is conceived as a bundle of desired changes, unstructured by any concrete goal. Therefore, any temporal moment, which is preferably identified with the present time, is either lived as ritual or as a potential source of structures and meanings that will never be actualized. Lived as a ritual the present moment is something that cannot but be, something that the individual has to go through or has to put up with, something that exists only through its actual and ongoing dimension, and never in the light of its having been, of its past meaning.

Two aspects must be mentioned when it comes to the form that this moral innocence takes in the writings of those Romanian thinkers that made out of the Byzantine tradition the core of their understanding of Romanian culture.¹⁷ The first aspect, which exists rather as the ultimate, absolute incarnation of the other possible interpretation of moral innocence, has to do with the image of 'Paradise' in the Romanian culture.¹⁸ In this context, the moral innocence tends to become the utopian trend, which can be defined as a perennial feature of the Romanian culture, the belief that at any moment history can be evaded and everything can be started all over again. The second aspect has to do with the fact that, what seems to be, from the perspective of the foreign travelers, a rather irresponsible moral innocence becomes from a Romanian [Orthodox or Byzantine] perspective the nostalgia for sainthood and childhood, for the absolute purity of spirit and heart.

Nichifor Crainic, who basically "looked at Orthodoxy as the foundation of the Romanian national State,"¹⁹ emphasized the fact that the ultimate goal of a Christian life is the achievement of sainthood, which is almost the same in its core with childhood, with the only difference being that it is reached through the effort of cleansing the soul from everything that the world has added to it. The effort to cleanse the soul from all the corruption, the "secondary images,"²⁰ as he calls them, of the world, the state of passivity which characterizes the saint, the purity and the simplicity, as harmony with God, all of them resemble the world structured by the eternity of the ritual and the fertile and harmonious abundance of nature, as invoked by the descriptions made by the foreign travelers.

Going back to the image depicted by the foreign travelers, things never have enough time to ripen for Romanians, due to the impatient desire to fly to another moment, to another change, to another eternal present. From such a perspective, what really makes the content of time is a utopian dimension. What makes the meaning of reality is this realm of potentialities which never becomes actual, structures which are almost deliberately prevented from coming into being. Reality is thus

not what has become, what has explicitly displayed its meaning, presenting thus a form for the others, but what could have been, on only one condition – that things would have changed. Nevertheless, things are never changed. What prevents change is the ongoing desire for change, which postpones any attempt to create reality or to change it. Within the confines of such a world individuals do not ever come to act, because they let themselves be carried from one present moment to another, and this ongoing movement is what keeps their desire to create reality constant, which is in fact the desire to change a reality that never existed.

In the 19th century, Caragiale defines the ruling class of Romania as an "oligarchy of adventure, . . . a moving oligarchy, of perpetual renewal, being open to whoever enrolls, by lottery, by adventure."²¹ It would be interesting to point out that this displacing of a non-existent reality in the name of an overwhelming 'ideal', which is nothing else than the project of what reality should be according to any new-comer in the oligarchy of adventure, seems to be an incarnation of a moral and social feature which many of the foreign travelers noticed already as being at work in the previous epochs. This oligarchy of adventure seems to be just another facet of the attempt to create reality from the top to the bottom in a world where things do not have time to ripen because the perspective on reality changes in a contingent way and not according to the sedimented traditions or, as Burke would say, following prejudices and the long-lasting practices consecrated by history.

According to the testimony of one of the foreign travelers, Romanians "never take care too much of their religious consciousness, due to the fact that they live rather according to the laws of nature than according to religion."²² The expression "the laws of nature" seems to refer precisely to this endless possibility to move, to slide away, a movement that is not inhibited by any physical, moral or religious barrier. The variability of their being is extreme. Nevertheless, Romanians can easily learn several foreign languages, or several crafts, arts or sciences. They can imitate the most difficult arts and crafts with so much ability, although they cannot deal in a creative way with any art or science: they are ignorant when it comes to trade and agriculture. Their way of being is 'possible' rather than 'actual'. They are rather like empty recipients that are waiting to be filled, keeping themselves free from any obligation.²³

It is interesting to compare in this respect two perspectives on the individual, that of Nichifor Crainic and that of Nae Ionescu, in order to see how the 'potential' rather than 'actual' being of the individual is taken over by the supporters of an authentic way of being a Romanian. In his *Memories*, Crainic makes an interesting remark about the way people from Tara Oasului, a very traditional Romanian region, are. He mentions their "stubborn individualism," which is reflected even in their dances and which comes from their ambition of traveling and trading all alone and of living from what they make with their own hands.²⁴ Their stubborn individualism seems to refer to the way they exist as individuals, in a way unrelated to the other. They tend to be autarchic, in a way that seems to exclude any obligation towards the other, any bridge that might limit or affect the mobility of the individual, his self-sufficiency. The impression is that the individual completes himself only through his potentialities, from what is left open for him, and not from what he really did or is doing.

This impression is made even stronger by the way Nae Ionescu interprets the Christian precept "to love your fellow as you love yourself." He presents his interpretation as an Orthodox or Eastern one. According to this interpretation, love is not a "norm of behavior and it does not reflect the interest of the individual for the others, but the little interest I have for myself." Love does not bind thus. There are no ties between individuals. The individual takes no interest either in the others or in himself. Love is not "a positive connection," but it simply means the way the individual bestows

any value upon himself amidst the others. What is interesting is that, according to Ionescu, what connects individuals is something negative, sin, and not something positive, as love or respect would be. The individual thus becomes himself to the extent that he refuses to take both himself and the other seriously, to the extent that he diminishes himself, and sees thus what is a potential in him and not his actual interest for his well-being or for the others, and to this extent he is able to grasp his value and make a full expression of it.²⁵

The ongoing desire for change goes, according to the foreign picture of the Romanian character, hand-in-hand with the almost pathologic desire for glory and power.²⁶ The coming together of the desire for change and the desire for glory and power gives birth to one of the fundamental moral concepts in the picture of the Romanian character, the notion of *ne-stapinire* [the lack of self-control].²⁷ As a consequence, the way Romanians exist in the world goes along two main coordinates. There is, on one hand, the destructive character of the all praised change. This means that instead of getting sedimented, time is merely the ongoing effort to evade any confinement, because every moment of its becoming is desired with the same intensity with which it is destroyed once it comes to be lived. There is also, on the other hand, the lack of self-control, which means the impossibility to escape beyond the urgency of the desire and of its immediate gratification.

Romanians seem to hurry things up, seem to force them to come into being, and once they come into being, they seem to hurry to destroy them, horrified by the fact that the desired reality might annul their eternal irresolution and 'freedom'. As a consequence, the only reason for everything to exist is to be contested and to revolt against it. Things are not an anchorage point for human deeds, but rather what shows their ephemeral character. Every piece of reality exists not by itself but rather as a challenge for its opposite, and at the same time as a destruction of it. Lacking a core of their being, because they continuously move from one desire to another, Romanians project the same lack of control and thus of structure over reality. As a consequence, in the same way that their moral being gets crushed and lost among the fluidity of the many desires for change, in the same way reality gets crushed among so many things that invoke each other only in order to mutually destroy themselves.

The impossibility to find a concrete and real anchorage point for action and for building a human world of artifacts is interpreted by Father Dumitru Staniloaie as the rejection by Romanians of adventure, the refusal to take it seriously. Romanians, by contrast with Catholics, do not engage in pursuing a certain goal; they refuse to take it seriously, due to the fact that at a closer examination the goal proves it not to be achievable. They do not share the shallow optimism of Catholics, the belief that once your action is achieved the evil will be removed or, at least, diminished in the world.²⁸ For Father Staniloaie, the Catholic belief in the possibility to act and thus to improve the world, an idea that was brought to its extreme by the Protestant faith in the form of the task of changing the world according to God's will, once it is transposed on the social level becomes a utopia. The Romanian attitude towards such a 'utopian' attitude is incarnated by satire and by the rejection of any revolutionary change of reality.²⁹

What seems to be, according to the description of the foreign travelers, the ongoing evasion of reality, the ongoing impossibility to change reality, due to the restless fly from one desire to change to another and to the reckless passion for novelty, becomes for Father Staniloaie, the realistic character of Romanians. This character comes from the keen awareness of the power of evil in the world and from the lack of trust in the possibility to remove the evil through any better social order. As a consequence, Romanians do not choose the superficial Catholic way of changing the world on the level of its social order; on the contrary they opt for the deeper dimension of

morality. This is due to the fact that they are aware that any real fight against evil in the world becomes possible only through the ongoing and painful moral improvement of the person. Romanians mistrust thus "the exaggerated goodness of the rhetorician,"³⁰ and the only character they believe in is the monk!³¹ It looks thus that for Romanians the meaning of morality is, according to Father Staniloaie, completely divorced from the social and political realm. It is important to point out that the retrieving of the Latin tradition of rhetoric had to do in the Western Europe with the belief that it is not enough to find the truth, but what is also very important is to be able to communicate it. It seems thus that this dimension is lacking from the Romanian meaning of morality.

This absence evokes another feature of the Romanian moral universe as it is depicted by the foreign travelers, the eternal present they live in, the incapacity to link the moments of time together in a coherent world, and thus the impression that history reproduces the recurrent cycles of nature, its peacefulness and harmony. This feature appears in the interpretation given by Father Staniloaie to the Romanian moral way of being as the "the most outstanding and specific feature of our people: harmony." In a very interesting way, Father Staniloaie equates harmony with the aesthetic sense of Romanians, the concern they have not to disturb the balanced way things come together. The relevant aspect of this equation comes from the fact that Father Staniloaie is the first one who does not respect this harmony. This is due to the fact that he underlines the extremely positive features of the Romanian moral way of being against a completely negative image of all others, be they Catholics, Protestants, Russians or Germans. I dare to say that by proceeding in such a way Father Staniloaie confirms, on the one hand, the impression of the foreign travelers that Romanians tend to define themselves by situating themselves above all the others, and, on the other hand, he contradicts himself, to the extent that although Romanians are not proud, according to his vision of them, he seems to be so, precisely by his lack of measure in the way he appraises what he calls 'romanism'.

The lack of control of Romanians mentioned by the foreign travelers has both a more general philosophical and a more particular moral and political meaning. From a philosophical perspective, the lack of control signifies the incapacity to settle time in a pattern, to shape time according to human standards. As a consequence, history seems rather to be a ritual, one that runs parallel to the perfect and spontaneous abundance of nature. What makes a ritual out of history is the fact that within it there is only the appearance of movement. What really persists in the historical realm is only the peacefulness of an abundant and fertile nature, while in the human realm the same gestures are expressed and made visible time and again, just because they cannot ground and build anything beyond their ephemeral fulguration: the desire to be a prince even for a day despite the danger and the turmoil that accompany this status, the religious ritual that both laymen and clerics do not understand, the stereotypical frenziness of the feast, and of the small details of a sacred and religious life. Beyond the apparent movement from one desire to change to another, history is only the stereotypical attempt to reproduce the perfection of nature, the stillness and harmony of it.

Attitudes Towards Historical Reality and Their Moral Implications

The 'historical' reproduction of perfection, spontaneity and inexhaustible fertility of nature combined with the haste for change and novelty and the eternal discontent of Romanians speak for their incapacity to begin [in the sense given to this notion by Hannah Arendt] in the political and the historical realm, their incapacity to trace the main coordinates of life in the body-politic and in the historical memory of the community. This incapacity can be identified as the metaphysical

dissolution of history. Caught between the cosmic and natural monotony of a ritual existence and the acceleration of change, the individuals anchor the motivation for their actions rather in the discontinuity of history, in its dissolute character and in its falling apart structure. It seems that history exists only insofar as it runs against itself, for its demolition and self-negation. Considered in its ritual-like character, history is just illusion. It is made of the running away and the blindness of someone who chooses the stillness of the ritual for the urge to confer an eternal dimension to the ephemeral character of human deeds and gestures. Considered in its restless change, history is only the joy of a destruction that has as its own goal to elevate and ennoble the individual by contrast with the ruin of the surrounding world.

A similar, but this time wrapped in a positive tone, perspective is offered by Constantin Noica's way of interpreting the Romanian meaning of being.³² For him the modes engaged by the Romanian language to reveal and understand being are not categories but situations. This indicates that being is not separated from the world, but tightly intermingled with it. Relevant from the perspective of the present paper are only four of these modalities, those that have the strongest implications for the meaning of history. According to Noica, the first situation/category is captured on the level of language by the expression "it was not meant to be" [*n-a fost sa fie*]. This mode expresses a situation that was interrupted in its becoming by the collision with the threshold of the impossible. Neither the collision nor the interruption eliminate the dimension of reality, because what has not meant to be, at least tried to be. All those things that did not come into being are at least recognized as potentialities. 'To be' means, therefore, to belong to such a realm of potentialities. This indicates that being is not only taken cognizance of, but it is also recognized in its possibilities. From such a perspective on being, it appears that the realm of the imaginary plays a very important role.

According to Noica, all the instantiations of being that were not meant to be, do not develop as variations of what happened, but rather as a halo of possibilities. This also means that what really and actually becomes, what really happened, does not have clear cut contours, considering that what actually becomes is a contingent becoming, something that could not have come into being. This relativistic understanding of reality, insofar as it rather indicates a comprehension of being from the perspective of what did not happen, establishes a metaphysical mobile threshold between being and its incarnations, between the metaphysical and the historical realms. This limit speaks for the imperfection of being. At the same time the imperfection of being diminishes the verticality of history itself, its normative dimension. To the extent that "what has not meant to be" possesses reality, then history comes to lack the interest for what really happened, increasing its imaginary character and transformation into utopia, literature, myth . . . , being less a practical guide [in the spirit of Machiavelli!] for the present action, and more the attempt to do justice to what was not meant to be. History loses thus its linear temporality, becoming rather circular, an ongoing mythical, narrative and utopian recurrence to those that were not meant to be. This induces a continuous need to start anew in order to give a chance, to thus do justice, to those who missed entering actuality and reality, to gain historical life. The limit of history seems thus to be metaphysical, the limit of those who were not meant to be. History is therefore not only the history of what is visible, but also the history of the invisible, of what is still formless, of what was not yet spoken, written or achieved.

The second mode of describing the situations of being in the Romanian language is to refer to "what was about to be" [*era sa fie*]. This lack of completion is not a failure, but rather a suspension, the absence of a certain kind of condition or the impossibility to individuate. Being is thus not only the lack of completion that imperfection implies, but also the capacity to linger, to wait, to

postpone. Suspension means the capacity to give a positive meaning to the interval, to bestow absence with a constructive significance. In both situations, of those that were not meant to be and respectively of those that were about to be, the meaning of order is defined rather from the outside, from what has not yet taken form, than from the inside, as fulfillment of what actually becomes. This loosening of order and being reveals that order is rather a compound of what is lacking, of absences and fragmentation. According to Noica, the symbol for those that were about to be are the ruins.

Therefore, order is possible by the amalgamation of fallings, and the fragile equilibrium, as ruins, which are missing precisely the overall structure, the architectural wholeness. The infinite plasticity of being is reflected in history, in order, in normativity and in the way the notion of pattern is conceived. While "what has not meant to be" indicates the mobile descending of being into history, the entering of being into an imaginary, rather than real, history, "what was about to be" indicates the ascent of history towards being. This ascent does not have as its ground a unitary pattern or project, a well-structured temporal order, but only fragments, ruins, glimpses, which are all accompanied by the cortege of what was not meant to be. From such a perspective, memory, which is supposed to confer on history its continuity, has rather a discontinuous and fragmentary character, an incomplete performance. What was supposed to be preserved is impossible to retrieve, while what has to be reinvigorated is impossible to locate. This is due to the fact that the old and the new are not distinguished in a clear cut way, floating as they are in the penumbra of ruins, of a time never accomplished, knowing that a ruin never became as such, being always a relic.

The third mode that expresses a new situation of being as understood by the Romanian language is "it would have being" [*va fi fiind*]. This mode manifests the possible being, the presupposed and problematic being. This third mode of being comes to add nuances to the variations of possibility in the Romanian understanding of being. All of these variations seem to define individuality by the evasion of rules, by the escape from any restriction imposed by the shape of what is actual, by the avoidance of any enclosure that any beginning will bring with it. From such an angle, being is not only reality, but also a multiplicity of possible facets. Being is thus always caught in-between actual and potential. Unfolding itself into the real and actual world, being becomes twofold, threefold, becomes a multiplicity. This multiple growing of being on several layers engages the idea of a spectator and of a witness. The spectator/witness refers to the unachieved aspect of being, either as its imperfection, the resignation of "what was not meant to be," or the impeded completion, the arrested becoming of "what was about to be," or the contemplation implied by "it would have being," a way to understand being that is at work before being enters the world, thus reversing the Hegelian idea that understanding comes always too late, after a form of life has died. Here understanding comes too early; it comes before any event takes place in the world. This wisdom stops the growing of being, and it does so when it comes to the actual order of events, but not when it comes to the imaginary order or the potential flowing of happenings. By coming too early, understanding cannot but enrich the possible dimension of the world, insofar as the real structuring is stopped.

This situation of being reveals a way of understanding history that allows for an indefinite postponing of being. The indefinite postponing of being means the indefinite canceling of the actual order of events. One can wait for events, insofar as their comprehension is already present. From such a perspective Gadamer's notion of efficiency of history, the idea according to which we are affected by history, becomes meaningless. This is due to the fact that history is played more on the level of what could have been. History bifurcates itself, and thus there ceases to be only one

modality that could affect us, several modalities being in fact at stake as potential efficiencies of history. The individual is thus caught between history as ruin, fragment, history that never reached the actual completion, and a metaphysical realm which is rather conceived as a field of possibilities. Although being is attuned and flexible enough to enter the world, to the extent her modalities are not categories but situations, its flexibility postpones the actuality of history. Thus history breaks its normativity. This means that history, instead of working as a guide for the present or as a shaping of the present, works rather as an imaginary understanding of the present, as an alternative way of understanding it. The real and actual focus of history is not the present but what could have been if this present would not have happened, the history of what could have been, the history of what did not manage to begin.

Therefore, the Romanian understanding of being is not characterized either by the attempt to efface the effects of history, insofar as history is not perceived as a corruption of being, as a falling of being from its verticality, or by the attempt to follow history up to its end, insofar as history is not conceived as the path that leads towards the achievement of the final goal of the world, as a passage beyond history. From the Romanian standpoint, history is rather the history of the failures of being to achieve completion, reality and actuality, the history of what is imaginary. Thus, any normativity is rather diffused, possible, annulable, revocable, insofar as a multiple and dispersed being, a being which is not split between sensible and intelligible, between real and copy, can incorporate into its becoming any of the facets that were not meant to be, or that were about to be, or that could have been, any guarantee being there that they will become real someday.

The fourth situation of being is described by the modality of what "should be" [*ar fi sa fie*]. With this modality one reaches the ground of being itself, up to the threshold where being enters the real world. The situation of what should be reveals that being is always incarnated together with its ground, at the same time with what makes the explanation of its incarnation possible. The point is that if being reaches its achievement so late, after so many hesitations, the previous delays affect the meaning of the ground itself, of what makes it possible to explain why things are one way rather than another, or why they are at all. The consequence has to do with the fact that in any of its facets and modalities, being refuses a decisive incarnation into the real, into the actual, and the same is true about its ground. It becomes almost impossible to say that something exists. This means that being allows for a plural history, as well as for a history where the temporal horizons are fused together. The failures of being dilute the future of being, insofar as being is rather a promise, a suspension, and the tension of waiting, the continuous effort, which is never fulfilled or brought into actuality. At the same time, the ground of being engages a future that is already past and a past that is already future, insofar as understanding is already there, before any event really occurred.

From such a perspective, being is everywhere in history, without being ever detectable. An image of history, like the Hegelian picture of it, that gathers history under the necessary character of categories of reason which coincide with those of being, is impossible. Being keeps itself at a distance from history, although paradoxically, it exists only on the level of history due to the fact that it is described by situations rather than by categories. At the same time, history is an imaginary multiple world, an imagery of the alternative and failed becomings of being, rather than the display of its perfection. Here any beginning, as a potential ground, ongoingly cancels itself, returning unto itself, and any ending is just a continuous postponing. History does not admit a rule of its becoming, while the grounds of being refuse any essentialist approach. History is just the imaginary invention of the possible facets of being, while the grounds of being reflect the ongoing rational attempt to come to terms with this flow of events, which is caught between so many

possible routes. The only reality is that of exception, of the impossible to determine leap between what seems to be and what evades being. Exception as the in-between realm, as the in-between equilibrium is the attempt to keep together metaphysics and history. It is the attempt to mediate between a being that continuously flows into history and a history that ongoingly projects any normativity into what is imaginary and only possible.

Going back to the image depicted by the foreign travelers, what creates the glory of the individual who achieved power was his/her comparison with how ruined the others and the surrounding world were. This is the moral and the political standard of the Romanian world, according to the picture made of it by the foreign travelers who visited the Romanian countries between the 16th and the 18th century. What makes the standard of the human world, its distinctive feature, is not its capacity to perfect itself, but, on the contrary, its capacity to self-destroy, to annul itself, to work for its own ruin. The individual is unique only insofar as he/she is able to force the flow of history, hastening it, such as his/her performance becomes visible only by contrast with the destruction of the historical landscape. Thus, in a world devoid of any degrees, of any nuances, individuals are trapped between the natural abundance and the political and historical ruin, between the perfection of nature and the turmoil of the political realm. They disappear either in the stillness and harmony of natural fertility or in the convulsions of a political realm that gets its profile only from violent changes.

Despair and/or indifference are reactions of both those who fail or who succeed in this carousel of ephemeral political and historical characters. Despair can take the form of the superficial love and search for novelty,³³ while indifference is represented by the ritual fall, the stereotypical reproduction of the same gestures. Both these attitudes destroy human time. Despair does this by the very fact that it cannot desire any change except in the form of destruction of any concrete space where change could be given any real substance. Indifference does this by means of annulling time, by evading it, by ignoring the reality of the temporal flow. Thus history becomes an ephemeral island, held prisoner between the fertile abundance of nature³⁴ or the solemn quietude of the ritual, and the glorious, painful, destructive and despairing bursting of the individual who aspires to public visibility.

Therefore, in the Romanian culture, time does not, as it does for Machiavelli, oblige the individual to always be vigilant and prepared to act in accordance with what Fortune happens to bring about, because it always strikes unexpectedly. Romanian time is never flowing in the direction of a moral world of freedom, where the individual will find his place to exist and manifest himself. Thus time seems to be something the individual has to avoid, to shelter himself from, because time always runs towards destruction and ruin. Time seems to be what ruins the fragile equilibrium of the ephemeral individual existence, which was with difficulty separated from the ritual silence of either nature or the human world.

From the standpoint of such an understanding of time, the content of the meaning of life, one of the main categories of modern moral and political thought, is given in the Romanian culture by changeableness, illusion and desire. Life as changeableness signifies primarily the ongoing and never-ending search for the perfect temporal moment. The point is that this perfect moment is projected into an indeterminate future, unstructured by any concrete goal, with the exception, perhaps, of the empty hope of every individual that that moment is going to be the point in time when he will become visible, gaining thus an ephemeral and precarious historical and political existence. Secondly, life as changeableness signifies the ongoing attempt to shelter oneself from time, either by postponing it or by freezing it.

However, to the extent that illusion is the second component element of the meaning of life, the attempt to avoid the destructive effect of time does not issue in grounding a firm structure of the world, but in the utopian projection of a future, which recedes further, the more you attempt to reach it. This utopian projection, which I identified as being a constant feature of Romanian culture, being taken over and reflected in the writings of so many Romanian philosophers,³⁵ resides in the constant desire for change, in the eternal flying away from the present moment. Utopia is desire itself, the moral sensuousness of the individual, the fact that he 'navigates' on an ocean of senses, where every desire receives its shape only to the extent that it is pushed towards an ever receding and indeterminate future.

One of the distinctive features of desire is its greediness, the fact that it is unable to set limits for itself. Desire is thus mainly destructive to the extent that, by wanting more, it destroys the previous object of its greediness in order to free itself for more. As a consequence, a way of existing in time structured by desire allows for only one way to confer meaning to the present moment, its destruction. The present gets its meaning only by its self-destruction, only to the extent that it allows for another present, not future, moment to come. Thus, no reality takes contour, but only one horizontal and empty unique time, the present avoidance of any commitment.

If the first concept that defines the moral character of Romanians is that of life, the second notion, according to the foreign version of the 'national' character, is that of power. On the level of life the fundamental notion is the lack of self-control [*ne-stapinire*], on the level of power the fundamental notion is self-deception [*in-chipuire*]. The two terms complete each other. Self-deception implies the entrance of a space where no control is possible. In such a monologic space the profile of the individual cannot be defined except by lifting it above all the others. Whoever defines his profile in such a way, builds a self-image which is visible only for himself, for his inner eye. Such an absolute monologic self-definition brings with it an extreme vulnerability, due to the fact that if any piece of such a construction is destroyed, then the whole edifice falls down.

This gives the impression of a lack of self-control, of a structure, which could keep the whole together. The authoritarian behavior of Romanians, observed by the foreign travelers,³⁶ comes precisely from the vulnerability of someone who exists only on the abstract level of such a solitary self-definition. The capacity to work only with global, overall structures also explains the changeableness, the restlessness of Romanians, due to the fact that within such a framework it is easier to build a new overall structure than to negotiate, to reform and change in a piecemeal way an already given pattern.

In such a world, power seems to be the only factor that keeps the community together. The best way to explain the meaning of power in the Romanian culture seems to be the Foucauldian model. Power is not possessed but rather dispersed within society, due to its very fluid and deceiving character. As a consequence, glory means rather the destiny of an individual crushed by power, and not the greatness of someone who proved himself capable of mastery and exerting power. Power fascinates and it is as fatal in its consequences, as are the rituals, which are observed in their slightest detail, or the recurrent fertility of nature. The paradox then consists in the fact that to the extent that the individual hopes to elevate himself through power, he annihilates himself precisely by means of what was supposed to make him visible for himself and the others, the glorious flash of the all-desired power.

The catalyst of community seems to be this ongoing gliding around power, the game of desiring power and of being crushed by it. Power is the only way the individual can save himself from the anonymous character of ritual and the natural cycle. The category of power seems thus to be more important than the category of work, almost replacing it.³⁷ To raise yourself above the

others, to become the focus of the public arena, first and foremost through your misfortunes and ruin, is more important than the solitary and painful toil of work. It is relevant in this respect that latter on, in the 19th century, Caragiale, describing the role of education in the Romanian society, points out how school becomes a way to rise in the social hierarchy, to achieve power, rather than a way to morally improve the individual and the society.³⁸

Father Staniloaie expresses this interplay of power and destruction, as the reflection of a metaphysical wreckage of history, as the positive capacity of Romanians to endure, to suffer in a way that combines rationalism and mysticism in the most harmonious possible way. What seems to be, from the perspective of the foreign travelers, the refusal to approach the world in a concrete way, the undecided attitude of someone who is aware of the fragile character of any existence which tries to assert itself, to become visible, is for Father Staniloaie the Romanian rationalism, defined not as a too confident reason, but as a reason that is aware of the fragile character of the ground it builds on. What is, from the perspective of the foreign travelers, the hallmark of a world of lack of coherence and self-control, the ongoing temptation to self-deceive, seems to be for Father Staniloaie, the "thoughtful mystery of undefined guesses," the Romanian tempered mysticism, the goodness, pity and remorse of a too sensitive soul.

The Endless Changeableness and the Search for the Absolute

The question that, at this point, has to be unavoidably raised is to what object does the discourse of both sides, the foreign travelers and the Romanian authors, refer in this alternative attempt to build a Romanian moral portrait. Following the logic inscribed in both perspectives, the object of their discourses ends by being annihilated. The first perspective on the moral character of Romanians leads to the destruction of reality, due to the fact that the individual is eventually disconnected from any concrete relationship with the sensible realm. The second perspective leads to the inflation of reality to the point where reality melts into the undefined confines of utopia.

The version of the foreign travelers depicts a situation in which the Romanian way of living in time, the desire for change, the metaphysical ruin of history, the lust for power and glory, the extreme and aggressive individualism, generate the dissipation of any concrete, sensible reference point for whoever happens to build the discourse, in this case the foreign travelers themselves. Romanians are described either as a curiosity, as one more weird way of existing, one that can be added to an already existing collection of exotic things, or as being in a complete state of nature, which can be left only to the extent that Romanians relate themselves, even in the extreme way of copying, imitating and reproducing,³⁹ to the cultural model of the foreign travelers. The result is that, in the absence of a mediation, of a bridge between the perspective of the foreign travelers, which is paradigmatic in this case for any "outside" description of a culture, the object itself of the discourse tends to disappear, to self-annul, eventually undermining the status of the one who builds the discourse at stake.

The version of the Romanian authors illustrates a situation where what is destroyed is the potential auditor/receiver of the discourse on the Romanian moral portrait. Their perspective is so negative and even simplistic about any potential receiver, as in the case of Father Staniloaie and even Noica, that it literally annuls any possibility that a competent receiver might enter the game of understanding and deciphering the meaning about which they are speaking. What both perspectives have finally in common is the underlying idea that by the way they are from a moral viewpoint, Romanians do not belong to modern Europe, being nevertheless superior to it. In the first case, Romanians are too natural to be classified under the heading of any European civilized

categories; they are basically in a plain state of nature. In the second case, Romanians are superior to any other culture; therefore they are beyond history, beyond any possible comparison.

Nevertheless, both perspectives on the Romanian moral portrait can be taken as starting points for a more complex image of the Romanian moral way of being, an image that overcomes the too narrow division between inside and outside, the gap between the myths of the absolute other and the extreme insulation, and the abyss between the endless changeableness and the search for an absolute point of anchorage either in an eternal paradise or in a perfect beginning. The more complex image is also made possible due to a more complex image of modernity, an image that allows for a plural becoming of it, where both the Enlightenment and the Counter-enlightenment are present in its emergence. The starting point offered by the image of the foreign travelers is given by a certain conception of reality. The starting point offered by the image of the Romanian authors is given mainly by the type of economic ethics, in Max Weber's terms, made possible by the Orthodox Christian tradition. Therefore, the image offered of the Romanian moral character by the foreign travelers has rather what I would call a dissociating role. This is true to the extent that it helps Romanians to enter an interval which is not prefigured by any given ideology; rather it presents the way Romanians are as a space of potentialities, as a space that can balance itself between entering a given structure and evading and postponing it.

To enter the logic of this moral portrait brings you to the threshold where nothing is left, to the point where Romanians annul history before they become part of it. This extreme conclusion is possible due to the extreme changeableness of Romanians, their ability to transgress any world, carried as they are by their ongoing desire for change. If this is true, then how could one of the structural requirements, made by Zeletin, Caragiale and others, be fulfilled in the Romanian culture: the acceptance of 'reality', the attempt to catch 'reality' beyond all myths, all utopias, all projects, all 'masks', as Caragiale would say, that adorn, transfigure, but mainly impede the building of the Romanian moral and political realm. The point is that the attempt to overcome all these 'masks' can be achieved only in a constructive way. The utopias, the 'masks', or the projects do not hide reality, but they all contribute to its coming into being; they basically generate reality. Therefore, to overcome the 'masks' does not mean to reject all of them as being false, in the name of a single definition of reality. From such a perspective, what I think is hard for Romanians is to live in the tension of a multiplicity of masks, utopias or projects, and, as a consequence, their ongoing attempt to replace them all with an absolute, forever given, final version of reality. What the Romanian culture can contribute in this respect comes precisely from its difficulty to be for too long within the confines of 'reality'.

The ongoing gap between reality and ideal, the tension between history and utopia can be positively refigured as the capacity to generate ideas, to evade the boundaries of any real and given space. Therefore, the world Romanians tend to evade is not defined by their false being, by their uncivilized or too traditional way of being; it is not an all or nothing affair; on the contrary, it is rather the way they build their cultural existence, both moral and political. As Sorin Alexandrescu points out, there are several paradoxes that traverse the Romanian culture. The first paradox has to do with geographic position of Romania. Romania is rather an intermediary area between its neighbors, a cultural space of multiple differentiations and multiple appropriations. The second paradox, a temporal one, has to do with the fact that the great currents of Western Europe were never experienced by Romania in a chronological way, rather they were simultaneously present. The third paradox, of continuity and discontinuity, has to do with the gap in the Romanian culture between the oral and the written culture and with the fact that, starting with the end of the last

century, Romania declared as its preferred other, the Western world, which comes to be conceived as its reference point in the attempt to define its identity.⁴⁰

Considering especially the first two paradoxes, it seems to be rather difficult in a culture like Romania, to make a clear cut, one-sided distinction between reality and ideal, between reality and the realm of ideas. I would thus tend to say that in the Romanian culture the notion of 'mask' tends to have a positive meaning. There is nothing to be masked, but only a shifting 'reality', a 'reality' inhabited by so many alternatives, a 'reality' which always allows for a way out. From here we may get the impression that any normative standard breaks down under the pressures of the mobile moral innocence of Romanians. The core of 'reality' is thus aesthetic rather than ethical. The world is not to be justified, is not to be redeemed, is not to be made more just, but the world is to be continuously made. The world is a project always to be still achieved, still to come . . . still on its way, never done, never completed. The world is a continuous experiment, and its objective structure is rather like a museum, where the past is there to be worshipped and not necessarily redeemed by the impact and the quality of present deeds.

In this respect, Romanian identity can be defined as a late Romantic way of being, where irony has already become more powerful than passion, and the belief that what keeps the world together is the tragic endeavor to act and the freedom to create and express in a way which has as its ultimate measure, not some divine or objective standard, but human reality and individual autonomy. The Romanian way of being is rather expressed by the tension of the interval where so many possibilities are concocted between the ironic refusal to identify with any of them [what appears, from the perspective of the foreign travelers, as the moral innocence of Romanians] and the serious and ongoing attempt to evade movement and find a fixed point of anchorage, as the absolute beginning or as the last and absolute paradise. What appears thus to be an innocent state of nature, can be interpreted as the space where ideas and reality intermingle in a way that annuls both the confines of reality and the impact of ideas on reality, a half-way between entering the historical reality and its imperatives, and evading it because there are still so many alternative ideas that offer a way out. Determination is thus continuously eluded by both the refusal to obey the exigencies of reality and by the ongoing search for the perfect reality. There is no absolute standard, only the absolute search for it, the continuous attempt to define it, to catch it, to approximate it.

What seems to be, from the perspective of the foreign travelers the ongoing changeableness, as the core of the Romanian moral portrait, is from the perspective of the Orthodox Romanian authors, the fixed and eternal core of what it means to be a Romanian. Viewed in an overly simplistic manner, this idea can contribute to an understanding of the Romanian way of being as valuing the aesthetic rather than the ethical dimension. What really counts from the perspective of Orthodox Christianity, which is largely embraced by the Romanian authors mentioned above, is the capacity of the individual to participate and express the world by his participation in it, not to change it, not to perfect it, but to express what is given. Nevertheless, what is given belongs to a realm that goes beyond any particular and personal attempt to catch it. The person is defined rather by his capacity to reach beyond himself, to what transgresses him, by making possible, at the same time, the precise and particular contours he has. Thus human beings are persons rather than individuals. What counts first and foremost is the capacity to express.

This feature comes to support and complete the idea of a space of potentialities, as the Romanian way of being, to the extent that if what really counts is to make manifest what is already there, then the goal of life becomes to catch as many forms, ideas, projects, patterns, as possible, and to bring them into the realm where the borderline between reality and ideas is effaced, where what is at stake is the play of alternatives and not the testing of the capacity ideas have to induce

change.⁴¹ The real paradox is that what for the traditionalist authors seems to be the core of the Romanian way of being, something which was not perverted by history is precisely this capacity to bring ideas, to intermingle and compromise them, to generate new games of ideas, to experiment with them. Completing the image of the moral way of being of Romanians, what the foreign travelers see as total changeableness proves to be precisely the capacity to generate and coagulate reality, while what seems to be for the traditionalist Romanian authors the immovable core of the moral Romanian character proves to be precisely this capacity to change, to put at stake new ideas and a new syntheses of reality. What seems to be perceived as having no point of anchorage proves to be the only source of reality, the only historical reference point, while what seems to be perceived as the only reality beyond any deceptive imported Western ideas proves to be the ability to handle ideas, to bring them together in the form of a compromise.

Returning to the point I attempted to make in the beginning of this paper, namely the relationship between culture and the meaning of moral and political concepts, the unexpected result of both intentions, the foreign travelers and the Romanian traditionalist authors, proves the impossibility to reduce moral identity to a one-sided perspective. The complexity and partially paradoxical character of the Romanian moral portrait comes precisely from bringing the two perspectives together, which by definition should exclude each other and even to mutually deny each other's reality. From the interplay of both perspectives, the rather paradoxical Romanian moral way of being comes to the surface: the search for the absolute through a way of building reality which involves the ongoing aesthetic play of ideas, the prevalence of expression, the importance of the given in a world where irony pulls apart any concrete achievement, any possibility of continuity, the tension between the responsibility to express what is already there and the moral innocence of a culture where being guilty can always be eluded, as long as the context is traded for an alternative one, where the world is nothing more than a reservoir of ideas, a project always to come . . . , where being yourself can always be exchanged for being the other. This is, I think, the main paradox of a culture that tends, with stubbornness, to define itself in absolute terms, either by isolating itself or by completely surrendering to what is beyond.

Notes

1 Mihaela Czobor-Lupp, Assistant Professor, Faculty of Political Science, University of Bucharest since 1996; author of: *The Mirror and The Shadow: The Ego and the World as Viewed by E.T.A. Hoffmann – The Phenomenology of the Romantic Ego* and the project: *Identity between History and Utopia: Romanian Models of Identity*.

2 See Alexandru Dutu, *Political Models and National Identities in "Orthodox Europe"*, Editura Babel, Bucharest, 1998, p. 155.

3 See in this respect Michel Foucault, "What is Enlightenment?", *Dits et Ecrits*, Vol. 4, Paris, Gallimard, 1997.

4 I use the concept of Enlightenment in the meaning bestowed upon it by Isaiah Berlin, especially in his books *À contre-courant [Against the Current]*, Albin Michel, Paris, 1988 and *The Crooked Timber of Humanity*, Princeton University Press, Princeton, New Jersey, 1990.

5 Alexandru Dutu, supra note 1, p.188.

6 Eugen Lovinescu, *Istoria civilizatiei romane moderne*, Ed. Minerva, Bucharest, 1997, pp. 76-82.

7 *Ibid*, p. 53.

8 This is what Noica calls "the negative way of existence of peasantry in history", namely, the capacity the peasantry has to develop and grow fundamental [I would even say 'natural'] structures of life in spite of the destructive, complex and twisted character of historical events. For Noica peasants have precisely this capacity to exist and survive despite history and against it: Constantin Noica, *Manuscrisele de la Cimpulung: Reflectii despre taranime si burghezie*, Humanitas, Bucharest, 1997, pp. 49-51.

9 Mihaela Czobor, "The Island of Euthanasia or Identity through Utopia and Parody", *The Romanian Journal of Liberal Arts*, vol. 1, nr. 1, January 1999, pp. 45-46.

10 The book of Zeletin that I am using here is called *Din tara magarilor* [*From the Land of Donkeys*]. The word 'donkeyhood' stands for the Romanian word *magarie* which describes the way Romanians and their society are, according to the Romanian author.

11 Daniel Barbu, Ed., *Firea romanilor: Documente si comentarii reunite de Daniel Barbu* [*The Romanian Character: Documents and Comments compiled by Daniel Barbu*], Nemira, Bucharest, 1999: the testimony of Michael Bocignoli, 1524.

12 Ibid, the testimony of Johann Sommer, 1562-1563.

13 See St. Zeletin, *Din tara magarilor*, Nemira, Bucharest, 1998.

14 *Firea romanilor*, supra note 10, the testimony of Alessandro Guagnini, 1563.

15 Many foreign travelers mention the special attention Romanians pay to rituals, in spite of the fact that even their priests do not exactly know the meaning of these rituals, which are respected in their slightest detail. See in this respect supra note 10, the testimonies of Giovanni Bartolomeo Frontali [1764], Adam Chenot [1756], Erasmus Heinrich Schneider von Weismantel [1713], Anton Maria del Chiaro [1718] in *Firea romanilor*.

16 Characterizing Romania, in one of his most famous articles, *1907: Din primavara pina in toamna – Citeva note* [*1907: From Spring to Autumn – A Few Notes*], Caragiale presents a similar idea: ". . . poate ca nici intr-un stat, din Europa cel putin, nu exista atita extravaganta deosebire intre realitate si aparenta, intre fiinta si masca" [". . . perhaps in any state, of Europe at least, there is not such a great difference between reality and appearance, between being and mask"], infra note 20.

17 See Dutu, supra note 1, pp. 154-155.

18 See in this respect my paper "The Island of Euthanasia or Identity through Utopia and Parody," supra note 8, where I explain the relationship between the most perfect paradisiacal vision from Romanian literature, an island, in Eminescu's novel *Cezara*, and the motivation of the builder of utopias in the Romanian culture.

19 Dutu, supra note 1, p. 155.

20 Nichifor Crainic, *Ortodoxie si etnocratie* [*Orthodoxy and Ethocracy*], Albatros, Bucharest, 1997, p. 13.

21 I. L. Caragiale, *Publicistica si corespondenta* [*Articles and Correspondence*], Ed. "Grai si suflet – Cultura nationala", Bucharest, 1999, pp. 418-419.

22 *Firea romanilor*, supra note 10, the testimony of Franco Sivori, 1588.

23 It is interesting that in this context, while the Anglo-American culture and society were built around the notion of 'covenant', around the notion of obligations and promises which have to be respected, the Romanian culture and society, about the same time when these categories were concocted in the Anglo-American space [16th to the 18th century], developed as a culture free of any obligation, as the moral innocence and the endless changeableness of Romanians seems to testify. There is another hypothesis which could be made, but unfortunately I do not right now possess all the elements that I need in order to verify it. As a hint it should be said that there is the

very interesting book of Jean-Christophe Agnew, *Worlds Apart: The Market and the Theater in the Anglo-American Thought; 1550-1750*, Cambridge University Press, 1998, where the author makes a connection between market and theater in the Anglo-American world. By trying to interpret the cultural meaning of market through the image of theater, the author connects the two realms through the image of a Protean reality, a reality which not only moves continuously, but which also has the capacity to endlessly transform itself in such a way that there is no essence or hard core left of reality. This reminds one of the way the Romanian reality seems to be from the perspective of foreign travelers quoted in this paper and also from the parodic perspective of Zeletin as envisaged in his book *From The Land of Donkeys*. Maybe a possible bridge between the Anglo-American world and the Romanian culture might come from the way theater seemed to intermesh with the idea of market, adding to the dominant idea of contract, the idea of a continuous flow of reality where no stage, version or form of it is final.

24 Nichifor Crainic, *Memorii: Pribeag in tara mea* [*Memories: Wanderer in my own country*], Muzeul Literaturii Romane, Bucharest, p. 54.

25 Nae Ionescu, *Filosofia religiei*, Eminescu, Bucharest, 1998, p. 27.

26 *Firea romanilor*, supra note 10, the testimony of Anton Verancsics, 1538-1549.

27 *Ibid*, the testimonies of Federigo Veterani [1688] and the Romanian (!) Dimitrie Cantemir [*Descriptio Moldavie*, 1714].

28 Dumitru Staniloaie, *Ortodoxie si Romanism* [*Orthodoxy and Romanianism*], Albatros, Bucharest, 1998, p. 49.

29 It is extremely significant to point out here the radical difference between the idea of Lovinescu, according to which the revolution is what made the modern Romanian culture and Father Staniloaie's idea that, according to the Orthodox spirit, revolution is completely foreign to the way Romanians are!

30 Dumitru Staniloaie, supra note 27, p. 50.

31 It is interesting to contrast in this respect the important role rhetoric played in the birth of the English modern moral and political thought, as presented by Q. Skinner in *Reason and Rhetoric in the Philosophy of Hobbes*, and also the role of rhetoric in the Italian Renaissance in the birth of the modern moral and political thought, as presented by the same author in *Machiavelli* and in *The Foundations of Modern Political Thought*, with the scorn and distrust Romanians have for rhetoricians, according to Father Staniloaie. It is also interesting to contrast the influence of the two figures, the rhetorician and the monk, considering that during the same time period which was analyzed by Skinner, in regard to the impact of rhetoric in Europe [16th and 17th centuries] the foreign travelers note the fanatic devotion and respect of Romanians had for religious rituals and for the clerics!

32 Constantin Noica, *Sentimentul romanesc al fiintei*, Eminescu, Bucharest, 1978.

33 *Firea romanilor*, supra note 10, the testimony of Anton Stepancic, 1688.

34 One of the foreign travelers, Paul Beke, speaks about "that fertility of the land that makes the inhabitants [the Romanians] so lazy that they would like to pick up the fruits of the earth without any work . . .", *Firea romanilor*, *ibid*, the testimony of Paul Beke, 1644.

35 *Identity between history and utopia: Romanian models of identity*, 1998, a project sponsored by The Open Society Institute, Research Support Scheme, Prague, and also "The Island of Euthanasius or Identity through Utopia and Parody," supra note 8.

36 *Firea romanilor*, supra note 10, the testimony of Franco Sivori, 1588.

37 *Ibid*, the testimony of Erasmus Heinrich Schneider von Weismantel, 1713.

38 I.L. Caragiale, supra note 20, p. 418.

39 *Firea romanilor*, supra note 10, the testimony of Anton Maria del Chiaro, 1718.

40 Sorin Alexandrescu, *Paradoxul roman* [*The Romanian Paradox*], Univers, Bucharest, 1998, pp. 32-38.

41 *See* in this respect in the present volume Ionut Stanomir's paper, "The Temptation of the West," where, describing the coming into being of Romanian constitutionalism, the author makes full use of the word 'compromise' as precisely the attempt to force a co-existence between several traditions, several models and ideas of Western origin, which were all experimented and embraced by different Romanian elites. What is really interesting is that Romanian constitutionalism comes into being not as an expression of Romanian realities, because there always remains the permanent gap between ideas and reality, between the 'legal' and the 'real' country, as the author says, but as a compromise between the space of so many imported ideas, models and values.

Chapter II

Reconstructing and Reinventing the Meaning of Moral Obligations in the Romanian Culture

*J. Stefan Lupp*¹

Introduction

This essay evolved out of a lecture I presented at a conference in Bucharest in 1999.² Several weeks earlier I had attended a conference in Iasi, where I spoke about the convergence of three social forces in the United States in order to explain the events surrounding the recent American impeachment drama.³ I must confess, as someone who was a teenager in the United States in the 1970s, criticism of my own society seems to be almost second nature to me. I have to say that I felt significantly more uncomfortable casting the same critical eye on Romanian society in front of a live audience of Romanians. This is especially true since I am extremely conscious of what is perceived as American arrogance. What saved me then and now again with this essay, is that though I am American only by naturalization, being born a German citizen, I still have assimilated the American trait of unlimited optimism. Therefore, I am forced to believe that there are solutions to the problems faced by both American and Romanian society.

Many of the generalizations about Romanian society that I will make are based predominately on my own personal experience, rather than on statistical studies. Nevertheless, I believe few will disagree with the accuracy of the picture that I paint. In any event, I am not attempting to convince those who disagree with this image, but am striving to confront it for those who share my concerns.

The Attempt to Create ‘the Soviet Man’

I will attempt to examine the problem of moral obligations faced by Romania today. Romanian traditional society, as most other traditional societies, presented its members with a rather developed set of moral obligations. While there were obviously other moral traditions present in Romania, the Orthodox Church represents the most important. While Western societies are today faced with their own moral crisis, the former Communist states, and more particularly those which are also predominantly Orthodox, are facing additional hurdles.

The most important reason for this development is the Communist attempt to establish the ‘Soviet Man’ as a new ethical model. The introduction of this ideal was accompanied by the systematic destruction of all prior views. This attempt was doomed to fail from the very beginning, since, like all true revolutions, the Communist model declined to build on the past, but insisted on sweeping it away, in order to make room for an entirely new construction. In this context, the American Revolution was not a revolution at all, since it was quite consciously constructed upon English historical experiences.

It might be useful at this moment to turn away from the Romanian experience and to look at the most extreme of these attempts. Let us take a moment to examine how the attempted introduction of this ideal affected a culture far removed from the Carpathian Mountains. What I have in mind is Cambodia under the Khmer Rouge. The latter seemed to stop at nothing in their efforts to sweep away the past. They marched the population out of the cities to eliminate the corruption of urban life. The fact that many died of exhaustion or starvation on these forced

marches meant little. They killed the intellectuals, the doctors, the teachers, and even taxi drivers, anyone who had contact with the outside world. They killed the Buddhist monks in order to wash away the ancient religious heritage of this country. They killed the adults because children had less of a memory of the past. The chief Khmer Rouge leader, Pol Pot, when interviewed by *Newsweek* during these events, was confronted by these mass murders. His response was that to start over, Cambodia could afford to lose a few million people.⁴ In fact, possibly as many as two million Cambodians eventually lost their lives in this project.

The Khmer Rouge attempted to create a clean slate on which to construct their new society. But, what did they construct? The brutal leaders at the core of the state could not actually control events out in the countryside, since communication with the various camps had been reduced to a minimum. Therefore, the local military commanders functioned something like dukes in a simple feudal society. The teenage thugs with their machine guns played the role of the knights in the beginning of the European feudal period, but were completely untempered by the restraints of chivalry. Everyone else played the role of a peasant. They created a primitive feudal society, but one without any of the humanizing qualities which made feudal life bearable. This is the society that existed in Cambodia at the time the Vietnamese forces invaded and overthrew the Khmer Rouge regime. Instead of creating a clean slate and destroying history, the Khmer Rouge simply took Cambodians back in time to an earlier stage in human history. My point is that the raw material on which to build a society is always the past. I am obviously embracing a Hegelian perspective. I believe that all one can do is go back to some extent, to an earlier stage of development. However, then the wisdom of history has to be relearned. All the Communist states attempted more or less similar projects, the main differences being those of scale. The Cultural Revolution in China and the Stalinist purges were only the most famous examples. Clearly, similar efforts were attempted in Romania, most notably after Ceausescu felt inspired by the Chinese and North Korean models.

Since the Cambodian example was so graphic, it may cause us to miss the subtler ways the moral foundations were undermined in many Communist states. One of the most fundamental concepts in all moral traditions is the obligation to the truth. This cannot be overstated. In a recent book by Francis Fukuyama entitled *Trust: the Social Virtues and the Creation of Prosperity*,⁵ he examines how a large reservoir of public trust was largely responsible for the prosperity of such culturally diverse states as Germany, Japan and the United States. In fact, he argues that radical individualism is undermining public trust in America, which if it is allowed to continue to develop unchecked, will ultimately weaken American society.

More than any other practice, the Communist habit of subverting the truth did incalculable harm to the societies in which it existed. The government's frequent habit of lying, destroyed all trust in governmental institutions. Unfortunately, since the state had been cast in the role of the only community that was permissible, it destroyed to a great extent the trust in the larger community. However, more damaging is the governmental practice of coercing citizens to regularly spy on their friends and family. This destroyed trust in the most intimate of human relationships, way beyond the realm of public trust. When trust breaks down at this level, the human personality itself is radically undercut. A recent *Der Spiegel* article examines how such Stasi⁶ practices compromised such a large section of East German society that its ramifications are difficult to gauge.⁷ While many heroes can be found in these stories, just as many Germans can be found whose moral nature was radically contorted by these pressures. While Germans are struggling with what Stasi files continue to reveal, Romania still has some way to go before it can even begin this process. A law to open the files has only recently been enacted⁸ and the slow pace

of the cumbersome Romanian bureaucracy will undoubtedly hinder its implementation. Yet undoubtedly, the Securitate caused similar damage to Romanian society.

Journey into the Wasteland: Everyone for Himself and God Against All⁹

It seems quite apparent that the Communist attempt to create a new morality on the ashes of the past has left a moral wasteland in its wake. What remained by the time of the collapse of the Communist system was a social order based exclusively on the state's coercive power. Then, after the strong state was destroyed, there was no community available to take its place to maintain social order. As I have already noted, no real community was allowed to exist outside the confines of the state.

So what type of consensus is there in Romania today in regard to moral obligations. The only identifiable moral philosophy that appears to have significant allegiance in the country today is a form of radical individualism. [While former Communists and others are, of course, nursing a resurgent political nationalism, this does not seem to have had significant ethical or moral ramifications other than an increase in intolerance against certain ethnic groups.]¹⁰ The radical individualism of which I speak is one that embraces only negative liberty. In other words, liberty that results from restraints placed on the state. While I am a strong proponent of the concept of negative liberty. I see its primary value as a political and legal concept. I firmly believe that the state should not be significantly involved in the production of values for society. Therefore, individuals should be at liberty to freely think, speak, write and associate, as well as to have basic due process protections if the state threatens their life, liberty or property. Nevertheless, no matter how important such negative liberties are from a legal or political perspective, they do not advise an individual on how to lead his life. They make it possible for him to develop his values and to share them freely in a community with others, but the impulse for these values has to come from elsewhere. A more perverse form of this radical individualist philosophy is promoted on a daily basis by Hollywood movies and television programs, which are readily accessible to the vast majority of Romanians.¹¹ In terms of moral guidance, this philosophy has given Romanians nothing beyond the knowledge that they are free to follow their own inclinations.

What is missing from the moral landscape is any sense of community, duty or any recognition that the meaning of an individual life must be found in something greater than oneself. Everyone feels free to pursue whatever opportunities present themselves to further their own material well being. Though, there is a general feeling of frustration over a lack of such opportunities, few voices, let alone organized efforts, are directed at enhancing the general welfare.

The introduction of this form of radical individualism into an environment devastated by the Communist experience has resulted in an accelerating social disorder. There is a general deterioration of most public or semi-public spaces [such as streets, parks, apartment common areas, and especially vacant lots]. Much of Bucharest and parts of other Romanian cities are drowning in a sea of garbage. While the garbage problem could be addressed to some extent by legal changes [for example the enforcement of the responsibility of property owners to clean up and maintain their properties], this may be only the symptom of a much deeper problem. Some might suggest that what Romania needs is simply the development of an environmental consciousness, similar to what began to take hold to some extent in the West in the 1970s. Nevertheless, I would argue that this is an overly simplistic approach to the problem. To make my point, I would argue that the problem is not confined to the debasement of the physical environment.

We do not need to look too far to confirm my position in this regard. While violent crime is not particularly widespread, corruption is ubiquitous. The latter exists in both the public and private sector. Some public officials feel justified in squeezing money out of those they serve, since their meager earnings are often not a living wage. Some employees of large companies similarly feel justified in supplementing their incomes by soliciting ‘tips’. In the business world there is a general preoccupation with fast profits, which results in products being assembled for a fast sale, but not meant to last. This and other practices result in the purchase of overpriced Western products by those who can afford them, rather than even giving a chance to moderately priced Romanian products. Few Romanian jobs are produced by these consumer practices. Here again we see the radical individualism at work, traces of a public spirit or civic-mindedness, or just plain long-term thinking, seem to be largely missing from the landscape.

There are few real leaders evident in the political world. Liberal politicians jockey for power within their parties, while the liberal parties maneuver for position in relation to each other. On the other side are the nationalist and neo-Communist parties looking for every opportunity to make the liberal government look bad. What is largely missing is the motivation to transcend personal interest in order to serve the public good.

All of this encourages what I choose to call ‘the Great Escape’: students pursue grants with the hope of emigrating, intellectuals seek positions in the West, the best and brightest are often not motivated to reinvest themselves in Romanian society. While the brain-drain phenomenon is widespread among the less developed economies, it takes on a special quality in Romania. Everywhere in the world those who have unique talents tend to seek out the best place to exploit them, which often tends to be in the more developed countries. However, in Romania the sense of immanent departure seems to be on the minds of a significant segment of the population, including those who have little or no reasonable opportunities for emigration. Furthermore, not only are those people interested in leaving who have embraced the ‘everyone for himself’ philosophy, but serious intellectuals who see a value in Romanian culture and tradition seem to have sunk into a general pessimism about Romania’s future and desire only to leave. This general feeling of impermanence only deepens the reluctance to build communities.

Moral Reconstruction

Is there a way out for this land that is increasingly being left behind by those who can and abandoned spiritually by many that cannot? Let us consider some conceivable solutions. Clearly there must be an attempt to reconstruct the Romanian moral heritage, which has to some extent been destroyed by the Communist project. If we return to the decades immediately prior to the Communist takeover, we will find a world where a traditional Orthodox perspective confronted the ideas of the Enlightenment and Romanticism.¹²

If we try to reconstruct a possible meaning of moral obligations from a traditional Orthodox perspective, we immediately come up against a difficulty. As noted by the late Professor Alexandru Dutu, the Enlightenment in Romania did not contain the ethical urge of the Protestant Reformation.¹³ A significant feature of the Orthodox faith is that it emphasizes the mystical over the ethical. This could explain to some extent the greater difficulties faced by post-Communist Orthodox societies when compared to those where the Catholic and Protestant faiths were more significant. More specifically, if one attempts in broad strokes to compare the major subdivisions of Christianity with each other, one can contrast the Orthodox emphasis on the mystical with the Protestant emphasis on the ethical,¹⁴ and note that Catholicism seems to take a more balanced

approach in between the two perspectives. On the positive side one can clearly see how the Orthodox faith could arguably provide a deeper spiritual dimension to religion than either of the other two, but that this focus would tend to remove the power of religion somewhat from the ethical or moral realm. Therefore, in the predominately Catholic states the Church was able to play a stronger role in preserving community during the Communist period than was the case in the predominately Orthodox states. One should at this point also consider, as the previous paper does, whether there is actually a predisposition by Romanians toward a certain form of extreme individualism. Professor Czobor-Lupp argues that Romanians actually entered modernity with a sense of freedom from obligations, with a perspective that excluded "any obligation to the other."¹⁵

Therefore, simply reconstructing the Orthodox moral universe is not enough. The Church, in its traditional role of serving man's spiritual needs, will not regenerate the missing community. Nevertheless, the Church may still be a vehicle to this end. Professor Dutu argued that the Orthodox Church needed to not only re-evaluate its relationship with the state in order to truly promote pluralism, but to also to address the vacuum of ethical prescriptions. He urged the Church "to develop a social and political code that would inspire those who do not harmonize easily the Orthodox tradition with contemporary efficiency nor the intimate life with public activity."¹⁶

Hidden Treasures

Since so much damage was caused during the years of Communist rule, we should not forget to search for what can be gained from this experience. The life histories of those individuals, who struggled to maintain moral standards in the face of unimaginable pressures from the state security services are a tremendous Romanian national treasure, which can not be overestimated. In fact, as Professor Dutu noted, all the former Communist states had these heroes. Therefore, the common effort to pay homage to their sacrifices could create common modern myths, which in turn can serve to unite the disparate nationalities rather than the divisive features of the old national myths.¹⁷ More importantly, all of these individuals chose a meaning larger than themselves to which they were willing to sacrifice their immediate personal interest. This is clearly a model for those who are now being presented only with a hedonistic individualism. There is a spiritual richness to be found here, which could not have developed under the benign liberal-democratic governments of the West.

Unfortunately, many Romanians would prefer to forget this period as a dark past, a past which is even more objectionable than the gray present from which many would like to escape. However, it is by examining how heroes illuminated the darkness that we may find answers for the present. These lost heroes must be sought out, so their spiritual greatness can inspire an attitude of self-sacrifice and sense of identification with the other.

This treasure also transcends the Communist experience. Those in the West who have never lived under a totalitarian or authoritarian regime can re-examine their own lives by considering choices which they were fortunate enough to have never faced. Nevertheless, this is an export that Romania can afford to share without losing any of its value for its own society.

Professor Dutu argued that the core value of the Orthodox tradition was actually enhanced by the barbarous acts perpetrated during the Communist period. He noted:

What some people from Eastern Europe got during this long period of isolation is a surplus of experience that gives a richer content to what we call 'the real': totalitarianism taught us that our

civilization of the body is threatened by the excess of secularization and by the limits it imposed on our feelings and reasoning as a consequence of the use of a concept of 'real' with restricted meaning.¹⁸

This spiritual discovery should be fully exploited, rather than lost in Romania's impetuous rush to find material prosperity. This could be achieved if greater emphasis were made on the dehumanizing aspects of the Communist past, rather than simply on its failures in the field of economics and in regard to civil liberties. It is here where we can truly appreciate the value of the Orthodox emphasis on the mystical.

Starting from the premise that Orthodox civilization is an integral component of Western civilization, Professor Dutu paid homage to the undeniable value that the Orthodox tradition has brought to the latter:

. . . the Orthodox heritage brings into the modern world a concept of 'reality' with deeper and larger meaning than the one proposed by modern philosophy: the Orthodox rationalism of the 17th century, modernity and hesychasm in the 18th and 19th centuries, defense of inner wisdom against the pressure of political power in the era of totalitarianism represent a contribution to European thought and, more than that, to the European way of life.¹⁹

Unfortunately, many Romanians are too overwhelmed by the values that are being thrust upon their society and are, therefore, unable to find the treasures buried beneath them.

Reinventing Morality: Persons Rather Than Simply Individuals

Even if we successfully recreate the morality and community of Romania as it existed before their clash with Communism, we will still be confronted with the same problems encountered by Western countries, which are experiencing the difficulties of adapting a pre-industrial morality to an industrial [or post-industrial] society. It is not possible to simply reconstruct the values that were prevalent in the predominantly rural Romania of the pre-Communist period,²⁰ rather the meaning of moral obligations must be reinvented to be suitable to the much more urbanized Romania of today. Therefore, the traditional Romanian Orthodox community cannot be resurrected in its entirety. It was rooted in a pre-individualistic mindset. While Professor Czobor-Lupp hinted at a Romanian predisposition for an extreme form of individualism, this was not the liberal individualism to which we refer here. Urbanization and industrialization create a tremendous bias in favor of a modern individualism. Mobility of labor is extremely important for labor markets to function efficiently, as Fukuyama notes, ". . . workers cannot remain permanently tied to a particular job, locale, or set of social relationships, but must become free to move about, learn new tasks and technologies, and sell their labor to the highest bidder."²¹ Traditional social groups are continually undermined by this process. They are replaced by bureaucratic forms of organization, where workers are supposed to gain entry based on factors other than family ties or other traditional criteria.²² Therefore, the status of the workers as individuals is reinforced. The atomistic world created by this process is clearly not one that is compatible with traditional Romanian rural communities, and the pre-modern individualism excludes the possibility of a language of obligations.²³ Professor Barbu, in the following paper, seems to go a step further and seems to suggest that real 'communities' may never have existed and are only ". . . rural or urban 'settlements' . . ."²⁴ Such indications would seem to confound our efforts even more.

Yet this is the most difficult juncture of our journey. We may again be able to find an answer in the Orthodox tradition, which could prove to be as helpful for Western societies as the spiritual greatness of the former dissidents. This tradition's focus on the concept of 'person' rather than 'individual' might allow for a reinvention of moral concepts in a manner which could prove to be a moderating force limiting the excesses of modern individualism. While the concept of an 'individual' in the instrumentalist Protestant tradition has been at least partially responsible for undermining the idea of community and related concepts in the West, a refinement of the concept of 'person', as it is embraced by the Orthodox tradition, could be the answer. Western thinkers, such as Charles Taylor,²⁵ have been asserting something similar, when they note that the individual must always find the meaning for his existence in something greater than himself. Nevertheless, in the Orthodox case the concept must be enlarged beyond the focus of the individual person's relationship to God, to include a greater commitment of the individual to the community.

Romania and Beyond: Morality beyond Individualism

What emerges from our discourse is a prescription for Romania, which transcends Romania and may be a formula for the modern world. Nevertheless, this prescription may, at least in part, arise out of Romanian soil and is clearly, at least in part, not alien to Romania.

The Weltanschauung that is derived from Lockean individualism is at its core atomistic. Individuals are human atoms, which are the irreducible building blocks of society. This creates a firm foundation for the inviolability of the individual. These ideas have been enshrined in the constitutions of all liberal democratic states and the international human rights instruments. These are the negative liberties or civil liberties spoken of earlier in this essay. They are essential, preserving a space for free persons in societies dominated by the ubiquitous modern state. Attempts to move away from these concepts have proved disastrous, as the various authoritarian and totalitarian experiments of the 20th century have shown. Yet, those who note the difficulties posed by an empty individualism continue to propose modifications. Clearly, in the not so distant future, such proposals may again be taken seriously in Romania, if the current deterioration continues.²⁶

I believe that in the legal and political realms, the concept of an 'individual' is essential. The basic civil liberties posited by classical liberalism cannot be fundamentally modified without serious negative consequences. The acceptance of the idea that the state cannot violate the autonomy of individual atoms is a necessary abstraction, in order to limit the power of the ubiquitous modern state. Deviations from this abstraction in regard to modifications of the generally accepted set of civil liberties tend to destroy the possibility of the development of the human personality. Yet, this often leads to confusion of categories. People tend to equate this legal/political structure with a generalized morality of individualism. In this morality no one has any obligations beyond those contractually entered. Furthermore, even contractual obligations, which tend to limit one's freedom of action, are generally frowned upon. Beyond these perimeters all choices for each individual life are judged as being of equal value, destroying almost any hierarchy of values.

What I propose is a compromise of sorts. What is necessary is to divorce the 'legal' and 'political' concept of an 'individual' from the 'moral' concept of a 'person'. This 'abstraction' of the existence of human atoms is of practical utility, rather than founded on the metaphysical reality of an absolute separateness. It is important to assume the reality of 'individuals' in the 'legal' and 'political' realms, while adopting the larger concept of 'person' for the 'moral' realm. This morality cannot be imposed by the organs of the state in any fundamental way. As long as its

prescriptions are consistent with the maintenance of civil liberties, there is no problem. However, the main reason for the move to the concept of 'person' is to go beyond individualism in a way that might prove to be problematic in a legal or political setting. If institutions seek to promote such a morality, they can not aspire to become state organs, such as the Romanian Orthodox Church seems to be doing. Free institutions outside of the state must consciously promote such a morality.

What does it mean to adopt a morality based on persons rather than individuals? First of all it must mean that one seeks a source for meaning outside of personal inclinations, etc. a meaning somehow outside oneself. This will generally result in a recognition of the essential unity of the universe,²⁷ a universe which has no truly separate human atoms, where each person is intimately integrated into the whole.²⁸ Another approach is to realize that each individual consciousness creates an entire universe, each universe invariably overlaps with innumerable other universes. Each person has relationships that bind him in a way that makes each of his actions impact more than just on himself. This web of relationships creates obligations in a way that can not be analyzed from the perspective of individual human atoms, which have no fundamental impact on each other.

The implications for such a morality are immense. No longer can an individual simply refuse to interfere with the autonomy of others, in a limited and superficial manner, and feel that he is leading a moral existence. The world of negative liberty can easily inspire a perspective of an emptiness in one's life, an emptiness which begs to be filled. The markets of all developed economies, and many developing economies, have quickly adapted themselves by providing countless distractions to fill this void. However, a morality based on 'persons' has no such emptiness. One will need to consider the impact of all of one's actions upon not only oneself, but upon one's family, friends, acquaintances, community, country and the entire world. Such a moral universe is more likely too full, than too empty. Rather than endless periods of time, which require novel distractions, there is more of a sense of urgency, a sense of a lack of enough time. While there are still no simple answers to life's fundamental questions, it nevertheless invokes a tremendous sense of seriousness.

Most importantly for Romania, a morality based on 'persons' is more suitable for the reconstruction of communities. Suddenly those neglected common areas take on a more personal quality, which generates a demand that they be cared for, even when others do not take care of them. Corrupt practices are more difficult to justify, even in an environment filled with corruption. If one has obligations toward others, then a simple escape is no longer an option. If one belongs to every part of the world, one cannot simply shut off the part which seems less pleasant.

Notes

1 J. Stefan Lupp, Civic Education Project Fellow/Assistant Professor at the Faculty of Political Science at the University of Bucharest 1998-2000, and the University of the West, Timisoara 1997-99.

2 "Reconstructing and Reinventing the Meaning of Moral Obligations in the Romanian Culture," presented at the conference entitled "Changing Attitudes, Mentalities, and Habits in Post-Communist Societies," on March 25 – 26, 1999, sponsored by the Civic Education Project and the University of Bucharest.

3 Lupp, J. Stefan, "Convergenta celor trei Americi – o dilema a lui Clinton si nu numai atat" ["The Convergence of Three Americas – Not just Clinton's Dilemma"], *Revista de Teorie Sociala*, Academia Romana: Institutul de Teorie Sociala, Tomul III, Nr. 1, 1999 [published in the

Romanian language]; first presented on February 25, 1999, at the conference "Romanian American Relations in Politics, Economics and Culture" held at Universitatea "Al.I. Cuza", Iasi, Romania, sponsored by the Civic Education Project.

4 Interview with Pol Pot by *Newsweek*.

5 Francis Fukuyama, *Trust: The Social Virtues & the Creation of Prosperity*, 1995.

6 *Stasi* was an abbreviated term for *Staatssicherheitsdienst*, the East German secret police.

7 "Sehnsucht nach dem Totalitären," *Der Spiegel*, 46, March 15, 1999.

8 Reported by *CNN World News*, December 8, 1999.

9 I believe I can be forgiven for borrowing the title of the Werner Herzog film *Jeder Für Sich und Gott Gegen Alle*.

10 See for example, Petre Berteanu, "Romanian Nationalism and Political Communication: The Greater Romania Party [Partidul România Mare] a case-study" in this Volume.

11 See also, Monica Ibram, "Romania in the Television Era or the Prison of the Fading Reality," in this Volume.

12 Alexandru Dutu, *Political Models and National Identities in "Orthodox Europe"*, Editura Babel, Bucharest, 1998.

13 Ibid.

14 One can, of course, challenge the view that Protestants are overly concerned with the ethical side of religion by noting their emphasis on the importance of faith, and how some denominations have reduced the ethical to faith in Jesus Christ, thereby reducing the ethical to the mystical. Nevertheless, this is an overly technical complaint, since overall, Protestants clearly seem to emphasize the ethical, sometimes to the exclusion of the mystical.

15 Mihaela Czobor-Lupp, "Romanian Paths to Modernity – Culture and Moral Identity," in this Volume.

16 Dutu, supra note 11, p. 172.

17 Ibid, p. 189.

18 Ibid, p. 160.

19 Ibid, p. 172.

20 Again, see Czobor-Lupp, supra note 14; for a detailed perspective on community structures in pre-industrial rural Romania, see Laurentiu Vlad, "Rural Communities in Romania at the End of the 19th Century," in this volume.

21 Francis Fukuyama, *The End of History and the Last Man*, The Free Press, New York, 1992, pp. 77-78.

22 Ibid.

23 Czobor-Lupp, supra note 14.

24 Daniel Barbu, "The Ethics of Unanimity and the Still-Born Citizen," in this volume.

25 Charles Taylor, *The Ethics of Authenticity*, Harvard University Press, Cambridge, MA 1991.

26 For an analysis of the historical background of this issue, see Constantin Davidescu, "Totalitarian Discourse as Rejection of Modernity: The Iron Guard, as case-study" in this volume; for a view of the contemporary potential danger see Berteanu, supra note 9.

27 For a good discussion of the essential unity of the universe – including 'consciousness' – by two physicists, see Menas Kafatos & Robert Nadeau, *The Conscious Universe: Part and Whole in Modern Physical Theory*, Springer-Verlag, New York, 1990.

28 See Errol E. Harris, *Formal, Transcendental, & Dialectical Thinking: Logic & Reality*, State University of New York Press, Albany, NY, 1987.

Chapter III
The Ethics of Unanimity and the Still-Born Citizen:
An Essay on the Romanian Transition

*Daniel Barbu*¹

The political posterity of Romanian Communism seems to be characterized by an almost general presentation of the recent past under the species of totalitarianism. Paradoxically, intellectual unanimity was not followed [as was the case with German and Italian societies after World War II] by the formulation – in the first place in ethical terms, not necessarily in political or juridical terms – of a ‘question of guilt’ [*Die Schuldfrage*]. For this reason, the manner in which the social and individual experience of the 50 years of Communism is reflected, transformed and capitalized seems to constitute the main ethical problem of Romanian society in the 90s.

From a somehow elementary economic perspective, totalitarianism can be described as the political monopoly of a single party. It is supposed that the entire process of production, circulation and distribution of symbolic goods in the social sphere is strictly controlled and centralized by the Communist Party. According to the Marxist model of monopoly, this domination of a single party was meant to yield a maximum and exclusive political profit for the Communist hierarchy. To accomplish this the single party had to prevent the populace from abandoning their program, as well as from engaging in protests.

The Post-Communist Anti-Communism

Such a description of totalitarianism as an aggressive and exploiting political monopoly has a homiletic value. It introduces as a consequence the theme of helplessness in resisting oppression, and it is meant to erase the essential difference between submission and support. We have here a sort of upside-down morality that has a strictly justifying role. The excessive moralization to which totalitarianism has been subjected after its downfall is meant to obliterate the total lack of any ethical dimension in the social behavior under totalitarianism.

Accordingly, the anti-Communists of the latest hour are probably not wrong when they consider that the description of the Communist past is best suited to a tragic tone. At the same time, the only legitimate feeling that totalitarianism can undoubtedly bring about is revulsion. Therefore the normal attitude to Communist totalitarianism would range from gravity to disgust. The systematic and critical curiosity regarding the actors of totalitarianism or the interest in Communism as a social phenomenon, constitutes a suspicious exception to that rule of post-Communist normality.

Paradoxically, the same recent anti-Communists consider that just ten years ago it was normal to repress revulsion, to be loquaciously compliant to the regime, to desire to survive under any circumstances and to refuse to protest against Communism. Under totalitarianism opposition and dissidence were said to be rare exceptions from a sad rule of Communist normality.

Such a discontinuity in the state of normality can be explained or even argued for in political terms. Nevertheless, it becomes unintelligible when looked at from an ethical perspective. From a political point of view the main problem which can be legitimately posed is that of the accountability of persons or social categories for whatever they did out of political motivation or

economic calculation. From a moral perspective, the main issue is that of responsibility for all acts and, most of all, omissions.

‘To be held accountable’ is a transitive verbal phrase, ‘to be responsible’ is a reflexive one. You are accountable to others for the way you accomplished a mission, but you feel responsible for the things that give meaning to your life. Therefore, the government is subject to accountability in parliament for a certain law. However, the same government ought to feel responsible to what gives meaning to its policy – the common good, and to its source of legitimacy, the will of the governed.

In other words accountability supposes the existence of a sanction applied publicly while responsibility implies expiation in the private sphere. In the first case, there is an instance of political or political-judicial nature that decides and applies the sanction. A public or private person can be summoned to answer, according to the law or democratic procedures, for the promises he made but did not keep, for the wrong opinions he expressed, for the inopportune measures he took or against which he hesitated to stand.

In the second case the sole authority called upon is the individual conscience, because the passage from Communism to post-Communism does not only imply a change of dominant opinions but a dramatic change in life. In 1989 the Romanians did more than simply change their mind, they assumed – together, but also each one for himself – the responsibility to engage in a new historical experience that presupposes a profound transformation of the social environment, structures and practices.

If the dramatic shift in the state of Romanian normality had adopted an expiatory form, then the change of referential systems to values and of social behavior should have taken place according to a typically moral procedure – the conversion. The conversion always includes the past, in the first place the individual past, as reason and justification, because only the guilty are in need of conversion. Nevertheless, the technique adopted nowadays by post-Communist anti-Communists is that of the exclusion of the past, and precisely their personal past, from the analysis of Communism.

This technique expresses in fact the impossibility to formulate the question of guilt. The history of totalitarianism is not examined but denounced, it is not inquired into, but condemned. The prying and tormenting question, ‘Why did Romanian Communism last?’ is replaced by the gratuitous and purely rhetorical exclamation ‘How could something like that happen in Romania?’ In other words, one should not be concerned with the causes of the totalitarian phenomenon, but with its dramatic effects at the level of violent or diabolic repression. Thus, the victims are pitied but are not given justice. They appear as victims of a hostile history [history has never been too kind to Romanians, has it?] and not as subjects of a social and political process that involves an ensemble of methods and a certain number of actors.

As a literary genre, post-Communist anti-Communism borrows the features of the lament and not those of the ballad. It mourns, but does not narrate. Usually, the dead person is mourned by professionals who are not emotionally involved in the rite of passage. Those who can be called to account are those who did not show enough zeal in lamenting the sincerity of their feelings being indifferent. The narration requires a witness, calls for your admission that you were there, for your taking your share of responsibility; it asks you to begin the story by telling how you became personally involved in the events.

The national denial of any personal guilt, symptomatic for Romanians after 1989, must be the result of the understanding of the guilt under the class of punishments. The general fear under totalitarianism is a recurrent theme of the writings about the past. The fear to be called to account,

which most Romanians were overwhelmed with, for a too short period immediately after the downfall of the Communist regime, was soon forgotten. Nobody appears to consider himself responsible, nobody seems willing to approach his guilt from the perspective of expiation. Those who were spared any political or juridical sanction – and almost everybody deserving sanction got away with it – consider themselves innocent today. Those who only made a single mistake, choosing to live outside the control of their own conscience or giving up living their own way by accepting a ready-made lifestyle, consider themselves equally innocent. The main shortcoming of post-Communist anti-Communism would accordingly be the unwillingness to explore the individual conscience.

Paper Power

In order to be successful, the transition from Communism to an open society must rely on the solidarity of the social actors involved in the process. This solidarity needs an ethical horizon, which – according to political modernity – can only be properly provided by the juridical fiction of the state.

The state does not only control a territory and exert the monopoly of legitimate violence over a community, but it exists when conceived under normative categories. To make a long story short, a state can only resort to violence if its legitimacy is beyond question. Also, in order to be unanimously accepted, its legitimacy must satisfy the ethical criteria according to which a given society is willing to organize public life.

An author from Transylvania² noted that the administrative monarchy of the 18th century, the modern bureaucratic state, the state governed according to rational principles and aiming at the utility and efficiency of the administrative measures, had a ‘paper power’. In other words, the modern state does not have a concrete existence, it is but a fiction that, in order to function, resorts to texts, symbols, and signs: constitutions, laws, decrees, rulings, norms, regulations, notifications, instructions, citations, checks, bills and banknotes.

The modern state is history’s biggest producer of written paper. Its authority does not lie beyond figures and letters, and it is in direct proportion to the reaction that the reading of those letters and figures provokes in citizens. They react after reading a sign which forbids a certain action, or they perform a certain action after receiving a notification ordering them to do this, or are sure they got what they desired when they hold a paper labeled ‘certificate’, only if they realize that those pieces of paper appear to be in the form produced by the authority which produces and distributes them legitimately.

This power is as weak as any paper construction. It cannot stand or exert its functions unless the emitters, transmitters, executors of administrative papers give the same meaning to the written words and accept the fact that legitimate power relations can be based exclusively on texts. A paper state can only exist in a civilization based on writing, one in which the written convention replaces the direct agreement between persons.

Otherwise, a convention can only be established between partners who on the one hand agree to accept the very procedural existence of the convention and, on the other hand, decide that they have reached a certain common goal together. The convention is, at the same time, an ‘agreement’ and a ‘project’. The convention does not compel unless it promises, and can promise only as long as it compels.

In a modern bureaucratic state – in a paper state – people take seriously the official papers only if they feel, however indirectly, that they are a part of the power as citizens and that they can

decipher the objectives of the power from an ethical perspective. Otherwise, the paper production of the bureaucratic state becomes meaningless.

The Romanian civilization did not manifest itself as a civilization based on writing until recently. In 1945 fifty percent of the populace was to various degrees illiterate. For that category of Romanians the state had only the concrete form of the tax collector. In 1998 a new era of illiteracy seems to have been inaugurated. Almost half of the generation that finished compulsory secondary school could not or would not continue its studies. For that generation, and the subsequent ones, the state will be embodied only by the police agent or the tax collector.

The vast majority of yesterday's Romanians, and probably a considerable part of tomorrow's, have known or will know only the repressive side of the paper state. For them the state is embodied by persons who can be directly dealt with. The bases for corruption are thus solidly laid. After two and a half centuries the efforts of the phanariote princes to make the relationship between Romanians and the authorities work only through writing, with the exclusion of direct contact,³ have proven useless. Since then, the petition which is not followed by the persuasive presence of the petitioner has little chance of success.

In Romania it is people who have the authority. The state institutions, from the government to the village office are no more than the background in which the authority of these persons is exerted. That means that authority is not a natural consequence of being a civil servant, but the result of one's character and temperament, of one's political and economical resources. The paper state is not a source of authority for Romanians. Authority is related to the ability to weave a web of relations, to serve or protect interests, to obtain and distribute advantages, or to the legal possibility to resort to violence.

The function does not automatically grant authority, it is the man that gives meaning to the function. That is why every minister, sometimes even from within the same political coalition, feels the need to reinvent his ministry, to change its functions, to renew its personnel, to cancel all the actions of his predecessor. This is the reason the theme of the 'burdening legacy' is systematically invoked during the transition: the Petre Roman government had to undo all the Communists' actions, the Vacaroiu government reconstructed all that the Roman government destroyed, the Ciorbea government contested all the action carried out by the Vacaroiu government, and the Vasile government has to complete all of the Ciorbea government's unachieved measures.

'Perpetuity', one of the oldest and most stable feature of the modern state, is undermined by every investiture of a new government or a new minister. This practice of successive personalization of authority prevents the transformation of the Romanian state into a paper state. Such a practice is responsible for the functioning of a less solid state structure than the impersonal paper state.

Under the circumstances nothing can be stranger than the naïve insistence of the neo-liberal discourse which calls for a reduction of the state functions. The Romanian transition state is already a 'minimal state'. Its efficiency is nil, its authority is almost absent. On one hand, this is because the authority of the transition state is exerted only over those who have the knowledge and the will to accept and respect the convention tacitly presupposed by the written papers. On the other hand, this authority has consciously left out the rural third of the nation that was exempted from the land tax. One out of three Romanians is nominally granted social, medical and educational assistance without having to contribute directly to public spending. Thus the transition state gave up what should have been its main objective: 'the organization of solidarity'. Contrary to the paper state, the Romanian state is a state without citizens and without aims.

Which National Interest?

The transition seems to be totally lacking the ambition to achieve the elementary social bond that can be described in terms of solidarity. After 150 years of modernity, the country's localities are not rural or urban 'communities', rather they are just rural or urban 'settlements'. They are simply geographical and demographic areas, they are not public spaces constituted on the basis of solidarity and on the principle of the common good. The single bond shared by almost all the inhabitants of these localities is ethnicity. Only from this perspective may one say that they constitute a nation. All the other constitutive attributes of the modern nation are missing. There are no signs that the political nation is about to emerge in Romania.

In a society where the single cohesive element is of an ethnic and linguistic nature, and which refuses obstinately to adopt other political mechanisms, it is only natural for the national interest to be defined and promoted in the shape of ethnic interest. The fundamental political priority is the conservation and consolidation of the only possible social bond – ethnicity. The community 'membership', as a primary social good that we distribute to one another,⁴ is understood by Romanians from a strictly ethnic perspective. The fact that the state itself is defined by the constitution as a 'national' state implies that, despite the juridical guarantees, Romanian citizens of other nationalities are ultimately deprived of a state, becoming in effect 'stateless persons'.⁵

However, the very notion of 'national interest' becomes recurrent in the Romanian political discourse only when the ethnic nation is or seems to be in danger. The frequency of this expression, rarely employed in the inter-war period, is very high in the speeches and texts of Marshal Antonescu. The national interest is also excessively invoked in the 90s when discussing the issue of the Hungarian University or the Kosovo crisis.

Being linked to one another only by language and blood, Romanians are very sensitive to any difference or any potential danger to the solidarity of these organic matters. Strange as it may seem, Romanians are typically unable to perform the slightest gesture of human solidarity, but are always willing to demonstrate their national solidarity on any occasion.

The paradox is only apparent because national solidarity and national consciousness are ready-made social goods that do not imply choice or personal effort. Human solidarity is a value that has to be constructed by everybody for his part. Human solidarity requires you to invest time to help the others, to choose between your own interest and the general interest. It presupposes reflection, responsibility, action, gratuity, commitment and even sacrifice. National solidarity requires only vocal energy and the obstinate refusal to put yourself in the other's place.

The interests of a modern nation are organized around the main knots of human solidarity. Fundamentally, the national interest is both an ethical problem and an internal policy issue. It was thus defined by its first theoreticians, the Founding Fathers of the American Republic. The national interest has as its objective the very making of the nation, the transformation of a populace into a community animated by fundamental values expressed by human rights and public liberties.

In the Western political tradition the state is the main instrument of social integration. This process of homogenization of European societies through their state organization had, in the longrun, four stages: the national state, the rule of law, the democratic state and the welfare state.⁶ Once consolidated on the eve of the modern period, the nations of Western Europe assured for their members the guarantee of civil rights and liberties; by the gradual extension of the right to vote those public liberties were transformed into democratic political rights; only after these stages were completed did civil and political rights gave birth to a regime of social solidarity, based on the exigencies of distributive justice.

In Eastern Europe, totalitarianism expressed itself through a state that completed quite imperfectly the first three stages of its political organization. Formed only in 1918, subjected to further reductions and reformulation, the political nation was taken over by the Communists in a poor state. The rule of law had not only a short but also a pejorative history: 'to apply the constitution' was in the Romanian political culture another way of describing the illegitimate violence of the civil servants. In what concerns representative democracy, it is enough to recall that women were given voting rights only in 1945.⁷

Totalitarianism has set as its only objective the realization of a particular kind of welfare state, and only in the last two decades aimed at national objectives. The rule of law and the democratic state remained unachieved. Persons, goods, political rights of the citizens, all lost almost entirely the few real guarantees obtained before the Communist takeover.

For all these reasons the task of the transition state is a formidable one. On one hand it must reassert itself as a state of an integrated political nation and become, at the same time, a state where law, rather than man, rules and also a democratic state. On the other hand, the transition state cannot be a welfare state, if being true to the principles of the market economy, it aims at the reduction of the social security systems of socialism.

Facing the conflicting tasks of the transition state, the civil society expresses simultaneously two contradictory attitudes. Firstly, there is a generic consent to the rule of law, democracy and economic reform. The vast majority of Romanians theoretically agree that nobody should be above the law, that life and property should be protected, that citizens should be able to express their opinions in free elections, that the economy should be decentralized, restructured, freed and privatized. However, this general agreement turns into disagreement whenever Romanians are not merely asked to answer the questions of an opinion poll, but are required to act accordingly.

Who Are the Social Actors?

The social movements of the 90s, especially the events of January 1999 constitute an ethical reaction to the contradiction contained in the historical experience of the downfall of Communism: society is not the author of the transition, it is its subject. The Romanians do not make the transition, they simply endure it. The fall of totalitarianism was not a social fact, a means of defining the fundamental social bond, but a political event, a dramatic change in which the Romanians were only spectators. The only lesson that society learned in December 1989 could be summed up this way: the state is not indestructible; on the contrary it shows obvious signs of weakness and does not possess the means to impose its will.

From January 1990 to January 1999, the public authorities and the legal system did not react to the social mutinies of the working class, and especially the miners. This inferiority complex was dictated by the political and moral force the miners supposedly possessed. Indeed, every single post-Communist government treated the miners as a totally distinct human category. As if a certain kind of work would produce a social group with sensational qualities and as a consequence, such a group could not be subjected to the law.

One can say that this trade category was systematically granted a certain degree of 'sovereignty' in the 90s, when it was accepted that this exceptional trade deserved the right to be exempt from the juridical norms to which ordinary citizens are subject. All of the governments tolerated in fact a 'juridical secession' of the Jiu Valley. In that region of the country, the citizens, at least part of them, are not required to respect the constitutional norms applied elsewhere in the country.

We are dealing, in fact, with a systematic denial of the unitary and indivisible character of the Romanian state asserted in the first article of the 1991 Constitution. How else can we interpret the acceptance of the fact that a localized work ethic can generate a special public morality, which cannot be subjected to the general political-juridical principles? These very principles give consistency and solidity to the unity of a state. A state has a unitary character not because it excludes, for instance, the use of another language in a certain area, but because it enforces law uniformly and in an indiscriminate manner on the entire national territory.

A state which aims simultaneously at the construction of the civil and juridical security of its citizens and to deconstruct the social security of the same citizens can only be a weak state. The society as a whole, despite the generic opinions from the polls, cannot be condemned when it considers the exchange of values proposed by the transition state as unfavorable: the exchange of some concrete social goods [a stable job, free education and medical assistance] for future symbolic goods [the rule of law, representative democracy and a market economy]. Popular upheavals and riots never call for less state, but only for a more efficient state.⁸

The Still-Born Citizen

The statement that the fundamental institutions of the state must be respected, defended, and consolidated is unanimously accepted as valid. It is only curious that from the list of the institutions, which are to be exalted and supported, one of the most important institutions is missing. Not the Parliament, the Presidency, nor the Government, much less the judicial power, can be conceived in the absence of the institution that precedes them and grants them legitimacy – the citizen.

In modern societies, the last is not a natural and spontaneous entity, but the result of an accumulation of political and juridical practices and guarantees. Any positive rights of a political nature cannot be gained unless the negative liberties are already established. The domain of authority of the state institution is beyond the limits of the sphere of public liberties and civil rights. In other words, nobody else except for the citizen has the right to decide through whom, what, how and how much the state should do, and that only after he has ensured that the state cannot intervene in the territory of natural and subjective rights.

In post-revolutionary modern societies sovereignty belongs to the citizens. The public institutions have only the very limited function to regulate the practice of sovereignty. To make a long story short, the citizen has a constitutive preeminence over the state. As a consequence, if the sphere of public liberties is large and solid the institutions will be soundly constituted. In the alternative, in those political regimes where citizenship is weak, because it is produced through positive liberty, the institutions are condemned to remain very fragile.

However, in post-Communist Romania, the subject of the 1991 constitutional agreement is the state, not the citizen. The latter appears in the fundamental texts in the shape of a simple extension of state functions. In the Constitution, Romania is not defined as a community of citizens, but as a state nourished by an ethnic and organic matter – the Romanian people.

The constitutive defect of the Romanian state can be described as follows: the institutional architecture is one of a representative type, but the institution, which should be represented by this architecture, is missing. Therefore, the democratic representation has no object. The Romanian society functions according to pre-modern rules as a corporate society. The miners, the students, the bankers, the journalists, the physicians, the Greek-Catholics or the Hungarians act as corporate entities with specific interests and means of action.

It seems that in post-Communist Romania it is by far better to be a miner or a member of another strong corporate entity [bankers, importers, parliamentarians, teamsters, etc.] than to be just a citizen. In a democratic state the citizen is responsible – in face of justice, politically and morally – for his own actions and for the actions of the institutions which he constitutes. Despite its constitutional aspirations to democracy and the rule of law, Romania remains a medieval state. According to the medieval juridical perspective it is constructed according to the model of the corporations which are its constituents.⁹

As a consequence, the post-Communist Romanian policy has an extremely ambiguous relationship with representative democracy and the modern practices of sovereignty. In the first place, that ambiguity is of a rhetorical nature. The term ‘society’ is missing from the Romanian political discourse except for the seductive expression ‘civil society’. For most Romanians the term ‘civil society’ does not refer to the citizens participating in the public life, but to the ‘professionals’ who chair civic organizations.

In the common discourse of the politicians the word ‘society’ is replaced by ‘population’ or ‘people’. In the first case, the politician represents society as a purely demographic reality, in the second case, as an ideal and idealized entity. The very word ‘citizen’ appears in political discourse only in electoral circumstances, and then mostly in formulas which can be summed up in the phrase: ‘all citizens have the civic duty to vote’. However, to vote is an obligation only from the perspective of a juridical doctrine, which conceives the citizen as a part-time civil servant of a symbolic nation.¹⁰ Also, the right to vote can also be understood as a subjective natural right, which precedes any positive and normative formulation of any political obligations. From that perspective, the true civic gesture is that of the citizen signing up on the electoral list, expressing the will to participate in the political life, but even the absence from the elections can be interpreted from the same perspective as an essentially political behavior, even though not entirely rational.¹¹

The Romanian electoral law substitutes the subjective expression of political will with an administrative act, the automatic completion of the electoral lists. In other words, the government summons the voters, by means of the bureaucracy, at intervals established by the Parliament, that portion of the citizen population it considers entitled to exert its right to vote. Thus, the state produces the mass of citizens that will grant legitimacy without specifying the measure in which its actions are responsible to the public vote. Under normal circumstances a law of ministerial responsibility and one regarding the public function should have preceded the electoral law. Every four years the citizens fulfill their contractual obligation by their presence for the vote, while the state does not assume any corresponding responsibility toward the citizens.

The Romanian transition functions as a ‘transitive decisional system’ which constitutes the main source for a potentially discretionary power.¹² In other words, the exercise of power [*gubernaculu*] is not counterbalanced by the ethical and political control exerted by citizens over the power [*jurisdiction*]. The civil jurisdiction over the government is not stipulated in the Constitution and is not manifest at the level of social practice. Thus, ‘policy’, however democratic its form of public expression, is just a substitute for political action, the intransitive knowledge of living together.

The Unfair State

Understood as a social practice the transition is blocked by a fundamental contradiction: on one hand the state must establish the rule of law, creating a neutral, impartial state, in which no citizen or group of citizens is privileged, and on the other hand the transition state has the mission

to incite the emergence and consolidation of the market economy, to boost capitalism. An indispensable element of that mission is privatization. If we put aside the huge gain in economic rationality which privatization promises, this process implies a huge political and juridical difficulty. The state transfers public goods, which belong to 'all the citizens', to 'certain citizens'. By privatization the state gives 'immediate', 'explicit' and 'direct' advantages to a small number of citizens, while the remainder of the citizens are promised 'future', 'implicit', and 'indirect' benefits. While this transfer of property will probably prove itself profitable from an economical perspective, privatization manifests itself as a political injustice. This moral contradiction was resolved in some countries, such as Germany or Italy, by the creation of foundations promoting the common good [as the *Volkswagen Stiftung* does] with the money resulting from the sale of state-owned shares. The capital obtained from privatization was given to major foundations. The state, which privatizes massively, systematically and completely without distributing the benefits to all its citizens, on the basis of equal opportunities, is an unfair state.

As a consequence, the transition state is viewed by most of the citizens – and we had evidence for that in January 1999 – as an exterior, hostile entity. The deficiency in terms of justice, which is inherent in the transition state and in the capitalist state, should be compensated by a more concrete and active presence of the rule of law at the level of society, and by an austere behavior of the political class. Only by maximizing equity in political and administrative action can the citizens be convinced that privatization does not merely mean the transfer of public capital to the possession of some investors, but that it is one of the premises of economic development and of a more just redistribution of prosperity. Otherwise, Romania could be trapped in a perpetual transition as it is the case in India or Brazil, with islands of economic or intellectual performance scattered in an ocean of social sorrow.

The essential question the actors of the Romanian transition never thought of answering is this: Are the values expressed by the state through the law capable of generating a social reality and thereby creating a national community or, on the contrary, must we begin with a social reality, experienced by a concrete society, in order to produce a common culture based on affection for the same values?

To invent a state based on the rule of law, following the most democratic principles, which can be imagined, is not a procedure, which automatically leads to the maturing of civil society. The state cannot be a creator of values. It would be necessary for a society to integrally consume its historical experience in order to be able to reach a political consensus regarding the rights that should be given to the state. Otherwise, society will not be convinced that it is based on justice. Therefore, the state will never manage to persuade such a society.

What really builds a political society is not the denial of the past, but the need for equity. This need leads to the emergence of the public domain by the creation of a *res publica*, an autonomous sphere of reality which is more than a simple, symbolic representation of the general will or the fulfillment of a collective history, on the condition that it is invested with concrete rights, before which the fundamental need for justice risks taking the shape of a claim. This is due to the fact that the 'republic' tends to confound itself with bureaucracy, the hierarchy of authority and public administration.

The political inheritance of totalitarianism which is most difficult to deal with is the precariousness of the social space, arranged for the benefit of civil justice, of commutative justice, capable of managing the relations between individuals on a contractual basis.

It is obvious that Romanian Communism had nothing in common with the expectations of *homo oeconomicus*, the man from Western Europe accustomed to laminate the hierarchies and

who refuses to recognize that authority to which he has not freely adhered. Daily life in the post-Communist period is still largely arranged by a compass, which is not the result of individual choices. A 50 percent rural society, such as the Romanian society at the end of the 20th century, inherits its consensus and cannot afford the luxury of inventing alternative options to the economic finalities imposed by the climate, soil and the ambiguous state of property.

Law, Justice, and Equity

In Romania, despite the occasional dissatisfaction with the manner in which the political class assumes the ministerial, parliamentary or moral responsibility for its own actions and choices, nobody can really be excluded in the medium and long run from the exercise of power and from its subsequent benefits, however notorious and major his guilt. The exclusions are always occasional and of short duration, often asserted, rarely enforced. Nevertheless, the inclusions are systematic and continuous. Even the totalitarian regime after a first period when it seemed decided on inaugurating the method of discontinuity in the process of fabrication by the public elite, reached a point where it partially changed the strategy and granted segments of institutional authority, or even allowed the accumulation of symbolic capital for some persons that already had had public status before 1945. Even the violent and rapid downfall of the Communist system only took the shape of a redistribution of personnel in the state and economic structures. Surveys show that 63 percent of Romanians who have an important function in the 90s had already occupied a similar position before 1989.¹³

How can we explain the ‘disregard’ for the incompetence, corruption, errors or even the crimes committed by a member of the ruling elite? Of course, in the Christian tradition to forgive the sins of our fellowmen is a virtue because, on the one hand, ‘we all make mistakes’ and on the other hand, almost all guilt can be erased. What happens when the absolution of sins takes the shape of an indifference to the laws that become the very organizer of social relations and the technology of regenerating the political elite? Is it appropriate for the citizen to forgive the abuses he falls victim to or he witnesses? Under these circumstances, isn’t forgiveness rather a civic vice? Is the venal civil servant or the corrupt politician our ‘brother’, deserving thus the spontaneous absolution of every transgression? Does forgiveness rank among the civic virtues; is it one of the qualities of the virtuous citizen?

The answer to all these questions depends on the way we define the citizen and the type of society which suits him. In a broad sense we are dealing with citizens as long as the social environment in which they evolve can be described as a society founded on the respect for some impersonal, abstract norms, on the rationalization of personal relations. In a limited, more rigorous sense the citizen can only be identified as the constituent of a professional bourgeois society [*berufsbürgerliche Gesellschaft*],¹⁴ as a conscious and responsible political subject in a system of positive rights, based on the representation of individuals at the level of collective decisions and separation of powers.

That type of society functions through exclusion and punishment. The Athenian democracy paid for the fidelity to its own laws by the exclusion of slaves, women and strangers from civic dignity and remained faithful to its founding principles, condemning Socrates. The modern state adopted the rule of law through successive exclusions. Firstly, there occurred the great imprisonment in asylums of insane persons and other marginal individuals studied by Michel Foucault,¹⁵ through the medical definition of the political subject as a human being characterized exclusively by rationality. This was followed by the denial of public liberties to persons and

minorities who refused to accept the social contract [*pas de liberté pour les ennemies de liberté*]. In the 19th and 20th centuries interdiction and punishment affected Catholics in Protestant states, Indians in the United States, women and the poor in electoral systems based on census, anarchists, spies, boat people and other *Gastarbeiter*; finally, the institutional separation of the realm of law from the realm of illegality and the creation of a geography of reclusion, of a system of punishment for wrongdoers.

The citizen who, through the technique of representation, entrusts a public authority with the power to adopt and enforce the law cannot delegate his predisposition to forgive the other, whether he is a proven criminal or a corrupt civil servant. For the citizen, forgiveness should remain a private virtue, functional only when the law has nothing to say.

Such a statement is valid only in those societies in which the law covers integrally the domain of equity. The relationship between equity and law in Romanian society can be illustrated through some old sayings, which are still in use: ‘to do justice to yourself’ means to resolve a situation without taking into account the legal norms or even by breaking the law; while on the other hand, ‘to give somebody his due’ or for him ‘to take what’s rightfully his’ means in juridical terms ‘to bribe’ or ‘to take a bribe’.

The social economy of the gift cannot easily be dislocated in a society not yet professional and bourgeois. The power relations continue to function as barter relations, according to the notion of ‘justice’ defined as a concept outside or against the law. The practitioner of a liberal trade is not a fully legitimate social actor, has not yet found a place in the balance of power. To count on the fact that the civil servant, lawyer, doctor or teacher will spontaneously and naturally do their jobs out of an abstract ethic, unanimously recognized as a social good, is considered to be an imprudent gesture. On the contrary, it is advisable to gain their benevolent and special attention by giving them a gift. In fact, the civil servant, lawyer, doctor or teacher are not considered professional citizens whose competence is needed by other citizens and professionals, but who are the possessors of power [to resolve a request, win a case in a court of law, heal or educate] before whom the solicitor, patient or student act as subjects, not as tax-paying citizens. Although the law is on the citizen’s side justice is in the possession of the strong. This social fact must be symbolically recognized by the giving of the gift. The gift assures a more just balance between the two parts. By giving him something, the ordinary citizen gains a material right over the administrator of the formal right. By accepting the gift, the latter is obliged to give something in return, which operates as a transfer of power. The gift is a social technique that compels the one who holds the power to share it, to give up a portion of it, in the form of services. In this manner, justice is reestablished. In concrete social situations, the breaking or eluding of positive law are considered manifestations of equity.

The disregard for what could be considered an offense under the law constitutes, probably, the only way in which a society of ‘subjects’ – in other words a society which reaches political consciousness, not by representation in governmental practice, but by being the object of the governmental practice – can share the power, or control and influence the exercise of power, even at a micro-social level, the only accessible public horizon for the subject, who is indifferent to the ethical obsessions of the citizen. The citizen is supposed to ask, ‘What can I do to improve the government?’ while the subject could only ask, ‘What can the government provide for me and at what price?’

Relying on impersonal norms and on texts, law functions through interdiction, limitation and punishment. Justice based on the gift, on the disregard of the guilt of the powerful, and on direct contact between persons is a method of producing and distributing power. The law operates

through social exclusion and separation of the resorts to power, while justice functions through the inclusion of all the social actors in the hierarchically ordered exercise of power, it is a method employed by the powerless to share power with the powerful. Law, which was born from the domination of individual reason over traditions, standardizes and normalizes social behaviors. In a still traditional society, with irrational solutions of equilibrium, justice singles out individuals. Justice is predisposed to regenerate what is stigmatized by law.

Translated by Alexandru Doulete

Notes

1 Daniel Barbu, Professor, Faculty of Political Science at the University of Bucharest, Dean 1996-2000; Chair, Department of Political Science and a Counselor to the President of Romania 1996-99.

2 Quoted by Mathias Bernath, *Habsburgii si începuturile formării națiunii române*, M. Wolf, Cluj, 1994, p.69.

3 Daniel Barbu, "Principele – legea personificata", *Sfera Politicii*, nr.24, January 1995, p. 8.

4 Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality*, New York, 1983, pp. 31-32.

5 *Ibid.*

6 This model of the evolution the forms of the state belongs to Claus Offe, *Modernity and the State, East, West*, Cambridge, Mass., 1986, pp. 230-232.

7 Matei Dogan, *Analiza statistică a democrației parlamentare în România*, Bucharest, 1946.

8 Michael Walzer, supra note 3, p.74

9 Contrary to the jurists of the Roman antiquity that considered the corporation – *universitas* – to be a juridical construction *ad exemplum republicae*, for medieval lawyers *universitas* was the model of the state, the unity of the political body being constructed on a definition that had the corporation as its starting point. Brian Tierney, *Religion, Law and the Growth of Constitutional Thought 1150-1600*, Cambridge, 1982, pp. 23-26.

10 It is, of course, true that an 'obligation to vote', if it is imposed by society through social pressure, as is the case with the so-called moralistic states of the United States [the extreme northern tier of states], would involve a different analysis. However, for purposes of the present paper we are addressing an obligation which seems to be more or less an imposition by the state, not society.

11 Anthony Downs, *An Economic Theory of Democracy*, New York, 1957, pp. 260-278.

12 Giovanni Sartori, *Elementi di teoria politica*, 1995, p. 31.

13 A.V., *Fetele schimbării. Românii si provocările tranziției*, Bucharest, 1999, p. 252.

14 Formula employed by Norbert Elias, *La civilisation des moeurs*, Paris, 1973, p. 266.

15 See Michel Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason*, Vintage Books, New York, 1988; see also Michel Foucault, *Discipline & Punish: The Birth of the Prison*, Vintage Books, New York, 1995.

Chapter IV

The Temptation of the West: The Romanian Constitutional Tradition

*Ioan Stanomir*¹

The European cleavage between "the old regime and modernity," defined by the pre-eminence of constitution and separation of powers, is also present in the Romanian space. The chronological limit between these two types of political organization cannot be clearly determined, due to the difference in the political and intellectual context. What can be precisely stated is the fact that this transition to modernity, finding its origins in the beginning of the 19th century, has 1866 as its landmark, the year when the first true Constitution was adopted.

The constitutional transition was accompanied by a profound modification of mentalities and of the identity mechanism. 'The Old Regime' of the Phanariots [defined by the fact that the Ottoman Empire was imposing its choices of rulers upon the two Principalities, Moldavia and Wallachia] was far from fitting the classification of medieval absolutism. Paradoxically, one of the Phanariot rulers [whose origins caused them to be more open to the European Enlightenment], Constantine Mavrocordat, published a project entitled *Constitution* in France in 1741. The title is significant, although the above-mentioned document was nothing more than a fiscal reform text. The presence of the Phanariots in the Romanian space, condemned out of patriotic reasons a year later, was an occasion for the indigenous space to get in touch with the 'Europe of Lights'.

The origins of Romanian embryonic constitutionalism, meaning only the political will and juridical tendency to reform the society, are to be found in the reform projects of the boyars from the end of the 17th century. 'The Eastern Question', which was about to take shape at that time, implied a debate over the Principalities' statute – the Ottoman Empire's weakening leads, almost unavoidably, to the appearance in the region of the two neighboring empires, the Russian and the Austrian. Hence comes the obsession of the boyar elite to submit projects for the reorganization of the Principalities to the European Congresses and Courts, in the years following 1774.

1789 represents an important year: the French revolutionary project tended to ignore frontiers, proposing a general solution, regardless of time and space. 'The Rights of Man' and separation of powers ceased to be simple ideals and began to find their place in Declarations of Rights and Constitutions.

Modern continental constitutionalism found its beginning in the revolutionary shock of 1789 – the Romanian case was no exception. Moreover, for the Principalities the irradiative force of the French spirit proved itself quite significant toward the end of the 17th century; the stronger the Romanian States felt, the stronger the French influence became. Of course, it is not a single instance in the 'Europe of Lights'; in the Romanian space, even if chronologically lagging, the 'lights' are present. The libraries of intellectuals and clergymen included volumes of the *Encyclopedia*, and the basic readings of the elite were almost exclusively French works. The first decades of the 19th century are defined by this impressive French influence: through diplomats, books and images the three French eras [the Revolutionary, the Napoleonic, and the Restoration] became the main vehicle of Romanian modernization.

The appeals to society's reform are part of this synchronizing process. In *The History of Modern Romanian Civilization*, Eugen Lovinescu analyzed the process of the Principalities' Europeanization by describing it as imitation. The break with the Orient, with the Phanariots, was

reflected in the feeling of an imperative of modernization. In the decades prior to 1848, the vocabulary of the Romanian language is itself structured in the spirit of Westernization: the Russian, Turkish and Greek influences are gradually replaced with a vocabulary which owed a great deal to French and other Latin languages.

The Principalities claimed they belonged to 'Europe'. History was read again for the purpose of discovering patriotic models, while the public space was molded towards this ideal of coherence with Western Europe. The political and judicial organization was one of the most striking aspects of retardation, upon which the intellectual reform still needed to exert its influence.

A boyar memorandum written in 1802 by D. Sturdza illustrates this point. He suggested that Moldavia be reorganized on the basis of an aristo-democratic republic – the central idea being that of a less arbitrary government which, nevertheless, favored the oligarchy of the landlords. The use of a term like 'republic' reflects the new spirit of the time, through which, slowly, the local elites opened towards West – the phenomenon of political reflection translated itself into constitutional projects. Simple proposals, with no concrete results in the realm of practical politics, generally texts centered around the reform of the State, played an essential role in beginning the trend toward a constitutional evolution.

The year 1821 marked the beginning of what may be called the accelerated modernization of the Principalities. The Phanariot monopoly was eliminated as a consequence of a revolutionary movement, led by Tudor Vladimirescu in Muntenia. The movement grew out of European reaction to the order instituted by the Holy Alliance. Vladimirescu himself communicated with the Greek revolutionaries of the Hetairia. The internal autonomy of the Romanian States was assured by the guarantee that local boyars would rule them. The 1821-1822 period was significant for the intellectual movement, since the restoration of native princes after 100 years did not lead to the reformation of the State. This development, in turn, inspired new projects for constitutional reform.

A historical accident, the discovery by A.D. Xenopol, in the late 1800s, of some documents in the attic of an old house, it allowed access to what historians called the Constitution of the Moldavian ['*Carvunari*']. The document has a symbolic importance; it was interpreted as a reconciliation between the boyar claims and the principles of the French Revolution. The denomination *Carvunari* itself was inspired in the epoch by the Italian Carbonari. The apparent radicalism of the movement was responsible for the use of this name.

Although it had no immediate consequences, the document written by the Carvunari announced the future spirit of constitutional reform after 1835. Whereas it seems that the only intention of the Carvunari was to dispute the political monopoly of the Great Boyars, there are certain clues that prove an extremely significant Western influence.

What the Anglo-Saxon law generically calls 'the rule of law' is beyond all doubt framed by the Carvunari. This is due to the fact that for the authors of the project,² The Law ['*Pravila*'] is the supreme authority upon which the future organization of the State was supposed to be founded. I.C. Filiti pointed out that the intention of the project was to build constitutional rule in Moldavia, which would provide for the respect of individual civil liberties.

A comparative analysis reveals also the sources of this embryonic constitutionalism. *The Declaration of the Rights of Man and of the Citizen* from 1789 is one of the compulsory references. The rule of law [*Pravila*] is stipulated in the fourth article of the 'Constitution'. Besides those specifying 'the rule of law', the provisions that guarantee individual liberty [written in terms reminiscent of *Habeas corpus*], and those which eliminate preventive detention are also essential. Article 18 defines law, in the spirit of the French Revolution, as an expression of the general will.

The significance of this document of transition is clear: it expresses, despite its ambiguous style, a French revolutionary influence, which would become more and more important. Furthermore, one cannot ignore the fact that the idea of a written constitution, including civil liberties, is a relatively recent intellectual acquisition, which owes its appearance to the same irradiant French revolutionary spirit.

The institutional status of the Principalities exerted significant pressures on their constitutional evolution. 'The Eastern Question', which had its roots in the gradual weakening of the Ottoman Empire, led to a modification of their diplomatic position. After 1829, through the Treaty of Adrianople, the Ottoman Empire retained its suzerainty over them, but they were also granted the protection of Czarist Russia.

The period between 1830 and 1848 may be defined as one in which the Principalities, nominally tied to the two powers, are placed within the framework of Russian influence. The years of Czarist protection were reflected from a constitutional point of view in the 'Organic Regulations', documents which were elaborated by the Boyars Committees from the two Principalities, and approved by the protective Court of Petersburg.

The position of the 'Regulations' in constitutional history is controversial. The fact that they were written by the boyars with the help of the Russian occupation power contributed to their extreme unpopularity. The 'Regulations' were, not without reason, interpreted as a step towards the annexation of the two Romanian States by the Czarist Empire.

Nevertheless, an objective view cannot omit the fact that the 'Regulations' [true fundamental documents, which did not include a 'Declaration of Rights' or 'Bill of Civil Liberties'] belonged to a historical process of constitutional modernization.

The 'Regulations' introduced the first elements of a limited monarchy. The monarchy was defined by its elective, lifelong and noble character, which thus consecrated the older boyar claim for an oligarchic regime.

All things considered, the position of the Prince was no longer identical with that of the rulers in the Phanariot or absolutist 'Old Regime'. An embryo of separation of powers was introduced, to the extent that the legislative power was exerted by both the Prince and an Ordinary National Assembly [an assembly of the estates, which privileged the boyars]. The mechanism of the relationship between the Prince and the Assembly was a constitutional one, close to the European solutions. It also included the absolute veto of the Assembly's decisions, as a right of the Prince.

The imperative formulated by the Carvunari, 'the rule of law', is framed here as well: the law can no longer be defined in terms of a loose absolutism, like the Prince's act of will, but it is defined as an agreement of will between the Ruler and the Assembly.

The principle of separation of powers could not, for objective reasons, be specifically mentioned in the 'Regulations', because Russia could not afford to sanction the imperatives of 1789. Yet, implicitly, separation of powers can be deduced from the texts of the two documents: the executive power is entrusted to the Ruler, who exerts it with the help of some ministers, both appointed and removed by him. The separation of powers, even if it was implicit, had as a corollary the existence, for the first time in a coherent manner, of a judicial power, structured on different degrees of appeal. Also, modernization is visible in the way the departments of state administration are assigned competence, as prescribed by the fundamental document.

A retrospective judgment reveals how much the 'Regulations' [effective in Wallachia on June 1st, 1831, and in Moldavia on January 3rd, 1832] were the product of a political compromise. The establishment of a modern state, governed by laws and instances with precise competence, was not accompanied by the introduction of a requirement which will eventually become dominant in

political and constitutional thought, the abolition of the prerogatives of nobility and the equality of subjects before the law. The spirit of the 'Organic Regulations' reflects that of a Europe dominated by the rigidity of Metternich and the Holy Alliance. What cannot be denied is the fact that the two above-mentioned fundamental papers urged the coming into being of radical attitudes. The boyar elites, through the Western-educated sons, got in touch with a European world, which can hardly be reduced to the model of Imperial Russia. Between 1831 and 1848 the Romanian Principalities were the place where the Romanian space experiences for the first time, in a systematic manner, revolutionary European radicalism. Utopian socialism found its echo in the building of a phalanstery, while the secret societies [a dimension of the July Monarchy] proliferated.

The doubt cast upon the 'Organic Regulations' is a consequence of the contact with the West, and especially with France and Germany. Public opinion [another European invention adopted by Romanians] was that the 'Regulations' represented the legal method of confirming and maintaining Russian domination. By contrast, the ideas of political radicalism, which had their origins in 1879, were intermingled with the patriotism aspiring to the emancipation from the Russian patronage. The later 'National Party's' profile, political reformism and nationalism, was framed in the era prior to the European revolution of 1848.

A decade before 1848, one of the secret societies, animated by Ion Câmpineanu, edited a project on a Constitution – the gesture was symbolic: national emancipation, independence and unification were accompanied by the act of elaborating the fundamental pact.

The principles of this Romanian Constitution reflect the same Western temptation that pervades Romanian constitutional law. Their character is obviously different, since the stipulations of this document take over the objectives of modern European constitutionalism. Equality before law, freedom of expression, and the explicit introduction of the principle of separation of powers proves a European synchronization. The regime had at its core a National Assembly watching over ministerial responsibility, thus prefiguring the revolutionary constitutionalism from 1848.

The 1848 generation had a direct experience of the European revolution. Many of the important leaders participated in the French period of the European revolution. The Romanian student societies from the French Capital represented the space where the new ideas were concocted. Edgar Quinet, Jules Michelet, Alphonse de Lamartine, Giuseppe Mazzini are names which dominated and inspired the generation. Sons of boyars, belonging by birth to the ruling elite, the 1848ers had the intellectual profile of European romanticism. Between the Romanian ardor and Miickiewicz messianic radicalism, there is only a difference of geographical distance. The Romanian space [including not only the two Principalities, but also Transylvania and Bucovina] was integrated in this pan-European movement.

Of the four revolutions going on in 1848, the only one, which ends by establishing a temporary government endowed with a real authority, is that in Wallachia. 'The Proclamation of Islaz' from June 11th, 1848, formulated the principles of the revolutionary movement, including, besides a foreword marked by the rhetoric of the time, a set of concrete provisions.

The principles of the 'Proclamation' can be read as a 'Declaration of Rights'. The most probable author of the document, I. H. Radulescu, reconciled the requirements of the revolution with those of pragmatic constitutionalism. Besides legislative independence, at least two other stipulations were introduced, which proclaim forever the break with the organic order: juridical equality and taxation. The emancipation of the serfs, land reform and the emancipation of the Jews were also listed.

Building a constitutional order was the central goal of the revolution. The unicameral parliamentary system [similar to the French Constitution of 1791] presupposed a 'general assembly' made out of representatives of all estates [article 4]. Thus it became possible to define the political regime as quasi-republican – as long as a 'responsible ruler' elected for five years was stipulated. 'The rule of law', the core claim of all movements after 1821, implied another idea of European constitutionalism – the responsibility of the ministers and of all other clerks. Also, from a historical perspective, the inclusion of a stipulation which would appear again in the Constitution of 1866, relevant, the absolute freedom of the press and the elimination of censorship.

The Declaration's corollary was the last article, which called on an 'Extraordinary National Assembly' to draft Wallachia's Constitution in accordance with the 21 provisions mentioned in the Proclamation. The preoccupation with the constitutional effort did not represent a unique feature of the Wallachian revolution; the French revolutionaries furnished the model, which was then adopted in the Romanian space.

Wallachia's government, made up of revolutionaries, was in power for a relatively short span of time, only until September 1848. Yet the temporary government issued a decree on July 14th, 1848 summoning Wallachia's Constituent Assembly. The most probable mission of this body was to elaborate the fundamental document and to elect the ruler. Initially, the core idea was to adopt universal suffrage [all Romanians over 21] with a hint of a two-tiered voting system. The first electors were to designate a number of 'elective deputies', who in turn would elect the deputies of the Constituent Assembly.

The extremely large number of illiterate persons, and their obvious lack of preparation for a vote was the justification for the complicated voting system. Later, on August 4 to 16, 1848 the Deputy of the Hospodar [the new form of rule in Wallachia] presented the principles of the future Constitution to the Sultan.

'The Proclamation of Islaz', generally speaking, was resumed, and an explanation was added, stating that universal suffrage was modified by a reference to the "capacity to read and write." This provision was in the spirit of the times; literacy tests even existed in the United States in the 19th century.⁴

The constitutional experiment which transpired in Wallachia in the short period before the invasion by Russian and Turkish troops, included the works of a 'Property Committee', which aimed at reconciling the interests of the landlords and the peasants, and, therefore, to achieve genuine land reform, a utopian idea for the epoch, yet of great significance to the constitutional history. This experiment became a laboratory for future attempts at solving the peasant problem. The agrarian reform was to include, in the spirit of lawfulness, an allotment of land to the peasants and compensation paid to the landlords.

The Moldavian revolution, which began more modestly than the Wallachian, started with a 'Petition-Proclamation' on March 28, 1848. It did not manage to impose itself. Its immediate proximity to Czarist Russia led to its rapid repression. What should be mentioned is the fact that the experience of exile, which followed in Bucovina and Transylvania, radicalized the process of political and constitutional thought. The relative moderation of the Moldavian revolutionary program, in comparison with its Wallachian counterpart has already been underlined in the historical literature.

G. Ibraileanu, wrote half a century later, in *The Critical Spirit in Romanian Culture*, about the differences of character and education between the two 'elites': to the abstract and 'revolutionary' Wallachians, the Moldavians would oppose a critical spirit based on a more profound historical culture, with conservative tendencies. It is no accident that the author of *The Project of the*

Constitution, Mihail Kogalniceanu, was one of the publishers of the local chroniclers. He was a mind of a tremendous historical culture, who studied in France and Prussia. *The Project of the Moldavian Constitution*, elaborated while he was exiled, has the historical merit of offering the first systematic form of a constitutional document. Ion Câmpineanu's project, or 'The Proclamation of Islaz', could not attain the degree of juridical equilibrium of the Moldavian document.

It was modeled after European constitutions. It includes a chapter referring to "Debts and Duties," a set of guarantees of civil liberties, comparable to the provisions found in the first ten amendments to the American Constitution, while the 'Legislative Power', the 'Judicial Power' and the 'Executive Power' had their competencies well established.

The character of the regime was that of a constitutional, elective, national monarchy, in the tradition of the 'Regulations'. The legislative power was elected through a system which combined wealth and education or position. Judicial equality was consecrated as the rule of the State. 'The Ministers' Council' had the role of a cabinet – a central principle of constitutional monarchy [the inviolability of the king and the ministers' responsibility] being specifically mentioned in Article 50.

The description of the state as constitutional is probably the most significant aspect of this project. The presence of the attribute 'constitutional' proves the extent to which the Western pattern was molding the tradition of political and juridical thought. This project also solved, for the first time, the problem of sovereignty in a manner closely related to European constitutionalism. "The exertion of sovereignty by the nation is delegated by the election to the National Assembly and to the Ruler." [Art. 31]

Mihail Kogalniceanu's project is a symbolic stage in the process of the reception of Western constitutionalism. The French and Belgian [the Constitution of 1831] influence mediated a legal synchronizing. Generally speaking, the type of modern parliamentarism is indeed framed in the Moldavian 1848 constitution.

The years between 1849 and 1853 marked, in the Romanian space, a period of apparent return to the 'Organic Regulations'. The Constitution of Principalities, according to the Balta Liman agreement between Russia and Turkey, May 1st, 1848, was recognized as the two 'Organic Regulations', the Romanian States being under a regime of military occupation.

However, the most significant development remains an event which occurred outside of the Romanian Principalities: the exile of the Romanian revolutionaries in Western capitals and in the Ottoman Empire. The importance of this event comes from the fact that in the space of exile, the 'Romanian Question' gradually transforms from a local problem into a concern of the Great Powers. At the same time, the idea of the unification of the two Principalities gradually becomes more of a concern for the exiled Romanians. Romanian was no longer an abstraction; the differences of local patriotism faded in the favor of a Romanian national identity.

A historical accident modified what seemed to be an immutable order: the 'Crimean War' reestablished Russian Czarist authority in the Principalities, while the Peace Congress of Paris in 1856 radically modified the international status of the Principalities. Russia's protectorate was replaced, in a significant way, by a collective guarantee of the seven Great Powers [Russia, Turkey, Austria, Sardinia, France, England and Prussia]. Moreover, 'Ad-hoc Divans' [estates' assemblies] were to be convoked in the two Principalities in order to make "the Claims of the inhabitants of the Romanian States" known to the Powers. The diplomatic language could not elude reality, what happened was a constitutional reform in which the Great Powers and the local Assemblies participated collectively.

Ten years after the European revolution, modern constitutional ideas were again present in the claims made by the Divans. The central idea of a representative regime and of the rule of law in the year 1848 was now accompanied by another goal, which was absent in the previous revolutionary movement: the unification of the Principalities under the rule of a foreign Prince from a dynasty ruling in Europe.

Titu Maiorescu, the founder of the Romanian critical literary movement and a conservative politician, characterized the claims of the Ad-hoc Divans as being the origin of modern Romania, explicitly rejecting the ideas of the revolution from 1848 as an abstract radicalism.⁵

The unionist militantism was part of the spirit of that time: in the century of nationalities, the Romanian demands found the sympathetic support of the French Emperor Napoleon III, being at the same time a contemporary with the Italian Resorgimento. The solution of a foreign prince on the throne of the unified Principalities was in the spirit of an older tradition in the projects of reform: ever since the end of the 18th century, the native boyars requested the emancipation of the Great Powers, accompanied by the election of a ruler of a Western house. The reasons were obvious: a foreign prince was considered a guarantee of internal equilibrium, due to the fact that he did not belong to any of the boyar factions, and as a modality to safeguard the national prestige. The 'wishes' of both Divans included the same aims: the Principalities' autonomy, the unification into one single state, 'Romania', a foreign prince and a 'representative constitutional regime'. The European originated constitutionalism was interacting with the fight for national identity.

The claims of the Consultative Assemblies of the Principalities were only partly mentioned in the Paris Convention in August 1/19, 1858, a treaty which played *mutatis mutandis* the role of a constitution. This was due to the fact that beyond terminology, its contemporaries themselves interpreted the text as a constitution, the first one, in the modern European sense, acting in the Principalities. The unionists criticized it because it did not formally recognize the unification: the two Principalities were to preserve their juridical identity, within the framework of a 'United Principalities'. Therefore, there were two Rulers, two governments, two Judicial Assemblies, and also some common institutions: The Central Committee, entrusted with the legislative unification, and the High Court of Cassation and Justice. The larger goal of the document was the unification, but the way to achieve it did not seem to be the one desired by the local elites.

From a constitutional point of view, the Convention confirmed the end of the 'Old Regime' in the Romanian Principalities: any privilege, license or monopoly was abolished, the corollary being that of "everyone's equality before the law, of taxes, and of the right to hold public offices" [article 46]. Individual security and the right to a fair trial were guaranteed.

The representative regime, in the European constitutional sense, was thus regulated – a unicameral system, the functions of the second chamber being fulfilled, only seemingly paradoxically, by the Central Committee: a unicameral system that was close to the French Constitution of 1791, or to the Belgian Constitution of 1831, two decisive influences in the genesis of modern Romanian constitutionalism. The political system of constitutional, elective, life-long monarchy was similar to Mihail Kogalniceanu's model of 1848. The 'Hospodar', the Ruler, exerted the executive power, assisted by his ministers, while the judicial power was collectively exerted by the Assembly, the Ruler and the Central Committee.

At that time, the regime introduced by the Convention was interpreted as having a parliamentary character. The existence of a President of the Council/a Prime Minister implied for the political actors the Cabinet's responsibility before the Assembly. The stipulations of the Convention made use again of the laconic manner of presentation of ministerial political responsibility, as it was framed in the 1814 and 1830 French constitutional Charts, and in the

Belgian Constitution of 1831. "The ministers are responsible for the violation of the law and for any misuse of public money" [Art. 15]. Another principle of constitutional monarchy was also enlisted: the documents of the Prince were to be countersigned by the competent minister in order to confer on them validity.

The introduction of an 'impeachment' procedure in the case of a minister is another product of the influence of European constitutions: the Assembly pronounced the judgment with a two-thirds vote, while the trial was entrusted to the High Court.

The Romanian Parliamentarism has its origins in the provisions made by the Convention: the electoral law used an indirect voting system for the lower classes. For the first time, the idea of an Estate Assembly was replaced with that of an elected Chamber in accordance with European norms. The limited number of voters in the Principalities did not alter the liberal character of the Chamber.

Paradoxically, the document's laconism made the Unification possible – through what could be called a constitutional artifice. Alexander Ioan Cuza was elected as Ruler in both Assemblies, which brought the Unification of the Principalities into being on the basis of a personal union on January 24, 1859. Only three years later, on January 24th, 1862, the administrative unification of the Principalities, along with the creation of a single central government in Bucharest, was completed.

The elective assemblies of the two Principalities became the space where the political cleavages began to appear: the main demarcation line, in an European sense, remained that between conservatives and liberals. The rhythm of the reforms, the extension of political and civil rights, but most of all, the problem of land reform made the differences of doctrine manifest.

Alexander Ioan Cuza's seven-year rule, until 1866, accelerated the process of modernization in the Principalities. The European path followed by Romania was by then a certitude: universities were founded in Iasi and Bucharest; a Civil Code based on the French model and Penal Codes, along with Penal Procedure Codes, were adopted. Also, the estates of those monasteries that belonged to Mount Athos were secularized. Romania was characterized by a zeal of modernization which is almost unparalleled in Eastern Europe.

The agrarian problem, or rather the impossibility of solving it, due to the opposition of the conservatives, makes the May 2nd, 1864 *coup d'etat*, organized by the Ruler, unavoidable. It was a solution inspired by the 1799 and 1852 Bonapartist model. The new regime of the authoritarian monarchy was animated by the constitution of the second empire from 1852 and has as its constitutional basis in the 'Developing Statute of the Paris Convention' and in an election by a plebiscite. This was the first Constitution issued by Romanians. The concern of Prince Cuza to expand his authority through the introduction of a second Chamber, designated by himself as the 'Corpul Ponderator', remains central. At the same time, the Assembly's authority was severely limited.

In the new regime, which introduced a broader electoral law and used the 'traditional' means of political caesarism, a combination of popularity and authoritarianism, adopting land reform was no longer a problem. Though incomplete, land reform would manage to protect the peasants from proletarianization.

Prince Cuza's authoritarian Bonapartism became the catalyst of an alliance between the liberals and the conservatives. Impossible at first sight, the alliance was concluded on the basis of a historical compromise, meant to safeguard real estate and political liberties. For Romanian history, the forced abdication of Cuza on February 11th, 1866 has the symbolic significance of the 'Glorious Revolution' of 1688: a historical compromise meant to restore, at least partially,

liberties, including property rights. With Cuza's abdication, the solution of a foreign prince became again an available option for the political elite – in fact, bringing a foreign prince to the throne was not a unique choice – after gaining internal autonomy, Greece and Bulgaria would proceed in the same manner.

Following a plebiscite, on May 10th, 1866, Carol de Hohenzollern Sigmaringen, was sworn in as the prince of Romania – a pragmatic decision that avoided the internal conflicts of Serbia or of the Latin-American states. The compromise of accepting the constitutional monarchy, which was made by the 1848 generation, was a sign of the prevalence given to the interest of the community over any factional interests. A republic in Eastern Europe would have been a dangerous experiment.

After Cuza's abdication the making of a new fundamental pact was necessary. A unicameral Constituent Assembly was elected and until June 1866 the debates centered upon the different solutions regarding the institutional establishment.

The possible sources that can be invoked in the discussions of the 1866 Constitution are quite varied. One set of sources reorganizes the constitutional projects prior to 1859. Shortly after the unification, the Central Committee from Focsani drafted a constitution; seven years later, in 1866, the State Council drafted, in its turn, another constitution which would form the basis of the Constituent Assembly's discussions [in both cases, the projects specified a unicameral parliamentary system].

A second set of sources for the 1866 constitutionalism can be identified in the fundamental documents of France from 1814 and 1830 and in the Belgian documents from 1831. The Belgian influence is far from marginal; ever since 1848, the moderate and balanced Belgian constitutional monarchy, visibly exerted its attraction over Romanians. The Paris Convention made the already existent attraction even stronger. As a neutral country which exerted minimal influence over continental Europe, Belgium furnished a model for Romanian legislators from many points of view. Ever since the reign of Alexander I. Cuza, Belgium was the model for the press law of 1862 and for the law of local governmental organization and for the expropriation law of 1864.

The Belgian Constitutional was in fact a product of the synthesis between the French and the British traditions, which brought it closer to Romania. The 1831 Belgian constitution made use of the heritage of the French Charters of 1814 and 1830, which brought to the continent the model of the British monarchy. The 'Magna Carta' as a contractualist paradigm, a covenant between the sovereign and the people, as represented through the Parliament, shaped the French and the Belgian Constitutions of 1830 and 1831. Indirectly, the Romanian Constitution of 1866 was integrated with a 'tradition', which had its origins in British innovations.

The severe judgment of those who saw in the Constitution of 1866 a simple copy of the Belgian document of 1831, comes from the neglect of the local constitutional tradition – a sequence of projects that prepared the elite for the final option which was made in 1866.

The goal of the fundamental act, the first elaborated by a Romanian parliament without any external intervention, was to transform the state into a 'constitutional state', as expressed in the Moldavian project from 1848. 'Constitutionalism' implied separation of powers in correlation with national sovereignty, which was exerted by delegation in the manner indicated by the Constitution. The executive, legislative and judicial powers had their powers specified in a text which for the first time mentioned the modern title of the state, 'Romania'.

The constitutional monarchy had the same status as that of the French kings, whose powers were defined by the constitutional charters. The Prince's extended executive powers and his participation in the legislative power placed him in the position of an arbitrator of political life.

The Romanian monarchy that arose was of a dualist parliamentarism, being defined by a relative equilibrium between the Chambers and the Monarch. A compromise in the Constituent Assembly resulted in the provision of an absolute veto for the Monarch, in other words, the possibility to refuse the sanctioning of a law passed by the parliament. This compromise satisfied the demand of the conservatives to protect the authority of the Prince.

The 'constitutionality' of the act of founding the Romanian state implied a systematic and explicit establishment of public rights and liberties. The 'classic' form of the fundamental act followed the continental and American tradition of integrating a 'Bill of Civil Liberties' into the constitution. The text from 1866 only confirmed the previous endeavors of the constitutional projects regarding civil liberties.

By contrast with the Convention of 1858 and the 'Developing Statute of 1864' the regulation of civil liberties was extremely careful, including a large array of rights and liberties, from the right to property to the interdiction of censorship and the death penalty. The constitutional texts acted as an ultimate guarantee in significant detail in due process matters, including carefully described trial procedures. As a corollary, the Romanian State prohibited the extradition of political refugees, which resulted in a wave of Russian and south-Danubian political activists who found refuge in Romania.

The legislative power was central in the state: initially, the project submitted for debate in the Constitutional Assembly stipulated a unicameral system. The conservative reaction to the liberal demand for a single chamber led to the creation of the Senate, for the second time, after 1864. Political and juridical arguments pleaded for a superior chamber.

The conservatives argued for the Senate in the Constitutional Assembly by using a set of European justifications. They asserted that a second chamber, which reflected through its representation, the characteristics of property, social superiority and long lasting services, was a protection against any attempt to violate property rights or political rights by a potential threat of the tyranny of the majority. The debates of the Assembly recounted the traditions of European constitutional law, which had their origins in the works of Montesquieu, who emphasized the importance of the two Chambers.

The existence of a constitutional monarchy in which the person of the king is sacred implied a certain responsibility of the Cabinet before the Chambers. Taking over the Belgian solution of 1831, the Constitutional Assembly superficially declared the ministers as being 'responsible.' The absence of specific provisions explicitly stipulating the political responsibility of the Cabinet led to the development of a constitutional custom which consecrated this duty as such. Although the Romanian constitutional system traditionally defined itself through the primacy of the executive power, the Parliament used its right to force the dissolution of the Cabinet by casting a vote of 'no-confidence'. The fact that the budget had to be passed by the Parliament was a supplementary guarantee.

From an electoral point of view, the members of the Constitutional Assembly chose the solution of a tiered voting system. The reasons which caused the Constitutional Assembly to opt for this were derived from the Romanian reality of an existing class of landowners, the young bourgeoisie, which was mature enough for political activity, while the rural majority of the population was deprived of the necessary education and the economic independence which were both required in order to make possible active participation in political life.

The Chamber of Deputies with its four electoral colleges made it possible for the peasants to be represented through an indirect vote; the rural community nominated thus the delegates who voted in its name. However, the landlords and the urban voters, all of them subject to stringent

qualifications, elected the majority of the deputies, while the deputies representing the peasants had an insignificant electoral influence.

The Senate whose existence was justified by its elitist character, almost exclusively represented the landlords, which guaranteed the maintenance of the 'Status Quo'. The representation of the professional elites in the Senate was guaranteed by exempting the former ministers and those who had a Doctoral degree from property qualifications, by the existence of rightful senators, leaders of the orthodox clergy and by allowing professors to name their representative in the Senate.

The limits of democracy, which are quite obvious from a contemporary analysis, came from the goals of the Constitutional Assembly to guarantee liberties by entrusting the government to those capable of deciding independently in public matters. This was an option that considerably narrowed the electorate, leading to unequal parliamentary representation, similar to that which led in Great Britain to the movement for widening the franchise, and to the 'Reform Charters'. The Romanian solution could not have been innovative: the successive extensions of the right to vote reached their climax in 1917 with the stipulation of universal suffrage.

The most important challenge to the constitutional compromise of 1866, a constitutional structure which was European in its spirit and institution, may be found in the difference between the 'legal' and the 'real' country. Again, this was a problem faced by many transitional societies in the 19th century. The Romanian state and its regime of freedoms and guarantees similar to Western European states, was the only Eastern European state which practiced constitutionalism, but was confronted with the existence of a rural population which was obviously retarded in comparison with the urban one. Romania was the juxtaposition of two different states, one modern and synchronized with the West, and another rural with a limited franchise and in chronic poverty.

The contradiction between the 'European form' and the local 'content' constituted itself as the ground of a conservative critique, which began with an article published by Titu Maiorescu in 1868, "Against the Contemporary Trends in Romanian Culture." The main question raised by his criticism had to do with the relevance of establishing a European regime in a country which was unprepared to make a full use of its mechanisms. Hence the feeling that the fundamental document of 1866 was a 'form' alienated from the body of society. The relationship between a constitutionalism of European origin and a Romanian society, still tied to traditional values, was a dominant feature of the epoch following 1866.

In 1877 Romania proclaimed its independence, and in 1881 it became a kingdom. Up to a point the Monarchy of Carol I [who reigned until 1914] had the dimensions of a local Victorianism – a sense of duty and an inborn respect for tradition made the never too popular Monarch a model for some. Instead of exercising a direct political influence, Carol I preferred the exercise of a disciplining impact upon the parties, by imposing a rigor unknown to the Romanian people. The initial reasons for bringing a foreign prince were retrospectively confirmed to the extent that the dynasty fulfilled its historical role. In this regard, one can contrast the stability of the Romanian monarchy with the structural instability of other Balkan kingdoms.

Between 1866 and 1938, the year when the constitutional monarchy ended, Romania did not experience civil wars. The long rule of Carol I – almost half a century – is a reality which shows the European dimension of the Romanian kingdom.

Constitutionalism also implied the coming into being of a system of parties. In 1875 the liberal current, in the European sense of the term, coagulates into a political party, followed in 1881 by the Conservative Party. The political instability in the two years following 1866 is followed from 1888 by a period of alternation between the two parties to the government, which became known

as 'governmental rotation'. Given the conditions of the limited franchise, political life was dominated by corruption, also common to other European countries. The extreme liberty of the Parliamentary debates evoked, through their rhetorical eloquence, the French and British Chambers.

The political elites, made up mostly of landlords, lawyers and industrialists, were confronted progressively with the extension of the vote, culminating in universal suffrage. The system of the electoral colleges [tiered voting] was seen more and more as limiting the political participation of peasants and bourgeoisie in an unacceptable manner. C.A. Rosetti's liberal radicalism pleaded for universal suffrage, following the model of the French Republic. Other more moderate solutions proposed the creation of new electoral colleges. The significance of universal suffrage became central to the public debate which was following a European evolution.

The reforms of 1884, which reduced the number of electoral colleges, can be compared in terms of their efficiency with the 'Reform Act of 1832'. The preponderant position of the landlords was not seriously affected, but the precedent of constitutional reform was already present. If the conservatives demanded the maintenance of the 1866 *status quo*, the liberals openly acted for the extension of political rights.

The constitutional problem was complicated by the combination of the demands to extend political rights with those for land reform, which was meant to continue the reforms of 1864. The constitutional principle of 'sacred and inviolable property' was in conflict with the hard facts of the 'real' country, where the rural territory was dominated by an unjust distribution of land. A series of peasant rebellions, culminating with the one in 1907, made this an urgent problem. The agrarian and electoral reforms, the main challenges of Romanian constitutionalism, were to be adopted upon a legal, and not a revolutionary basis. In 1913, the Liberal Party, through its leader, I.I.C. Bratianu, again raised the two matters in a political manifesto.

World War I radically modified the context of the public debate. 'The constitutional question' was now marked by the military engagement of the Romanian kingdom on the side of the Triple Entente, against the Central Powers, in the summer of 1916. Nevertheless, the crucial challenge to the legal order of the Romanian state came from Russian Communism. The two Russian revolutions, the culminating point being the Bolshevik revolution, seemed to make the socialist arguments even more powerful, by favoring the revolutionary approach over the legal one.

The final step towards the democratization of the constitutional system, by the acceptance of universal male suffrage and the principle of land reform, was made in a manner which avoided revolution – in its refuge in Iasi, the Romanian Parliament accepted the amendment of the Constitution. Romania was the only country in the Balkans and Central Europe that managed to avoid a revolution; the constitutional nature of the Romanian state was saved through another historical compromise. By the Decree of November 16th, 1918, universal male suffrage, on the basis of proportional representation, became the foundation for the election of the Romanian Parliament. The extensive land reform, in its turn, came into being in 1920-1921.

National unification became possible in 1918 due to a fortunate series of circumstances. First of all there was the legal background of the decisions made by the National Assemblies of Basarabia, Bucovina, Banat and Transylvania. Secondly, there were the '14 amendments' of President Wilson. Also, a significant Romanian American Diaspora and a number of Romanian intellectuals lobbied in all the capitals of the allied powers. On December 1st, 1918, through the unification with Transylvania, the process reached an end in a way which hardly could have been anticipated at the beginning of World War I.

The constitutional reform of Greater Romania reached its climax in 1923, when a new Constitution, in fact an extensive revision of the Constitution of 1866, was adopted. The model of the centralized state of a French origin and the regime of the constitutional monarchy were preserved, while minority rights and the emancipation of the Jewish population were added.

Universal suffrage made important changes possible in the legal order. The Assembly of Deputies, the lower Chamber, became the expression of the national will, as represented through proportional voting. The liberal project, initiated through the Constitutional Assembly, changed the Senate in a considerable way by attempting to reach an equilibrium between the senators who represented the direct electoral body and those who represented the professional, military, intellectual and ecclesiastical elites.

The character of the Senate may be a key to understanding the fundamental document. The Romanian Constitution aimed at establishing a 'joint government' in the tradition of Polibiu's and Cicero's reflection, in which democracy, aristocracy and monarchy were balanced against one another. In the spirit of the Romanian Constitution, the goal was to reconcile the political representation of the elite with the democratic imperative, under the 'Rule of Law'. In 1923 Czechoslovakia and Romania were the only states in Central and Eastern Europe founded upon the principle of separation of powers and on pluralism. The flaws in the electoral mechanism and the administrative misapplications could not alter this constitutional character. As a matter of fact, Romania can claim some historical merit, considering that between 1858 and 1937 parliamentary government was not negatively affected, surviving the war and the temptation of revolution. However, the parliamentary cycle was to end in 1938, Romania and Czechoslovakia being the only countries in the region to avoid totalitarianism until that time.

Romania's transition to constitutional modernity, by way of synchronization with the Western world, is no accident or isolated reality. Far from being a failure, it represents a surprising success. Romania's proximity to Russia and its relatively undeveloped economy did not impede the construction of a constitutional parliamentary system. Western legal values fertilized the local soil, aiding modernization. Romania's situation can perhaps also be explained by its Latin origins and by the European character of its history. A comparison with Czarist and Communist Russia proves to what extent the native elites are responsible for the construction and consecration of a common good.

Contrary to appearances, the Constitution of 1923 was not an imitation lacking substance, but the conclusion of a century of projects and constitutional evolution, a century in which Romanians assumed the European constitutional paradigm, as a part of Europe.

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Notes

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2 We can say that the document was written by Ionica Tautul, Andronache Dornici and Iordache Draghici.

3 The dates herein are often given showing the date in both the old style and new style calendar. Therefore, under the old style calendar it occurred on August 16th, while on the new style calendar it occurred on August 4th.

4 However, in the United States it was used predominantly as a technique in some southern states to prevent black people from voting and was eventually outlawed by Federal statutes for this

very reason. See Edward L. Barrett, Jr., *Constitutional Law: Cases and Material*, The Foundation Press, Inc., Mineola, NY, 1977, p. 1084; see also Susan Welch, John Gruhl, Michael Steinman, John Comer and Susan M. Rigdon, *American Government*, 5th Ed., West Publishing, Minneapolis/St. Paul, 1994, p. 180.

5 Titu Maiorescu, *Istoria contimporana a Romaniei*, Bucharest, Socec, 1925.

Bibliography

For a historical approach to the political events and an analysis freed from the clichés of the old historiography, see: Keith Hitchins, *Romania, 1866-1947*. Keith Hitchins, *Romania, 1774-1866*, Oxford University Press, 1994.

For a synthesis of Romanian history, see: *A History of Romania*, The Center for Romanian Studies, Romanian Cultural Foundation, Iasi, 1998

The coming into being of the new spirit, under the influence of the French and more general Western ideas, was approached in the Romanian culture as part of a larger process of the coming into being of romanticism: Paul Cornea, *Originile romantismului romanesc*, Minerva, Bucuresti, 1972.

An almost complete presentation of the role that different models had in the becoming of the Romanian culture: D. Popovici, *La Litterature roumaine dans l'epoque des lumieres*, Sibiu, 1945.

For an anthology of the documents which reflects the attempts to reform before 1830, see: Vlad Georgescu, *Memoires et projets de reforme dans les Principautes Roumaines, 1764-1830*, 1970.

For another perspective on the Romanian culture, that of Orthodox Europe and of its political and cultural models, see: Al. Dutu, *Political models and national identities in Orthodox Europe*, Babel Publishing House, Bucuresti, 1998.

For the period after 1821 and for the changes from the realm of politics during this time, see: I.C.Filitti, *Framintarile politice si sociale in Principatele Romane de la 1821*, Bucuresti, 1832.

For the period of the Organic Regulations, see: I.C.Filitti, *Domniile romane sub Regulamentul Organic, 1834-1848*, Bucuresti, Socec-Sfetea, 1915.

For the Revolution of 1848 see the collection of documents in three volumes edited by Cornelia Bodea, at Editura Enciclopedica, Bucuresti.

Also on the movement of ideas during the Revolution of 1848, see: Paul Cornea, *Gindirea romaneasca in epoca pasoptista (1830-1866)*, two volumes, Editura pentru literatura, Bucuresti, 1968.

For an analysis of the genesis of political parties centered around the distinction between liberals and conservatives, see: A.D. Xenopol, *Istoria partidelor romanesti, de la origini pina la 1866*, Bauer, Bucuresti, 1910. Apostol Stan, *Grupari si curente politice in Romania intre Unire si Independenta*, Bucuresti, 1977.

For a remarkable synthesis of the history of political ideas in Romania, see: Vlad Georgescu, *Istoria ideilor politice romanesti, 1369-1878*, Ion Dumitru Verlag, Munchen, 1987.

For a picture of the intellectual framework and the political debates after 1859, see: Apostol Stan, *Putere politica si democratie in Romania, 1859-1917*, Albatros, Bucuresti, 1995.

- For an analysis of the process of creation of the Constitution of 1866, see: Al. Pencovici, *Dezbaterile Adunarii Constituante din anul 1866 asupra Constitutiei si legii electorale*, Bucuresti, 1883. I.C.Filitti, *Izvoarele Constitutiei de la 1866* (Originile democratiei romanesti), Bucuresti, 1934
- For the perspective of "Junimea" on the modern political development of Romania, see: Titu Maiorescu, *Istoria contimporana a Romaniei*, Bucuresti, Socec, 1925.
- For an anthology of Romanian conservatism, see *Polis*, 1-2/1998.
- On the Constitution of 1923, see *Constitutia de la 1923 in dezbaterile contemporanilor*, ed. D. Gusti, Humanitas, Bucuresti, 1990.
- For a comparative analysis of Romanian constitutional law, see: Al. Tilman Timon, *Les influences etrangeres sur le droit constitutionnel roumain*, Bucuresti, Cugetarea-Georgescu Delafras and Paris, Librairie du Recueil, Sirey.
- For an anthology of representative texts on the evolution of Romanian constitutional law, see: Cristian Ionescu, *Dezvoltarea constitutională a Romaniei, 1741-1991. Acte si documente*, Lumina Lex, Bucuresti, 1998.
- For a systematic approach to the current institutions of Romanian constitutional law (the Constitution of 1991), see: Tudor Dragan, *Drept constitutional si institutii politice*, two volumes, Lumina Lex, Bucuresti, 1998. Ion Muraru, *Drept constitutional si institutii politice*, Actami, Bucuresti, 1998.
- For a historical perspective on the Romanian Parliament, see: Apostol Stan, P. Cancea (editors), *Istoria parlamentului si a vietii parlamentare in Romania pina la 1918*, Academiei Publishing House, Bucuresti, 1983. T. Draganu, *Inceputurile si dezvoltarea regimului parlamentar in Romania pina la 1916*, Dacia Publishing House, Cluj, 1991.

Chapter V

Governmental Responsibility and Parliamentary Irresponsibility in the Romanian Constitutional Tradition

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Parliamentary government, or cabinet government, can be defined as "the form of constitutional democracy in which executive authority emerges from, and is responsible to legislative authority."² In a parliamentary system, the chief executive and his cabinet are responsible in the sense that they can be dismissed from office by a legislative vote of no confidence or censure,³ but the government could also be dismissed by its own initiative. The resignation of the government is the consequence of a constitutional obligation only in the first case.

The votes of no confidence or censure are the most important ways of expressing the parliament's disapproval of the government. It is, of course, possible for the legislature to use more categorical methods to achieve the same purpose. This is the case when the parliament has to decide on a law considered very important by the government, a law on which the government has staked its reputation. It is possible that the government would feel obliged to resign when faced with a continually hostile parliament. Usually, the rejection of the budget proposal is considered a sufficient argument for the resignation of the government.

The vote of censure, as a way of expressing disapproval of the government, and the engagement of the responsibility of the government are mentioned in the Romanian Constitution of 1991 [art. 112 – 113]. This is not the result of a long constitutional evolution; in this case, we cannot speak about a continuity. Institutions such as those described in the above-mentioned articles of the Constitution cannot be found in the constitutional practice developed before the Communist period. In the Romanian Constitution of 1866 the institution of the political responsibility of the government doesn't appear and, for that reason, it is doubtful that the formal political system of that period could be considered a parliamentary democracy. However, in practice, the government began to be obliged to resign not only when one or the two chambers of the parliament adopted an express vote of no confidence, but even when, directly or implicitly, the parliament showed its intention to withdraw its support. As noted above this practice was not established by the written Constitution of 1866. The Paris Convention, signed on 7/19 August 1858,⁴ had established the framework of the political structure of the Romanian principalities, being the first attempt at balancing the old methods of autocratic government with new politically representative institutions. I use the term 'balancing' rather than 'replacing', because this Convention was the result of a compromise between the great powers who were signatories to the 1856 Treaty of Paris which have ended the Crimean War. Due to the need for political compromise, much of the patterns of the parliamentary system didn't appear in the text of the Convention, but it is obvious that the intention of the authors was to introduce such a system in the Romanian principalities. The creation of the legal framework of modern Romania was the result of this political compromise; for that reason, a very important institution of the parliamentary system, the responsibility of the government to the parliament, was created through custom. Moreover, even if the Convention had not been the result of a compromise, the rule of governmental responsibility could not have been introduced by legal means for the very simple reason that we cannot find this rule in the constitutions of the states which desired the institution of a parliamentary system in the

Romanian principalities. In England, governmental responsibility was considered then, as it is in our time, a customary rule.⁵ In France, as René Capitant notes:

The parliamentary system was not born as an imperative of the Constitutional Charter of 1814, but it was the result of a complex of political circumstances which made possible the imposition, by the way of the application of some legal customs, of the idea that the ministers have to resign when they have lost the confidence of the parliament.⁶

The principle of governmental responsibility was put into the Constitution of Prussia, but it didn't prescribe the consequences of this responsibility. It was believed that the parliamentary system would be imposed by the application of the rules described by the Constitution, until Bismarck came into power in 1862 and essentially imposed arbitrary rule.

Nevertheless, in the Convention of Paris the responsibility of the government was stipulated, but the Convention refers only to the criminal responsibility of the members of the government, similar to the French Constitutional Charter of 1814.⁷ In the latter, the cabinet ministries could be judged only by the judicial branch [by the *Inalta Curte Judecatoreasca si de Casatie*], by a 2/3 vote of the Elective Assembly, or by the *hospodar*.

Being the result of a political compromise, the Convention actually stipulated some rules opposed to a parliamentary system, for example, it provided for the prince to govern together with his ministers, which was a recognition of the right of the chief of state to take part in the executive functions of the state.

How was the custom of governmental responsibility established? First of all, there was the belief of the participants in the political process that this rule already existed and must therefore be applied. Boerescu, a member of Parliament, commented on the Convention in the newspaper *Nationalul* in 1858, stating that "usually, in representative governments, the members of the cabinet are responsible to the Chamber and to the chief of state" and that the Chambers of the Parliament can express their disapproval of the government by a vote. In the eyes of the people who were entrusted to carry out the terms of the Convention, there was a certainty that it imposed a parliamentary system. A proof for this is that one is at a loss to find a contrary point of view coming out of this time period. Moreover, there was agreement concerning this issue by the two political factions, which were later transformed into the Liberal Party [1875] and the Conservative Party [1880]. Due to the existence of this consensus, any attempts to sustain the idea of a personal rule by the prince were rapidly disappearing.

Unlike in France, where the custom of governmental responsibility appears after the adoption of the Constitutional Charter of 1814, in the Romanian principalities this rule was imposed more easily because of the consensus established among the political elites. An evolutionary process of this custom is missing from the modern Romanian political tradition.⁸

How can this consensus be explained? It is a consensus in some way unique in the context of a tumultuous political life, in which there were frequent and intense debates between the two factions. As constitutional practices appeared, the conservatives, representatives of the great boyars, were forced to accept the rights claimed by the new emerging middle class, represented in the parliament by the liberals. The responsibility of the government to the parliament was considered the most adequate rule to preserve the peaceful coexistence of the two factions. First of all, it created a mechanism for the alternation in power between them. Secondly, it helped to slow down any profound social or economic reforms, since a government which made radical proposals could be threatened with a vote of no confidence.

Paradoxically, the most convinced supporters of the parliamentary system were the conservatives, who were over represented in the legislature due to the structure of the electoral system. Due to this over representation, they were always able to throw out a too reformist liberal government. This idea seems to be found in the comments of I.C. Bratianu, the historical leader of the liberals, who noted in 1862: "I think that in our country someone who shares the conservatives beliefs would have to support the parliamentary regime, because this political combination is the most appropriate manner to keep a nation from despotism and anarchy."⁹ Furthermore, during this period a common belief was that 'Western' political methods needed to be utilized in order for a new state to gain respect from the 'civilized nations' of Europe. Anastase Panu, a member of the Parliament, declared in 1863 that the constitutional regime functions "alike in England, alike in every state where it works."¹⁰ Another deputy, Nicolae Ionescu, declared in 1866 that we "always owe respect to the ancient and venerable English institutions."¹¹

A condition required for the existence of a custom is the generally accepted belief that it is imposed on the community. This condition is not sufficient, since it is also necessary that this *opinio necessitatis* is repeatedly applied in social life, and that it is a constant practice. If we investigate the parliamentary activity before the adoption of the 1866 Constitution, we will see that this condition is fulfilled concerning the issue of governmental responsibility. In Moldavia, the Sturza government in 1859 and the Kogalniceanu government in 1861, in Wallachia, the Filipescu and the Ghica governments in 1859, the Epureanu and the Golescu governments in 1861, all resigned due to votes of no confidence by the Elective Assembly. After the creation of the Legislative Assembly, composed of representatives of the two Romanian provinces, further governments were forced to resign: the Cretulescu government in 1863 and the Kogalniceanu government in 1864. The rule of governmental responsibility, imposed by custom, became very quickly an obstacle to the development of a normal political life in the principalities and sometimes it led to governmental instability.

While the Constitution of 1866 doesn't enshrine in its articles the rule of governmental responsibility, it also does not explicitly exclude it. As a result, it was possible to utilize constitutional custom to establish the rule. This custom, according to C.G. Rarincescu, "was formed . . . under the influence of the foreign constitutions which previously established this system of government, such as the English or the French constitutions."¹²

The 1884 revision of the Constitution of 1866 was a step in the direction of the recognition of this custom. Article 130 § 4 provided that ministers could "participate in the debates of the legislative bodies." This leaves at least the hint of the rule of governmental responsibility. We should also note that since 1879 the Law for the Ministerial Responsibility was in force; this law had established the rules applicable to the criminal responsibility of the ministries, developing the provisions of the article 101 of the 1866 Constitution. Since the text of the article 130 § 4 mentions the 'debates' of the parliament, it could be said to imply political responsibility, the only form of responsibility which could be deduced from parliamentary discussions [the vote on the budget, the vote of no confidence, etc.]. Another argument is that the responsibility implied by the article 130 § 4 was a joint and several responsibility¹³ while criminal responsibility would have to be individual.

As noted above, in order to be considered a custom, it is necessary for a rule to be constantly applied. Between 1866 and 1871 nine votes of no confidence were adopted. However, for the longer period from 1871 until 1916 there were again only nine such votes. Certainly, one of the factors which contributed to the lesser use of no confidence votes, was the development of political parties. By manipulating the elections, the party in power could insure itself of significant

representation in the parliament. The other party could only come to power after being nominated by the King to form a government. Nevertheless, the conflicts between the parliament and the government didn't disappear, because very often the governing party was confronted with internal dissent, which eventually forced a modification of the government.

The well-known theory of 'forms without content' influenced the intellectual debates in Romania toward the end of the 19th century. According to this theory, the introduction of western institutions was not appropriate to Romanian reality. If we examine the institution governmental responsibility, we realize that this theory didn't describe a *de facto* situation. The 'rules' applicable to this fundamental institution of the parliamentary system were not 'imported', they were rather imposed by the development of the custom. In this way, one could say that the form actually created its own content [a constitutional practice was taken over, constantly applied, and, finally, accepted as a part of the constitutional rules]. It is noteworthy that we cannot find governmental responsibility written into the Constitution of 1923 or the Constitution of 1938. Yet this is the only customary rule in Romanian constitutional law which has no firm written foundation. Clearly one cannot speak of constitutional law during the Communist period, since this epoch is characterized by the absence of the rule of law.

The authors of the first post-Communist Romanian Constitution [1991], took the step of writing governmental responsibility into the state's fundamental document. Yet, this act which might have been simply the crowning of the development of the customary rule, acted as a catalyst for an entirely new chapter of constitutional law. Rather than building on the pre-Communist constitutional tradition, as established by custom, the newly enshrined constitutional clause was actually interpreted as a license to overturn governments at will by the post-Communist political elite. Any restraints imposed during the earlier period by the fact that the rule was entirely based on an unwritten custom, appears to have been lost by the introduction of the written clause.

Notes

1 Radu Carp, Lecturer, Faculty of Political Science, University of Bucharest.

2 Leon Epstein, *Parliamentary Government*, in David Sills, ed., *International Encyclopedia of the Social Sciences*, New York, Macmillan and Free Press, 1968, p. 419.

3 Arend Lijphart, *Democracies – Patterns of Majoritarian and Consensus Government in Twenty – One Countries*, New Haven, Yale University Press, 1984, p. 68.

4 The dates herein are often given showing the date in both the old style and new style calendar. Therefore, under the old style calendar it occurred on August 19th, while on the new style calendar it occurred on August 7th.

5 See Frederick P. Ridley, "Les sources du droit constitutionnel britannique," in Francis Delperérée, Marc Verdussen, Karine Biver, *Recueil des constitutions européennes*, Bruylant, Brussels, 1994, p. 296.

6 René Capitant, "Le droit constitutionnel non-écrit," in *Recueil d'études sur les sources de droit en l'honneur de François Gény*, Paris, Sirey, 1934, p. 56.

7 About the criminal responsibility of the cabinet ministers in France in that particular time, see the comments of Benjamin Constant included in *Principes de politique*, chapter IX ["Despre libertate la antici si moderni"], Iasi, Institutul European, 1996, pp. 87-102.

8 Tudor Draganu, *Inceputurile si dezvoltarea regimului parlamentar in Romania pana in 1916*, Cluj, Dacia, 1991, p. 125.

9 I.C. Bratianu, *Monitorul Oficial*, 1862, no. 24.

10 Anastase Panu, *Monitorul Oficial*, 1863, no. 43.

11 Nicolae Ionescu, A.D. Xenopol, *Istoria partidelor politice in Romania*, Bucharest, 1920, p. 257.

12 C.G. Rarincescu, *Curs de drept constitutional*, Bucharest, Marvan S.A.R., 1940, p. 34.

13 Constantin Dissescu, *Drept constitutional*, Socec, Bucharest, 1915, p. 831.

Chapter VI

National Identity and Political Legitimacy in Modern Romania

*Ovidiu Caraiani*¹

Introduction

The fact that national identity has been a permanent concern for Romanian intellectuals is not surprising.² The State of Romania, being the result of the downfall of three empires, has never had a well-defined identity or stable borders. The nation developed long before the state, although both are constructed identities.

Modern Romania took shape while obsessively trying to define the national essence and identity. The path to development, and implicitly the legitimacy of a national policy, was definitely tied to the way in which the essential features of history of Romanian spirituality were defined. The supposition that a certain conception of national identity automatically legitimates the political discourse was meant to mark the evolution of Romanian intellectual life in a paramount way. From this perspective, the historical controversy between modernists and traditionalists centered around a nationalist type of political thinking, which still exists today, although in a more sophisticated manner. The issue was the implementation of a 'legitimate' nationalist discourse. When the discussion of which political path to follow, is transformed into a choice between a 'good' or a 'bad' nationalism, it is quite difficult to avoid the trap of a collectivist exclusivism. The theoretical and practical consequences of such a discourse are extremely important. In fact, the way in which one analyses the relationship between individuality and collectivity, between the politics of individual rights and that of collective identity, depends precisely on these consequences. Liberalism, in its essence, is the assertion of individual autonomy, while traditional conservatism and nationalism, in its different form presupposes the imposition of communitary values. What this essay is attempting to prove is that the Romanian public space had – and still has – profound collectivist marks due to a deep national obsession: the politics of identity. This fact was a considerable obstacle in the building of an articulated political discourse about individual rights and liberties and implicitly of a culture of individualism in Romania.

Autochtonism Vs. Modernism

The year 1848 and its ideology represents without any doubt the beginning of the modern Romanian civilization. The historical importance of Kogalniceanu, Bolintineanu, Russo and Balcescu arises from their attempt to impose the cultural, institutional and juridical models of Europe onto the Romanian society. The modernization of Romania was synonymous with the adoption of European capitalist civilization and the promise of national emancipation. The movement of 1848 became the 'black sheep' of the traditionalists and a national curse because it was 'revolutionary' and 'atheistic' and meant the exiting of the specifically 'Romanian' element in the ecumenical spirit. The movement was nationalist, but no longer orthodox. Europeanization now meant, in fact, "capitalist selfishness, 'politicianism' or the sacrifice of everyone for the sake of an oligarchy . . . [and] deceit in the political and cultural institutions."³ Moreover, Eliade considered it a "European aping" because it borrowed the model of an "anti-spiritual Europe," of an "abstract apology of Man" and therefore it was "a great threat to Romanian spirituality."⁴ Its

historical guilt was the fact that it tried to impose alien ideas on the Romanian people. Briefly, these ideas were: parliamentary liberalism, rationalism, atheism, internationalist 'revolutionarism', romanticism, civilization versus culture, industry versus 'anthropological-geography'. Essentially, the 1848 movement was guilty of trying to impose an alien path towards civilization and culture, which did not fit the native 'Eastern' and 'Orthodox' spirit.

Besides providing a radical critique of 'strong' traditionalism [nationalist-Orthodox], the 1848 movement was, in fact, one which asserted, in Kogalniceanu's words, a 'national spirit'. Its spirit was closer to Risorgimento, to the native 'orthodoxist' than to integral nationalism. The differences referred to the way in which the essence of the national spirit was conceived and, implicitly, their appeal to the two founding myths: 'Romanity' and 'Dacity'.⁵

Maiorescu, as a moderate traditionalist and supporter of the organic development, viewed the 1848 movement as an attempt to "imitate and reproduce the superficial forms of Western culture in the rush of some enthusiastic young men willing to arrive immediately to literature, science, beautiful arts and, above all, liberty in a modern state."⁶ This modernization was not a natural process, well suited the Romanian society, because it was the result of the contagious influence exerted by the ideas of the French Revolution. The exponents of this innovating attempt were students blinded by the 'grand phenomena of modern culture', who thus borrowed the forms and effects of Western civilization, but not its substance. The development of the Romanian social organism had been a paradox since all of its major institutions were constructed without a solid foundation, the so called 'forms without a content'. The solution was the reestablishment of an equilibrium between forms and content. This was to be found only by following the path of organic development in conformity with our cultural tradition which meant, to a large extent, an agrarian social structure.

Paradoxically, the obsession with 'the peasants' was not strange, not even to the 1848 generation. They complained about the fact that urban people "are no longer Romanians"⁷ and the times when the landowner and the peasant "understood each other . . . in language and ideas"⁸ were already past.

The 'cult' of the peasant and the longing for a pastoral, rural idealized past descends from the romantic-conservative English tradition [Coleridge, Wordsworth, Cobbett, T.S. Elliot] and also from the German tradition [Moeser, Mueller, Novalis]. One of the central issues of traditionalist conservatism was the longing for the 'purity' of the past combined with an anti-individualist attitude. Liberal individualism was viewed as a threat to the established values of community life throughout history. The liberal economic policy was regarded as being against human nature and against a life, which was all together simple, religious and full of communitarian feelings. Industrialization and capitalist individualism meant the decline of community, of tradition, and the natural order. The state was a communal enterprise tinged with spiritual and organic features.

While for the Junimists 'the peasant' ideal was presented in a moderate form, the disseminationists and the populists viewed it in a radical way, as being the source of a change in manners and of a revitalization of the 'true culture'. In essence, traditionalism regarded the modernization of Romania as not fitting with the spiritual profile of the nation. Rural life meant a type of contemplative metaphysics [which would gain the dimension of Orthodoxism through the 'trairist' current of thought] essentially incompatible with the industrial and Protestant *Weltanschauung* of an active life and of a 'rationalized' form of work.

The controversy between 'Europeans' and traditionalists came to its peak in the 20s with the publication of Lovinescu's *History of Modern Romanian Civilization* [1924-26].⁹ The book systematically supported a modernist approach, since the adoption of European cultural and

institutional models was viewed as a functional necessity for Romania. Without denying the importance of economic factors, Lovinescu considered that the development of Romania was strongly influenced by Western ideology through the historical work of the 1848 generation, in the sense of the 'social determinism'. The idea of the synchronical development in accordance with the spirit of the time was explicitly stated by Lovinescu: "People live in a certain historical epoch; European life is synchronic. The younger countries, which develop a culture of their own only later in time, are left to accept the social and political ideology of the countries with an older civilization."¹⁰

The traditionalism preached by Maiorescu was for Lovinescu a form of German and English evolutionism, just as the movement of 1848 was a reply to French liberalism.¹¹ Although a follower of the unconditional ideological influence in the development of social and political institutions, Lovinescu remained a supporter of the national specificity in art. However, the rebirth of the 'Romanian soul' could only be achieved through contact with Europe: "Out of the fusion of the alien influences with the spirit of our race, the art of the future with features that can constitute a Romanian style can be born."¹²

The idea of cultural identity can be found also in the view of the 'moderate' modernists from 'Viata Romaneasca' who chose the path between 'tradition' and 'Europeanism' in order to reject 'ethnic culturalism' and 'extremist traditionalism'. In their conception, the national specificity in art did not include, when it comes to civilization, modernization.¹³ Their pro-Europeanism was combined with rural accents – the peasants were the 'heart' of the nation – and also with a mostly agrarian political/economic program. What Lovinescu and other "radical" modernists rejected was not the idea of a 'national essence', but precisely its becoming a dogma and its being a reflection of the primitive rural spirit.

Their reaction against 'ossified' traditionalism, therefore Europeanism, seemed to be the only possibility which could lead to national emancipation.¹⁴ Ralea, for example, in *The Mission of the Young Generation* considered nationalism, democracy and Europeanism as being the values that conditioned the development of Romanian civilization.¹⁵ At the same time, these are for him the social values which lead to the national dimension, through a process of 'differentiation' specific to the Romanian people.¹⁶ By opposing rationalism to mysticism, Ralea wanted to prove that there was no incompatibility between democracy and nationalism, but only a historical conditioning. Only rationalism and democracy could lead us to an authentic national conscience.¹⁷ Undoubtedly, Ralea had in mind the 19th century liberal form of nationalism, which the theorists called civic or legitimate nationalism.

It is useful to mention that the inter-war fight was carried on essentially around the concepts of 'national essence' and 'national uniqueness' in art and also in social life in general. The discourse which was used is not articulated and specific to an individualist methodology but it has more a collective-normative feature. 'Essence' and 'uniqueness' are concepts which precisely determine the theoretical frames of an existentialist metaphysics, and consequently they do not allow a rational approach to individuality. Any type of essentialist-collectivist rhetoric subordinates or views as secondary the issues of individual rights and liberties, but without a constant reference to them it is hard to imagine a 'culture of individualism' and a coherent liberal conception. The case of Radulescu-Motru is illustrative since he proposed an 'ethnic' form of conscience specific to Romanians but different from the style of European nationalism. By invoking the laws of heredity, he demonstrated the necessity of a "politics of the hereditary order," the politics of the Romanian spirit, which could be the only ideology to bring the modernization of the state into being. This approach was supposed to be the solution to the problems of a political

life based on "the abstraction of the social contract," on juridical norms and on conventionalism.¹⁸ In other words, what was necessary was a politics capable to achieve "the ethnic being," through the refusal of parliamentarism and an organization of the state which started from the biological determinations of the life of people.¹⁹ The individual was supposed to "integrate in the collective activity of society"²⁰ because "the contemporary state is achieved by organizing the functions of the nation itself".²¹ The final goal of this revolutionary politics was to eliminate both the individualism of the elites and the instinct of the masses. The Romanian way of being was to "end the antagonism which alienated the upper-class Romanians from those below. It will thus diminish the individualism of those above and will illuminate the mysticism of those below."²²

Autochthonism in its pure form is the creation of Nae Ionescu and of the 30s generation. In what concerns ideology, the change consisted in the building of a 'new' 'organic' nationalism as an expression of the synthesis between the ethnic and religious. The dominant feature of the Romanian intellectual life in the 30s was to justify in theory the essential terms of the nationalist discourse: ethnicity, nationality, national uniqueness, native tradition, etc.²³

Nae Ionescu considered ethnicity as "the formula of today's Romanian nationalism,"²⁴ while for Nichifor Crainic the "biological homogeneousness," the "historical identity," and "the blood and the soul" were the defining elements of the "ethnocratic state."²⁵ 'Ethnic nationalism' represented for Nae Ionescu the historical reply to 'liberal nationalism' and generally to parliamentary democracy and individualism.²⁶ More, it was the expression of Orthodox spirituality which was specific to the Romanian people, while Catholicism meant a "different way to value existence" expressing a "universalistic" thinking, opposed to "national particularity."²⁷ Orthodoxy and ethnicity were considered the defining features of national identity because "being Romanian meant also being Orthodox."²⁸

The project of the young generation [Noica, Eliade, Cioran] was intended as a synthesis going beyond the division between traditionalists and modernists, their solution being "an actual Romania."²⁹ Traditionalism, as regarded by Noica, had tied the Romanian people to their past, to their anonymity and folklore, thus making their participation in history impossible and condemning the Romanian people to exist within the confines of a minor culture. Modernism opened for them the way to history, but the danger consisted in losing their identity in the overall uniformity of the way of life. The path to be chosen had to reject both a modernity of liberal roots and conservative traditionalism. This path referred again to 'us', 'our people', to a 'collective identity', while individuality was viewed as a consequence of materialist rationalism in order to be stigmatized.³⁰

Nae Ionescu saw the individualism born out of Cartesianism and reform as the principal cause of the crisis of modern man. As a consequence, his philosophy wanted to "destroy the values of modern rationalism." He noted that "through its reductionism, Cartesian rationalism turns the rationalist truth on its head and falsifies it. We destroy it: in philosophy through the new anti-intellectual currents . . . ; in politics, by scrutinizing the parliamentary and democratic regime and through the victory of the organic conception over the contractualist conception."³¹

In opposition to "contemporary democracy" and to the individualism born out of the mixture between the "philosophical subjectivism of Descartes" and the mathematical, uniformizing and scientific method," the idea of national community is seen as "the only alive and creative reality" in which the individual can organically integrate.³² Although it cannot be said that an articulated liberal discourse existed in that epoch, there is instead an excessive criticism of its values.

Rationalism, Cartesianism, Kantianism and their social-political consequences, contractualism, liberalism and egalitarianism on which the political thinking of the democratic and modern state is built, led to the "intellectual breakdown of the West."³³ More than that, rationalism and liberal democracy meant the denial of our mystical and irrational heritage.³⁴ The alienation of the Romanian people from their historical being started with the Revolution of 1848. The reforms of the 1848 generation changed the course of the national organism from the 'truths' of the Orthodox world to the "European nihilism, which means the denial of our creative potentialities."³⁵ The West with its standardizing civilization of an urban/industrial type meant a denial of the East, where communitary and rural tradition were preserved, and where culture as an expression of organic interior life still existed. For Nae Ionescu, the idea of appropriation of Western civilization was based on historical prejudice: Latinity, the creation of the Transylvanian school of thought. None of the defining elements of the Romanian soul is Latin: neither the idea of right, nor that of state, even less that of God.³⁶

The coming into being of a Romanian version of Eastern Orthodox Christianity, as a politically relevant movement was crucial in the attempt to consolidate a Romanian identity centered around anti-Western and anti-individual trends. Ethnical and religious identity became identical. Rationalism, positivism and tolerance were viewed as decadent manifestations. In the inter-war period the attempt to bring about the cultural rebirth of the Romanian nation led to a political rhetoric with a strong authoritarian accent, especially regarding the Iron Guardist [Legionary] movement.³⁷ This first contact with mass populism played a crucial role in the marginalization of liberal individualism.

The emphasis of the unique qualities of the Romanian tradition became the dominant theme of the current of thought called 'trairism', upon which the Iron Guardist [Legionary] movement was based and which, through Noica, continued to exert a philosophical influence.³⁸ One of the most remarkable features of the history of ideas in 20th century Romania was the existence of a mostly irrationalist philosophy, in spite of a state which embraced an official rationalist ideology and a bureaucratic apparatus, at least after 1848.

In a certain way, the Communist regime should be seen as an extreme version of the collectivist politics which was implicit in the nationalist discourse going back to 1848. What was new was the fusion of the profound rationalist conception of the 'new man' [*homo collectivus*], with the traditional conception of the moral significance of the peasant, which inspired the idealization of the native and rural culture. In philosophical terms, trairism and Marxism were not compatible, but what they did have in common, at least in these versions, was contempt for the values of liberal individualism. These two conceptions were paradoxically united in the doctrine of protochronism, which wanted to find the pure origins of scientific and philosophic innovations in the structure of the Romanian culture and language.³⁹

Myths and Models of Identity

The controversy between traditionalists and modernists constitutes, through its extent, participation and the fields of knowledge that it includes, a point of reference in the cultural Romanian space. Its consequences are of a paramount importance: on the one hand, it helped to crystallize the historical 'obsessions' related to the definition of national identity, while, on the other hand, it influenced in a decisive way the evolution of cultural ideas from the public space. This fact became obvious after 1989, when the controversy between nationalists and anti-nationalists and also the more general debates in political life brought again to the fore the older

obsessions regarding Romania's path of development. The new element is represented by the actors on the political scene and their attempts to justify the theoretical suppositions, belonging to paradigms, which used to diverge decades ago. I consider that these suppositions can be summed up, from a methodological standpoint, in two different paradigms:

Traditionalism Modernism

National European
East West
Culture Civilization
Orthodoxism Catholicism
Irrationalism Rationalism
Organicism Contractualism
Agrarianism Industrialism
Collectivism Individualism
Dacity Latinity

Besides its unavoidable reductionism, I consider that the suppositions this methodological model incorporates have functioned in a 'latent' way in the space of public culture and have influenced, to a certain extent, both the intellectual discussions around the issue of identity and implicitly the different practical arguments. They influenced the choice of a certain type of norms and values and they carried the whole intellectual dispute around the concept of national identity.

For the nationalist rhetoric, these models were included in a real political mythology. Latinity and/or Dacity were the terms of a historical dispute, which was systematically used in order to justify a certain type of political thinking. Invoking the origins and the 'founding myths' is the best way to legitimate the idea of a nation.⁴⁰ The role of these myths is important in two respects: on the one hand, it consolidates the national ethos, and, on the other hand, they become essential reference points for the social/political projects of the community, due to the fact that they respond to the 'needs' of the present. Their axiomatic force can hardly be questioned, even by an extremely critical mind. Also, if you 'deconstruct' the myths, something else has to be put in their place. The idea at stake is that of affiliation, and without it no community can be imagined.⁴¹ The problem is that the way these 'founding myths' were ideologically valued in the nationalist discourse created a type of 'residual collectivism' which favored the progressive development in the Romanian public space of a nationalist mentality. More exactly, it imposed the conviction that an adequate political strategy should be based on a certain conception of national identity. This fact became a constraining reality after 1989, when political discourse was centered, almost obsessively, around two magical concepts: consensus and/or national interest. They are magical, because their simple pronunciation has incredible effects: they create a kind of sudden and ephemeral concord between the opposing parties which otherwise have different views of national interest or, more generally, of identity. Implicitly, the main concern of political life was to determine as exactly as possible the 'true' national interest depending on the presumed concept of identity. What is questioned is not the legitimacy of the concept of national identity, but the way in which it can constitute a political strategy.

The point I am attempting to make here is that any type of nationalist political discourse should be considered both as a type of argument and as a normative commitment, which delineates priorities and emphasizes certain values rather than others. As a normative discourse it presupposes

a set of values and principles which assert a certain concept of collective identity. Its usage as a political weapon and not as a cultural reference point makes out of any nationalist politics one of identity.

The Normative Definition of National Identity

The normative significance of the nationalist discourse is constituted by a series of moral models and values which are part of the historical practice and tradition. They are goods of the community, 'verified' by history and as such they are widely shared. The fact that they are consensually recognized as such gives them the status of 'prime' and unquestionable truths. The myth of the common origin, national heroes, the glorious past, the unmistakable spiritual features and a certain feeling of solidarity between certain important social groups are elements which define the ethnic communities.⁴²

They are types of cultural collective identities, and they are the ground for the definition of national identity. Using these models of identity in the nationalist type of normative reconstruction implies a certain 'instrumentalization' of them. They become definitions and models which condense the national 'essence'. Through participation in these 'ontological realities' the national identity is distributed. The definition given by Blaga to 'Romanianism' seems illustrative to me. The Romanian *Volkgeist* is confined to a geographical framework – the plain ["a high and open plain, on a green mountain slope, slowly flowing to the valley"].⁴³ There is "a certain inalienable stylistic matrix of our ethnical spirit."⁴⁴ That is why the Romanian is more open to the cosmic essences than Western people: "In the West the tradition is made up from the pedantic summing up of a past, from forebears' galleries, from the chronicle of some facts Tradition has a historical and museum-like character in the West. . . . Our tradition has a more invisible nature; it allows only a metaphorical or a metaphysical wording. Our tradition is more timeless since it becomes one with the creative stylistic potentialities, which are inexhaustible and magnificent like in the first day. . . . Smoldering sometimes, always alive, it is always present in time, although contained in our ephemeral horizon, it is above time."⁴⁵

Coming from a deep intellectual horizon, Mircea Vulcanescu spoke about the 'Romanian man'. In his essay "The Romanian Dimension of Existence" the Romanian man was defined through seven fundamental attitudes:⁴⁶

- there is no non-being
- there is no absolute impossibility
- there is no alternative
- there is no imperative
- there is no irreparable
- the easiness in facing life
- lack of fear of death

Finally and without claiming that I have exhausted the characteristics of the 'Romanian being', I will also mention the essay of Constantin Noica, "The Romanian Feeling of Being."⁴⁷ The Romanian being in its living reality is more open and richer: "The neopositivist perspective of the Western world with its forgetfulness of being or even, other times, with the reconsidering of being in other philosophies seems poor in comparison to our complex and fairy-like mode of being."⁴⁸ The historical advantage of the Romanians is that they are neither Western nor Eastern,

but a connecting bridge between the two; "We are between far and also near East . . . and West. Neither of them marked us, but as we are geographically in the middle, could we not be also spiritually in the middle?" As we can better combine tradition with modernity, we have the chance to have "a closer connection with the values of the spirit."⁴⁹

Firstly, one notices that the definition of the Romanian spirit is given in 'terms of the relationship' with others: their culture, their tradition and their spirituality. Secondly, this relationship suggests an untranslatable specific way of Romanian existence: it is longing and melancholy, an existence that flows towards 'something',⁵⁰ it is 'for' existence. Its uniqueness means a kind of richness and superiority 'in relationship' with other cultures. Ultimately, these spiritual features represent the 'true' and essential nature of the Romanian tradition. Such an 'essentialist' definition is put in exclusive terms. It is 'exclusive' in relation to other types of ethnic identities which differ in language, religion and culture. It is 'exclusive' in relation to the other values and norms, which are constitutive to individuality. The individuals as members of a community [beginning with the family and ending with larger social-professional or confessional groups] share a number of values and customs, and they have a certain conception of what counts as a personal good and a certain vision of morality.

It is 'exclusive' in relation to the idea of individual autonomy and with individual rights and liberties. It is hard to dispute the fact that there is, at least theoretically [beside the classical controversies between liberals and conservatives, libertarians and communitarians] the possibility of building an autonomous 'technical' discourse of rights, which does not include a certain image of the individual as an absolute criterion for grounding it. If an essentialist definition, like the one discussed above, is used, it will be difficult to accommodate it with the 'claims' of the same kind which are made by the others. Once again, it is not the legitimacy of the concept of national identity which is questioned here. This legitimacy is one of the features of individual identity. A universal and absolute cosmopolitanism could lead us to even more difficult theoretical and practical obstacles. What I want to stress here is the idea that in building this identity one cannot work with eternal spiritual reference points, which can be fixed once and for all in an absolute paradigm. In the process of gaining knowledge and self-knowledge, people revise and rearrange the different constitutive values in accordance with the life contexts which determine the definition of their individual identity. National values are important, but they are not the only ones.

Conclusion

The building of individual identity puts at stake a multitude of values [moral, religious and cultural] which are out of the question. The normativity of the nationalist discourse sets priorities and stresses certain values at the expense of others. It is difficult to work out a political strategy on the basis of the concept of national identity. The difficulties are both theoretical and practical. The theoretical ones refer to the possibility itself of building such an all-embracing concept. There are competing perspectives on the individual in relation to the community as a whole. These also require other more general founding theories whose suppositions have to be made clear. The practical difficulties refer to the way this kind of strategy could solve the inevitable confrontations between the multiple individual identities.

The Romanian case suggests that the attempt to justify a politics of identity minimizes the discourse about individual rights and creates social tensions. The conflict between collectivism and individualism regained force in the post-Communist period. The attempt of rebuilding the public space as a crossing realm between politics and religion, the attempt to put together a new

type of discourse about identity and collectivity, while trying to de-mythologize the old habits of thinking, has confronted Romanian society with new and conflicting situations. The discourse of national identity served as a pretext for defending the interests of the old regime. The reaction was inevitable in the context created by the gap between expectations and achievements.

The role of the reforming intellectuals was to impose the conception of a civil society and individual rights over the growing tendency of reasserting the collectivist values. What is still problematic is the way in which a politics of national priorities can legitimate itself.

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Notes

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2 For a historical perspective see Iordan Chimet, *Dreptul la memorie [The Right to Memory]*, Four volumes, Dacia, Cluj, 1992.

3 N. Crainic, *Spiritualitate si romanism [Spirituality and Romanianism]*, in the volume *Ortodoxie si Etnocratie [Orthodoxy and Ethnocracy]*, 1937, p.143, see also Z. Ornea, *Anii Treizeci, Extrema dreapta Romaneasca [The 30s. The Romanian Extreme right]*, Bucharest, Editura Fundatiei Culturale Romane, 1996, p.28.

4 M.Eliade, *Pasoptism si umanism, Floarea de foc [The Ideology of the 1848 Generation and Humanism, The Flower of Fire]*, II, nr. 1, 25 February 1933, see also z. Ornea, p. 33.

5 The geographic area which constitutes modern Romania, more or less, was in the closing days of Roman expansion, inhabited by a people known as the Dacians. Rome conquered Dacia, and it became a province of the Empire for a time, until the Roman authorities withdrew south of the Danube. It is believed that modern Romanians are descended from a mixture of the original inhabitants of Dacia and settlers from other parts of the Roman Empire. The latter are thought to have brought Latin to this part of the world, out of which the Romanian language is believed to have evolved.

6 T. Maiorescu, *In contra directiei de astazi in cultura [Against the Nowadays Direction in Culture]* 1868, *Critice [Critical Studies]*, Bucharest, Editura Tineretului, 1967, p.1, p. 115.

7 Dimitrie Bolintineanu, quoted in R. Patapievici, "Metafizica natiunii in act este o politica," Gabriel Andreescu, Ed., *Romania versus Romania*, Bucharest, Clavis, 1996, p. 182.

8 Alecu Russo, quoted in *ibid.*

9 E. Lovinescu, *Istoria civilizatiei romane moderne [The History of Modern Romanian Civilization]*, [1924-26], Bucharest, Editura Stiintifica, 1972.

10 E. Lovinescu, *Istoria civilizatiei romane moderne [The History of Modern Romanian Civilization]*, [1924-26], Bucharest, Editura Stiintifica, 1972, p.153.

11 *Ibid.*, p. 295.

12 E. Lovinescu, *Etnicul, Sburatorul*, Serie noua, nr. 11-12, p. 2.

13 Z. Ornea, *Traditionalism si modernitate in deceniul al treilea [Tradition and Modernity in the Third Decade]* Bucharest, Eminescu, 1980 p. 359.

14 It has to be mentioned, the innovating program of Eugen Fillotti, taken over both by Lovinescu and *Viata Romaneasca*: "Under the banner of Orthodoxy and tradition some people flirt with the static ideal, ossified in hieratical Byzantine and Muscovite forms, of a primitive culture without evolution and horizon. Our ideal of a culture is dynamic, willing to grow, innovating and

fruitful. The meaning of culture that we intend to preach is European. Our light comes from the West. This country, rotten in its vital limbs before it reached maturity, can find its salvation only in Westernization. When it comes to becoming known, we only see a productive and active way of becoming so, which is the recognition of our specific uniqueness in forms of European culture, not abolishing or eliminating everything that is specific to us or that makes the beauty of our national soul, but making it a part of the whole of contemporary culture." See E. Filloti, *Gandul nostru [Our Thought]*, *Cuvantul liber [The Free Word]*, see also Z. Ornea, *Traditionalism si modernitate in deceniul al treilea*, pp. 351-2. The quotation seems to me illustrating for the way in which the solution of Europeanism was perceived in that epoch.

15 "Our civilization is conditioned by our becoming European with the help of the democratic regime. We think that our close connection with the West will help us to progress. Rationalism, democracy and Europeanism are the cultural values which *Viata Romaneasca* will support." M. Ralea, *Misiunea generatiei tinere [The Mission of the Young Generation]*, *Viata Romaneasca*, 1930, see also, Z. Ornea, *Anii Treizeci*, p. 62.

16 I will quote a few illustrating fragments: "Specifying the national soul is the perception of an individualization, of a differentiation based on discrimination. Mysticism which hates individualization and which mixes and melts together everything does not allow differentiation. There is an enormous incompatibility between mysticism and national uniqueness." Also "National uniqueness without conscience and reason is not possible. The specific national character is a matter of differentiation, and the perception of the difference requires reason. Being good Europeans will ultimately mean being good Romanians. Romanian spirit can be learned through the European spirit." See M. Ralea, *Scieri vol. 7 [Writings, vol. 7]*, Minerva, 1989, pp. 175080, Z. Ornea, *Anii Treizeci*, p.63.

17 "Not only that between democracy and nationalism is no possible antinomy, but nationalism is an invention of democracy. The same democratic principle, asserted by Wilson, implied the right to self-determination which also made possible the Great Romania. We can also assert more, that only democracy can be truly national. Only where the love for one's country is uttered by the great majority in full consent, can one talk about an authentic national conscience." See M. Ralea, *Doctrina drepteii [The Doctrine of the Right Wing]*, see also, Z. Ornea, *Anii Treizeci*, p. 66.

18 C. Radulescu-Motru, *Romanism, catehismul unei noi spiritualitati [Romanianism, the Catechism of a New Spirituality]* Bucharest, Fundatia pentru literatura si arta "Regele Carol II", 1939, p. 31.

19 See Al. Laignel-Lavastine, *Filosofie si nationalism, Paradoxul Noica [Philosophy and Nationalism; The Noica Paradox]* Bucharest, Humanitas, 1998, p. 96.

20 C.Radulescu-Motru, *Romanismul, catehismul unei noi spiritualitati*, p. 164.

21 *Ibid.*, p. 139.

22 *Ibid.*, p. 114-16.

23 In 1937, Nichifor Crainic referred to the role the journal *Gandirea* played in defining the theoretical elements of nationalism: "The term "ethnic" with its meaning of "ethnic specificity" imprinted in all sorts of expressions of the people, as a mark of its original properties, has been spread for 16 years by the journal *Gandirea*. The same thing applies to the terms of autochthonism, traditionalism, Orthodoxy, spirituality and many more which became common goods of our current nationalist language." See N.Crainic, *Ortodoxie si etnocratie*, Bucharest, 1937, p. 277, see also L.Volovici, *Ideologia nationalista si "problema evreiasca" [The Nationalist Ideology and the "Jewish Question"]* in *Romania anilor '30*, Bucharest, Humanitas, 1995, p.99.

24 Nae Ionescu, *Nationalismul de import [Imported Nationalism]*, *Cuvantul*, nr. 3183, 25 marie 1938, see also, L. Volovici, op.cit., p.104.

25 Nichifor Crainic considered that the essential element of the nationalist doctrine was that "not the demos but the ethos, namely the people or the nation create their own political expression in the national state. The ethos or the people is something well-defined, which has historical identity and biological and psychological homogeneousness, spiritual unity and its own power and will. The people, in its well-defined biological and psychological unity, can only be ethnocracy and not democracy in its political manifestation. The will of a people to live politically is grounded on certain constant and permanent elements of its specific character, taken over and expressed by the State. A state is national because it reflects the specific permanence of that nation." N. Crainic, *Ortodoxie si etnocratie*, Bucharest, 1937, p. 276, see also, Z. Ornea, *Anii Treizeci, Extrema dreapta romaneasca*, p. 257.

26 "[E]thnic nationalism as a political formula is the expression of a certain historical structure. This ethnic nationalism cannot exist in a world dominated by liberalism with all its corresponding terms: rationalism, democracy, idealism, Protestantism and who knows what else. That is why ethnic nationalism could not take over and fertilize the political scene before the war. However, the war hurried this process of dissolution. Organic mentality took control of everything and threw out the juridical mentality, while liberalism had to make room for a collective understanding of life. The individual was therefore replaced by the nation." See N. Ionescu, *Nationalismul de import, Cuvantul*, nr. 3183, 25 martie, 1938, see also L. Volovici, p. 105.

27 "Catholicism and Orthodoxy are not only denominations with dogmatic and cultural differences, but two essentially different ways of valuing existence in general. The dogmatic differences are the least differentiating. The great misunderstanding, incompatibility and impenetrability between Catholicism and Orthodoxy has its origins somewhere else: in the concrete spiritual structures, which make up the framework, where these gain their reality. This is the truth according to the soul when it comes about the issue of nation and religion: they are related and complementary realities. Therefore, we are Orthodox because we are Romanians, and we are Romanians because we are Orthodox..." See N. Ionescu, *A fi "bun roman" [To be a "good Romanian"]*, see also, Z. Ornea, p. 94.

28 N. Ionescu, *A fi "bun roman"*, see also, Z. Ornea, *Anii Treizeci*, p. 93.

29 C. Noica, *Ce e etern si ce e istoric in cultura romaneasca [What Is Eternal and What Is Historical in the Romanian Culture]*, in *Pagini despre sufletul romanesc*, pp. 7-8.

30 Breaking up with tradition meant breaking up with Maiorescu who had been the first to bring a critical spirit in the Romanian culture." We live in an epoch which has eliminated the critical spirit" said Nae Ionescu while Eliade saw in the critical spirit an incompatibility with the "mystical" vocation of his generation.

31 N. Ionescu, *Sufletul mistic [The Mystical Soul]*, *Roza vanturilor [1926-1933]*, Bucharest, 1990, pp. 23-24.

32 N. Ionescu, *Descartes, parinte al democratismului contemporan (Descartes, father of the contemporary democratism)* [text from 1921], included in N. Ionescu, *Nelinistea metafizica [The Metaphysical Anxiety]*, Editura Fundatiei Culturale Romane, Bucharest, 1993. See also. A. Laignel-Lavastine, *Filozofie si nationalism*, pp. 97-98. The critique of Cartesian rationalism was a constant concern for Nichifor Crainic as well: "*Cogito ergo sum* is the false dogma on which the modern individualism is grounded Descartes is the philosophical father of individualism and his doctrine is the starting point of the modern error that has turned the world into a hell, *Gandirea*, XI, 1931, nr. 2, see also, Z. Ornea, *Anii Treizeci, Extrema dreapta romaneasca*, pp. 73-74.

33 N. Rosu, *Kant si fictiunea revolutionara [Kant and the Revolutionary Fiction]*, in *Dialectica nationalismului [The Dialectics of Nationalism]*, Bucharest, 1936, pp. 86-87.

34 N. Ionescu, *Romania tara a rasaritului [Romania, country of the East]*, see also, Z. Ornea, *Anii Treizeci*, p. 90.

35 N. Crainic, *Puncte cardinale in haos [Cardinal Points in the Chaos]*, ed. a II-a, Cugetare... pp. 44-45.

36 N. Ionescu, *Romania tara a Rasaritului*, see also, Z. Ornea, *Anii Treizeci*, p. 90.

37 See Constantin Davidescu, *Totalitarian Discourse as Rejection of Modernity: The Iron Guard, a case-study*, in this volume.

38 For a more complete image see Z. Ornea, *Anii Treizeci, Extrema dreapta romaneasca* Bucharest, Editura Fundatiei Culturale Romane, 1996; Constantin Noica, *Pagini despre sufletul romanesc*, Bucharest, Humanitas, 1991; Constantin Noica, *Sentimentul romanesc al finite* Bucharest, Eminescu, 1978; Constantin Noica, *Cuvant impreuna despre rostirea romaneasca* Bucharest, Eminescu, 1987; and Constantin Noica, *Istoricitate si eternitate* Bucharest, Capricorn 1989. A detailed analysis of the relation between nationalism and Noica's philosophy can be found in A. Laignel-Lavastine, *Filosofie si nationalism, Paradoxul Noica*. Some of the Noician issues that exerted a paramount influence on several generations of intellectuals and also on the space of public culture are: the linking of ontology to the national dimension, the necessity to think anew the concept of modernity, the critique of the "ethos of neutrality," "the protest against the tyranny of general meanings," the critique of the model of Western civilization and "the salvation through culture."

39 See Edgar Papu, *Protocronismul romanesc [Romanian Protochronism]*, *Secolul XX*, nr. 5-6 1974, pp. 8-11; Edgar Papu, *Protocronism si sinteza [Protochronism and Synthesis]*, *Secolul XX*, nr. 6 1976, pp. 7-9; Edgar Papu, *Din clasicii nostri. Contributii la ideea unui protocronism romanesc [From our Classics. Contributions to the Idea of a Romanian Protochronism]* Bucharest, Eminescu, 1977; Ilie Badescu, *Sincronism european si cultura critica romaneasca [European Synchronism and Critical Romanian Culture]* Bucharest, Stiintifica si Enciclopedica, 1984; and the commentary of Katherine Verdery, *National Ideology under Socialism*, pp. 169-214.

40 A well-documented commentary of the role the 'founding myths' have in the building of the Romanian national identity and conscience can be read in L. Boia, *Istorie si mit in constiinta romaneasca [History and Myth in the Romanian Conscience]*, Bucharest, Humanitas, 1997, cap. 2.

41 Eric J. Hobsbawm considered that "nation" or the "ethnic group" becomes the only guarantee when the society fails. You must do nothing to belong to it and you cannot be expelled. You are born as its member and you remain its member. See E. J. Hobsbawm, *Etnicitate si nationalism [Ethnicity and Nationalism]* in *Europa contemporana [Contemporary Europe]*, *Polis*, nr. 2-1994, pp. 59-69.

42 The distinction between ethnic group and nation and its consequences on the way in which national identity is built was minutely analyzed by Anthony D. Smith in *National Identity* London, Penguin Books, 1991, pp. 1-43.

43 L. Blaga, *Spatiul mioritic [The Myoritic Space]*, Bucharest, Humanitas, 1994, pp. 165-66.

44 *Ibid.*

45 *Ibid.*

46 M. Vulcanescu, *Dimensiunea romaneasca a existentei* Bucharest, Fundatia Culturala Romana, 1997, pp. 130-49.

47 C. Noica, *Sentimentul romanesc al fiintei*, Bucharest, Humanitas, 1996, p. 57-58.

48 *Ibid.*

49 *Ibid.*, pp. 8-9.

50 L. Blaga, *supra* note 43, p. 164.

Chapter VII
**The Legitimacy of Political Authority in Transition:
On the Normative Relevance of ‘Consent to Be Governed’**

*Camil Parvu*¹

The Two Concepts of Legitimate Authority

In this paper I will question the implications of consent-based explanations and justifications of political authority in ordinary and transitional periods, and suggest that in understanding the concept of political authority, as well as the normative dimension of legitimacy, we are better off operating with a concept of legitimacy that does not reduce the justificatory endeavor to one of specifying the appropriate determinations and circumstances in which the expression of consent is valid. I suggest that a ‘wider’² concept of legitimacy allows for a more appropriate understanding of the specific dimension of the transitional legitimation process.

First, I will argue that expression of consent does not serve any plausible ‘explanatory’ account of how a political authority is originally established, or how it maintains its dominion over its subjects. Then, I will turn to the ‘justificatory’ accounts of political authority that ground its legitimacy either in the present consent of the governed, or in the ‘original actual consent’ to a founding constitution. I will question the underlying premise of the latter: the premise of the ‘transitivity’ of legitimacy. Justifying the concrete directives of political authority by appeal to the legitimacy of the founding document of that political order implies that the legitimacy of that document is transferable to current directives, and I will investigate whether legitimacy has this character. I will suggest that the contention that particular norms are legitimate by virtue of their legally valid connection with the originally legitimate constitution cannot be maintained.

In the last part of this essay I will examine the relevance of the examined theoretical apparatus for the current discussion in Central and Eastern Europe’s transition and more especially concerning the legitimation of the post-Communist Romanian regime. ‘Government by consent’, I shall contend, may be a necessary, but not a sufficient condition for legitimation.

Legitimate Authority and Actual Consent in Modern Political Theory

Political authority: Explanation

The explanation of political authority entails, first, an account of the ‘need’ for authority within a group and, second, an account of the character of ‘political’ authority, as a particular form of authority. If we wish to find out what exactly authority is, some of the first questions we should ask are: From where comes the need for authority? Is it possible to conceive of a human community in which the existence of authority was not necessary? Perhaps the prehistory of humanity could offer us examples of non-complex groups in which coordination did not require the intervention of an authority; but could we imagine a modern society that did not depend on one of the forms of authority? To which feature of human nature is the omnipresence of authority in society due? The answers to these questions are crucial, because we can better understand the authority’s character once we know its *raison d’être*. A definition of authority entails some conception of the need for authority.

How is it possible that we can speak of authority in contexts that are so different? We hear about the moral authority of some individual, about political authority, the authority of law, parents' authority over their offspring, etc. What is certain is that this widespread presence of authority is not due to human nature's deficiencies.³ Most of us accept that we cannot live isolated, that at least part of our life makes sense only because of the interactions with the others, that there are common goods worth pursuing in a collective effort and, at the same time, that unanimous decisions to achieve these common goods are, at the scale of the society, simply improbable. Moreover, we observe that the more intelligence and devotion for the common good are present within a group, the more difficult will be to choose among them, and the more diverse the projects and orientations, the more complex the problems of coordinating the actions of the individuals, especially when the choice to be made regards not only efficiency, but questions of morality and justice.⁴

We could explain the role of authority by comparing it to the other source of coordinate action: unanimity or consensus. Authority is meant to replace unanimity in those matters in which consensual coordination within a group aiming to achieve a common goal is not possible or probable, or has a too important cost in terms of time preferences. Most of the decisions in social life are not susceptible to be taken as a result of consensual convergence among the members of the interested group. The problems facing decision-making through unanimity in a large and complex community are at least twofold: first, unanimity is hardly possible in deciding issues where there are a multitude of equally desirable solutions, and the role of authority is precisely to make the concrete decision on behalf of the members of the group. To put it in other words, authority ascribes an end to the deliberations when it is expected that they will not have a predictable natural consensual end. In such cases, what is important in order for the collective action to happen is not necessarily that the best possible action should be undertaken, but that one of the best actions, all things considered, 'is' undertaken. Even if everyone may agree that in the long term some unanimous decision might have been adopted, the need for immediate action is sufficiently strong so that the authoritative decision, even if not warranted as the best overall solution, is preferable as compared to the future outcome of a lengthy consensus-formation. The second difficulty in the search for coordinated unanimous action arises in the aftermath of a possible unanimous decision taken by the group. It is the problem of the lack of assurance that free riders will not undermine the success of the collective action.⁵ In maintaining a public good, group pressure or moral reprobation alone may not be sufficient to exclude free riding. An effective authority however is given the means to minimize the outcome of large-scale free riding, and, especially, has the coercive means to do so.

As I understand it, consensus or unanimity is here distinct from compromise. While both consensus and compromise over some issue might obtain in a group and ensure a conclusive end to the deliberation, the outcome of a compromise has a more unstable character. When the solution was the result of a mere compromise, i.e. the parties settled not on what each of them actually desired but on some common platform that enables them at least to cooperate and further their own distinct goals, the collective decision arrived at is less binding than the outcome of a consensus. The actors will act on that decision only as long as their original reasons do not override the benefits of the compromise. If a unanimous decision could be reached and in some cases acted upon even without the intervention of an authority, the result of a compromise is more unstable,⁶ and the need for authoritative guarantees of compliance is stronger.

Turning now to the 'forms' of authority, a first distinction we can make is between 'practical' and 'theoretical', or 'epistemic' authority. While practical authority offers reasons for action, e.g.,

designating the best solution to some practical issue, the latter offers reasons for belief, as do for example established top scientists in some research area. We distinguish, then, between the 'coordinating' role of authority, the 'adjudicative' role of authority [authority as umpire when its decisions are supposed to offer a solution to the problem in dispute which, even if imperfect, is accepted to be the correct solution 'within' the range of submitted competing claims] and the 'contextual' authority, the decisions of which are authoritative in virtue of the superior knowledge it is supposed to have on some particular issue. Finally, authority can be 'de facto' or 'legitimate', as Joseph Raz explained, de facto authority necessarily claiming legitimacy or being considered to be legitimate by at least some of its subjects, and is effective in imposing its directives, but without necessarily being legitimate. Legitimate authority is authority that actually has the right to issue directives that are binding on its subjects.⁷ Legitimate political authority entails authority with a moral 'right' to create legally binding rules [not necessarily, though, a moral right to create 'morally' binding rules].⁸

The character of 'political' authority is a mixture of coordinating authority, theoretical authority, and adjudicative authority. Not only does it claim to provide the reasons for action for beneficial cooperation within a larger community, but also the reasons for belief, i.e. claiming that the most important decisions for the community are based on strong moral grounds. It sometimes claims that it is better placed to weigh the pros and cons of an ethically controversial directive and that this status is sufficient justification for it to enforce the directive.

At the same time, political authority does not exhaust all the forms through which a government exerts its dominion. Governments may act as private agents on the market and their interventions are sometimes more efficient than if they acted within the limits of their political authority. Consent theories cannot therefore be complete accounts of the justification of government's dominion.⁹

Political authority: Justification

That to secure these rights [to life, liberty, and the pursuit of happiness], governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

[From the *American Declaration of Independence*]

I begin by restricting the area of criticism in this paper. For the purpose of this study, the question is not whether legitimate authoritative directives have 'minimal' normative weight. Something has minimal normative weight if it or an action in accordance with it is acceptable or permissible unless there is some good reason against it.¹⁰ When collective unanimous decisions are impossible but 'something' has to be done, almost any intervention by an authority can be justified as having this minimal normative weight. Legitimacy involves, however, a much stronger sense of normativity. An account of the justification of a political authority is expected to provide reasons that can override the reasons offered by the minimal normative justification. A stronger justification of authority entails, moreover, showing not only that it is not wrong to act according

to the authority's directives, but also that it would be wrong to act otherwise. In short, political authority claims that its directives bear more than minimal normative weight.

Since political authorities appeal to more than minimal justification, the issue of the source of this weight is crucial. The common view is that the normative weight of political authorities' directives is derived from 'something else' that has normative weight. The dominant liberal tradition derives legitimacy by appeal to an original legitimate founding constitution that was actually consented to; or, by appeal to some abstract body or set of principles to which it is claimed that one should rationally consent; or, that authority is justified by the present actual consent of the governed. This line of thought accredits the idea of 'consent' may seem to be the only justifiable basis for establishing authority, by reconciling the need for authority with the liberal conception of person.

Rational Hypothetical Consent. I will not consider here in detail the arguments grounding the legitimacy of political authority on some form of 'rational hypothetical consent', expressed in either idealized¹¹ or non-idealized¹² conditions. The attack on this type of argument is that its premises can be manipulated so as to yield [more or less] any conclusion that the theorist has some antecedent interest in producing.¹³ Either the principles arrived at through rational consent derive their normativity from the act of consent itself with no external standard of legitimacy, and in this case there can be only a prudential legitimation of political authority;¹⁴ or, as in John Rawls' case, the agents' deliberations are carried out in purely prudential terms, but they are subject to the 'veil of ignorance', which itself embodies important ethico-political notions¹⁵ that are themselves in need of justification.

As Bruce Ackerman¹⁶ put it, this type of argument establishes the legitimacy of a set of principles only relative to the specification of the chooser, situation, and choice-set, and hence could be overturned, absent further constraints on the situation, by alternative specifications. However, the normative dimension of rational consent theories is not necessarily arbitrary [in the choice of a particular set of specifications] or empty [due to the impossibility to exhaust all possible specifications], as Ackerman conceded. On the other hand, one may question whether this justification of authority is really based on some normative idea of 'consent', or whether the argument is not better understood as an appeal to the 'benefits' of the political arrangements to the individuals, since it mainly serves as connecting instrumental reasoning with the practical justification of coordinating authority.

Present actual consent. 'Government by consent' has long been the definition of legitimate political authority. The main problem with this approach consists in the impossibility of showing that those conditions in which the expression of consent is indeed valid could be actually met. These conditions refer to a voluntary action realized in full knowledge and after a mature and considered deliberation. Empirical evidence shows that such a consent can rarely be undertaken, and surely not by all those who are susceptible of falling under the incidence of the authority's directives. The expression of this consent bears sometimes a symbolic charge: it is the case of the process of naturalization of aliens which includes taking an oath of loyalty to the country of adoption, with the public officials that take an oath of loyalty towards the people and the state they serve or when those drafted in the armed forces take an oath to defend the country. In these cases, the political obligation, which founds the legitimacy of authority, binds only the concerned individuals. Moreover, the countries in which the consent of the citizens is expressed regularly and with respect to a diversity of issues, constitute the exception to the rule. As a matter of fact, an

individual is not able freely to choose the state whose political arrangements best fit her own conception. Explicit consent is thus factually impossible. However, supposing that some consensus was reached within a society, the crucial question remains whether the basis on which individual consent is given is the appropriate one, satisfying the conditions for validity set above.¹⁷

In order to make the type of reasoning presupposed by ‘tacit’ consent plausible, it has to be accompanied by guarantees of a real and meaningful liberty for the individual to express his ‘refusal to consent’. In other words, it is necessary to have institutionalized channels for the expression of citizens’ disagreement, in a free manner and open to anyone. Moreover, this would presuppose the real possibility for everyone to refuse not only certain features of the existing public order, but the fundamentals of the system themselves.¹⁸ In the contemporary world these conditions are met only to an inconsiderable extent: the restrictive immigration procedures, the complexity of the legal and political framework in which constitutions can be amended or the difficulty to interpret the simple fact of absenteeism in elections [which may express indifference, but also contentment with the existing policies or, on the contrary, deep dissatisfaction] – among other causes, demonstrate why the argument of legitimacy through tacit consent is inevitably dependent upon controversial conventions of interpretation. The fact that an individual may have only the choice between accepting the existing political arrangement and emigration, but not individual secession [opting out from an authority’s incidence not by leaving, but by creating a competing authority], renders the tacit consent argument even less normatively relevant.

The conditions that make explicit consent a valid justification of authority are thus strong requirements that are almost impossible to be met in modern complex societies. Direct democracy is invoked often in political debates,¹⁹ with the assumption that it is desirable to render the political institutions as much as possible accountable to the actual preferences of the electorate. Nevertheless, the paradox is that the more these preferences are reflected in institutions, the stronger is the debate over the nature of these preferences: should any kind of preference be taken into account in the search for universal agreement?²⁰ In the end, not only empirical evidence hinders the normative argument of explicit actual consent, but the competence itself of ordinary citizens is a central issue in the debate. The problem of knowledge – the diversity of the political community and the complexity of the issues at stake limit the capacity of the average citizen to undertake informed, reasoned and sound political decisions on all public matters – may upset the argument of consent.

Original actual consent. The last justificatory account presented here traces back in time the moment of legitimation, that is, concentrates on a more or less mythical founding moment, when the political community defined itself and drew a constitution that we, the present generation, are still bound to obey and respect. That original consent established the legitimacy of present institutions and practices, the liberty of the present generation being confined to majoritarian ‘ordinary politics’, limited by the restrictions on majoritarianism set by the constitutional provisions.

The problem of the legitimation of authority by original consent could, on my view, be divided in two issues. First, one may argue that there are two ‘moments of legitimacy’: we are concerned, on the one hand, with the legitimacy of the document/principles founding political authority and, on the other hand, with the legitimacy of particular directives issued by the [pre-legitimated] political authority. Second, we enter the difficult debate over trans- or inter-generational legitimacy. Both issues presented deal with the presupposition that legitimacy could be ‘transitive’.

- *Derivation of legitimacy.* One might argue that this first discussion may be overlooked, since the idea itself of justified authority means authority with a right to issue directives, and that there cannot be a separate question of the directives' legitimacy. These are legitimate as long as they are issued by an authority according to the appropriate limits, purposes and procedures set out in its legitimate constitutive act.

However, some may think that particular directives of an otherwise legitimate authority are themselves legitimate if they meet a further test, that is, if the actions they impose are the right actions to be imposed on those particular instances. A decision to declare war, for example, is considered legitimate on this view not only if the authority in question is legitimate, but also if the military action is considered as the right response to the situation in question. The legitimacy of the decision to declare war is, accordingly, not reducible to the correspondence with the limits and purposes of the initial legitimation of authority. As a matter of empirical, sociological evidence, a state may be widely regarded as legitimate while at least some of its actions are not.

Most constitutions set out the normative limits and the purposes and procedures that the political authority should follow in order to be legitimate. However, these are mainly abstract standards, and most concrete decisions by the authority cannot be justified just by proving a mechanical correspondence with them. Further considerations outside the constitutions are needed to justify such measures, and purely legal reasoning does not exhaust stronger legitimizing requirements.

Many concrete political issues that a society faces are in fact considered by many to be issues of legitimacy. When a constitutional court decides whether a particular norm enacted by a legislative assembly is valid, the solution it provides is often viewed as bearing not only on the legal validity of that norm, but also on the legitimacy of the political authority's enactment of that norm. These are two distinct questions, but unfortunately they are not always perceived as distinct. Legitimate political authority is authority with a 'right' to issue directives affecting the lives of the members of a given political community. When individuals evaluate authoritative decisions they are concerned not only with their legality, but also with the question whether the authority had indeed the right to issue those directives, and they may consider that that right is not merely a matter of tracing back the justification to original intent or original meaning, but also a matter of present justification. Since radically opposite practices may have been considered constitutional [even on an originalist account]²¹ at two different moments in the history of a country, it means that there is more to it than the originalists' claim that the Constitution must be interpreted in accordance with its original meaning. The 14th Amendment's clause for 'equal protection under the law' in the US Constitution was, I believe, meant less to be an unequivocal premise for legal arguments, but more to leave the courts the possibility to decide on more substantive normative matters, i.e. on the justification of particular practices in the light of the principles of political morality that the community promotes. To establish the legitimacy of some authoritative decision is, in my view, a burden that can not be reduced to showing that the decision was authorized in the legal sense [validated] by a superior legitimate norm. As Ronald Dworkin emphasized, participants in the practice of obeying authoritative directives should retain their capacity to normatively evaluate those practices and the justification of the rules governing those practices.²²

Hans Kelsen has explained that a particular norm acquires 'legal validity' when its enactment is authorized by a superior norm. The process of validation of legal norms is thus similar to a process of concatenation, and the legal system has accordingly a pyramidal structure. A particular norm has an objective meaning [i.e. is legally valid, not a mere subjective act of will] when it has been enacted as the superior norm authorized, and at the top of the pyramid, the 'historically first

constitution' is valid due to a 'basic norm'. The basic norm itself is not part of the positive order, but rather a presupposition of validity,²³ the rational-ideal constitution of the legal order, its 'constitution in the legal-logical sense'. Legal validity is in this sense transitive.

Herbert Hart's rule of recognition²⁴ also explains how legal validity is transitive – a matter of evaluating the truth status of propositions of law. The rule of recognition does provide the necessary authoritative criteria for establishing the existence and identifying the content of primary rules of obligation. The function of the rule of recognition is to provide both citizens and officials with the means of identifying valid law. The rule of recognition itself is neither valid nor invalid: it owes its existence to the fact of general social acceptance.

Legal validity and legitimacy should not, however, be confused. The main consequence of this confusion has been that legitimacy has been considered, as legal validity, to be a transitive concept, i.e. that the legitimacy of the original constitution's provisions could be transferred to the particular authority's directives as long as they are authorized by it either as substantive principles are applied to particular situations or by following the relevant legal arguments and procedures.²⁵ According to Philip Bobbitt, there are six forms of argument that, taken together, constitute the argumentative matrix of constitutional law:

- (1) Historical: relying on the intentions of the framers and ratifiers of the Constitution;
- (2) Textual: looking to the meaning of the words of the Constitution alone, as they would be interpreted by the average contemporary 'man on the street';
- (3) Structural: inferring rules from the relationship that the Constitution mandates among the structures it sets up;
- (4) Doctrinal: applying rules generated by precedent;
- (5) Ethical: deriving rules from those moral commitments of the American ethos that are reflected in the Constitution; and
- (6) Prudential: seeking to balance the costs and benefits of a particular rule.²⁶

My contention is that in many of the concrete issues concerning a political authority's directives, there is a question of legitimacy. Not necessarily in every concrete issue this question of legitimacy arises, but it remains that an account of legitimacy cannot be as purely descriptive as the account of legal validity offered by Kelsen or Hart. The process of legitimation of concrete norms is parallel to that of validation, but does not rely exclusively on the established forms of legal argument.

- *Trans-generational legitimacy.* Many would agree that there is something intrinsically valuable in one generation's efforts to further the commitments and live by the aspirations of their ancestors. Nevertheless, at the same time that Americans do not question the legitimacy of a Constitution adopted more than 200 years ago, it is obvious that the present generation in Germany would strongly refuse to endorse the view of government accepted by the generation of the '30s, be it implicitly or explicitly. The problem raised in this section is the one concerning the capacity, or entitlement of one generation to bind another by authoritative constitutional provisions. In other words, why should the present members of a political community feel an obligation to follow the conception of the authority's legitimacy set by individuals confronted with a radically different environment?

Peter Suber argues that the legitimacy of an old constitution is preserved [i.e. the issue of transitivity does not arise, as I formulated the presupposition above] if that constitution contains

amendment clauses which allow at least as much liberty to present generations to change it as the founding generation had. If those amendment clauses are generous then the argument of implicit or tacit consent becomes valid and accordingly omission to amend the constitution amounts to recognition of its validity. However, many constitutions include provisions restricting in some way not only the procedures of amendment [making it harder for present generations to change it than it was for the first generation to create it], but also the scope of the authorized change. Article 148 [1] of the Romanian Constitution of 1991 excludes the possibility of ulterior amendments as to "the national, unitary and indivisible character of the state, the republican form of government, the integrity of the territory, the independence of justice, political pluralism and the official language." In other words, adding a second [besides Romanian] official language in a country with two regions compactly inhabited by Hungarian minority may only occur through revolution, whereas the republican form of government which coexisted historically only with the soviet-imposed Communist rule until 1989 and was identified with it by some factions of the electorate may never be challenged. Even if these restrictions reflect indeed the majoritarian preferences, and these preferences can safely be assumed to last for a while, the idea itself that the people may only alter these provisions, should it change its opinion in the future, by abolishing altogether the constitution through revolution has quite an important effect in our debate over the trans-generational transfer of legitimacy. Moreover, the reverse situation is even more troublesome, over long periods of time the character of the state changes to reflect a new consensus, which may no longer have the properties of the initial political constitution of the community. Initially illegitimate constitutions may become legitimate, as is the case in post-war Japan [on an original consent-based justificatory account it is difficult to explain how the Japanese constitution 'became' legitimate].

Authority in Transition and the Problem of Legitimacy

I turn now to the discussion of the specific character of legitimation of 'transitional' authority and I argue for acceptance of a wide concept of political legitimacy that may also fit transitional legitimation phenomena. The public justification of the political authority is one of the issues that has attracted in the last decade a renewed interest of most political theorists, due in part to the unforeseen and far-reaching changes that occurred in the eastern part of the European continent after 1989, but also the liberalization of South American and African regimes in the last decade. I contend that these transformations from totalitarian or authoritarian rule to democratic government paradoxically challenged the traditional liberal paradigms in constitutional and political theory, and brought into focus the conditions in which the rule of law, the legal and social reforms [or revolutions] may be understood and applied in such extraordinary historical circumstances, i.e. in intense transitional periods.

The debate over the legitimacy of the post-Communist political authorities in Central and Eastern Europe was consistently a matter of the precise nature of the legitimacy of the constituent assemblies in the first years after the fall of Communism. Jon Elster writes:

. . . recognition of the fact that the governmental apparatus [was] too contaminated by the past to be trustworthy has led to a constitutional bias in favor of the legislative. But this creates another dilemma. Either the constitution is supposed to last indefinitely; and in that case future generations will be saddled with a system designed for the period of transition. Or the constitution is supposed to be merely transitory; and in that case it will not have its intended beneficial effects on private long-term planning, for which stability and predictability are main desiderata.²⁷

'Conventional' understandings of the role of the constitution and the rule of law are significantly challenged by the specificity of transitional periods. The issue I examine here is exactly how legitimation may be introduced through original or actual consent in justifying transition from one regime to another. The debate over the legitimacy of the transitional constituent assemblies [more controversial in Romania than in other countries] is, in my view, only part of the issue of legitimacy of transitional authority. The Communist regimes were not, over their entire history and in all respects, illegitimate. It is almost impossible to operate with a single criterion for establishing whether their authority was overall legitimate or illegitimate. Some individuals or groups benefited from the ideological implications and concrete policies,²⁸ whereas others disapproved to the point of generating movements of revolt in Hungary [1956], Czechoslovakia [1968] or eventually in Romania [1989]. The fact is that such regimes are self-validating through the support, albeit passive, of at least some of their citizens. The problem of self-validation of regimes, as described by Ernest Gellner,²⁹ is that the transition itself cannot be validated through the 'human will' without circularity or prejudice. The breakdown of Communist regimes was determined in part by the profound legitimacy crisis they were undergoing. Even in the most oppressive systems, where there was not an open legitimation controversy, the crisis was obvious. People had fewer and fewer reasons to identify themselves with the values embodied, and the policies promoted by the Communist authorities.

According to Janos Kis, "the legitimacy of legal systems is maintained through a virtually continuous process of public controversy. Sometimes the debates are suppressed, and if they are the regime cannot enjoy legitimacy. If, however, they are not suppressed and if, within the framework of a reasonably free and egalitarian discussion, all the known objections are successfully answered or neutralized, the law or the legal system can be said to be legitimate."³⁰ This concept of legitimacy – which emphasizes the "continuous and free process of public controversy" and allows for competing interpretations of what means to 'successfully' answer the objections – is more suited to help us understand how political and constitutional change really occurred and the normative dimension of justifying new constitutions. This concept has the advantage of excluding arguments relying on the presupposition of transitivity of legitimacy, and fits better both the empirical reality of those changes and the normative accounts of the process. Consent can be viewed as a condition for legitimacy, but it is surely not a sufficient one. We should not, in my opinion, seek refuge in fictional accounts of the transitory periods, but examine the specificity of 'transitional jurisprudence' and the particularity of the formation of a 'public political conception' in these periods.

'Government by [actual] consent' with its requirement for consensus is in countries in transition an illusory and inflated ideal. The public culture may have rejected the dichotomy between elitists/populists justifications, but the 'democratic' appeal of this dictum is susceptible to give rise to other problems: first, because of the wide cultural, ethnic and religious diversity and absence of a genuine sharing of values, the demand for consensus may result in empty conclusions. Pluralism in post-Communist societies has been tragically underrated and it has now become apparent that it is quite difficult to ground constitutions in such diversity. Then, there is the danger, especially in these fragile societies, that the rulers will attempt to artificially foster a consensus through social engineering. Also in this case, the minorities will be an easy target for the officials. "Unity does not come easily to heterogeneous societies, so mass persuasion often veers to the primitive as it seeks a basis for unity amid diversity," writes Ch. A. Willard, criticizing the communitarian "yearning for authentic, shared identity, in its search to find the meaning of life in

a mode of government."³¹ Nationalism is the easiest means for achieving such a 'mass community'. 'Façade' constitutions manipulated by those in power often rely on this temptation to hide the arbitrariness of making laws behind the decisions of some majority.

Consent cannot be a sufficient condition for legitimacy. There is no necessary connection between consent of the governed and a responsive political class. Further more, unanimity does not necessarily make good laws. The majority does not in itself turn evil into good through its support. Furthermore, as Joseph Raz pointed out, consent has a value only when independent substantive criteria for legitimacy hold, and then expressions of consent play a different role, that of fueling a climate of trust [which has a value in itself] between the governed and those who govern.³²

The 'original consent' argument and the originalist method of interpretation [both already the common way of referring to the moment of 1989] significantly overlook the fact that transition, by nature, is the opposite of a foundational moment. Residual continuity coexists with continuity in law [the Romanian case, where the revolution meant discontinuity in law is an exception in the whole region, but which can be explained by the need for violent break from the Ceausescu rule and not as a pre-condition for transition]. Bobbit's modalities of legal argument can thus be compared with the transitional legitimation modalities: Professor Ruti Teitel referred to them³³ as the 'codifying' modality [reflecting the existing compromise] and the 'transformative' modality [critical of the past injustices, or restorative in view of past models]. Transitional legitimation is transformative, not simply formative. Actual consent or original consent justificatory accounts do not adequately fit the normative dimension of post-Communist transition. First, there was no real consensus in the framing of Central and East European constitutions. These documents were either the result of elite's bargaining, or of tacit imposition, as in Romania [where one party dominated the constituent assembly and its adversaries voted against the draft]. Also, in Romania it is now accepted that participation in the overthrow of the dictatorial regime was rather limited, and not an expression of shared understandings of the reasons of the act and the prospective evolution of the country. Second, the 'open political society' or the 'democratic civic culture' – as sources for consensus – are only gradually developing. The content of the political practices and values is now transforming and they express as much a rejection of the past as projections of the future. The legacy of the past cannot be completely denied and constitutional legitimation is best viewed not as a fresh start, but as a correction of the past injustices simultaneous with the continuous debate on the principles that should govern the post-Communist society.

A question may be raised here: why the focus in this article on 'actual' consent, original or present? There are after all important theories of 'rational justification' of government that have tried to incorporate the Hobbesian stance into the contemporary understandings of the justificatory endeavor, which constitute already part of the mainstream normative political theory, from Rawls to David Gauthier and Charles Larmore. These authors have argued for principles of the political arrangement that could be publicly justified to every rational or reasonable individual. The reason for this focus on actual consent is that this kind of political theorizing about rational justification has never played a significant role in the arguments on legitimacy in Central and Eastern Europe. Here arguments too often rely on the premise of factual adherence of a majority [ethnically, religiously or socially defined, or referred to as preserving the authentic values of the nation] to some set of values or norms within nationalist and other populist accounts, and conclude that the legitimate terms of political authority are dependent upon this sort of approval. Neither the Hobbesian account of rational justification of unlimited authority, nor the Lockean defense of rights that are to be protected by the authority or the Rawlsian constructivist conception of justice

find correspondents in the East European theorizing about legitimacy. East European public philosophy is not 'liberal' in the sense in which Michael Sandel, for instance, remarks that the American public philosophy is. Sandel deplores that "the political theory implicit in our practice, the assumptions about citizenship and freedom that inform our public life"³⁴ are too influenced by the Rawlsian constructivist approach, but that influence has not yet reached this part of the old continent.

Notes

1 Camil Parvu, Lecturer, Faculty of Political Science, University of Bucharest.

2 See H.L.A Hart, *The Concept of Law*, Oxford: Clarendon Press, 1961, for a similar approach: he argues that in identifying valid law we should not use a concept of law in which a necessary condition for legal validity is correspondence with a higher-order natural or moral law.

3 John Finnis, *Natural Law and Natural Rights*, Oxford: Oxford University Press, 1980, p. 232.

4 *Ibid*, p. 233.

5 See also a rational-choice explanation of political authority by Christopher McMahon, *Authority and Democracy, A General Theory of Government and Management*, Princeton University Press, 1994, pp. 102-123.

6 "'Agreement' is a notion that is loaded with ambiguity. Sometimes it is used in the sense of a 'compromise', while at other times it denotes 'consensus'. A compromise agreement emerges where individuals with conflicting interests find a trade-off that provides mutual benefit. A consensual agreement arises where the individuals concerned share a common objective that does not necessitate trade-offs for its realization." Janos Kis, *Between Reform and Revolution. Political and Social Change in Eastern Europe in 1989-1990*, in *East European Politics and Societies*, Spring 1998, vol. 12, n.2.

7 Joseph Raz, "Authority, Law and Morality," in *Ethics in the Public Domain*, Oxford 1994, p. 135.

8 Political authority is normally thought of as imposing legally binding duties rather than moral duties, although it may claim that the legal provisions rest on sound moral justifications.

9 Joseph Raz, "Government by Consent," in *Ethics in the Public Domain*, 1995, p. 340.

10 Robert Bass, "The normative weight of convention", unpublished article.

11 See John Rawls, *A Theory of Justice*. Cambridge: Harvard University Press, 1971.

12 See David Gauthier, *Morals by Agreement*, Oxford: Clarendon Press, 1986.

13 On the charge that this type of normative argument is void by its circularity, see Nicholas Rescher, *Pluralism. On the Demand for Consensus*, Oxford University Press, 1993.

14 This approach is illustrated by James Buchanan and Gordon Tullock, *The Calculus of Consent*, University of Michigan Press, 1965, and by David Gauthier, *Morals by Agreement*, Clarendon Press, 1986.

15 John Rawls, *supra*, note 10.

16 Bruce Ackerman, *Social Justice in the Liberal State*, Yale University Press, 1980, especially section 66.

17 Brian Barry introduces the distinction between the 'acceptable' and the 'accepted', and makes the point that "consensus would not [necessarily] be the end of the story even if it existed," since "[t]he superficial appearance of a consensus may occur in a society marked by an official ideology, which provides support for the socioeconomic *status quo* by suggesting that successful

individuals got where they are by their merits in a fair competition[...]," but in which society "the process of electoral competition does not lead to the articulation of a counter-ideology corresponding to the experience of those who do poorly out of the system." See Barry, *Justice as Impartiality*, New York: Oxford University Press, 1996, pp. 198-99.

18 Is the right to civil disobedience a right protected by the US Constitution? For a strong argument within this ongoing debate see Hannah Arendt's *Crises of the Republic*, 1969.

19 J. Fiskin, *Democracy and Deliberation: New Directions for Democratic Reform*, New Haven: Yale University Press, 1991.

20 Dworkin discusses the distinction between personal/external preferences and the moral problem raised by taking external preferences into account in majoritarian politics, in *A Matter of Principle*, Oxford University Press, 1986.

21 See Mark D. Greenberg and Harry Litman, "The Meaning of Original Meaning," in *Georgetown Law Journal*, vol. 86 No. 3, 1998.

22 Ronald Dworkin, *Law's Empire*, Fontana Press, 1986, pp. 66-67.

23 Hans Kelsen, *The Pure Theory of Law*, University of California Press, 1967, pp. 199-201.

24 H.L.A. Hart, *The Concept of Law*, Oxford, Clarendon Press, 1961.

25 See Denis Paterson, *Law and Truth*, Oxford University Press, 1996.

26 Philip Bobbitt, *Constitutional Interpretation*, 1991, pp. 12-13.

27 Elster Jon, "Arguing and bargaining in the Federal Convention and the Assemblée Constituante," Working Paper – University of Chicago, August 1991.

28 Ronald Dworkin observes in his *Law's Empire*, Fontana Press, 1986 that "[t]he most popular defense of legitimacy is the argument from fair play: if someone has received benefits under a standing political organization, then he has an obligation to bear the burdens of that organization as well, including an obligation to accept its political decisions, whether or not he has solicited these benefits or has in any more active way consented to these burdens," pp. 194-195.

29 Ernest Gellner, *Conditions of Liberty. Civil Society and its Rivals*, Penguin Books, London 1996, section 24.

30 Janos Kis, *supra*, note 5.

31 Charles Arthur Willard, *Liberalism and the Problem of Knowledge, A New Rhetoric for Modern Democracy*, The University of Chicago Press, 1996, p. 17.

32 See Joseph Raz, *The Morality of Freedom*, Oxford University Press, 1986, Part I.

33 Ruti Teitel, "Transitional Jurisprudence: the role of law in political transformation," in *Yale Law Journal*, 5/1997, pp. 2009-2080.

34 Michael Sandel, *Democracy's Discontent*, Harvard University Press, Cambridge, 1996, p. 4.

Chapter VIII

Totalitarian Discourse as Rejection of Modernity: The Iron Guard, A Case-Study

*Constantin Davidescu*¹

"Noi nu dadeam nastere acum unei
miscari, ci aveam gata o miscare pe care
trebuia s'o încadram, s'o disciplinam, s'o
îndoctrinam si s'o conducem în lupta."

Corneliu Zelea Codreanu "*Pentru Legionari*"

Modernity is the great, original invention of Western Europe, which starts with the Age of the Renaissance and the Reformation. Modernity was born as a new, challenging way of life, opposed to tradition. Its main features are the modern state, the capitalist economy, the individualistic society, the culture of diversity and tolerance and peace as a normal state of being. The embodiment of these principles is liberal democracy.

Since the 16th century, there have been many reactions against modernity, as defined here, but we can classify them into two major categories: traditional conservatism and 20th century totalitarianism. The traditional conservative movements imagined different solutions able to deal with the crisis produced by modernity: religious renewal movements, strengthening of monarchical authority, and reactionary politics. All of them were oriented toward the past, that is to say toward a previous "Golden Age" which was thought to be the age of human happiness, opposed to an age of increasing decay. Gradually, this conservative tendency moderated itself and by doing so succeeded in, at least partially, integrating itself into modernity (19th–20th centuries). The totalitarian movements that appeared in Europe as a consequence of the First World War, represent the most radical anti-modern reaction ever known. They developed as two different versions (Communism and fascism) of the same type of movement, but they both have a common nature, being animated by a teleological political ideology. They were future-oriented, aimed to create 'the Perfect Society', and 'the New Man', who was to be better than the traditional or modern man.

Both Communists and fascists believed in the existence of historical or natural laws, which govern human destiny, laws that they knew and controlled. They took a holistic social approach, aiming at the same time to create social purity of class or of race. They conceived of war and violent conflict as the normal state of life, at the national and international level. They promoted a culture of intolerance, exclusion, and uniformity. Political power was to be held in totality by the state, that is to say, by those who control it. The justification for holding total power and for using terror as prevalent political tools was offered by the ideological claim of the achievement of a utopian Perfect Society. This radical critique of modernity, which the totalitarian discourse represents, spread to the whole of Europe during the inter-war period.

After the World War I, Romania found itself in the same situation as the other European states. The impact of the war, the politicization of the masses, and the weakness of liberal democracy created the proper conditions for the emergence of the totalitarian discourse in both forms: Communist and fascist. The Communist Romanian inter-war experience was short-lived. It

succeeded initially in structuring a Communist Political Party (1921). However, after three years of existence the Party was declared unconstitutional and legally suppressed, because it agitated for the ideas of the Communist Internationalism, which was under the direction of the Bolsheviks. More importantly, the Communists had no public support within a nationalist Romania, which had not fully achieved its national unity and felt threatened by traditional Russian expansionism. As a consequence, during the inter-war period Communism was a marginal political movement, with no significant impact on Romanian politics or society.

The fascist movement was far more important, it revived Romanian nationalism and the Orthodox tradition, while warning against democracy and liberalism as the embodiments of modern decay. The most important Romanian manifestation of fascism was the Legionary movement,² which was politically structured as the Iron Guard (1930) and later on as the "All for the Fatherland Party" (1934). This was the first well-structured, totalitarian-inspired movement able to act as a significant political actor in Romania. This autochthonous version of fascism portrayed the most radical anti-modern discourse of inter-war Romania.

The present study is an attempt to design the sociological profile of the Legionary movement at the confluence of three highly controversial concepts, such as modernity, fascism and totalitarianism. The political use and abuse of these ideal-type concepts, which are never to be found in a pure state in the real world, created a semantic inflation and a loss of conceptual precision. Nevertheless, this author believes that they can be successfully used as theoretical reference points and serve as heuristic and taxonomic devices within the human sciences. Of course, not all of the Communist or fascist regimes have been totalitarian, but they all shared a common theoretical complicity with the concept of totalitarianism, which, depending on the historical context, can be sublimated in close-to-the-model historical totalitarian regimes (as for example Russia under Lenin and Stalin and Germany under Hitler). Consequently, these concepts will be used as theoretical tools in order for us to better understand the Legionary movement.

The Iron Guard had a complex and composite sociological identity. It defined itself as a radical critic of democratic and parliamentary procedures, political parties, individualism, liberalism, capitalism, religious and political tolerance, which are the very characteristics of modernity – (a negative construction of identity). At the same time, the Iron Guard declared itself openly sympathetic to European fascism, recognized as a common ideological and political family, that is to say "a genus of political ideology whose mythic core in its various permutations is a paligenetic form of populist ultra-nationalism"³ – (an affirmative, or positive construction of identity). The same logic of acceptance and denial applies when the Iron Guard refers itself to the totalitarian phenomenon. When the term totalitarianism received its initial meaning, given to it by Mussolini (the total power offered to the state in order for it to better achieve the well being of the nation), the Iron Guard voluntarily and openly accepted it. However, when it comes to totalitarianism, as understood in the present study (dictatorship by the Iron Guard), the members of the movement never officially declared themselves as the fomenters of such a political alternative. They claimed that Italian Fascism, German National Socialism and the Romanian Legionary movement are not dictatorships, nor democracies, but a new form of political regime which Corneliu Zelea Codreanu called "a state of spirit" (sic!).⁴

When compared with Communism, which is more homogenous, fascism seems to be highly polymorphic, precisely because it has a nation-based political approach that stresses the specificity, the exceptionality of 'us' when compared with the 'others'. It has at its core the experiences of Italy and Germany, the only inter-war European countries where a fascist movement acquired all the political power for itself. In the remaining cases, we are in the presence of abortive fascist

movements, that is to say, movements that "fail in [their] declared aim to take over the state and embark on the total transformation of society."⁵ The Iron Guard is one of the many abortive fascist movements in inter-war Europe, one to be "co-opted and neutralized by a para-fascist regime (that is, a radical right regime with fascist trappings)"⁶ like the military regime of Ion Antonescu. That is why, being nevertheless a fascist-inspired movement, the Iron Guard individualized itself as a national version of fascism.

What creates the peculiarity of the Iron Guard in the context of the abortive fascist movements, is the way it reacts to modernity. It combines the two main currents of the anti-modern discourses identified before: conservative-traditional and totalitarian. On the one hand, the discourse recovers two traditional ideas, deeply rooted in the Romanian mentality: national unity and Orthodoxy. On the other hand, the political solutions offered by the Iron Guard as a remedy for modern decay are of totalitarian inspiration. Its heterogeneous message (especially the insistence on the Christian Orthodox credo) offers it somehow a unique place in the landscape of European fascism.

The basic idea of this study is that the Iron Guard was a political movement and not a sort of political mystical sect. It was an abortive fascist movement, with a unique religious touch, but nevertheless ideologically related to the common political family of European fascism. With this, the Iron Guard structured the first significant Romanian political discourse inspired by the totalitarian ideology of the 20th century.

Politics of Salvation: Orthodox Nationality

In 1918 Romanians lived their best moment of national happiness. One century of national struggle and a fortunate international balance of power brought into existence one state for all Romanians (or almost all). But the moment of joy was short lived. Romanians were afraid not to lose Greater Romania. The newly born State was weak and powerless. It was confronted with new kinds of challenges. From the outside, it was the internationalist Communist hydra that seemed to gain power (Bolshevik Russia to the East and the short-lived Socialist Republic of Bela Kuhn in Hungary to the West). However, more dangerously, Communism infiltrated inside the country! The Romanian army liquidated the Communist experience in Hungary and the police cleared away the local Communist Party. Another problem was the rise of the number of national and/or confessional minorities within the state's borders. Among these, the most dangerous seemed to be the Hungarians (revisionists) and especially the Jews, both of whom represented the most numerous ethnic minorities. In the political imagination of the time they became the scapegoats of Romanian misfortunes. This kind of threat seemed more dangerous, because it came from inside the state.

When the official political establishment failed to find solutions to the Romanian economic and political crisis, Romanians lost confidence in their leaders and the political system they claimed to represent. In the 20s, with the confusion of the Liberal Party, Romanians lost their confidence in liberal ideals. With the failure of the National-Peasant government to resolve the economic crisis, Romanians lost their confidence in democratic ideals. The 'official Romania', which promised to continue the modernization of the country in order to offer prosperity, democracy and national cohesion, was discredited. So salvation could come only from outside the official political system, from a political force able to propose different solutions. The best candidate was *Legiunea Arhanghelului Mihail*.

Its success came not from its capacity to solve the concrete problems Romania faced, but from its ability to use the language of ultra-nationalism and Orthodoxy. The Iron Guard's discourse

succeeded in convincing, for different reasons, specific strata of society. The peasantry, recently brought into politics, with little or no political education, was very sensitive to this new type of political discourse, which referred to the only values and concepts they were familiar with. The working class, with little civic experience, was in fact composed of rural people or half-urbanized peasants. As a consequence, they formed an audience that was sensitive to the same types of ideas. More interesting is the case of the intellectuals who were highly intrigued by this new message. What was the reason for this? Romanian intellectuals were connected to the flow of ideas in Western Europe, where they went to study. Europe, of course, was in the center of the battle against materialism, either capitalist materialism or historical materialism. European culture prized the virtues of religion, irrationality and nationality. The Iron Guard praised the same ideas and claimed to be the spiritual successor of *poporanism* and *samanatorism*. The same discourse applied to different social audiences.

Rediscovery of the myth. The process of modernization dislocated Romanian society. The safety of the protective, predictable traditional authority, enveloped by the founding myths, traditions and customs disappeared. Modern society created insecurity and permanent change. Man faced the tyranny of history with its traumatizing experiences (World War I, the Great Depression). The ancient familiar order was replaced by the chaos of an unknown world.

The Legionary movement imposed a new kind of discourse opposed to the discourse of the other politicians. It insisted on the importance of the traditional values, especially religion, in the making and survival of a nation. Through this appeal to traditional values, they tried to reorder the world. They assumed the function of *kosmokrators*, who reinstall religion as the guiding *Axis Mundi*. Through the incessant appeal to the cult of the ancestors, of the dead and of sacrifice, they resuscitated the founding myths of modern Romanian culture. Death was seen by the *Legionari* not as the ultimate threatening experience, but as a duty and an honor. It was called metaphorically "the engagement with eternity," following the example of the legendary shepherd from *Miorita*. The sacrifice, as a heroic act necessary to the reconstruction of the Romanian nation, has its representation in the popular legend of *Mesterul Manole*. All this mystical and religious language had a broad audience, willing to understand it *tale quale*. In a Romanian society where the lay tradition was weak, the religious discourse awakened the intellectuals and the bourgeoisie to Orthodoxy, which had only been forgotten rather than violently denied and abandoned, and strengthened the Orthodox convictions of the peasantry.

Rediscovery of unity. For the *Legionari* Romania exemplified the lack of unity. Democracy institutionalized the disunity of the political parties. The Constitution guaranteed religious tolerance, freedom of the press, and full citizenship for Jews; that is to say anarchy, disorder. Everybody seemed to talk about unity, but they did not know how to realize it: through Orthodoxy and ethnicity. All these realities were viewed as incessantly eroding the very foundations of the Romanian State and nation. Unity could be brought about only when Romania would belong once again to the Romanians.⁷

The Iron Guard was unwilling to accept the modern democratic definition of the nation, as being a political artifact based on the principle of *jus civile* and having a contractual nature. The only definition accepted was based on the principle of *jus sanguinis* and had at its core the idea of ethnic and cultural identity. Those who were aliens because of their blood or of their religious belief could not legitimately claim any affiliation to the nation and to the corpus of public rights.

The special character of the Romanians, heirs of an exceptional history, justified this politics of exclusion and intolerance. The Iron Guard went far beyond the traditional nationalism of the 19th century in its discourse. The *Legionari* were decided on promoting ultra-nationalism as a

political platform and to impose their convictions with the aid of the Legionary state when the time came. The fear of disintegrative forces was particularly developed in Central and Eastern Europe, where the national states were recent creations, with no traditions and history. Each state and each nation in this region felt surrounded by enemies and was incapable of taking a different approach on the matter. Romanians were threatened from abroad (the revisionist states and Bolshevik Russia) and from inside their frontiers (the Hungarians, Russians, Bulgarians, Communists, etc.). The worst opponent was in the imagination of the Iron Guard, the Jew, quintessence of the enemy. The Jews were considered ethnically impure, reluctant to be re-educated in the Orthodox faith, undermining the foundation of the Romanian economy, and spreading the ideas of Communism and atheism among Romanians. They were considered especially dangerous because they were united, organized as an 'army', as a 'state within a state'. They were thought to be working for the creation of an European Palestine, from the Baltic Sea to the Black Sea, occupying great portions from Poland, Czechoslovakia and half of Romania.⁸ Therefore, last but not least, being united meant being anti-Semitic.

We are within the core of an imaginary construction – the myth of the conspiracy.⁹ Nevertheless, for the people of that time it seemed real. They developed a 'newspeak' and the result was that the discourse was credited to be more real than reality itself. This new kind of discourse did not allow a critical perspective on reality, it only allowed the attitude of a believer. This brings us to the second level of our discussion, the totalitarian discourse.

Politics as Salvation: The Legionary State

The *Legionari* had the feeling of treason, of living in a 'besieged fortress' (this fortress being at the same time not only the whole of Romania, but also the Iron Guard itself). However, who attacked whom? The very *Legionari* were those who attacked, along with the other anti-democratic forces, the fragile foundation of the constitutional and democratic political order of Romania. Despite the others, they formed a distinct voice: that of the totalitarian discourse.

Romania was in a deep crisis (economic, political and moral) and exposed to the dangers of disunity. What could be the solution to surpass this critical situation? The institutions of liberal democracy seemed incapable of dealing with the complex problems Romania faced after 1918. The return to an elite, enlightened government was inconceivable in the age of universal male suffrage. Romanians fought for the right of political participation during World War I. This was a good political reform, which revealed that Romanians had reached political maturity, and therefore this measure should never be abolished. It seemed that the solution should come from a completely new political movement, able to control this flow of the masses into politics. Furthermore, it should be inspired and lead by a providential man, able to identify the problems and to solve them.

Corneliu Zelea Codreanu, the future Captain, was a young Romanian nationalist who cherished the Great Union. He was very religious, with great respect for traditional values, such as the Church, the Monarchy, the family, the nation, the army, and honor, the pillars that were intended to sustain the newly created state in the future. He was also a man of action, with a military education, which he valued significantly.¹⁰ He tried to identify the sources of the Romanian crisis. Also, he saw that Romanians suffered from disunity and lack of organization. In his view, what they needed was to be informed, educated, and organized. The people were to be informed by the propaganda services, educated in the spirit of an ultra-nationalist ideology, and organized by a totalitarian political party. These practical solutions were totally new, adapted to a new social era: the era of the masses. He wanted to put into practice the project of a 'perfect

society', an idealized image of what Romania should be, a society in which a 'New Man' would live, the result of the educational process deployed by the Legionary movement.

The Party. The institutional tool able to fulfill these missions was a new kind of political party, with a military organization, armed with a teleological salvationist ideology, and which popularized its ideas through a sophisticated propaganda. This is not the relative or the heir of modern democratic political parties, which institutionalized the legal, permanent and non-violent competition for political power, but "the party as a whole" the party-state system¹¹ which wanted to dissolve all aspects of public life into its own existence. The democratic parties were seen as factions or private interest groups disrupting the unity of the nation. If someone could unite the whole nation within the institutional framework of one official party, disciplined and united as an army, then the nation would never be subjected to the danger of implosion.

The *Iron Guard* and its political party, the *All for the Fatherland Party* turned these principles into practice. The latter was organized as a mass party: desiring to include as many people as possible (potentially the entire nation); having a hierarchical and rigid organization (discipline and obedience to the superior's orders). Financially, the party had the combined support of the dues of the members and the financial donations of the rich sympathizers. The basic law of the party was the maintenance of total discipline (critique, opposition, divergent opinions, and minority factions were not tolerated). "The [Iron] Guard represents the perfect union" stated Codreanu.¹² The punishment of Stelescu was exemplary in this respect. In contrast, those who followed orders without questioning were promoted ('sticks and carrots policy'). In an ideal legionary state, the party had to embrace the whole nation. Subdivisions were created for every membership category: *Fratii de cruce, Cetatui, Corpul militarilor, al muncitorilor, corpurile de soimi si soimane, strajeri si strajerite, cercetasi si cercetase, premilitari, etc.* The respect of these rules was guaranteed by the political police and the internal tribunal of the party. For the first time in Romanian history, a totalitarian party was organized and functioned.

The ideology. This new party was armed with an all-embracing political ideology, pretending to explain and organize every detail for the good of the whole of human history and human activity. It was based on the belief in the existence of natural laws, which govern human life. Human nature was obedient to the law of natural selection of species. Therefore, in politics as well, the strongest, that is to say the more disciplined and united, would win.

The role of ideology was to educate 'the New Man' through the services of the propaganda department. The Iron Guard wanted to "reform man, not to reform politics ... [because] it is more a school and an army than a political party."¹³ This new type of education was taught by means of propaganda, which claimed the educative virtue of labor ("Labor makes you free!").

The final goal of this activity should be the identification of the nation and the country with the Legionary movement.¹⁴ Nevertheless, what is the Legionary movement if not a totalitarian world, governed by decrees (*circulare, manifeste*) by the mighty 'Leader', who wants to control and order everything (even the menu and the hygienic norms of the Cantina)? If we accept (as the *Legionari* accepted) that the Legionary movement was created in the image of a small scale version of the future Romania they proposed to build, then the Legionary Romania could only be totalitarian.

This project did not materialize for many reasons. At the time when the Iron Guard came to power, it had already lost its 'shepherd'. The movement was no longer unitary, and came into power under the control of General I. Antonescu. Even during his life, Codreanu did not accept the idea of a coup d'etat, being convinced that the movement will surely come into power after the completion of the moral revolution, which would create 'the New Man'. The crisis of mysticism

of Codreanu during the last period of his life and the lack of decision and of revolutionary will allowed the Iron Guard to lose its favorable momentum to set up power. In practice, the Legionary movement is a failed totalitarianism (*manqué*).

The Iron Guard represents an abortive fascist movement, the most radical anti-modern experience in inter-war Romania. Its heterogeneous character was due to the fact that it combined two different types of anti-modern discourses. The first one is inspired by the traditional critique of modernity and has within its core the ideas of Orthodoxy and ultra-nationalism. The other represents the totalitarian discourse. This duality of the discourse gives to the Iron Guard its double character of a mystic sect and of a totalitarian political movement. Paradoxically, this strange combination of totalitarian ideology and orthodox fundamentalism and chauvinism helped it to be popular in Romania and to successfully challenge the already established political parties, but prevented it from becoming a coherent, efficient and effective political party, able to repeat in Romania the success in Germany of Hitler's N.S.D.A.P.

From the ambiguity of the discourse result the ambiguity and indecision of the public manifestations of the Iron Guard. Due to its high degree of centralization and discipline, and because of its strong dependence on its leader, the movement was decisively influenced by the evolution of the leader's personal disposition (and dispositions). At the end of his life, Codreanu had the firm conviction that Romania had not yet realized the phase of the moral revolution, the prerequisite for political change. At the same time, he was convinced by the inevitability of this evolution in the immediate future. These convictions, along with the mystical crisis toward the end of his life, imposed political passiveness on the movement. The revolution was expected to come, and it had a spiritual nature.

The Iron Guard's political thought was not animated by Romania's past experiments, but by the then contemporary totalitarianism. Consequently, the true nature of the legionary political project is not Orthodox and nationalist, but totalitarian. The *Legionari* were convinced chauvinists and religious fundamentalists willing to fight their own war by violent means. In their main propaganda texts ("*Pentru Legionari*", "*Carticica Sefului de Cuib*", "*Circulari si Manifeste*") and journals, they are the supporters of a totalitarian state where the power should be held totally by a charismatic leader. This state should be national (that is to say ethnically based) and embodying the idea of a 'Perfect Society' made up by 'New Men' (young orthodox Romanians).

Even if the governing experience of the Iron Guard was of short duration, its influence on Romanian society was important. It was at the "legionary school" that Romanians first became comfortable with the violence and intolerance of totalitarian discourse and with the institutionalization of political murder. When the Communist takeover occurred in 1948, political discourse and practice created the impression of *déjà vu*. The scenario was not new. Sometimes, even the actors were the same.

Notes

1 Constantin Davidescu, Lecturer, Faculty of Political Science, University of Bucharest.

2 If not specified, in this text the terms "Legionary movement" and "Iron Guard" are interchangeable. They are not to be confused, but this convention will allow us to avoid the use of the long and uncomfortable formula "Legionary movement" which is common in Romanian, but loquacious in English.

3 R. Griffin, *The Nature of Fascism*, Routledge, London and New York, 1996, p. 26.

4 Corneliu Zelea Codreanu, *Pentru Legionari*, Editura "Totul pentru Tara," Sibiu, 1936, p. 133-134.

5 R. Griffin, supra note 2, p. 116.

6 *Ibid*, p. 117.

7 The first saying Corneliu Zelea Codreanu learned from Nicolae Iorga, his spiritual mentor during his adolescence, was: "*România a Românilor, numai a Românilor și a tuturor Românilor.*" In Corneliu Zelea Codreanu, supra note 3, p. 14

8 *Ibid*, pp. 151-153.

9 Corneliu Zelea Codreanu opens his book *Pentru Legionari* with the following lines: "*N'am timp. Scriu în fuga condeiului, de pe câmpul de luptă, din mijlocul atacurilor. La ora aceasta suntem înconjurați din toate partile. Dusmanii ne izbesc miseleste și tradarea musca din noi.*" In, Corneliu Zelea Codreanu, supra note 3, p. 5.

10 "... *educatia de la Manastire ma va urmări toată viața ... noțiunile de știință militară capătate acum ma vor face să judec mai târziu totul prin prisma acestei științe.*" In Corneliu Zelea Codreanu, supra note 3, p. 11.

11 See G. Sartori *Parties and Party Systems: A Framework for Analysis*, Cambridge University Press, Cambridge 1976, pp. 42-47.

12 In *Circulari și Manifeste – 1927 – 1938*, Colectia 'Europa' München 1981, p. 20 See also p. 27. "*Să nu miste nimeni fără ordinul meu.*" Another idea of Codreanu: "*Lumea vrea sef și disciplină tuturor.*" In *Carticica sefului de cuib*, Colectia "Omul Nou," München, Germany, 1971, p. 40; see also p. 41-44.

13 "*Din această școală legionară va ieși un om nou, un om cu calități de erou . . . un urias. . . Tot cetsi poate imagina mintea noastră mai frumos ca suflet, tot ce poate rodi rasa noastră mai mândru, mai înalt, mai drept, mai puternic, mai înțelept, mai curat, mai muncitor și mai viteaz . . .*" In Corneliu Zelea Codreanu *Pentru Legionari*, p. 307.

14 "*Noi trebuie să facem ca România să devină legionară ... Țara trebuie să fie condusă după voința legionarilor,*" in *Carticica sefului de cuib*, p. 47.

Chapter IX

Romanian Nationalism and Political Communication: Greater Romania Party [*Partidul Romania Mare*], A Case-Study

*Petre Berceanu*¹

The Origins

Post-Communist Romanian political nationalism is the heir of a century-and-a-half old development of doctrines and traditions of thinking, which in turn derives from philosophical constructions, initiated another two centuries earlier. In the 17th century, the first lay chroniclers from Wallachia and Moldavia started to systematize the history of the two states, to bear witness to contemporary events and to search for specific traditional elements in the evolution of various institutions. This laid a foundation upon which a nationalistic doctrine could be created .

A century later the Transylvanian School² created a vast historical and linguistic work meant to emphasize elements of the Romanian identity, especially the belief in a Roman descent and the Latin origin of the language. This occurred at a time when, although Romanians were in the majority, they had been systematically excluded since 1520 from the officially recognized nations of the region. This movement, which found its field of activity largely in the great European libraries, soon developed a political dimension, and became known as ‘memorandism’. The goal of the movement was to obtain equal status for Romanians by sending petitions to the Imperial Court in Vienna. Although its immediate result was the persecution of its leaders, the memorandist movement laid the foundations for a tradition of political action, which gave birth to the Romanian National Party of Transylvania, the main internal political pillar which made the unification with Romania in 1918 possible.

After the revolutions of 1848, in Wallachia and Moldavia a generation of intellectuals who had already studied at the great European universities, began an intense political and cultural dispute concerning the modernization of the country, the preservation of its traditional values, and the absorption of new institutions of the West. The union of the two Romanian Principalities in 1859 and the coming into being of a multi-party parliamentary life added to this dispute a more defined political space. However, the vote was not yet universal and conservative nationalism was still elaborating its theories within clubs and cultural currents such as ‘Junimea’ or ‘Samanatorism’.

After World War I, which brought into being Greater Romania, the state was ruled for a long period of time by the Liberal National Party, which promoted industrialization, dissolution of the great estates, and the introduction of Western institutional reforms. At the same time, the nationalist movement reorganized and diversified itself, adapting to the new realities, but also to the new European ideologies.

In 1925, the Romanian National Party of Transylvania, led by Iuliu Maniu, was searching for a space of action adapted to the existence of Greater Romania, for whose creation it had fought for decades. It satisfied this desire to some extent by absorbing the Democratic Nationalistic Party, founded in 1910 in the Old Kingdom of Romania. A year later, it merged with the Peasant Party, led by Ion Mihalache. The newly born National Peasant Party, led also by Iuliu Maniu, attempted during the following decades to combine a national and social message, thereby becoming the

main electoral opponent of the liberals, led by the Bratianu family. Nevertheless, the National Peasant Party ruled Romania only during the ill-fated period of the 1929-1933 economic crisis.

After World War II, the National Peasant Party became the main opponent of Communism, which was imported from the USSR. However, after the falsified parliamentary elections of the autumn of 1946, the National Peasant Party was suppressed, along with the Liberal Party. The members of the historical parties were kept under surveillance and most of their leaders died later in prisons.

In the inter-war period, the democratic nationalist discourse, used by the Romanian National Party or the Democratic National Party, analyzed the present through the traditional values of the Romanian village, seen as a crucible of the creation and preservation of the national identity. Any new law, any new institutional implant had to be conceived in accordance with these values. "Let us not pretend to teach the people what it does not know, but let us get closer, humble apprentices, to what the people know better than we do,"³ said historian Nicolae Iorga, one of the founders and mentors of the Democratic Nationalistic Party.

It was a populist and centrist nationalism, but at the same time, a calm and pedantic one, in love with the past and scared by a present, which seemed to desire a too hasty embrace of the future. At the same time, much more radical movements were being born, occupying quickly and dynamically the extreme right wing of the political spectrum.

The Christian National Defense League was created in 1923 in Iasi under the leadership of university professor A. C. Cuza, former co-founder with Iorga of the Democratic Nationalistic Party. Cuza was a committed anti-Semite and the CNDL was nothing more than an ambitious attempt at organizing the anti-Communist and anti-Semitic student movement at the end of the 20s. In addition to Jews and the left-wing, the enemy of the CNDL was liberalism, which created the Constitution of 1923 and the 1926 Electoral Law. In the 1926 elections the CNDL obtained 10 out of 387 seats in Parliament. Nevertheless, the election campaign generated irreconcilable differences between A. C. Cuza and his main lieutenant, Corneliu Zelea Codreanu. The latter left the CNDL and in 1927 founded the Legion of the Archangel Michael.

The Legion, which bore various names throughout the years, was restricted in various ways from time to time by the authorities. It can be said to be the standard political structure of Romanian ultra-nationalism. It functioned in accordance with all the extreme right wing movements in the region and in contemporary Europe.

A charismatic character, accused and sometimes convicted for violent crimes including assassination, Codreanu set in motion a spectacular and ingenious propaganda mechanism, which would soon prove its efficiency. By organizing marches throughout the country, religious processions, volunteer field work among the peasants 'to set an example', by manipulating the political and cultural press, by using patriotic hymns and campaigns for helping the poor, the Legion gradually attracted adherents. It proposed, in the usual anti-Communist, anti-Semitic, anti-liberal mixture, a new way of policy-making, denouncing the classical parties who 'sold' the country and protected their political clientele by corrupt means. A strong Orthodox spiritualism, displayed ostentatiously, enriched the arsenal of images of democratic nationalism. Moreover, this irrationalism became the spearhead of the Legion's discourse among the intellectuals who joined it in significant numbers.

During the December 1936 elections the Legion obtained 15.5 percent of the votes, thus officially becoming the third political force in the country, behind the Liberal and the Peasant Parties. However, King Carol II's opposition postponed their entry into the government until September 1940, when Romania was proclaimed a Legionary National State meant to function in

the context of the King's abdication and of the alliance with Germany. For a few months, Hitler saw the Legion as a possible alternative and, implicitly, as a barely veiled blackmail to the military supported authoritarian rule of General Ion Antonescu. Nevertheless, the Legion's cohabitation with Antonescu lasted only until January 1941, when its coup d'état was defeated by the army. The movement's leaders took refuge in Germany, while the ones who remained in the country were imprisoned.

The four months of the Legion's co-government were marked by waves of violence: pogroms, systematic assassinations, robberies, imposition of a system of racketeering in the commercial and financial sectors. Many leaders of the former governments were assassinated, notably historian Nicolae Iorga, a former prime minister, who was shot in the Strejnicu forest, near Bucharest. These extremely violent crimes damaged the image of the Legionary Movement and were used for five decades by the Communist propaganda, as proof of the state's dissolution, before the Soviet intervention in Romanian political life.

After August 23rd, 1944, when Antonescu was arrested and Romania signed an armistice with the Allies, some of the Legionnaires joined the small Communist Party, while others remained imprisoned, or even joined the detachments which fought the Soviet occupation, and the Soviet-installed Communist regime, from the mountains for almost a decade.

After 1946, any kind of nationalism disappeared for more than a decade from the public discourse and from Romanian political and cultural life. Its place was taken by proletarian internationalism as the compulsory doctrine imposed by the single party.

Many writers, historians, classic or modern philosophers' works were either forbidden and eliminated from textbooks and publishing plans or primitively reinterpreted from a Marxist perspective. The Russian language became compulsory and Russian literature was to be published by a special publishing house. Any attempt to affirm national specificity was seen as chauvinism and therefore repressed.

After the Russian troops withdrew and the political counselors and leaders imposed by Moscow were gradually eliminated, beginning with the last years of the 60s, Romanian Communism began to also look to nationalism for legitimacy and support. A relative cultural opening took place in the seventies, in which most of the classics of national culture were 'rehabilitated' and many major literary works from abroad were translated. Nevertheless, the concentration of political power in the hands of Nicolae Ceausescu, leader the Romanian Communist Party since 1965, would have as a consequence the elaboration of a national-Communist ideology.

The history of the country was rewritten as a succession of heroic moments, which cinematography was compelled to illustrate through dozens of expressive sagas. Romania's economic and social backwardness was explained as the martyrdom of a nation, which sacrificed itself so that the West could build cathedrals, roads and industries. Propaganda offered a theoretical reason for the officially practiced political, economic, cultural and human isolationism. The 'foreigner' was seen and treated as a potential spy, while trips abroad by Romanians were described as an opportunity for recruitment by foreign agencies. During the last decade of Communism these tendencies reached epileptic proportions. As the East itself began to implement decentralizing, democratic reforms, the enemies were to be found everywhere. What came from the outside was evil. During the 80s access to books, films, shows, or television programs which expressed the trends of contemporary culture was almost forbidden.

The New Romanian Nationalism

After the spectacular fall of the totalitarian system set up by Nicolae Ceausescu, the voice of Romanian nationalism was not heard for several weeks. Other themes filled the yet insufficient mass media space. Day after day forgotten characters or ones totally unknown to Romanians appear on the TV screens: former political prisoners who belonged to the historical parties, banned artists, ex-Communist leaders removed from power by Ceausescu two or three decades earlier, students, revolutionaries, or house wives who became stars overnight, sometimes just for a night. The essential themes were freedom, getting closer to the Western world, which became suddenly accessible, and the denunciation of censorship, abuses, and falsifications.

Apparently the national Communist values violently promoted for two decades, seemed to have been swept away by the will of a nation which always had wanted something else. However, beyond the televised speech an enormous silent majority, with all its reflexes formed during the dictatorship, with its destiny dominated by Communism, having as its past the small demanded betrayals and the achievements allowed by the system, was wondering more and more whether it had lived in vain, whether the values they acclaimed for decades were really false, whether they will pass out of history, for ever being despised by their children and by the generations to come.

It is with this social category that the new left wing authorities attempted to some extent to communicate, needing a far less radical partner than the revolutionaries in the streets or the frustrated intellectuals who bombarded the television screens. They needed a partner who was content with more food in the stores and more football matches on more color TVs.

Yet, not even the quickly founded National Salvation Front dared to resuscitate nationalism. It was a moment of openness, which had to be appreciated for what it was. The West was a rediscovered partner; Gorbachev was a visionary; the dialogue with the Hungarian minority was a component of democracy.

On the other side of the political spectrum, the reborn National Peasant Party gave up gradually, but forever the nationalist discourse. Its new profile was that of a fortress against Communism. The public speech of the senior members who had spent many years imprisoned for political reasons was primarily focused on pluralism, political and economic freedom, openness toward foreign capital, and the rewriting of the historical truth. The NPP redefined itself in a modern manner, as Christian and democratic, but the close relations between its leaders and the Greek-Catholic Church, banned by the Communists, created communication problems with the all-embracing Orthodox Church, which passed through the years of the atheist dictatorship by extensively collaborating with the authorities. Ten years later, the NPP completely abandoned the realm of the nationalist discourse. Finally in power, its political alliance with the party of the Hungarian minority made it vulnerable to the Transylvanian radicals.

Beginning with the winter of 1990 nationalism was taken into new hands, even if behind them there were old faces. The emergence of the first cultural or political organizations of the Hungarian minority soon crystallized into a political party, the Democratic Union of the Hungarians of Romania. Their first demands as well as a series of violent acts which took place in December 1989 toward the Romanian authorities, in the areas which had a Hungarian majority, gave birth to a counter-movement of the Romanian Transylvanian nationalists, which formed the Union *Vatra Romaneasca*,⁴ in the winter of 1990. The Party of the National Unity of the Romanians of Transylvania [PNUR], the political wing of the UVR, participated in the first parliamentary elections of May 1990, and obtained 2.12 percent of the votes and entered the legislature in the absence of any electoral minimum limit.

Two years later, during the parliamentary elections of 1992, PNUR obtained 7.72 percent of the vote and seemed to evolve into a national party. It now has representatives and senators not only from Transylvania, but also from Bucharest, Moldova, and Dobrogea. In fact, it became for several months a governing party, alongside the PSDR [The Party of Social Democracy of Romania] of Ion Iliescu, holding the portfolios of agriculture and telecommunications. However, similar to other extremist parties, which are forced to moderate when confronted with governmental responsibilities, the Party began to lose its profile and popularity when it gave up the extremist and colorful language. Furthermore, the Party broke with unusual characters, such as the mayor of Cluj, Gheorghe Funar, who was accused of many verbal and administrative provocations toward the Hungarian minority or the authorities in Budapest. After 1992 the name of the Party came to be easily linked to a big scandal of the financial pyramid games, which left thousands of Romanians bankrupt.

In terms of doctrine, the PNUR has always defined itself as a neo-liberal party, which supports the development of Romanian capital, simply desiring to protect it against the always invoked invasion of foreigners in Transylvania. Its means of communication were limited to the control over some radio stations or small circulation publications in Transylvania and to some outrageous declarations in the Parliament or during the press conferences. During the 1996 elections the PNUR barely surpassed the electoral limit of 3 percent⁵ and many of its supporters deserted to Gheorghe Funar and the Greater Romania Party.

In 1991 Marian Munteanu, the leader of the Student League of the University of Bucharest, a participant in the marathon anti-Communist manifestation on University Square in the first months of 1990, founded 'The Movement for Romania', which took much of the ideology and communication strategies of the inter-war Legion Movement.

The Movement for Romania presented itself as an innovative youth party, based, nevertheless, on Romanian traditional values, including Orthodoxy. The party claimed that it wanted to breathe new life into the political body, by using new people who did not reject reforms meant to orient Romania toward the market economy, the only difference being that they opted for these reforms in a climate free of corruption and clientelism. Therefore, the Party claimed to reflect the norms and values of the Romanian traditional world. Munteanu organized white shirt or popular costume processions. The local activists were urged to work alongside the common people in order to set an example. Joining the Party was intentionally difficult, allegedly to prevent opportunism and thus to make sure of the sincere belief of the adherents. Therefore, the political and social language of the Party resembled the art of Codreanu's arsenal, but it lacked his charisma and extremism against enemies from which the masses had to be protected. The Movement for Romania did not develop an anti-Hungarian nor an anti-Semitic message. It was a harmless, non-aggressive Legion, a club where you could play the character of the Iron-Guardist, without annoying anyone. Although it aroused a certain initial interest in the mass media, Munteanu's party did not have any real electoral results and practically disappeared after four years.

Another attempt to develop a political nationalist structure took place in 1992 when the National Right Party (PNR) was formed by a group of more or less obscure intellectuals. The party proposed a naive projectionist economic speech by taking over some inter-war slogans such as "buy only from Romanians" or a strategy of action against the Gypsy minority, which was accused of illegalities. The press published a series of interviews with the party leaders, after which the party almost fell into oblivion. It is true that during different elections the PNR still displays posters to the voters with imperative slogans such as "We make order!" beside the picture of totally unknown people.

A High Circulation Party

The Party of Greater Romania was set up in May 1991. However, the social phenomenon, which this name reflects, had already been in existence for more than a year. The birth of this political organization was closely related to the public success of the *Greater Romania* magazine, which came on the market in March 1990. Contrary to the usual rules, the Party's gazette was released before the incorporation of the Party, so the communication was opened before the structuring of a real political movement.

The expression, "Greater Romania" is a concept which describes a geopolitical reality which emerged immediately after World War I, when the Kingdom of Romania united with Transylvania, Banat, Bassarabia [today the Republic of Moldova], Northern Bucovina and the Hertza province [today a part of Ukraine], as well as a region in South Dobrodgea, which is now part of Bulgaria. Therefore, it is closely related to the idea of the national State, meant to include within the same frontiers almost all the territories inhabited by compact groups of Romanians.

The founders of the *Greater Romania* magazine are the novelist Eugen Barbu and the poet-journalist Corneliu Vadim Tudor. Barbu made his debut as a writer in the Stalinist period, when he published several short stories and novels that described, in the style of that era, how the Communists were trying to change Romanian society, or the 'hard life' of the workers before the war. In the 60s, he had mainly written novels and movie scripts, inspired from the Romanian history of the 18th – 19th centuries, using a language full of archaisms. In parallel, through another type of writings, he continued to reinforce the myth of the Communist resistance in Romania during World War II.

In the 70s, Barbu took over the leadership of the *Cultural Weekly of the Capital* [*Saptamanalul Cultural al Capitalei*], which he rapidly turned into a tribune for the affirmation of national-Communist ideas. The pages of the weekly represented a virulent attack against on cultural works or trends in Romania which do not correspond to their views, and thus embarked upon fierce polemics with the representatives of the Romanian émigré community and with the Western mass media as well. At the same time, the magazine was fully involved in the personality cult of both Nicolae and Elena Ceausescu, through propaganda feature reports and exceedingly long poems about their virtues. The main author of this kind of material was a young journalist with the official press agency, AGERPRESS, named Corneliu Vadim Tudor.

Born in Brasov, in Transylvania, to a poor family, C.V. Tudor studied Marxist sociology. Then he entered the world of official journalism, trying at the same time to achieve recognition as a nationalist poet, following the already explosive example of the Adrian Paunescu era. In early 1980, his volume of poems, *Saturnalia* [*Saturnalii*], was withdrawn from the market by the authorities due to its anti-Semitic flavor that resulted in international protests.

By December 1989, the *Cultural Weekly of the Capital* and the Barbu-Tudor team had already been discredited in Romanian cultural circles inside and outside the country. However, being criticized in different publications became over time either a certificate of cultural value or of moral rectitude.

On January 4, 1990, the Minister of Culture, the philosopher Andrei Plesu, banned the magazine. Barbu and Tudor were sentenced to a two month silence. The documents subsequently published confirmed that the release of the *Greater Romania* was supported by the left-wing authorities in Bucharest, who intended to make use of the polemic talent of the two against the fragile political opposition and the key figures of the emerging civil society. It was a gesture meant

to help them, mainly in terms of the first parliamentary elections scheduled for May 1990, when the National Salvation Front, the political formation which was in provisional power, actually obtained more than 66 percent of the votes, while its candidate for the Presidency, Ion Iliescu, got 85 percent of the votes.

Three Major Types of Speech

Ever since its first publication, *Greater Romania* set for itself three major topics to be dealt with. First of all, a debt had to be paid back. Therefore, all the opponents to the authorities – either former political convicts of the Communist era, or intellectuals and journalists who criticized the power – were to be savagely attacked. The weapons used were impressive. Mockery of the physical traits or of the alterations brought by the old age, forgery of biographies, publication of texts and caricatures abundant in insults, ethnic origins – supposed or real [mainly Hungarian or Jewish] of different public figures, older or newer – revealed with innuendoes assuming guilt.

Secondly, a *pro domo* pleading is obvious. The former editorial staff of the magazine adapted to the environment of the newly-born anti-Communism; they attempted to demonstrate that they had been the real opponents of the Ceausescu regime, and used to write incriminating letters to the dictator, and that they were never partisans of the atheism, censorship, or the demolition of historic monuments.

The third topic was substantially linked to the creation of the social basis of the Party, which was to be set up a year later. *Greater Romania* provided a positive reevaluation of the immediate Communist past. It argued that the national interests were defended at that time, that values were created and the economic interests of the citizens were protected. Furthermore, that all this was accomplished despite the existence of a real ‘international plot’ started in Moscow and completed in Washington. Even the personality of Nicolae Ceausescu was rehabilitated to some extent after a three month period when all the media in Romania had intensively attempted to make a demoniac picture of him. The dictator is presented as an example of patriotism, a character that turned negative – and this is why the country had to get rid of him – solely on the account of his behavior problems in his final years. The December 1989 events took up considerable space in the pages of the magazine, where they are described as a de-stabilization attempt organized by irredentist Hungarian circles, the KGB, CIA or Mossad, eventually thwarted by a few patriotic officers and politicians, which was then endorsed by the people at large.

Hereby, hundreds of thousands of people received a much more reassuring perspective on recent history and on the present as well, in a time when all the values around which they had tried to organize their lives were in a process of thorough analysis, while, on the other side, signs of inflation and unemployment had just begun to appear menacingly. The *Greater Romania* form of speech became a drug meant to medicate the growing shortcomings of everyday life by identifying a well-defined perpetrator: international capital which was striving to buy Romania for nothing; the Hungarians who longed to retake Transylvania; the new politicians, already corrupted, who made easy money by selling their offices.

In this context, the *Greater Romania* magazine reached by the summer of 1990 a circulation of almost one million issues. It is of course true, this was part of a general flourishing of the recently-born written press, in which Romanians took a special delight. However, today, the most important daily in Romania hardly reaches 200,000 issues, while the social-political weeklies have a very discreet existence. *Greater Romania* also is now unable to sell more than 30,000 copies a week.

The birth of the Greater Romania Party, in May 1991, was mainly welcomed with smiles and reticence by political analysts and the media. Barbu and Vadim Tudor gather around them former officers of the Army, the Communist Militia, and the Securitate, as well as official historians of the Communist regime, writers and publicists who could not find a place in the cultural environment and journalistic circles which emerged after the fall of the dictatorship. They set forth a political platform devoid of any substance, where economic policy was reduced to populist slogans ['economic protection', 'protection of the country's resources', 'revival through our own efforts', 'fair economic relations with other countries'], while foreign policy was left at the level of a draft, primarily in an attempt to promote again the strategies of Ceausescu, good relations with everybody, in a context of suspicion towards everyone.

From this very moment, the controversy appeared around the question of whether this party could be analyzed in terms of the classical patterns of political science. It declared itself to be a left-center party. However, its economic program, to the extent one exists, can only be labeled left-left, which could even be considered to have noticeable Communist elements. At the same time, the representatives of some bodies of the civil society, along with the organizations of ethnic minorities consider it a right extremist party. Based on the behavior of the Party since its founding, I think we can describe it as a national-Communist party, which employs in the democratic political arena, the official Romanian ideology of the 70s and 80s. In certain areas it went even further, in that it freed itself of Ceausescu's self-imposed restrictions concerning comments about Hungarians and Jews. However, for ten years the concept of nationalism overtly expressed by the Party in its platform and ideology has been attempting to fill the vacuum of solutions in economic and social areas. The Communist era remains the lost positive reference point for the Party, as in that period the economy is said to have been functional, exports existed, houses were built, and there was no unemployment or inflation. Nevertheless, these assertions fail to consider the inevitable collapse of the internal and external structures of the system, which were simply allowing a simulation of reality. Internally the full concentration of resources and decisions in the hands of the state could clearly not continue, while externally, international cooperation mechanisms, such as COMECON, where political interests became substitutes for the economic rules.

During the September 1992 elections, when Greater Romania participated for the first time, it succeeded in getting 3.9 percent of the votes, thereby fulfilling its objective of exceeding the 3 percent limit. Eugen Barbu became a member of the Chamber of Deputies, but died a short time after the elections, while C.V. Tudor became a senator. As for the Party, it received Parliamentary mandates primarily in the regions without ethnic minorities and its share of the vote in Transylvania was only minor. The aggressive nationalist comments attracted first of all Romanians who were not in direct contact with the representatives of other ethnic groups and therefore received their only information about the latter from the nationalist publications.

Between 1992 and 1996, the Party provided parliamentary support to the PDSR led by Ion Iliescu, while that latter was in power, and tried several times, but failed, to gain important positions in the Cabinet. The alliance with the nationalists was problematic for the party in power in the area of foreign relations. However, late in 1995, when President Iliescu attempted to distance himself from Tudor, during a visit to the United States, an open conflict broke out between the two.

During the 1996 elections the Greater Romania Party managed to double its electoral results. A large number of PNUR supporters defected to the Party, along with some of the nationalists in the ranks of the PDSR. In the first two years of the right-center government, which took power after the 1996 elections, the popularity of the Party constantly increased, as it became a receptacle

of the social discontent fermented by reform. In the winter of 1999, the leader of the Party openly supported the violence unleashed by the miners who twice came to bloody clashes with the police. At the same time C. V. Tudor tries to set off several scandals based on speculation and deception, directed towards the private life of the elected President, Emil Constantinescu. The fact that the Parliament withdrew the immunity of C. V. Tudor in connection with several slander trials, represented a heavy blow to the image of the nationalist leader. His popularity seems to be declining. Toward the end of 1999 it stood at 7 to 8 percent.

Three Communication Vectors

The Greater Romania Party essentially communicates through three vectors: C. V. Tudor, the media outlets of the Party, and through the manufacturing of events. First of all, let's consider the public performance of its leader. A massive, choleric character, with an overflowing oratory, who employs no self-censorship at all, Senator C.V. Tudor makes weekly appearances in press conferences, where he releases long communiqués which I would characterize as ongoing appeals to insurrection and violence, combined with a dismissal of the political class as being unfit, corrupt, and made up of 'anti-Romanians'. The following is an attempted translation of one of Mr. Tudor's talks. Though something may be lost in the translation, I believe it is true to the spirit of the original Romanian:

Romania is in a danger of death: the attempts to dismember the territory of the country, as well as the deliberate starvation of the population, the plunder of the National Patrimony, the transformation of our Homeland into a cursed colony, without any right to expression, without any identity, without a past, a present, or a future. This cannot go on, dear citizens! These jerks kill us and each diversionist flattery from abroad is a shovel of dirt on the country's tomb We, the people of Greater Romania, we make no politics, we make History. Let us unite our powers, all the parties, leagues, unions and associations with Romanian feelings, because the country is in deep sorrow! The hour has struck in the tower of history, showing it is high time for us to put a definitive cross at the heads of the Peasant members, of the liberals, and of the criminal Hungarians! Down with the Mobs! Do not waver, brothers, come and rush under the three-colored flags, to bring evil to the evil ones! Truth is my word, the Romanian People are sleeping a sleep of the dead, but the trumpet of Justice is calling!⁶

This is a classic pattern of a C. V. Tudor speech. Sometimes, the TV channels or the radio broadcasting companies invite the leader of the Party to talk shows where he speaks at length before an attentive public, which may or may not agree with him, but the one who calls himself the 'Tribune' is never boring. He always discovers a new 'scandal' or a new 'treason'. On such shows he has an open field, as few politicians or analysts are willing to stand in public next to him. This type of speech finds a receptive audience in retired people, whose fixed incomes cannot hope to keep up with inflation, or in confused young men with little education, who feel they are left out, primarily the youths of the urban areas with high unemployment rates. Here they can hear in public what they can only say in private, that Romanians are not to blame for their difficult living conditions, that the guilt rests with political leaders and their acolytes from abroad, who work hand in hand. Turning its back on an obsolete Communism and facing the specter of a difficult capitalism, the Party has permanently suggested a mysterious third way, capable of solving all

problems, of bringing wealth, and of defending the state against the always imminent danger of 'disintegration'.

The Party's second communications vector is its media outlets. The *Greater Romania* magazine is of course the most significant. However, its appendix, *Politics [Politica]*, released after the incorporation of the Party, which is quite similar to its parent, save for the date of issue and number of pages, is also available. These magazines appear to be a chaotic mixture of vitriolized comments on the key figures of the political, cultural and media environments, of tedious historical tales, of letters from readers expressing their desperate hope that the Party will soon take power, exposés of 'plots', and corruption cases based upon the information collected from 'honest officers' of the intelligence services, football comments, and quotations from articles found in other publications, if the latter endorse, at least partially, the campaigns run by the Party. At the same time, the poorly educated are offered a bazaar of topics, with sensationalistic overtones, such as stories about the mistresses of heads of state, the end of the world, the Jewish Kabbalah, famous murderers, pictures of nudes, along with caricatures of the Romanian personalities in prison or in ludicrous situations.

The third vector used by the Party is manufacturing events. In using this vector, the Party attempts to build up its image of a pillar of culture and religion, and a provider to the poor. The monthly 'Christian supper' organized by the Party provides food for many people, while Senator Tudor himself gives money for the rehabilitation of churches and monuments which he considers significant to the national history. On anniversaries of events or personalities, the Party gathers its supporters in public areas, organizes concerts of traditional Romanian music, and distributes calendars with the image of the 'Tribune'.

If we try to integrate the Party's approach into the history of Romanian nationalism, we can easily see the continuity of classic patterns, along with some innovations. The Party has clearly adopted the classic ideas of the democratic nationalism which existed prior to World War II, related to the existence of a centuries-old, deep-rooted rural tradition, on behalf of which one has to resist the values imposed from abroad, either modern managerial methods, rights granted to ethnic, cultural and sexual minorities, or foodstuff and media techniques.

Greater Romania took over from the Legionary Movement the idea of the everlasting culpability of the political class, who are forever incompetent and corrupt, and therefore must be replaced with representatives of the Party. Although the Party is currently participating in the political game within the given Constitutional framework, some of its proposals are quite troubling in this regard, and imply that it would dismantle the liberal-democratic structure. Specifically, if it should come to power it intends to seize, in 24 hours, all "illegally obtained fortunes," provide brief trials for those responsible for the 'country's disaster', censor or ban publications according to the criteria of adhesion to the national values, and dismantle minority organizations.

It is obvious that both the theoretical basis and the social support which responds to this type of speech are rooted in the reflexes created by Communism: suspicion of foreigners; the idea that the state has to offer wealth to everyone, beyond any competition or competence; the theory of the permanent danger threatening Romania; and the idea of history as a never ending sacrifice serving a West which now declines to help. All of these ideas can be found in the national-Communism of Ceausescu.

On the other hand, several elements are missing from this fresco. Unlike the Legionary Movement, the Greater Romania Party does not extensively communicate by example. Its activists do not express much interest in working "side by side with the people." Another important missing element is Orthodoxy. Trained in the Marxist school, C. V. Tudor showed after 1990 a special

respect for Christian values, but has not taken over, in any way, the spiritualist speech of the legionaries related to Orthodoxy, and even less the related use of icons. However, such appeals are less important to the Party's target audience: people who were shaped by Communism, with at most an average education, who are frightened by economic uncertainty, but who are less driven by spiritual imperatives.

Translated by Ionut Sasu & Ciprian Dobrin

Notes

1 Petre Berceanu, Counselor to the President of Romania until 2000.

2 A school of thought arising in Transylvania.

3 Nicolae Iorga, 1922.

4 The Romanian word '*Vatra*' means 'hearth', 'fireplace', and even 'home', so it is difficult to replace with a single English word.

5 A vote of less than 3 percent would exclude a party from representation.

6 C. V. Tudor broadcast [exact citation, and Romanian original].

Chapter X

Modernization in the Middle of the 19th Century in the Romanian Principalities: Project and Realization

*Laurentiu Stefan*¹

The First Romanian Project of Modernization

To my astonishment I discovered what could be considered the first coherent Romanian project of modernization. I am referring to the ideas, principles and suggestions of Nicolae Sutu, as one can interpret them, from his paper *Notions statistiques sur la Moldavie*, though they are not always presented in a systematic manner. While it was printed in Iasi in 1849, the first draft dates probably from 1842. All the research data, the logical coherence, the content and the pragmatism of Sutu's ideas cause his paper to be something of a novelty in Romanian social thinking of that era. Even if we take as a reference the year 1849, Sutu's program does not have a precedent even in the project of the 1848 revolutionaries. They were very elliptical and the revolutionaries can even be suspected of a certain propagation of their ideas and concepts without being aware of their practical dimensions. After all, it is not irrelevant to mention that the first author of a modernization project was an economist, maybe the first true Romanian economist.

Sutu tried to grasp the reality, by collecting social and economical data and doing statistical analysis in order to facilitate the administration of people and objects. He had his own ideas on what modernity and civility are, and measured quite accurately the gap between this ideal [the modernity] and the [Moldavian] realities. Based on this, he also advanced some principles to guide the government action towards these ends, which constitute at the same time a real policy of modernization. His project seems almost complete. Therefore, let us take an even closer look.

Sutu set off by laying out the conceptual background, which should underpin every modernizing project. For Sutu, the modern man is, first of all, the one "who aims constantly towards prosperity, who never stops growing and whose limits are as remote as the endless development of civilization."² Property is "the keystone of social order,"³ industry [meaning the economy] is "the condition for the existence of nations,"⁴ manufacturing industry "is what achieves the most prompt and considerable profits; it is what raised England and the United States to the ranks of the wealthiest and most powerful nations of the globe."⁵

The objectives that a 'nation' must fulfill are clear: wealth and power. Thus, we have here, as the landmarks of civilization, the two states, which guide the comparative analysis: England and the United States.

Let us consider Moldavia first. "With the resources that it has and with its access to the Danube, it could still aspire to follow the path that other much poorer nations have taken . . . and which are now incomparably wealthier, more powerful and more civilized."⁶ Thus, reality makes the "path of modernization" possible, the same path which other states have taken before us. More precisely, in order for Moldavia to catch up with more civilized countries it has to do the following in the realm of agriculture: (1) to encourage industry; (2) to institute a model farm; (3) to improve the communication channels; and (4) to establish banks for farmers.⁷

In order to understand why the manufacturing industry is non-existent in Moldavia, Sutu makes up a list of 'prerequisites', resembling those of Rostow's list. He talks about the need of linking the development of industry to that of agriculture [each being a market for the other], he

insists on the decisive importance of capital and credit institutions and on several other less concrete, but just as important things, such as public trust, proper legislation and its proper application. Sutu talks again about communication channels when he notes that "we cannot foresee the unquantifiable impact – including that on the moral state of the population – which the building of a railway could have upon a country with rich industrial resources."⁸ In the end he mentions the important role that education should play, the only force which "can shape men . . . and uproot the prejudices of routine from their minds . . ."⁹

The state was not forgotten. In the then present state of Moldavian society, the state was urged to set examples, to encourage, to stimulate, and to energize people. The state had to be the first to pursue activities, it had to stimulate inventiveness, to give awards for economic projects, to welcome the foreigners who wanted to participate in the economic life of the country, to encourage the development of banks, to improve communication channels, to develop the local industry. Also, here are the virtual energizing effects: "aristocracy, as a result of its activity, will be soon disgusted by the contemplative life, while the working class will no longer look at the public jobs for a remedy which these cannot offer."¹⁰ It would be pointless to go more around this issue. What really mattered was to underline the nuance that this idea induces: it is not the state that should modernize the country, but it only has to offer the proper environment for this, and to incite people towards a new universe. Let us remember this idea, which will not be heard very often in the later intellectual landscape of Romania. Even implicitly, Sutu's intent to conceive a real project of modernization is clear. He stated himself that his paper contained "principles and rules, which have to guide the material interests of this country."¹¹ Sutu had the intention of going further than just the economic plan: "my initial plan was much larger . . . I intended to develop in the following chapters the moral, intellectual, and political state of Moldavia."¹² In other words, he intended his views on modernity to be complete.

The Modernization Project

A Political Program at Last

Cuza's election to rule the destiny of the two countries was providential. Not only because it seemed to represent the middle path between the two extremes of the political spectrum, but also because, from the viewpoint of modernization, he had assumed from the very beginning the two types of projects: 'the political' and 'the economic'. Cuza is indeed the almost perfect example of what modernizing theory calls 'a modernizing monarch', and my further analysis of his actions intends to demonstrate this statement and will point out those elements of this theory, which will allow a different understanding of Cuza's policy. "The meaning for the country of my election is double: unity and reform," he said in 1861.¹³ In reality, the duplicity was much more profound and it marked all seven years of his rule. The ultimate reason for his election was, it should be remembered, the strengthening of the international position of the United Principalities of Moldavia and Wallachia. From this point of view, he carried out this task, being the dignified representative of a 'skillful' political class, which knew how to take the fullest possible advantage out the favorable external circumstances.¹⁴ On the other hand, he knew that the successes of foreign policy would be vulnerable and temporary if they were not accompanied by a similar success of the internal policy. There is no foreign policy, which does not have repercussions inside the country, and almost no internal policy that need not take into consideration the special interests of the great guaranteeing powers. For reasons, judging Cuza's modernizing actions, without

showing the limits imposed by the international status of the country, would mean to minimize his efforts. Therefore, despite these limitations, Cuza can appear to be a modernizing leader who has all the characteristics of the ideal type. "Everything has to be remade," he said in the message he delivered to the Parliament, on the 6th of December 1859. Dinicu Golescu made a similar point: "The sons of Romania are anxious to escape from the material and intellectual delay they were sunk in . . . finding themselves as they were, standing ashamed at the gates of Europe without knowing about the progress made by the arts, sciences, and industry."¹⁵ There was a little over thirty years between the two expressions of the realization of the existence of the delay, but politically quite a bit had changed. The realization of lagging behind other countries in Europe belongs now to the one asked to put into practice a complete reform project, meant to shorten the distance between 'civilization' and us.

Cuza's program is almost complete. It points to the concentration of power [an essential premise in starting the reform] and the installation of mechanisms for a better administration, but also economic objectives which remind us quite well of the first modernization project of N. Sutu. There is no proof that there was a direct influence [except maybe, the intermediary presence of Ion Ghica], but the message presented on the 6th of December 1859 in front of the Parliament, restates, practically point by point, the proposals made by the Moldavian economist.¹⁶ In essence, the message admits – quite surprisingly, says Zane – that industry plays the most important role in the modernization process. The importance of industry for a country, which, although highly agricultural, has a weakly developed agricultural sector, and also the very strong interdependence between the two branches of the economy, were also underlined by Sutu. A 'free' industry led by private initiative and not shielded by protectionist laws, but encouraged by the State [through awards for inventions and profitable projects], communication routes, credit institutions and an economic culture is another vital feature of the program presented in 1849 in *Notions statistiques*. This resemblance may seem striking, but even if a direct connection cannot be proved, the state of public opinion, prepared and exposed during the last decade to more or less naive projects of economic reform, has to be also taken into account. What is most surprising is the scope and coherence of Cuza's project.

Very Little Financial Means for Such an Ambitious Project

The great reform effort needed a sizable amount of money. However, from this point of view, the context was not favorable at all. First of all, because the previous regime had left the country in a disastrous economic and financial state. Leaving aside the budget deficit, Gheorghe Zane pointed out: "All the fundamental economic institutions were falling apart: the great landed property, the guilds of the manufacturers and salesmen, the monetary system and the administration of the budget."¹⁷ To this it should be added the worldwide commercial crisis that affected the two countries at the beginning of Cuza's administration and which brought about a "significant fall of prices, a strong decrease of exports and the resounding bankruptcy of the Bank of Moldavia."¹⁸

In January 1859 the financial situation of the two Principalities was dramatic. The Prince had to take some exceptional measures [a tax of 5 million lei] in order to come up with a temporary remedy for the difficulties of the moment, which would not have been wise to leave unaddressed for long. During his seven years of rule all of the budgets would close with a deficit. The problem the Prince faced was how to finance a great modernization effort under such conditions. "An increase in spending was absolutely necessary"¹⁹ in order to attain this goal. The main source of

this critical shortness of financial means resided in the fiscal system. It was "incapable of satisfying the current needs, much less to have resources for investments, as well."²⁰

This blunt reality reveals one of the first internal obstacles: the Prince had to face a dominant class prepared to fight with the weapons which the system provided, in order to maintain its remaining privileges. This class obstinately refused any of Cuza's proposals to impose a different method of allocating the fiscal expenses. The contradictions which marked the behavior of those who asked for new institutions, but did not want to finance them, shows the essentially hostile nature of the political environment in which Cuza had to impose his reforms. Undoubtedly, what we have here is a resounding failure of his modernizing policy in the fiscal area. "The people of that time, Zane sadly remarked, the same people who, due to their patriotism and enthusiasm, made the Unification possible, were not capable . . . of taking up the modernization of Romania."²¹

In these circumstances, the only possibility, which remained open for Cuza, was to resort to internal or external loans. Once again the obstacles were significant. Cuza had been thinking, even from the first year of his rule, to finance the most important workings of public utility [the infrastructure of banks, roads and ports] with foreign capital.²² Two 'useful' institutions were to be born no later than 1860, the emission bank and the landed bank, but the loan, which started under favorable auspices, would not come through. Only in 1864 was the Stern loan obtained, but it had to be used for financing the budget deficit. Successes are therefore rare and delayed, but they are not missing: the railway from Bucharest to Giurgiu was taken under concession by the English House of Berkley in 1865²³ and an agreement for the building of a deposit bank was finally signed on the 17th of October, 1865. This bank would have an ephemeral life under this form. This is the first image of a prince maintaining a strong wish to modernize the country, with an ambitious plan, but seemingly deprived of all means that could have ensured his success.

The Necessary Authoritarianism

A Model Reformer for the Theory of Modernization

How can one succeed under such circumstances? The answer was soon to be grasped by Cuza; nevertheless, the modernizing effort had to be carried out to its last consequences. The authoritarian answer to this hostile context is not specific to Cuza or his epoch. According to the theory of modernization, this is a typical situation for a society, which is engaged in a full process of modernization, which has a parliamentary assembly, which is more or less representative. Within such a political system the decision making process was often slow and full of compromises. The paradigm is the following: a leader who has the executive power speeds up the introduction of new social institutions but he keeps stumbling into a representative body of conservatives. The obstacle to reform is quickly noticeable and the only solution for continuing the reform appears to be to eliminate the Parliament from the decision making process.

In our case, the break with the Parliament took place quite late because, for a while, Cuza's strategy had the desired effect in the existing institutional setting. It seems that the Prince had the skill to present his objectives in a convenient order, most likely to gather the largest consensus possible.

The first three years of his rule were characterized by a high degree of government instability and a complicated legislative system [the essential role of the Central Committee] so they were less suitable for internal reforms. However, it was obvious that a good politician like Cuza would direct his first efforts towards strengthening his [and implicitly the country's] position in

relationship with the great powers. It was not a reform period yet, but rather one of 'consolidation'.²⁴ The recognition of the territorial Union and later on of the administrative, were the fruits of Cuza's skillful diplomacy.

It could be said, using a term borrowed from Samuel Huntington's analysis, that Cuza's strategy was an 'almost-Fabianist' one.²⁵ This means that he proposed at every stage of his enterprise an objective, which he tried to reach before going on to the next. Following this strategy, the succession of plans, which could assure the success of the reforms, was the following: national, political, social and economic. In his book, *Political Order in Changing Societies*, Huntington takes as an example, the successful Fabianist strategy of the 'Father of the Turks', Mustafa Kemal. In his case, the succession of the reforms was classic: the homogenization of the national community, the creation of modern institutions in order to facilitate the exercise of authority, cultural modernization, social reforms [equality of opportunity and the secular character of society generally speaking], and finally economic and industrial development.²⁶

Beyond the different geographical and political circumstances, the administrative union of the two Principalities and their confirmation by the guaranteeing powers [made possible by a 'Blitzkrieg' tactic – that of the accomplished fact] correspond to the first two phases of Kemal's strategy. For Cuza then, it was the moment of the necessary stage of the centralization of power and of the consolidation of internal authority. This policy expressed two things: first of all, it meant the will to go to a new level, towards independence [which was the major objective of the Romanian political elite for over a century], and secondly, the Prince's resolution to "take the country in his hands" in order to make his reforms efficient.

From a political and administrative perspective, the 24th of January marks the birth of a new state. Cuza finally had a country to reform! The center of authority took a different contour: Bucharest, the Prince and his government. However, the opposition was undergoing a similar change. Now it was becoming more and more clear that the Parliament was unwilling to follow Cuza's reformist enthusiasm.

The length of the three governments which succeeded each other between January 22nd, 1862 and the coup d'état of May 2nd, 1864 is by itself proof that the political sphere had reached a certain balance which allowed for the 'true internal reforms' to begin. For Cuza it was the beginning of the ordeal.

In the already-mentioned book, Huntington argues that the mission of a reformer is more difficult than that of a revolutionary.²⁷ There are plenty of reasons, and they are all at work in the case of Cuza. First of all, the reformer has to fight on two fronts: against the revolutionaries and against the conservatives. He had to soften the rigidity of the latter by inducing nuances of fluidity and adaptability, while to the strong desire of the latter to turn the social order upside down, he had to lay the foundation for gradual and controlled change. In order to bring such an effort to conclusion, Huntington determines that the reformer has to have significant political skills, proving himself "a master politician"²⁸ which are not necessary for a revolutionary. All of these reasons, combined with the short analysis which follows, strengthen my opinion that the classical paradigm of the reformer is perfectly reincarnated in Cuza's political action.

Nevertheless, for two more years, the difficult cohabitation between the Prince and the Parliament produced some results. The most successful policy was undoubtedly, the takeover by the state of the properties of the monasteries in December of 1863. This was a remarkable success, which was, once again, the fruit of the 'accomplished fact' policy and of the political skill of the government. This policy had, like almost every other, a double purpose: it targeted, as a matter of course, the expansion of the political and economic control over a quarter from the country's

territory and also it put the Church hierarchy under secular domination. For Vlad Georgescu, the significance of this measure in the long run was quite a bit more serious: "the Romanian Orthodox clergy will never have this political and material independence towards the secular power again."²⁹ The strengthening of the central power follows its inexorable course.

The period between December 25, 1863 and April 27, 1864 remains the period in which the "constructive Parliamentary activity is the most fruitful."³⁰ Laws were passed which organized the judicial process, local government, etc.; all in only two months [March – April, 1864]. However, during all of this time the Parliament discussed land reform, which would precipitate the break.

With land reform, the 'real' reform [structural, rather than simply administrative, which only consolidates the institutions of government] could begin. Nevertheless, the Parliament would no longer participate to this action. Cuza realized that a reform of this magnitude could not be carried out if it had to pass through the Parliament. From the point of view of the theory of modernization, the coup was inevitable.

I will postpone for the time being the discussion concerning the nature and rationale for land reform and its impact. I will bring back into the discussion, for a moment, the characteristics that make it incompatible with any parliamentary regime. The general rule [to which the Romanian example is not an exception] is that "in developing countries the legislative assemblies are more conservative than the executive power . . . and are also dominated by the landowners."³¹ In order to demonstrate that "there is an incompatibility between Parliaments and agrarian reforms," the American author gives the examples of Pakistan, Iran, Egypt, Brazil and other countries engaged in a full modernizing process in the 20th century, a category in which the Romania of 1864 could have fit quite well. The scheme is universal: "In order to have a successful agrarian reform, the Parliaments have to be suspended, the reform has to be imposed through a decree which will be later ratified by a popular referendum."³² I do not know if the Romanian ruler was the first to apply this scheme, but he did it point by point.

An Oasis of Democracy and Freedom?

If we praise the personalities of that time, we have to know very well the reasons for doing so. Cuza's main merit and also that of his team [especially Kogalniceanu] is that of taking on a very difficult role, that of modernizers, and that they used the proper political means in order to achieve their purpose. It is useless, false and dangerous to see in the two statesmen [in the real sense of the word] liberals or democrats. There is an impressive volume of evidence which points to the contrary. Besides this, the importance of their role forced them to embrace an authoritarian, firm, and centralizing method of acting. It is beyond any doubt that their behavior can be judged from a moral standpoint, but this would be irrelevant from the view of the present analysis and for understanding the process of modernization itself.

Even the takeover of the land of the monasteries by the State and, later on, the land reform, are, from a closer look, serious offenses to the principle of the inviolability of property.³³ There is no doubt that other considerations weighed more in making these decisions, but it has to be admitted that the act really is a violation of a certain liberty.

Two days after the coup d'état, the authoritarian tendencies were again at work in the new decree which restricted the liberty of the press. This was a logical step in the succession of measures, which were meant to prepare the ground for a regime of severe reforms, and not an

"inevitable consequence to the abuses of the language."³⁴ Suspending the periodic newspapers started right after the referendum.

The same authoritarian tendency can be seen in the law of October, 1864, which imposed the extension of contracts between landowners and tenants ['arendasi']. We cannot speak in this context of the freedom of contract.

The Partisan State and the "Superior Reason"

The hierarchy of power – patiently established during the first years – was beginning to function without mistakes, in the 'dictatorial' period of Cuza's rule. He was the real leader of the state, he had practically unlimited powers, nothing was going on without his knowledge and nothing could be changed or done without consulting him. The testimonies concerning this personal style of rule are too well known to mention again.

There is still a novelty in the administration of the country, which underlines once more the particular role of Cuza in its modernization. Starting with him the expression 'raison d'etat' comes to life. The decline of power, the coup d'etat, and the unorthodox means are less important. What is important is the 'reason of state',³⁵ the development of the reforms, the 'progress of the nation'. There is no superior value to this.

From that moment onwards the first symptoms of the 'politics of state' manifest themselves vigorously for the first time in the political history of the country. The first signs of the partisan state: "the office worker who is not with us is a traitor," could have been said by the master of operations, Kogalniceanu, in 1864-1865. He actually said this in order to justify, in Cuza's eyes, the few electoral mistakes that appeared, as being the result of the deficient electoral behavior of priests and police officers.³⁶ The consequence of this fact was the dismissal of the "office workers who dare to show a certain sympathy for the opposition."³⁷

The methods that were used [which will unfortunately be repeated later] leave no doubt that the State was used as a political instrument in the service, in this case, not of a party, but of a 'superior reasoning'. The verbal orders [which leave no trace] are frequent in the fight against the opposition³⁸ but, as always, the moment of an election is the privileged moment to feel the pressure of the administrative apparatus. Kogalniceanu himself is the one who draws the candidate lists, who rules out persons, and who initiates pressures in order to "make sure that all the candidates of the government are elected."³⁹ Giurescu highlights even the personal care with which Kogalniceanu draws these lists – the explanation given by him being that the election of 1864 had to be "the big success of the regime and of the government."⁴⁰ Ultimately, the violation of the legal procedures were used to remake an electoral choice, when the winning candidate was not 'convenient'.⁴¹ Thus, the manipulation of elections became a custom.

Finally, a word should be said about the first attempt to develop a service for providing information through the network of telegraph operators. Through this means, Kogalniceanu was informed on the actions of the prefects, on the opposition, and the state of public opinion.⁴² The procedures were not allowed, concludes Giurescu, but were justified by the "superior reason of state."⁴³ Therefore, it is difficult to see Romania in the given the circumstances, as an "oasis of democracy and freedom," as a French journalist exclaimed once with delight.⁴⁴

Rendering Homage to the Beloved Ruler

Constantin Giurescu's book gives us all the details of the image of a 'paternal' ruler. As I have already said, he is the one who decides all the projects, of whatever nature they might be.⁴⁵ The industrial workers from Galati address him directly,⁴⁶ the foreigners who want to acquire concessions, the young Romanian students who cannot make their way to the Romanian colleges in a normal way,⁴⁷ the peasants who want justice to be done – all do the same.⁴⁸

It is useless to call attention to the 'nepotism', which became so popular in that period, since its promoter was Cuza himself. It appears that the manner of legitimizing the Ruler became that of rendering homage. If, in a few occasions [such as the double election of Cuza]⁴⁹ the letters and telegrams sent to the Prince expressed a normal state of mind, even if, with the occasion of the land reform act, the reaction of the peasants was understandable,⁵⁰ even if the phrases are sometimes an indication of bad times [Cuza is named "the benevolent Father and Liberator of the peasant nation"], sometimes the homage seemed to be the sign of a political conformity, an expression of the docility of the people and of the support for dictatorship. The signs for this state of political conformity are the homage and the congratulations addressed to Cuza on the occasion of the 'victory' against the rebellion of the 3rd of August, 1865 and the movement of support after the letter sent by the Prince to the Turkish ruler in which he justified the firmness of his reaction.⁵¹ This is just another sign that the rule of the country needed to proceed on the basis of a referendum, on which Alexandru Ioan Cuza's authoritarian leadership was based. In this context, an analysis of public opinion at the time was probably correct. The researcher sent to the Ruler the result of this analysis: "the country is longing for stability, for a strong and committed government; if it would be consulted, I am sure it would answer: dictatorship, universal suffrage, rural law..."⁵²

Achievements

The Distribution of Power

The administrative and political unification, the reorganization of post offices, health services, registration offices, military schools, archives, the judicial reform and that of the local leadership show the efforts of rationalization of the state system, partly inherited, partly new. The ministries had to make this effort as well. The army was restructured after the law of organization of the 27th of November, 1864, in order to achieve the status of a national army.

Despite his direct and authoritarian rule, Cuza seemed to be lacking the means to actually control the entire country. He resorted to French specialists "in order to modernize the administrative system and the army."⁵³ This explains the kinship between the Romanian and French administrative and political systems, a kinship which continues even today. It also explains the essentially French nature of very important institutions such as the Cassation and Justice Courts, the Audit Office, and the Savings Bank.⁵⁴

The Establishment of the National Education System

Cuza's most visible success is to be found, beyond any doubt, in the area of cultural institutions. We could even say, like C. Giurescu, that he achieved the cultural program of the revolutionaries of 1848: a free compulsory elementary education [or at least in principle], the significant prolongation of secondary school, the establishment of the two Universities of Iasi and Bucharest. At the same time the Music Conservatories from the two main cities of the country were established [in 1860 and 1864], a School of Fine Arts, one of Medicine, and one of Pharmacy

in Bucharest [1864], some technical schools [Forestry in Targu Neamt, Commercial in Bucharest and Galati in 1864]. It has to be underscored that the majority of the institutions in this field were created during the 'dictatorial' era of Cuza, meaning in the time period when he was able to put his reformist views into practice without any barriers.

A short statistical view can be, in this context, quite revealing. The number of students attending public schools was, in the beginning of this period, only 725. Their number would grow, by 1850, to approximately 10,000.⁵⁵ Official statistics indicated 22,940 students in the country for the year 1858, and 53,580 (plus 5932 in the cities) in 1860. This percentage barely rises with 0.01 percent at over more than 1.3 percent of the population of the country [estimated at 3,864,848 inhabitants in 1859).

There were even a small number of scholarships for higher education [65 for Bucharest and Iasi, and the same number for foreign countries] awarded by the state in exchange for the commitment to work for ten years in the places indicated by the government.⁵⁶

The Economy: Preparation for the Transition

In a period in which the economy was still waiting to be improved, the progress of this branch cannot be compared with the great administrative or educational reforms. Everything is narrowed down to modernization, healthy economic principles and several elements of infrastructure: credit, transportation and telecommunication.

Cuza honestly encouraged private initiative and the investment of foreign capital,⁵⁷ although, as I already mentioned, it was very difficult to obtain even one credit and one acceptable formula for a project regarding a national bank. He certainly had more success, as Giurescu pointed out, with the insurance companies.

In agriculture, he offered his own strong personal example in order to give an incentive to the landowners to make use of mechanized ways of working the land.⁵⁸ Still, mechanization was quite limited and did not significantly influence the development of agriculture; the big difficulty was not the acquiring of the machines, but the lack of mechanical workers to use them.⁵⁹

Related to industry, it is worth mentioning one good principle: "Private industry, which is made active and alert by its own interests, fulfills its duty a lot more promptly and economically than does the government."⁶⁰ Cuza had more success, on the other hand, in the development of communications. The railway from Bucharest to Giurgiu, given under concession to the English House of Berkley, was inaugurated in 1869, while the construction of 19 metal bridges was projected for 1868. A true take-off – perhaps the only one – is made in the development of the telegraph network, which grew from 839,950 km. in 1859 to 2,897,360 km. in 1863.⁶¹ Therefore, its political relevance in the control of the country should not be overlooked.

The Multiple Targets of Land Reform

The Politics of the State versus Free Development

Land reform was the cornerstone of Cuza's modernizing program. There were several motivations which supported it: a distribution of the land to the peasants which would prove to be more compatible with economic development, and which eventually would make citizens out of the peasants, namely strong elements of the young state.

Everyone, including the landowners, was demanding reform of the property and production relationships. I will not restate the debate and the arguments of each side. What is important is that the political class felt that the economy could no longer properly function in the old setting. Fortunately, from the point of view of social movements, considering the violence, which this tension could have generated, the solution was sought after on the political realm, through institutional and legal means. Unfortunately, from the point of view of a 'natural evolution' of economic relations, politics had preceded the economy, in the sense that it concentrated all of the creative energies, and especially because it was trying to influence the economic sphere through its decisions.

A free evolution, without the interference of politics in the production and work relationships might have led to a modern agricultural economy, an essential condition for a modern economy. A certain degree of social mobility and also the historical and the international political context pushed the political modernization far ahead, and channeled all the efforts towards the creation of a State, if not powerful, at least of a dominant standing.

Thus, I would dare to say, even if it might seem to be a risky hypothesis, that the group of politicians who represented the interests of the landowner and which is usually called the 'conservative' group, would have preferred what I call a 'free development'. They had their own project for the transformation of rural relations, which was discussed in the Legislative Assembly in May, 1862. This can be summed up with Kogalniceanu's words: the owner would become a master with full competence over his land, the peasant would have competence over his arms and thus over his work. However, this project came too late in the historical evolution of the two Principalities. The first wave of social mobilization from the first half of the century brought into the political sphere groups which adhered to liberal political values, which struggle for the improvement of the situation of peasants. The second wave, which took contour in 1856, was very visible in Cuza's democratic intentions. He gives another dimension to the social status of the rural class. In these circumstances an oligarchic dictatorship of the class of the landowners was virtually impossible.

Land Reform – The Breaking Point in the Political System

The deadlock was inevitable. The appeal to the masses was the sign that the political mechanisms were blocked. Society was asked to question the efficacy and the fairness of the political equilibrium and to manifest its will outside and against the political institutions. There was a virtual inclination towards a state of 'pretorianism'. Barbu Catargiu's assassination channeled though, in a sense, a social energy, which was otherwise threatening to explode.

Two years later the political balance was almost the same. The new element in the political game was Cuza. His reformist will was obvious and even proven. His image as a unifying ruler offered him popular support and, nonetheless, he knew how to build an administrative system subjected to his will. His political ability, due to which he was able to usher an important number of reforms through the Legislative Assembly and the fragility of his position in relation to the great powers delayed the coup, which had been planned for a long time.⁶² Therefore, the land reform act is, by its nature, the classic breaking point between the reformist ruler and the conservative Legislative Assembly.

From this point of view, the Romanian case did not prove to be an exception. In order to accelerate his reforms, Cuza gave power to an authoritarian government, which would receive popular support through a referendum. It became clear that the control of the masses and the

possibility to mobilize them were the big new target in politics. Cuza understood this first. This explains the restrictive regime of the freedom of the press and at the same time, the expansion of political participation through a new electoral law.

The Political Target of the Land Reform Act

The land reform act was promulgated on the 14th of August, 1864. It stipulated that the peasants could own the land they were working, in the specified proportions. The work obligations to the owner were abolished, but they had to be repaid by paying an annual tax for fifteen years. A careful analysis demonstrates that, theoretically, if the peasants did not pay for the land they received, the payment for the work obligations was equal to its value.⁶³ Finally, the money given to the owners [and to the state, which asked more than 20 percent of the sums owed by the peasants] worked to improve both the life of the peasants⁶⁴ and the evolution of the agricultural economy. A number of 511,896 families profited from the rural law of 1864, coming into the possession of over 2 million hectares of land.

The immediate consequence of this reform was the neutralization of the societal danger, which the peasantry might represent. "The peasants become revolutionaries when the conditions for owning the land, the agricultural arrangements, the work, the taxes and the prices become unbearable."⁶⁵ There are facts that cause me to believe that many of these conditions were met during the reform period. In this context the responsibility of the rulers was huge. "The social stability of the developing countries depends, to some extent, on the capacity of the government to promote reform in the countryside." Once again, the political intuition of the Romanian ruler has to be praised. Cuza achieved, through his reform, an objective, which he did not take on explicitly, but which was essential for a political regime. C. Giurescu observes, as well, that "an indisputable consequence of the rural law of 1864 was the fact that it prevented a peasants' revolution."⁶⁶ However, while the political realm directly benefited, this was too high of a price for economic development.

One more point should be made in this respect. Huntington draws our attention to the difference that we must make between land reform and agrarian reform. The first refers to a redistribution of land, the second to the technical improvements which increase agricultural productivity.⁶⁷ Clearly Cuza instituted land reform, but agrarian reform was a more elusive goal. Huntington notes that agrarian reform without land reform can bring about a rise in productivity, but high instability as well. On the other hand, land reform without agrarian reform can increase political stability, but with the price of a decline in agricultural production.⁶⁸ This was the case of the land reform act of 1864.

Electoral Reform – Democracy or Political Maneuvers?

The Convention of Paris instituted a very narrow oligarchic regime, far from giving all the social strata the possibility to express themselves. For a population of approximately four million, less than four thousand constituted the electoral body, which means less than one percent.⁶⁹ These were, almost exclusively, the representatives of the rich landowners, who had an excessive influence on political decisions.

In order to counterbalance the crushing majority of these voters who were systematically opposing his reforms, Cuza had at his disposal two institutional means: the establishment of a 'balancing' Assembly or the expansion of the electorate through a reduction of the taxes on voting.

The second element was stipulated, like the first, in the "Developing Status of the Convention of Paris". The college system, based on the voting tax was abandoned in favor of two colleges: one for towns and one for counties and villages. The 160 representatives had to be named⁷⁰ in a different and inequitable proportion: 94 for the towns and 66 for the county colleges. As M. Draganu underlines,⁷¹ the system was discriminatory this time in favor of the town bourgeoisie. This reveals Cuza's wish to rely politically on this rising and more 'reformist' class.

There were primary voters [with a very low tax: 48 lei in the villages and 110 lei in the towns] and direct voters [a higher tax and also a higher education]. The total number of voters was over 500,000.⁷² At the same time, it seems that a report of one voter to nine inhabitants was likely. In order to complete this picture it would be necessary to estimate the number of the direct voters, a number which is not available. In all cases, there is a radical expansion visible in the political system, although tempered by the tax.

However, the significance of this 'democratic' revolution remains small in the circumstances of the time, when Cuza was attempting to create an institutional framework for his actions, in a situation when he would not have accepted a retreat on his reform program [recently started and achievable only through an authoritarian political regime]. As M. Draganu says, Cuza "could not afford the risk of free elections."⁷³ I have already shown some of the methods used by M. Kogalniceanu and his administration to achieve the desired electoral results. Democracy and the free expression of preferences towards a current of ideas, a policy, or a person, mattered very little. It was most important for the ruler to be able to impose his will on a docile Assembly and also to have people and officers faithful to him and to his policy throughout the country. No doubt, the lack of structure of the opposition groups and the monopoly over the state mechanisms facilitated the manipulation of democratic principles. The French methods of Napoleon III were also an inspiration for him.

The presence of peasants on the government candidate lists and the interpretation of the stipulation of the law regarding the tax of the direct voters in favor of the peasants are in accordance with the same policy, which searched for docile elements in order to counteract the success of the opposition.⁷⁴ Thus the peasants became an easy and efficient weapon in the hands of an authoritarian power, which was showing visible signs of arrogance.⁷⁵

Authoritarian Reformism and the Whig System

Could this regime have lasted much longer? In the political and social conditions of the period I doubt it. For several decades, the social structure underwent a differentiation process, especially in its upper classes. The political system did not evolve in a spectacular manner, but it knew how to open itself, partially and little by little, to the well-structured interest groups. This made impossible a 'pretorianist' decline for a long time. The 1848 developments are significant from this point of view. The appearance of a new elite brought about a social dynamic incompatible with the political system in force. What was at stake was a two-fold objective: the expulsion of its leaders and the restoration of political stability. After a few years stability was gained with the price of their absorption by the system.

Along with Cuza, the institutionalization would grow. The will of the ruler was not the only reason. The whole process of development of the Romanian state [which was a necessity, taking into consideration the international circumstances] is at the origin of this transfer to and into political and administrative institutions of the social aspirations and confrontations. On the other side, we must see that, through the educational system, as a result of the commercial contacts inside

the public space, society was becoming more and more mobilized. Otherwise, without a proper institutionalization the stability of the system would be in jeopardy.

This description allows, also, the characterization of the Romanian political class of the time in Samuel Huntington's terms.⁷⁶ Due to the middle class who entered the political system, political participation was beyond a doubt moderate. It was not yet modern, because political participation did not reach the democratic level. As was noted above, the degree of institutionalization was greater than the degree of participation. The Romanian political system was in the category of civic polities [opposed to that of praetorian polities]. The conjugation of the two variables gives us a political system of a Whig type.

A few of Huntington's remarks which complete the picture can help to explain the main evolutionary lines of Romanian society, even in this epoch. In the civic polities, "the political institutions are not powerful enough to establish the basis of a legitimate political order."⁷⁷ Another remark deserves attention, that there is no direct connection between the development of a civic order and social or economic modernization. "A country can be well developed on the political realm, with modern political institutions, but it can be at the same time very slow in the modernization process."⁷⁸ It is a remark which must be remembered, so we do not deceive ourselves that Romania is/was modern because it has/had modern political institutions.

Huntington also adds that in the Whig type of political system, "the dominant political institution is, usually, the parliamentary assembly with its representatives elected as a result of a limited electoral process."⁷⁹ It was not the case during the authoritarian rule of Alexandru Ioan Cuza, with only the semblance of a parliamentary system. Nevertheless, the observation of the American political analyst suggests that this type of system is directed, in one way or another, towards a parliamentary system.

As was already shown, the prerogatives of the Assembly were severely restricted by the Prince after the coup d'état. It was normal for the Parliament to try to recover its status as an institution and not as a simple place where colliding political forces meet. This makes the coalition of conservatives and radicals more intelligible, the coalition that eventually overthrew Cuza.

This coalition is also explained by the political struggle on the vital matter of land reform between a modernizing ruler and the rest of the political class. The Romanian case contains the classic paradox, which appears in the confrontation between traditional pluralism and modernizing despotism.⁸⁰ This political battle envisages the representatives of the old traditional political value, the conservatives, in the activity of embracing the values of constitutional liberalism. They are against the reforms, invoking against them the traditional liberties, the historical and legitimate institutions of the country. They may even become revolutionaries.⁸¹ It is surprising to see that the members of the dissolved Parliament actually had the idea of a revolution in mind as a means to overthrow the Monarch.⁸² I believe, therefore, that all these short considerations could throw a different light on the 'monstrous' coalition, which came out of the Legislative Assembly, and represented its spirit.

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Notes

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2 Nicolae Sutu, *Notions statistiques sur la Moldavie*, Iasi, 1849, p. i.

- 3 *Ibid*, p. ii.
- 4 *Ibid*, p. iii.
- 5 *Ibid*, p. 106.
- 6 *Ibid*, p. 110.
- 7 *Ibid*, pp. 104-105.
- 8 *Ibid*, p. 110.
- 9 *Ibid*, p. 113.
- 10 *Ibid*, pp. 121-122.
- 11 *Ibid*, p. 158.
- 12 *Ibid*.
- 13 G. Zane, *Studii*, Editura Eminescu, Bucharest, 1980, p. 166.
- 14 Vlad Georgescu, *Istoria romanilor de la origini pina in zilele noastre*, Humanitas, Bucharest, 1992, p. 200.
- 15 Ion Ghica, quoted in Zane, supra note 12, p. 216.
- 16 For a detailed analysis of the message, see *ibid*, pp. 158-159.
- 17 *Ibid*, p. 164.
- 18 *Ibid*.
- 19 *Ibid*, p. 210.
- 20 *Ibid*, p. 177.
- 21 *Ibid*, p. 217.
- 22 Constantin C. Giurescu, *Viata si opera lui Cuza-voda*, Editura Stiintifica, Bucharest, 1966, p. 382; Zane, supra note 12, p. 222.
- 23 Giurescu, supra note 21, p. 393.
- 24 Samuel Huntington, *Political Order in Changing Societies*, Yale University Press, 1961, p. 344.
- 25 *Ibid*, p. 346.
- 26 *Ibid*, pp. 347-348.
- 27 *Ibid*, p. 344.
- 28 *Ibid*, p. 345.
- 29 Georgescu, supra note 13, p. 194.
- 30 *Ibid*, p. 217.
- 31 Huntington, supra note 23, p. 388.
- 32 *Ibid*. p. 389.
- 33 An article from the French press, on October 15, 1864 argued that the rural law violated not only the Constitution, but also the "elementary principles of the civil rights law, which can be found even in despotic countries." Quoted in Giurescu, supra note 21, p. 317.
- 34 *Ibid*, p. 247.
- 35 This is the expression used by Giurescu, *ibid*, p. 269.
- 36 *Ibid*. p. 305.
- 37 For examples see, *ibid.*, p. 313.
- 38 See note 4 in Giurescu, *ibid*, p. 219.
- 39 *Ibid*, p. 303-5.
- 40 *Ibid*, p. 307.
- 41 *Ibid*, p. 306.
- 42 *Ibid*, p. 269.
- 43 *Ibid*.

- 44 *Ibid*, p. 313.
- 45 *Ibid*, p. 396.
- 46 *Ibid*, p. 392.
- 47 *Ibid*, p. 420.
- 48 *Ibid*, p. 282.
- 49 *Ibid*, pp. 71-73.
- 50 *Ibid*, pp. 276-277.
- 51 *Ibid*, pp. 343 and 348
- 52 *Ibid*, p. 241.
- 53 *Ibid*, p. 403
- 54 *Ibid*, p. 404.
- 55 Georgescu, *supra* note 13, p. 190.
- 56 Giurescu, *supra* note 21, p. 420.
- 57 *Ibid*, p. 382.
- 58 *Ibid*, p. 386.
- 59 *Ibid*.
- 60 *Ibid*, p. 392.
- 61 *Ibid*, p. 397.
- 62 *Ibid*, p. 173; *see also* Cuza's Constitutional project from 1863, *ibid.*, p. 186.
- 63 Giurescu, *supra* note 21, p. 275.
- 64 *Ibid*.
- 65 Huntington, *supra* note 23, p. 374.
- 66 Giurescu, *supra* note 21, p. 286.
- 67 Huntington, *supra* note 23, p. 375.
- 68 *Ibid*.
- 69 Gheorghe L. Bratianu, *Sfatul domnesc si Adunarea starilor in Principatele Romane*, Editura Enciclopedica, Bucharest, 1995, p. 294; Tudor Draganu, *Incepturile si dezvoltarea regimului parlamentar in Romania pina la 1916*, Dacia, Cluj, 1991, p. 149.
- 70 Draganu, *supra* note 68, pp. 159-160.
- 71 *Ibid*.
- 72 At the plebiscite, more than 750,000 votes were cast, Giurescu, *supra* note 21, p. 248, Draganu asserts there were 570,690.
- 73 Draganu, *supra* note 68, p. 166.
- 74 Giurescu, *supra* note 21, p. 308.
- 75 Draganu, *supra* note 68, p. 170.
- 76 *Ibid*, *see* pp. 78-80.
- 77 *Ibid*, p. 83.
- 78 *Ibid*, p. 84.
- 79 *Ibid*, p. 82.
- 80 Huntington, *supra* note 23, p. 160.
- 81 For the historical examples *see Ibid*.
- 82 See D. Ghica's letter quoted in Giurescu, *supra* note 21, p. 238.

Chapter XI

On the Consistency between Different National Cultures and the Institution of the Free Market

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The Problem And Its Present State

The special aim of this study is to solve a first component of the following comprehensive three-fold problem:

(1) What is the link among human personality type, culture [system of values] and institutional setting so that an efficient economic system like the free market is consistent in different degrees to different cultures?

(2) In what way a virtual common essence of a given set of personality type, culture and institutional setting makes possible significant production of wealth or, so called in modern economic parlance, economic growth?

(3) While the institutional setting of a free market was not adopted successfully by many third world and transition countries, is there any historical driving force that pushes these countries toward internal transformation so that they to successfully adopt sooner or later the institutional setting of free market? In other words, is there any possibility to present arguments that, this time stemming from economic theory, might defend Fukuyama's thesis of a human history leading in a single direction, that is, to economic liberalism and liberal democracy?

Stating this component in terms of reality, why from so many third world and transition countries that rushed to adopt the efficient institutional framework just a few were successful? Referring to a reality which is closer to my own experience, why countries like Poland, Hungary, Czech Republic, Bulgaria and Romania, which were in 1989, relatively in the same initial position as Communist countries, have recorded quite different results in adopting free market and democratic institutions? Is it an accident that those successful ones [Poland, Hungary and Czech Republic] are part of a somehow different type of culture?² In what way those successful countries are different from those unsuccessful ones and in what way this difference is shaping the consistency to economic growth?

In trying to solve this problem I am starting from where economic theory is right now, that is:

(1) The awareness that economic growth is dependent on the institutional framework of an economy, but that there is a complete inability to understand the nature of institutions and the way they evolve.³

(2) The feeling that economic systems and their performances are in some way connected to people's cultural values and that, despite of this, these values are absent from the formal analysis of economists.⁴

The Economic Science and the Changing Type of Man

Concepts

One fundamental assumption which differentiates the theoretical model advanced herewith from other former models known to me consists in a dramatic shift in the maximand: while in almost all the cases the type of man which populates economists' models is a wealth-maximizer – wealth taken as an absolute magnitude or position – within my model individual's interest in relative magnitude, that is in relative positions, is taken into account not as a constraint [as is the case within the theory of positional goods], but as some other 'good' capable of generating utility on an equal footing with absolute positions.⁵ In terms of absolute wealth, in my model individuals are potentially equally maximizing absolute wealth and relative wealth, which is tantamount, as will be made apparent further in the presentation of my model, to maximizing *general power*.

In my model individuals are endowed differently with external [e.g. inherited fortunes] and personal resources, that is, one individual's physical and mental abilities,⁶ which taken together I call *general power resources*. These resources can be employed in taking actions and making things into natural or human environment. Given a volume of general power resources, the maximum volume of things and actions that can be generated simultaneously into the natural and human environment is what I call *general power*. In the former environment, it is the case of *absolute power(a)*; in the latter, it is the case of *relative power(r)*.

Assume two individuals A and B and their general power resources and . Assume further that they are equally efficient as to conversion of general power resources into absolute power, that is the unit cost of this good is in the case of any of the two individuals, A and B. Then their absolute powers are:

It is this absolute power what economists think is wealth; in fact it is absolute wealth(w), because it is defined with no reference to some other individual. If A's relative power over B, for instance, implies control over some natural system X, which is part of B's external resources,⁷ A's relative power⁸ over B is:

that is, the difference between A's absolute power and B's absolute power in x. Consisting with naming absolute power absolute wealth would be to name relative power relative wealth.⁹ It is this latter form of wealth that, in spite of some relevant warnings,¹⁰ it is not till now part of the theoretical core of economic theory. And it is exactly this relative wealth that is crucial within this model in explaining institutional choice and the connection among culture, institutional setting and economic growth.

While economists have concentrated on absolute power, the other social scientists [especially political scientists and sociologists] have concentrated on relative power. Because these concepts have been employed as simply wealth and, respectively, power, in what follows, I will employ the concepts of absolute wealth and, respectively, relative power.

The Need of a New Maximand

If we want to learn what is going on in the field of human communities, it is not enough to remain at the stage of 'as if' assumptions about the human personality. Of course 'as if' assumptions simplify the problem and allow a greater accuracy for the work of social scholars. The question is if it would be possible to introduce an assumption about human personality different from the Orthodox one – that of the wealth maximizer – which would be able to generate

a more realistic description of human actions without losing the accuracy and elegance of modern economic theory.

The stance I am taking here is that changing the maximand from absolute wealth, as it is the case within the standard economic theory, to general power, brings a 'Yes' answer for the former question. Moreover changing the maximand from absolute wealth to general power is a must when it comes to institutional choice. The reason is simple: as will be proved further on in the study, institutions can be described basically in terms of power, absolute and relative as well, a model which fails to take this into account, that is man's interest in relative power, is bound to fail completely in this regard. Besides, introducing relative power as a supplementary component of the maximand, besides absolute power, makes the standard economic theory just a perfectly consistent part of a larger body of economic theory.

The Classics and the New Maximand

How far apart are the classics of economic science and social science as a whole from the general power maximand? Let me start with Adam Smith. It is astonishing to realize that between the type of man Smith is describing in *The Wealth of Nations* and that depicted in *The Theory of Moral Sentiments* there is a huge distance. Although unintentionally, in *The Wealth of Nations* every individual labors to render the annual revenue of the society as great as he can,¹¹ within a nation-wide division of labor, so that the economic activity is a co-operative effort or in more modern terms a positive-sum game. Shaping it in the specific concepts of this study it is the case of a whole nation working unintentionally just to increase the absolute wealth of everyone or, in terms of personality type, it is as if all individuals are *homo absolutus*.

This unintended result is brought about by competition system, which thus promotes the wealth of nations. The consequent logic is straight and clear: if we want to promote the wealth of nations we need competition and consistent with competition is a special type of man – *homo absolutus*. Then *homo absolutus* – the individual maximizing absolute wealth – is a normative type of man. How the real type of man is in Smith's view, we learn from *The Theory of Moral Sentiments*. Here "the great purpose of human life which we call bettering of our condition" it is not "to supply the necessities of nature," but rather "[t]o be observed, to be attended, to be taken notice of with sympathy, complacency, and approbation, are all the advantages which we can propose to derive from it. It is the vanity, not the ease, or the pleasure which interests us."¹² The real type of man Smith is describing in the above quoted lines is a combination of *homo absolutus* and *homo relativus*, the last one having for sure a greater weight, because "[f]or what purpose is the toil and bustle of this world. What is the end of avarice and ambition, of the pursuit of wealth, of power, and preeminence? It is the supply of necessities of nature? The wages of the meanest laborer can supply them."¹³

If we take Mill, the idea that the classics were very aware of the fact that individuals do in fact maximize general power and that relative power is the more prominent component of it is even clearer. For Mill "[t]he greatest part of the utility of wealth, beyond a very moderate quantity, is not the indulgences it procures, but the reserved power which its possessor holds in his hands of obtaining purposes generally. . ."¹⁴ From these many purposes Mill, taking a normative stance as well as Smith, chose to be interested in the growth of material wealth, that is of absolute wealth, and this is why Mill, as other classics, was so interested in the topic of productive labor.

Mises rejects the irrationality of other ends than 'material' or tangible advantages and seems to accept that maximizing general power is "a primal feature of life."¹⁵

For Veblen the beginning of ownership of material or living wealth coincides with the emergence of leisure class to which wealth has the nature of a trophy. Then the struggle for wealth is not a struggle for subsistence, but for the poorer members of the community, because merely all goods are in private property. To the other members, possession of wealth has been and it is still mainly the "evidence of the prepotence of the possessor of these goods over individuals within community."¹⁶

To Veblen [as well as to Smith and Mill], individuals have an interest in "power over nature" or industrial activity, but their interest in "exploit" and more recently in "invidious comparison" seems to be more important. As a concluding remark, employing my own concepts, relative wealth is to the classics, as they come to describe what is going on into reality, far more important than absolute wealth.

The Type of Man in Terms of Absolute and Relative Power

Economists use to describe a personality type by a utility function. Accepting that any human being has an interest in absolute wealth(a) and relative power(r) as well, in my model individuals are modeled as general power maximizers, that is the relevant utility function is $U=f(a,r)$. By varying the weights, and , for the two goods, w and r , one can get an infinite range of personality type varying between an extreme personality type $U=f(w)$, as when , which I called *homo absolutus*, and another extreme personality type $U=f(r)$, as when , which I called *homo relativus*. The two weights for the two most comprehensive arguments are complementary, which means that any thorough description of one weight is an implicit description of the other one. This is extremely important because gathering the result of all social sciences in order to solve the problem of institutional choice is barred by the fact that the other social sciences focus exclusively on relative power. Otherwise they, I mean economics and the other social sciences, seem to be two unrelated perspectives on man. Only a comprehensive perspective, which includes simultaneously a and r , accepting implicitly that these are two mega-ends of any human being, might make it possible to reveal some specific relationship between these most general goods.

It is true that absolute wealth and relative power are two mega-ends, because any human objective has to relate to one of these environments: the environment made up by the other fellowmen [taken as individuals or as organized groups] and all what is left, which I call nature. Because the general power maximizing individual seeks to maximize the volume of deeds and things he can carry in anyone of these environments, for any rational maximizing being it is necessary to have a measuring rod in order to compare the different actions and things: this is general power generated utility. It is for this reason that the modern economic theory is an unavoidable tool even at such an ultimate general level.

But why did this not happen till now? Why only after so many years have economists come closer to realizing that in fact individuals are not primarily maximizing absolute wealth and that man is more or less interested as well in some competing mega-good such as relative power? And why, at the same time, great social thinkers as Plato, Hegel, Nietzsche, employing of course different terms, started from the very beginning by representing men on the two dimensions, and were launching and maintaining a debate for such a long time about what 'the last man' will look like and why this is a topic of significant interest even today?¹⁷

The answer might be in the fact that this problem was stifled in economic theory, even before it entered a debate, by the very founder of it. It is for sure that in *The Theory of Moral Sentiments* Smith's perspective on man is quite similar to that of Veblen or Fukuyama's for

instance. However, when Smith went on to write his economic work, with his unequal power for understanding of the social and economic life, he might have decided that the future of mankind is in the competitive system which has as his counterpart a *homo absolutus*, that is a man interested only in absolute wealth and with no interest at all in relative power. Then as its title says – *An Inquiry into the Nature and Causes of the Wealth of Nations*, Smith's economic work is taking a pure normative stance: it is about how the wealth of nations – their absolute wealth¹⁸ – can be maximized. Then the economic theory enters history with a type of man with which in fact history ends.¹⁹ This was to bring about a great and still living confusion in the minds of almost all orthodox economists: instead of taking the maximand of absolute wealth as a simple normative assumption, they are taking it as a positive description of reality. Also, this is the primary cause of the plight in which the theory of economic growth has found itself and still remains.

Let us take for instance Eucken who had written a special book just in order to solve what he called the 'Great Antinomy', that is the great variation in economic systems we encounter in reality. Eucken was aware that the classical economists found in the competitive system "the rational and just structure for economic systems generally" and that the competitive system was the only one possible among "the variety of actual historical systems."²⁰ Furthermore, although he rejected subsistence as the only economic goal even for some historical period of mankind and accepted profit as a permanent goal, which is clear that in his mind it is an indicator of relative power,²¹ he failed to solve the problem just for the reason that he could not dare to think that the maximand itself should be changed so as the variation in economic systems to be matched by the variation in the types of man.²²

When it comes to the other social thinkers, starting with Plato and going on with Hegel, Kant, Nietzsche, Tocqueville and, for instance, more recently Fukuyama, the type of man is shaped on a continuum by the weights attached to *desire* and *thymos*, some philosophical terms for absolute wealth and, respectively, relative power. For Fukuyama, whose position is very close to Hegel's or more precisely Kojève's interpretation of Hegel, a description of human personality that does not take into account absolute wealth and relative power cannot be complete and "leads to vast misinterpretation of politics and historical change."²³ It is exactly this relative power, that is, *thymos*, the "desire to dominate and rule, which was the wellspring of social creativity."²⁴

To Fukuyama,²⁵ and at least consistent with, if not present in the works of the other social thinkers, economic modernization of different societies, technical and institutional, is intimately connected, employing my own concepts, to the victory of absolute wealth over relative power in shaping human personality. While for political philosophers it is quite clear that any social evolution has its counterpart in a human personality transformation, that for instance democracy cannot exist without democrats,²⁶ for economists the free market is perfectly consistent with the same type of man that only a few years earlier was perfectly consistent with a strongly centralized economy.

For economists institutional change is in no way connected to the type of man: this is a very serious error which has barred any progress in economic theory toward the understanding of institutional choice and, consequently, economic growth. Ironically, that part of social disciplines which never directly contemplated the problem of institutional choice and economic growth has been from its very beginning perfectly fit to solve it by an accurate description of the human personality, while economic science, which from its very beginning poses for itself that problem, it is still not properly equipped when it comes to how the human personality should be modeled.

Institutions as Functions of Absolute Wealth and Relative Power

In what follows I am trying to prove, on the basis of the two cases, that all human institutions can be depicted as functions of the mega-goods of absolute wealth and relative power.

The Institution of the Church

It might seem strange to define a church or a religious faith in terms of absolute and relative power. Nevertheless, let me take three unrelated scholars: Weber, Novak and Cunningham and check this hypothesis. In Weber's work, the explanation of the fact that business leaders and owners of capital as well as the higher grades of skilled labor are overwhelmingly Protestant, consists in an effort to determine the weights for absolute wealth and relative power characteristic to the Protestant Church.²⁷ Let us follow Weber's logic very closely.

Reformation of the Church toward Protestantism and away from the Catholic Church did not only mean a relaxation of the Church's control over every day life, but on the contrary it meant the replacing of a control which was very lax with a much broader and stronger control which permeated "all departments of private and political life."²⁸ How was this greater control over the whole mundane life distributed between what I earlier identified as two complementary mega-goods: absolute wealth and relative power?

If we refer to relative power, what Weber describes as "the absolute decisive difference from Catholicism" – "the complete elimination of salvation through Church and sacraments"²⁹ – is, in the frame of the paradigm I am advancing here, a plus in the individual's relative power at the expense of the Church's power. The liberation of the individual from the Catholic church meant less relative power for the latter or more equality within the social structure.³⁰ The fact that the "Calvinist's intercourse with his God was carried in a deep spiritual isolation"³¹ is, from my own perspective, a terrible blow to the religious leader's relative power.

Just because the two mega-goods have complementary weights, the decline in relative power weight should be matched by an increase in the absolute power's weight. This is exactly where the development of Weber's thought leads. The individual salvation through the Church is replaced by salvation through labor in a calling. This salvation through a calling is conceived in such a way that it is perfectly consistent with the highest efficiency in terms of absolute wealth, that is, with growth of absolute wealth. It is exactly what the features pinpointed by Weber himself describe, though he seems not to have understood their deep economic meaning.³²

The first, a calling, is essentially specialized labor in itself. Within the Protestant faith glorification of God is done not by any labor, but only by specialized labor. The choice of a calling, the possibility to change one's calling, or to have more than one calling simultaneously is dependent on the fruits of this practice; it has to be consistent with maximum efficiency. As Weber points out, the Puritan view of this matter recalls "Adam Smith's well-known apotheosis of the division of labor" – it is the primal means towards greater efficiency. Within the Protestant faith saving in a calling has a very clear role: it has to make wealth grow. Wealth is so important and so natural that "[t]o wish to be poor was, it was argued, is the same as wishing to be unhealthy."³³ It is clear that Protestantism gave free reign in an unparalleled degree to the production of wealth. The only danger in the accumulation of wealth was the eventual relaxation in producing more wealth and to avoid this the Protestant faith contained specific rules for everyday life.

The second, what a Protestant has to maximize is absolute, not relative, wealth. Not only that the Protestant believer is not engaged in any comparison with his fellowmen, but the wealth is not meant at all to fuel the pleasure brought about by its consumption. He is comparing himself just to

himself through time and as regards the production of wealth, he is engaged in a race against time. If I paraphrase Buchanan, the Protestant believer's perspective on wealth is 'absolutely absolute'. Consistent with this objective, the Protestant believer is not allowed any spontaneous enjoyment, that is any enjoyment which is not conducive to the maximization of, not only the present wealth, but the future wealth as well, and for this the Protestant believer's entire mundane life had to be and it was completely rationalized.

What Weber is pointing out can be better expressed in a dynamic fashion: a Protestant believer has to maximize the rate of increase in absolute wealth in an infinite time span. This was only made possible after an individual has been released from any comparison with others, that is, he was released from any relative power objectives. The type of man adopted by the Protestant faith is a pure *homo absolutus*. This is reminiscent of the classical economists' thesis of productive labor – which the orthodox economist is so remarkably unable to understand – and Hobbes.³⁴

Once again I have to admit that orthodox comparative static analysis is enforcing its own 'simplificatory' assumptions on reality. While previously I had to expand the maximand in order to get closer to reality, now I have to suggest the expansion of the time span for the same reason. A true rational human being is not maximizing only now, he is maximizing at any point in time, that is, in a potentially infinite time span. In such a case, and with the new maximand, any present consumption is an input in some future general power output.

When it comes to how man should be modeled, Hobbes might be the starting point of a sound economic theory. The race for power is a very realistic dynamic perspective on the maximizing individual and it is not abject at all if power is primarily general power – and this is the case with Hobbes – and not relative power. General power becomes relative power just when the latter is available.³⁵

The third, within the Protestant frame, social organization becomes a much easier problem to be solved and of course, as a consequence, the Protestant faith is, even for this reason alone, in a higher degree consistent with economic growth. Paradoxically, as Weber himself points out, it seems difficult to reconcile the "undoubted superiority of Calvinism in social organization,"³⁶ which is vital to economic growth of any community, with the fact that the individual is torn away from the ties with this world because the individual is forced to perform his intercourse with his God not by means of the Church but by a deep spiritual isolation. However, as I remarked a bit earlier, the Protestant's concern with absolute wealth is 'absolutely absolute'. Completely freed from the concern with relative positions or relative power, the Protestant believer has to solve a much easier maximization problem: the relative position is not anymore a good in the maximand, not even a constraint. It is a perfectly mobile derived variable: it can take any shape required by the maximization of absolute wealth. That is why by the Protestant faith work has to be done in a calling as a specialized labor and while the individual is encouraged to dedicate himself to only one calling, he may although keep more callings or change them in a life time if this meets the criterion of private profitability and serves the common good.

Let me now take the other two completely unrelated social scholars whose treatment of the Church is far less systematic than Weber's. It is astonishing that the most important description of any church they are interested in is in terms of or is directly connected with relative power [and, consequently, implicitly absolute power]. Novak relates the most important novelty [out of three] of the US political system – the division of powers [in my own terms power equality among relevant institutions] – to Jewish-Christian notion of sin.³⁷ The basic biblical perspective on man – very eager, if possible, to acquire power over the others – has thus a direct bearing on how the political system should be conceived: a system whose concern with checks and balances, that is

with power equality, should be systematic. Power equality, in terms of the type of man, is consistent with zero weights for relative power, that is, with homo absolutus interested only in absolute wealth. The other two novelties, inspired also by Christian faith – creativity and voluntary association – that is, the idea of man made in the image of God the Creator and, respectively, community based on voluntary consent, are in fact basic conditions for any sustained growth of absolute wealth. They become necessarily complementary after by checks and balances the availability of positive relative power had disappeared.

In trying to find out why Islam in comparison to Christianity failed "to give inspiration for human progress," Cunningham reaches very soon a description of the two churches in terms of relative power in regard to which he finds out a "striking contrast": the religion of the Prophet unlike Christianity "gave no scope for doctrine of responsibility of civil rulers and of duty towards the governed."³⁸ It is the inability of Islam to lessen the weight of relative power [and respectively to heighten the weight of absolute power], that is, the inability to shape a type of man consistent with the growth of absolute wealth which is responsible for the failure of Islam in terms of human progress.

It is again Cunningham who suggests a difference between the ancient religion and Christianity in terms of their impact on the relative power of individuals. The ancient religion was fit to encourage a high relative power. Then it was personal and local, that is, it was shaped to worship, for instance, the Emperor – an arbitrary human will. In contrast, the Christian religion was a spiritual faith independent of person, place, or time."³⁹ It means it was binding upon all men and much better fit to temper those too greedy of relative power by warning, through the voice of those speaking in the name of God, the disobedient with divine punishment. Thus a crucial transformation of the world church is described as well in terms of evolution in the weight for relative power and implicitly absolute wealth.

The Institution of the Economic System

The question I am posing and try to answer now is if an economic system like, for instance, the free market can be defined as a function of the same mega-goods of absolute wealth and relative power. The position I am trying to defend in what follows is that, with no exception, all the social scholars who try to characterize more or less extensively different economic systems, try to point out either the relative power allowed to different economic actors or the nature of the maximand which is encouraged – absolute or relative – or both simultaneously. Consequently, they come to employ with different words the same two mega-goods: absolute wealth and relative power. Then, the stance I am taking here in defining a real economic system is completely Eucken's:

Just as a huge variety of words of different composition and different length can be formed out of two dozen letters, similarly unlimited variety of actual economic systems can be made up out of a limited number of basic pure forms.⁴⁰ . . . they are the ideal type of economic system we call centrally directed economy in which there is no exchange, and the type of system we call the exchange economy. . . . No other types of economic systems, or even traces of others – besides these two – are to be found in economic reality past or present.⁴¹

The pure system of a centrally directed economy assumes that a central authority controls everyday economic life and thus it allows the highest degree of relative power among economic units. The other pure system of an exchange economy assumes completely independent and equal

economic units, that is, with zero relative power. This is, in fact, the institution of the free market. Now it is clear that any real economic system can be described as a function of the degree of relative power it makes available to economic actors. That this definition can be complemented by the level of absolute wealth it allows to economic actors – and, consequently, that an economic system can be defined as a function of both relative power and absolute wealth – is, of course, one point of view not so convincing to all my peers.

It is easy to prove so if the maximand of general power is accepted. In theory, to the degree the mega-good of relative power is permitted, the other mega-good is not allowed to the general power-maximizing individuals. The unconvincing aspect comes when one has to prove that in reality there is an inconsistency between the two mega-goods. While some social scholars like North⁴² or Novak⁴³ accept as a sure thing the fact of consistency between zero relative power [the institution of the free market] and the maximum growth of absolute wealth, others like Fukuyama⁴⁴ and Weede⁴⁵ see the two pure types of economic systems as equally consistent with growth of absolute wealth. My position, which I am not going to develop here, is that the latter group is fundamentally wrong by failing to realize that the centrally-directed economies' short-run growth, which fuels their idea, is an externally forced or induced economic growth determined by the very free-market economies' remarkable long-run growth.

Let me start now with the case when an economic system is implicitly described by social scholars in terms of relative power and absolute wealth, that is, by employing only one of the mega-goods. Ironically, Heilbroner is employing the same concept of profit but with a different meaning than Eucken in describing the same basic fact: the passing from a command system to the free market system. In the case of these two scholars profit has two completely different pure meanings, which in reality are for sure mixed: the one of a relative and the other of an absolute magnitude. While for Eucken profit is a relative magnitude, that is it is an indicator of relative power, old as the man himself and people strove more for it "to excess and with appalling brutality" as we go deeper in the past, for Heilbroner, because profit is an indicator of absolute wealth, that is "gain for gain's sake," it is as new as the market economy and the profession of economist. In fact what is changing with regard to profit in the case of these two scholars are the weights for the two aspects: the absolute and relative one. Both scholars employ the same word, but follow the variation of a different weight, to describe the same basic fact: economic systems have gradually passed from higher to lower levels of relative power, or, which is the same phenomenon seen from a different window, have passed from lower to higher absolute power levels; the two mega-goods are inversely related.

In pointing out the differences between Latin American economies and US economy, Novak goes beyond markets and private property that he finds 'traditional'.⁴⁶ What make the difference between the two kinds of economies, the first 'pre-capitalist', and, respectively, the second capitalist, is just how they do relate to relative power. US 'capitalist economy' goes beyond the Latin American 'traditional economies', because the former limits state power in the economic sphere and balances the power between the political and economic systems. Furthermore, it is as well about relative power – one of the most striking contrasts between the capitalistic US and feudal Latin America: in comparison to the US, in Latin America there are "highly visible inequalities between the very rich and the very poor (with an unusual small middle class)."⁴⁷ It is exactly this feature Ropke is emphasizing in presenting the function of 'private ownership' in a free market economy, that is, setting limits to relative power or not enhancing or favoring high relative power.⁴⁸

These two fundamental mega-goods for any economic systems are employed by two other completely unrelated scholars, Weber and Galbraith. Weber, by taking profit in the first instance as an indicator for relative power, points out that capitalism "may be even identical with the restraint, or at least a rational tampering" of it and at the same time, "capitalism is identical with the pursuit of profit" because, this time, an indicator of absolute wealth, profit is "for ever renewed profit by means of continuous, rational capitalistic enterprise."⁴⁹ Galbraith is pinpointing that an economic system as perfect competition, which is for economists a solution to the problem of efficiency [in terms of absolute power, I would add], it is for political philosophers a solution to the problem of power [for dissipating relative power in my own terminology].⁵⁰ Galbraith's own book⁵¹ is within economic theory a rare effort to defend the mutual exclusion of the two mega-goods – absolute wealth and relative power – but unfortunately performed within a rather narrow theoretical framework.

The connection between the shift to lower levels of relative power by passing to the market economy and the corresponding increase in the interest for absolute wealth by the emergence of economic calculus and capital as a very fluid wealth is underlined by Cunningham.⁵² Thus the dissipation of political power by secularization and the rise of nationalities is found by Cunningham to be simultaneous with "the gradual and increasing intervention of capital."⁵³ These phenomena are really very closely related; in my own logic, passing from lower weights for relative power to greater weights for absolute wealth requires instruments consistent with the objective of greater efficiency in terms of absolute wealth. Capital is exactly such a device; capital is, for social scholars like Cunningham⁵⁴ or Mises,⁵⁵ not an indicator for wealth accumulation but primarily fluid wealth which is easily transferable from one sector to the other and as well instrumental to economic calculus and thus highly conducive to growth of the acting individual's wealth.

Culture as a Function of Absolute Wealth and Relative Power

Since I am dealing with the consistency between institutions and cultures, now I should try to define cultures in terms of the same concepts which I have employed in defining institutions, that is the two mega-goods: absolute wealth and relative power. Then how is culture defined and how are these definitions to be de-codified in economic concepts consistent with orthodox economic theory?

An Economic Definition of Culture

Culture is the preferred field of sociologists so in dealing with the topic of culture I am mainly using extensively the sociologist Geert Hofstede's work which by his own appreciation is consistent with the standard approach of the topic in sociology. Culture is a set of values of a collectivity and value is a preference ranking.⁵⁶ Then, culture can be defined by an economist as a utility function and correspondingly represented by a family of indifference curves. The set of values which composes culture is for a collectivity [and not for the entire humanity] or more exactly for its major group. If culture is for a collectivity what personality is to an individual,⁵⁷ then culture can be said to be a special kind of utility function for the median individual of a collectivity. This is an important thing to remember when we will be later specifically dealing with the problem of consistency.

Culture is attached to an entire collectivity, because it is not genetically but culturally transmitted by a process of socialization. It is in this way that culture is irrational, that is, because most of the cultural values are not appropriated due to rational decisions, but are programmed early in our lives when our minds are relatively empty. This does not rule out the fact that cultural ideas can have causes we could rationally understand.⁵⁸ Economists are barring their ability to deal and understand cultural problems when they divide ends themselves into rational and irrational.⁵⁹ Going beyond judging the relationship between ends and means and classifying the means themselves, economists exclude from their field a large area and miss the opportunity of having a comprehensive and simultaneously more realistic perspective by studying the very important problem of the relationship between 'rational' reality and the neglected 'irrational' reality. Because ends relates to personality, by taking such a stand economists are stuck to an unchangeable man and thus they cannot deal with the evolution of institutions. It is in this way that economic science is well lagging behind other social disciplines as regards the understanding of the problem of economic growth.

Although cultural values refer to almost any basic human activities, the most important are regulating behavior,⁶⁰ that is the interplay of individuals. This is a basic feature that leads one very soon to what is culture about and extremely interesting to my approach. If cultural values are about behavior, then it is basically a set of rules governing behavior and rules cannot avoid the problem of the preference for relative power of interacting individuals and implicitly the problem of the weights for absolute wealth. Consequently, it can be said that culture is an implicit statement about the preference for the two mega-goods – absolute wealth and relative power. For the economist culture is a relatively imprecise description, performed by other social scholars, of the most comprehensive utility function for a collectivity having as its arguments the mega-goods of absolute wealth and relative power. This can be proved taken as examples rather general references as well as very deep professional treatment of culture.

Novak, in trying to pinpoint the major differences between North American and Latin American culture, is in fact trying to make definite the weights for the two cultural mega-goods.⁶¹ The very important weight North Americans attach to absolute wealth is presented by the fundamental idea of economic liberation, "that the way out of poverty is invention and established institutions, customs, habits and educational methods that encouraged practical inventiveness by every means possible," while the very important weight Latin America is placing on relative power consists in South Americans as being courteous, genteel, flirtatious, playful, changeless, impressed by power and "less concerned with material advance."⁶²

Weede in characterizing Western civilization is emphasizing the small size of the weights for relative power in all the features he is choosing to depict it: limitation of governmental power, separation of the economy and of science from government and religion and the popular participation in government or democracy.⁶³

Sometimes the cultural emphasis placed on the weights for the two mega-goods is done not only implicitly [emphasizing or de-emphasizing the weight for one of the mega-goods] but in a disguising way as well, that is, by presenting the weight which is attached to work by a definite culture. In understanding this we should remember Veblen's suggestion that work began as a by-product of the successful raid. It is the value placed on the defeated individual, which is proportional to the value for his activity. Work is drudgery within that culture when is done by those ranked inferior. Then it is less desired, the more the superior relative position or relative power is desired. Work is less valued as the absolute wealth is less valued. The weight for work is then as great as the weight for absolute wealth and, respectively, inversely related to the weight

for relative power. Fukuyama is right in asserting that "attitude toward work is decisively influenced by national cultures"⁶⁴ and, consequently, that economic performances transcend macro-policies. This is for sure a strong suggestion about a direct relationship between culture and economic growth.

This is a sufficient reason for non-economists to require a change in the economic discourse.⁶⁵ To this request economists are deaf and blind because they are stuck in their narrow theoretical assumptions which are meant rather to give supplementary accuracy to the study of a partial behavior than to understand the overall human behavior.

Some are characterizing culture by suggesting the weights for one of the two mega-goods in an implicit and as well disguised way. Cunningham is describing Western civilization by pointing out "its extraordinary facility for procuring material wealth"⁶⁶ and later on by mentioning its new inspiration for the attitude toward work. While in Greek and Roman cultures labor was drudgery and all human advance was connected with leisure, Christian Europe "insisted that labor itself might be a discipline and might thus conduce to the ennobling of human character."⁶⁷

Sometimes when different scholars choose to characterize the same culture by different mega-good, the results fits perfectly. For instance, Novak chose to approximate North American culture by emphasizing its weight for absolute wealth [implicitly de-emphasizing its weight for relative power], while Galbraith choose to de-emphasize its weight for relative power.⁶⁸ In his characterization Galbraith finds "nothing in the American tradition of dissent so strong as the suspicion of private business power."⁶⁹ This peculiar way to pinpoint the very low weight for relative power of the North-American culture fits perfectly with the very high weight placed on its absolute wealth and found by Novak.

In the end of these examples of what an economist would consider a vague approximation of the weights within cultural utility function, a word of warning is suggested by Hofstede. The cultural preferences or weights should be consistent with cultural 'values as the desired' and not to 'values as the desirable'.⁷⁰ The first set of cultural values is what an economist would properly call revealed cultural preferences, which, being closer to reality are different from morally acceptable cultural preferences that brings us into the field of ideology. It could be one of the reasons that economists are still on the wrong track in asserting the state of economic growth theory. They consider that, in reference to the failure of adoption of the institution of the free market, we must be concerned with "how to get there."⁷¹ In fact the problem is not one of knowledge, but one of desirability and this can only be learned by reading the cultural preferences as the desired and not as the desirable.

Economists do come to believe too easily the official political statements about the unique goal of economic advancement. Those well familiar with the beyond official curtains of political reality in so called developing countries [transition countries as well] are unanimous in asserting the prevalent general lack of willingness to reform toward the institution of the free market. This fallacy would have been avoided in a fundamental way had the orthodox economic theory got right its basic assumption on the maximand. As I will try to prove further on by employing the new suggested maximand, the adoption failure with regard to the institution of the free market can find its cause neither in the lack of knowledge nor in the willingness to reform of corrupt political leaders with no proper moral standing. The cause rests in the different national cultures, which by their own nature are inconsistent in different degrees to economic growth.

The Economic Definition of Culture versus a Sociological Definition

Coming now to a more professional or more detailed study of culture I will be dealing with Hofstede's four dimensions of culture: power distance, uncertainty avoidance, individualism, and masculinity.⁷² Could these four dimensions reduced to one of my mega-goods [implicitly to the other complimentary mega-good] prove my economic definition of culture right. How then do these criteria relate to relative power?

Power distance is about "desirability or undesirability of inequality or of dependence versus independence in a society."⁷³ Hence power distance norm is directly a value about what I called relative power. Cultures ranges in a continuum along power distance norm and it is power distance which is chosen by Hofstede as the first dimension of a culture and many other authors had employed this criterion as well, because in parent-child relationship, teacher-pupil, husband-wife or any superordinate-subordinate relationship the same pattern applies for each culture.

While it is for sure that power distance norm is a value about the mega-good of relative power, how do the other three dimensions relate to this? Are they different from or are they just shades of the prevalent dimension? Two of the three, individualism and masculinity have important things in common with power distance. The first one, the two dimensions can be explained by the same independent variable – latitude. The second one, they are highly correlated with GDP of different countries. I am tempted to say that the two dimensions are not only very highly related to power distance norm, but even that they are values on power or dependence seen through different windows. Masculinity is nothing more than a value about inequality among individuals identified by sex criterion. As regards individualism a more elaborated explanation is needed.

What sociologists are telling us is that the individualism-collectivism relationship is about the degree of emotional or moral independence or dependence of the individual from groups or organizations. Within a collectivist setting personality is not conceived as separate from society or culture. The individual, within the same collectivist perspective, is not 'inner-directed', "but controlled by a need for not losing face."⁷⁴ How can this information can be codified in terms meaningful to the orthodox economist? It seems that it is tantamount to saying that part of the individual utility function does not pertain to individual himself but to a collectivity. This is not the case of altruism, but rather the case of a fuzzy and diffused individual utility function. It is this situation which relates collectivism to dependence and individualism to independence. We can talk about an individual after he has emerged from a given collectivity, that is, after he has become a true independent body. It only makes sense to talk about power distance among individuals and thus it can be said that individualism is more fundamental than power distance when it comes to independence versus dependence. Temporally, pure concepts assumed, individualism is prior to power distance. It might be for this reason that Hofstede found both low and high power situations associated with individualism, but does not mention any country where collectivism is associated with low power distance. [Though he finds countries, like Latin European ones, where individualism is associated with low power distance].⁷⁵

The peculiar nature of the individual's utility function assumed by a collectivist setting might as well explain why collectivism as opposed to individualism is negatively related to GDP.⁷⁶ Collectivism makes individual calculus less likely,⁷⁷ if not impossible, and individual activity less efficient in terms of whatever. Any efficient action of one human unit [individual or group] requires that rewards for any action should pertain and be related to costs at the same given human unit. However, ultimately, if no action of larger social bodies can exist without individual action, the individual is the fundamental unit where the economic calculus should rest.

While individualism and masculinity seems not only to contradict the definition of culture as a function of absolute wealth and relative power, uncertainty avoidance diverges significantly.

Although Hofstede chose to place this dimension secondly after power distance, uncertainty avoidance is, in my own perspective, as fuzzy as great is its distance from the mega-good of relative power. Although uncertainty and how people react to and approach this situation seem to be a basic human problem and as such pertaining to culture, the way it is measured introduces confusion. As rule orientation is one of its indexes and it is accepted that rules are made up just to cope with uncertainty irrespective if we talk about free people or people under totalitarian regimes,⁷⁸ no separation is possible within this framework between freedom and dictatorship, that is, between high and low relative power situations. Furthermore, as this dimension cannot relate us very clearly to relative power it seems not an accident at all that Hofstede is not able to develop in this case a 'causal chain' [as was the case with all the other three dimensions] or to find clusters of countries more or less similar with those found employing the other dimensions.

The Problem of Trust

The problem of translating culture in meaningful economic terms is originated in the problem of the relationship between culture and economic performance. However, there are already studies that relate culture directly to economic performance through the concept of trust.⁷⁹ As I was driven to find relative power value as the only relevant dimension of culture [or its complementary good absolute wealth] and a strong correlation has already been proven between power distance and GDP,⁸⁰ the problem which becomes crucial now is which is the fundamental relationship: trust-wealth or relative power-wealth?

Then, what is trust and more important which is its 'deep adaptive rationality'? Trust is a value about the ability of individuals to keep promises or to honor agreements. The problem of trust can be posed as soon as we talk about individuals who potentially can have separate conflicting interests. Thus trust becomes relevant as we start to refer to an individualist culture; it ceases to be at all relevant if only collectivist values are assumed. As such, Fukuyama seems to be wrong when he originates trust in shared values and the ability "to subordinate interests to those of a larger group."⁸¹

It is possible to misunderstand the independent determinant for trust if trust is related to the ability to associate, because spontaneous association can originate in collectivist values and in trust as well.

However, trust is not a primary cultural dimension. Hofstede includes trust with power distance norm and the logic behind this suggests even a stronger assessment: high trust norm originates only in low relative power norm.⁸² The logic is simple: people who believe that others are their equals feels less threatened and more prepared to trust people and people who believe that others are of a different kind [superiors or subordinates] find that other people are a potential threat who should not be trusted. The level of threat one feels is inversely related to his ability to retaliate. When parties are of equal powers, which means equal retaliation power, there is no potential threat because there can be no gain by drifting away from agreements. Nevertheless, this logic is valid when individuals are engaged in activities modeled as zero-sum games as well as in activities that can be considered as positive-sum games. Then, if the relevant question is how culture determines economic growth, the important conclusion is not that high trust explains good economic performances [trust can be developed in zero-sum situation as well], but a deeper cause to which trust itself is a consequence. This deeper cause is relative powers equality.

Circumventing the problem of defining and originating trust and assuming communities with a different level of trust, but with equal high weights for absolute wealth, Montenegro,⁸³ as well

as Fukuyama, associates high trust with high economic growth because high trust determines low transaction costs. As the association of trust only with economic growth it is proven to be false, the entire logic of low transaction costs entailed by high trust falls apart: high trust entails low transaction costs which makes association in efficient-size groups and markets more likely to occur. The problem should be rather posed the other way around: given high trust, how can we explain strong preferences for absolute wealth and impressive economic growth?

The Rule for Institutional Choice

After defining man, culture and institutions as functions of the two mega-goods – absolute wealth and relative power – that institutions should be consistent to a given culture in order to be adopted seems a simple logical conclusion. For non-economists I should say that while culture can be modeled as a preference ranking for absolute and relative power of the median type of man for a collectivity and institutions are value-carriers for the same mega-goods, any collectivity with a given culture will end by choosing just consistent institutions, that is institutions carrying the same weights for absolute and relative power.

As for the economists the explanation can be put in more technical fashion. Choosing institutions means choosing opportunity costs. Culture can be modeled as an utility function and as such represented by a family of indifference curves. Given the general shape of the indifference curves, the maximizing individual will be more able to reach a higher indifference curve the more the slope of the production possibility curve will represent opportunity costs more consistent to preference ranking depicted by the indifference curve. That is, with reference to our specific case, the higher the preference for relative power, the lower the opportunity cost for it and vice versa. Thus, as a general rule for how collectivities with given cultures choose institutions, the greater the weight for a cultural mega-good, *ceteris paribus*, the more will be preferred a institution with a lower opportunity cost for that mega-good.⁸⁴

In the following figure general power possibility curve, representing the opportunity costs of a centrally-directed economy, is a better alternative than , which represents the opportunity costs of a free-market economy, although the corresponding wealth level is lower. Cultural indifference curves and general power possibility curves are drawn for the same median individual [hence with constant general power resources] representing a culture with high weights for relative power.

Our special interest rests in the ability of one country with a given culture to adopt the institution of the free market – the most efficient institution in terms of economic growth. The institution of the free market is the institution that places zero weight on relative power, and, as such, a given culture is more consistent to the institution of the free market the more it places a lower weight on relative power or a greater weight on absolute wealth or countries with cultures characterized by high relative power have a high degree of inconsistency and will not be able, except in cases of strong external constraints, to adopt the institution of free market.⁸⁵ As cultures vary in a continuum on the relative power dimension, and countries have different cultures, their ability to adopt the institution of the free market and grow economically varies in a continuum. From my own perspective, it is one of the reasons that Hofstede found a very high correlation between power distance index and GDP.⁸⁶

Almost all the countries having poor economic performances have proportionally higher degrees of cultural inconsistency. Coming back to the question posed in the beginning of this study, it is for this reason that Poland, Hungary and the Czech Republic are more successful in reforming toward the institution of the free market than Romania and Bulgaria. In presenting the cultural

features of the first cluster of countries, Kundera is just emphasizing their lower weight for relative power as against the countries from the latter cluster.⁸⁷

Defining culture as the most comprehensive utility function for the median individual of a collectivity can be said to be a first step towards placing culture in the core of economic theory. However, while such a perspective seems promising to economic research, the reality becomes more gloomy. If ultimately economic performance depends on cultural preferences, hopes for good world-wide economic growth have to be highly decreased. Changing cultural preferences means changing the type of man that is hardly shaped by man himself. Furthermore, if there is a margin left to humans to increase the economic performance beyond what seems normal, the attention should be mainly directed not to economic governmental agencies responsible for economic policies, but to the basic institutions through which the cultural values are mainly shaped as school and church.

Placing culture in the core of economic growth theory cannot avoid the problem of culturally-related constraints. Constraints are very important in shaping values. If we are not able to say anything about how cultural values are shaped some very important link in the causal chain is missed and any statement about economic growth can become simply guessing. In this regard, economists who are very reticent in saying something about preference shaping have to look for assistance to the other social scholars. However, for economists, constraints are a relevant factor by itself in any decision, including those of economic growth. Then, it is in the natural and humanly modified constraints where hopes and limits to economic growth rest.

Notes

1 Paul Fudulu, Associate Professor, Faculty of Political Science, University of Bucharest.

2 Kundera, M., "Tragedia Europei Centrale", in Babeti, A., Ungureanu, C.(eds.), *Europa Centrala: Nevroze, Dileme, Utopii*, Iasi, 1983/1997.

3 North, D., "Where Have We Been and Where Are We Going", in Avner Ben-Ner, Putterman, L.(eds.), *Economics, Value and Organization*, Cambridge University Press 1998.

4 Sen, A., "Forward", in Avner Ben-Ner, Putterman,L.(eds.), *Economics, Value and Organization*, Cambridge University Press, 1998.

5 Shifting the maximand would be supported at least by some leading figures in economic theory. Accepting the "elegance and power" of wealth maximization, Buchanan and Brennan find the too ready acceptance by economists of this hypothesis damaging: *See* Buchanan, J.M., Brennan, G., "Predictive Power and Choice Among Regimes," in *Exploration into Constitutional Economics*, Texas A&M University Press, 1989. Mises accepts as well that as against the procedure of logic or mathematics, economics should introduce assumption such as the reality to be better understood: *See* Mises, Ludwig von, *Human Action: A Treatise on Economics*", Henry Regnery Company, 1949/1966.

6 Sen, supra note 3.

7 French, J.R.P., Roven, B., "The Bases of Social Power," in Walter E. Natemayer (ed.), *Classics of Organisational Behaviour*, Moore Publishing Company, Inc., Illinois, 1978.

8 From the very beginning there is an implicit assumption that is quite different from what the founders of liberalism (Hobbes, Locke, Smith) assumed: the pervasive initial equality of men. Their assumption which might be a simple mirroring of Anglo-Saxon culture, defined by a very low relative power level is very far from cultural reality of most countries.

9 Relative power could be defined as well as . I have chosen to define it as a difference between absolute power because it is similar to sociological concept of power distance that is crucial in comparing the results of this research with some fundamental sociological research.

10 e.g. Locke, John, *Two Treatises of Government*, ed. Peter Laslett. Cambridge: Cambridge University Press, 1988; see also Scitovsky, T., *Human Desire and Economic Satisfaction: Essays on the Frontier of Economics*, New York University Press, New York, 1986.

11 Smith, A., *An Inquiry into the Nature and Causes of the Wealth of Nations*, Liberty Press, Indianapolis, 1776/1976.

12 Smith, A., *Theory of Moral Sentiments*, Oxford University Press, 1759/1976, p. 50.

13 *Ibid.*

14 Mill, J.M., *Principles of Political Economy*, London, John W. Parker, West Strand, 1848, p. 6.

15 Mises, supra note 4.

16 Veblen, Thorstein, *The Theory of Leisure Class*, Transaction Publishers, New Brunswick, New Jersey, 1992.

17 See Fukuyama, Francis, *The End of History and the Last Man*, The Free Press, New York, 1992.

18 It is for sure the absolute wealth that Smith's nations are maximizing because Smith is waging a great attack on mercantilists economic theory.

19 Fukuyama, 1992, supra note 16.

20 Eucken, W., *The Foundations of Economics. History and Theory in the Analysis of Economic Reality*, William Hodge and Company Limited, London, 1940/1950, p. 48.

21 Opposing Sombart's idea that the principle of subsistence or "principle of meeting needs" and the principle of profit prevailed in two different historical periods, Eucken writes immediately after: "Medieval trade gave expression to a vigorous lust for power to which the notion of subsistence was completely foreign", *Ibid*, p. 277. It is clear that principle of profit and principle of power were identical. It is worth mentioning as well that he found that this "unscrupulous striving after profit flourished strongest where the majority of the community was more or less completely powerless," *Ibid*, p. 278.

22 It is amazing that Eucken is listing all the possible factors which might be responsible for the existence of so many different historical systems with one major exception: knowledge about what is efficient, how needs are conceived, the beneficiary of the maximising activity, the employed time span, the economic mobility of the population. He does not dare to think about the possibility that different population to desire in different degrees absolute wealth, that is about the possibility that the maximand could be something else than absolute wealth as was implicitly set by Smith. It is even more amazing that when he comments on different economic systems he defines them in terms of the relative power which they allow to different economic agents. Why then this relative power was not acquired at the expense of absolute power or wealth?

23 Fukuyama, 1992, supra note 16, p. 174.

24 *Ibid*, p. 58.

25 See generally *Ibid*.

26 *Ibid*.

27 Weber, W., *The Protestant Ethic and the Spirit of Capitalism*, Routledge, London and New York, 1930/1992.

28 *Ibid*, p. 36.

29 *Ibid*, p. 104.

30 There are other arguments as well to support the idea that Protestantism brings the equilibrium point to more power equality. While in a medieval perspective, work holds only for the race and not for every individual, according to Protestantism everyone has to labor; even the wealthy shall not eat without working. The equality of all men to the command of work in a calling is matched by the equality as regards the intercourse with God; because it is done in a deep spiritual isolation by everyone, then everyone becomes a monk.

31 Weber, *supra* note 26, p. 106.

32 Referring to the works of Calvin, Calvinism and Puritan sects, Weber is accepting that their bearing on the modern life was completely unintended and that their only concerns were purely religious, *see Ibid*, pp. 89-90. My findings from this work rather confirms Hofstede's idea that the institution of Protestant church was determined by some specific culture and was meant to reinforce these cultural values; that is it was meant exactly to influence directly the basic facts of human life of those communities. If by unintended we mean that not all had a clear image of the consequence of their actions as a whole it might be true. It is completely false if by unintended we mean that there is not a deep and sound rationale behind these all facts and that no one was able to comprehend this.

33 *Ibid*, p. 163.

34 Hobbes projects the same dynamic perspective when he admits that mankind is dominated by " a perpetual and restless desire of power after power that ceaseth only in death" [Hobbes, Thomas, *Leviathan* with selected variants from the Latin edition of 1668, Edwin Curley(ed.), Hackett Publishing Company, Inc., Indianapolis/Cambridge, 1994, p. 58] because "Felicity is a continual progress of desire from one object to another" [*Ibid*, p.57].

35 Edwin Curley in his Introduction to Hobbes' *Leviathan*, *Ibid*, is taking a stance which is in the orthodox social theory normal and equally wrong. Retaliating to it in two points I have to say this: (1) Power is not just a passion among the great diversity of passions. Power is, as I understand Hobbes, the most comprehensive of all passions, that is it includes everything. It includes, for instance self-preservation and eminence as well. (2) I cannot see at all that "In Hobbes, however, the desire for power leads quickly to a desire for power over others". Such a conclusion is contingent upon the constraints. Curley is mentioning the absolute scarcity – rather unrealistic I would say – but is missing completely one other very important constraint, that of the inequality among players. No one can exercise power but over a weaker individual. What is peculiar to Hobbes and all the other Anglo-Saxon classical thinker is just the assumption of basic power equality among individuals. Himself part of Anglo-Saxon culture, Curley might be in the position of the fish which did not realise yet about water.

36 Weber, *supra* note 26, p. 108.

37 Novak, Michael, *Will it Liberate? Questions about Liberation Theology*, Paulist Press, New York, Mahwah, 1986.

38 W.Cunningham, W.W., *Western Civilisation in its Economic Aspects: Medieval and Modern Times*, Cambridge at the University Press, 1910, p. 118.

39 *Ibid*, p. 72.

40 Eucken, *supra* note 19, p. 109.

41 *Ibid*, p. 118.

42 North, *supra* note 2.

43 Novak, *supra* note 36.

44 Fukuyama, Francis, "Capitalism and Democracy: The Missing Link", in Diamond L. and Plattner, M.F.(eds), *Capitalism Socialism and Democracy Revisited*, Baltimore: John Hopkins University Press, 1993.

45 Weede, Erich, "Political Regime Type and Variation in Economic Growth Rates", in *Constitutional Political Economy*, Vol.7, No.3, 1996.

46 Novak, supra note 36.

47 *Ibid.*

48 "Ownership means, as in civil law, the delimitation of the individual sphere of decision and responsibility against that of other individuals. But ownership also means protection of the individual sphere from political power." See Ropke, W., *A Humane Economy: The Social Framework of a Free Market*, Liberty Fund Inc., Indianapolis, 1971, p. 94.

49 Weber, supra note 26, p. 14.

50 Galbraith, J.K, *American Capitalism: The Concept of Countervailing Power*, Transaction Publishers/New Brunswick, 1952/1993.

51 *Ibid.*

52 Cunningham, supra note 37.

53 *Ibid*, p. 162.

54 See generally *ibid.*

55 Mises, supra note 4.

56 Hofstede, G., *Culture's Consequences: International Differences in Work-Related Values*, p. 18, Sage Publications: The International Professional Publishers, 1984.

57 *Ibid*, p. 21.

58 In this regard Fukuyama writes: "Culture, however can have its own deep adaptive rationality, even if this is not evident at first glance": Fukuyama, Francis, *Trust: The Social Virtues and the Creation of Prosperity*, Free Press, New York, 1995, p. 33. This statement becomes extremely important because in a more comprehensive model for institutional choice and economic growth the problem of how the preferences are shaped or how they relate to real opportunity costs cannot be avoided.

59 I am taking now into account a non-economist's view that for this very reason can be more realistic. I think Fukuyama [*Ibid*, p. 37] is right in reaching this conclusion by passing from a generally accepted statement of the maximisation of utility to what it really means to most economists and more important to the way economic theory develops. While for some economist a utility function can formally include anything a individual want, in fact what is assumed to be maximised is absolute wealth, and this not because of its elegance and power, but because it is assumed that no man's interest can be inconsistent with absolute wealth maximisation. Thus the "irrational" ends are implicitly defined. Take for example that field of economic theory which studies political reality – public choice theory. What explicitly is rejected is the assumption that individual are furthering "public good" and not that they are pursuing absolute wealth [which by how the analysis is conducted can be understood to be the only element in the maximand], although we all know that is mainly relative power what politicians are targeting.

60 Fukuyama, Greif, and Hofstede after presenting the human activities covered by culture very quickly concentrate on behaviour: See *Ibid*; see also Greif, Avner, "Cultural Beliefs and the Organization of Society: A Historical and Theoretical Reflection on Collectivist and Individualist Societies", in *Journal of Political Economy*, Vol.102, No.5, 1994; see also Hofstede, supra note 55.

61 Novak, supra note 36.

62 *Ibid*, p. 3.

63 Weede, Erich, "Ideas, Institutions and Political Culture in Western Development", in *Journal of Theoretical Politics* 2(4):369-389, 1990.

64 Fukuyama, 1992, *supra* note 16, p. 224.

65 Fukuyama writes: "Current economic discourse needs to recover some of the richness of classical, as opposed to neo-classical economics, by taking account of how culture shapes all aspects of human behaviour, including economic behaviour, in a number of critical ways": *See* Fukuyama, 1995, *supra* note 57, p. 17. Unfortunately taking account of the richness of the classical economics means a reconsideration of what should be the core of classical economics. As I mentioned before, from the classics' theory the orthodox economists retained just a very narrow normative perspective on human personality type and missed the comprehensive picture presented in works like *Theory of Moral Sentiments* which is till now more a curiosity and hardly quoted or taken into consideration.

66 Cunningham, *supra* note 37, p. 15.

67 *Ibid*, p. 105.

68 Galbraith, *supra* note 49.

69 *Ibid*, p. 7.

70 Hofstede emphasises that distinction between value as the desired and as the desirable avoids the confusion between reality and social desirability. Values as the desired are much closer to behaviour and, consequently, much likely to have a greater bearing on behaviour: *See* Hofstede, *supra* note 55, p. 19.

71 North, *supra* note 2.

72 Hofstede mentions that the four dimensions qualifies as criteria for "universal categories of cultures: *See* Hofstede, *supra* note 55.

73 *Ibid*, p. 93.

74 *Ibid*, p. 151.

75 This more fundamental expression of independence versus dependence through the individualism level is confirmed indirectly by stronger correlation between individualism and GDP than between power distance and GDP: *See ibid*.

76 *Ibid*.

77 Hofstede is quoting Etzioni (1975) as finding individualist values as corresponding to more 'calculative' involvement as against collectivist values in which case moral involvement is assumed.

78 Previously I proved that institutions which consists in rules of behaviour can be defined in terms of absolute wealth and relative power. Consequently rules are conceived and enforced to deal with uncertainty and relative power as well.

79 *See for example* Fukuyama, 1995, *supra* note 57, and Montenegro, Alvaro, "Constitutional Design and Economic Performance" in *Constitutional Political Economy*, Vol.6, No.2, 1995.

80 Hofstede, *supra* note 55.

81 Fukuyama, 1995, *supra* note 57, p. 10.

82 Hofstede, *supra* note 55.

83 Montenegro, *supra* note 78.

84 Hofstede stresses the relative prevalence of culture on institutions. Once in place institutions reinforce the cultural values that led to them. In case they differ from culture they do not necessarily change it but rather are smoothed "until their structure and functioning is again adopted to societal norms": Hofstede, *supra* note 55, p. 22. Here might rest the answer to Weber's

question about why "the districts of highest economic development" adopted Protestant faith which in turn made them even richer: Weber, *supra* note 26, pp. 35-36.

85 To most economists the idea that cultures reject the institution of free market with varying power might seem strange. From the authors I went through, only Ropke stays as a singular case of a serious warning for the limits that culture poses to the regulation of economic life. *See* Ropke, *supra* note 47.

86 Hofstede, *supra* note 55.

87 Kundera is identifying the lower cultural weight for relative power of Poland, Hungary and Czech Republic by their stronger resistance to Communism, that is, to an institutional setting with very high weight for relative power. *See* Kundera, *supra* note 1.

Bibliography

Locke, John, *Two Treatises of Government*, ed. Peter Laslett. Cambridge: Cambridge University Press (1988).

Veblen, Thorstein, *The Theory of Leisure Class*, Transaction Publishers, New Brunswick, New Jersey, (1992).

Fukuyama, Francis, *Trust: The Social Virtues and the Creation of Prosperity*, Free Press, New York (1995).

Fukuyama, Francis, "Capitalism and Democracy: The Missing Link", in Diamond L. and Plattner, M.F.(eds), *Capitalism Socialism and Democracy Revisited*, Baltimore: John Hopkins University Press (1993).

Hobbes, Thomas, *Leviathan* with selected variants from the Latin edition of 1668, Edwin Curley(ed.), Hackett Publishing Company, Inc., Indianapolis/Cambridge (1994).

Novak, Michael, *Will it Liberate? Questions about Liberation Theology*, Paulist Press, New York, Mahwah (1986).

Weede, Erich, "Political Regime Type and Variation in Economic Growth Rates", in *Constitutional Political Economy*, Vol.7, No.3 (1996).

Galbraith, J.K, *American Capitalism: The Concept of Countervailing Power*, Transaction Publishers/New Brunswick (1952/1993).

Mises, Ludwig von, *Human Action: A Treatise on Economics*", Henry Regnery Company (1949/1966).

Weede, Erich, "Ideas, Institutions and Political Culture in Western Development", in *Journal of Theoretical Politics* 2(4):369-389 (1990).

Curley, Edwin, "Introduction to Hobbes' Leviathan" in *Leviathan with selected variants from the Latin edition of 1668*, edited by Curley, Edwin, Hackett Publishing Company, Inc., Indianapolis/Cambridge (1994).

Greif, Avner, "Cultural Beliefs and the Organization of Society: A Historical and Theoretical Reflection on Collectivist and Individualist Societies", in *Journal of Political Economy*, Vol.102, No.5 (1994).

Montenegro, Alvaro, "Constitutional Design and Economic Performance" in *Constitutional Political Economy*, Vol.6, No.2 (1995).

Heilbroner, Robert L., *The Worldly Philosophers: The Lives, Times and Ideas of the Great Economic Thinkers*, Simon and Schuster (1972).

Sen, Amartya (1977), *Inequality Reexamined*, Oxford university Press Inc., New York (1977).

- Buchanan, J.M., Brennan, G., "Predictive Power and Choice Among Regimes," in *Exploration into Constitutional Economics*, Texas A&M University Press (1989).
- W.Cunningham, W.W., *Western Civilisation in its Economic Aspects: Medieval and Modern Times*, Cambridge at the University Press (1910).
- Eucken, W., *The Foundations of Economics. History and Theory in the Analysis of Economic Reality*, William Hodge and Company Limited, London (1940/1950).
- French, J.R.P., Roven, B., "The Bases of Social Power," in Walter E. Natemayer (ed.), *Classics of Organisational Behaviour*, Moore Publishing Company, Inc., Illinois (1978).
- Fukuyama, Francis, *The End of History and the Last Man*, The Free Press, New York (1992).
- Hofstede, G., *Culture's Consequences: International Differences in Work-Related Values*, Sage Publications: The International Professional Publishers (1984).
- Kundera, M., "Tragedia Europei Centrale", in Babeti, A., Ungureanu, C.(eds.), *Europa Centrala: Nevroze, Dileme, Utopii*, Iasi (1983/1997).
- Mill, J.M., *Principles of Political Economy*, London, John W. Parker, West Strand (1848).
- North, D., "Where Have We Been and Where Are We Going", in Avner Ben-Ner, Putterman, L.(eds.), *Economics, Value and Organization*, Cambridge University Press (1998).
- Ropke, W., "Ethics and Economic Life" in Stutzel, W.,et.(eds.), Fisher,G., *Standard Texts on the Social Market Economy*, Stugart, New York (1982/1955).
- Ropke, W., *A Humane Economy: The Social Framework of a Free Market*, Liberty Fund Inc., Indianapolis (1971).
- Scitovsky, T., *Human Desire and Economic Satisfaction: Essays on the Frontier of Economics*, New York University Press, New York (1986).
- Sen, A., "Forward", in Avner Ben-Ner, Putterman,L.(eds.), *Economics, Value and Organization*, Cambridge University Press (1998).
- Smith, A., *Theory of Moral Sentiments*, Oxford University Press (1759/1976).
- Smith, A., *An Inquiry into the Nature and Causes of the Wealth of Nations*, Liberty Press, Indianapolis (1776/1976).
- Weber, W., *The Protestant Ethic and the Spirit of Capitalism*, Routlege, London and New York (1930/1992).

Chapter XII
**Romania: From "The Land of Donkeys" to "The Economic Island
Between the Danube, the Dniester and the Tisza"**

*Cristian Preda*¹

Prentu un intelectual roman al vremii noastre
nu emijloc mai eficace de a-si discredita pana in fata natiunii decat acela de a si-o pune in slujbs
csizei liberale.

For a contemporary Romanian intellectual, there is no better way to discredit his pen in front of
the nation, than to let it serve the liberal cause.

Stefan Zeletin

In 1916 Stefan Zeletin wrote *The Land of Donkeys*² [*Tara Magarilor*]. Nine years later, the
same author published *The Romanian Bourgeoisie* [*Burghezia Romana*], and in 1927
Neoliberalism [*Neoliberalismul*] appeared in print, volumes which are today regarded as three
fundamental books of Romanian culture.³

Although the three discourses describe Romanian reality under the omen of disaster, they are
quite different: for example, from a literary point of view, *The Land of Donkeys* is a pamphlet,
while *The Romanian Bourgeoisie*, and *Neoliberalism* are rather sober sociological texts.⁴

However, the most important difference is to be found somewhere else, namely, at the level
of the proposed solutions to the disasters of Romanian life. This will be shown throughout this
essay, starting from an analysis of the way Zeletin uses a certain metaphor in his writing: that of
the 'island'. This choice of inquiry is not a random one. Let us state from the beginning that the
term 'island' appears only once in both *The Land of Donkeys* and *The Romanian Bourgeoisie*. If
writing is, indeed, a special art,⁵ then such an 'accident' cannot be disregarded.

The Unfortunate Resistance of the Romanian Soul to Modernization

As an analyst recently noted, Zeletin's discourse from 1916 is a "map drawing of a bizarre
space," starting from the model of an 'imaginary journey' which encloses 'satirical intentions'.⁶
The organization of the imaginary space is undoubtedly quite important in the understanding of
Zeletin's intention.

Its rather ingenious style may be an impediment in understanding the fundamental theme of
the book: indeed, the author imagined the bored Gods, sending the philosopher to investigate a
land where mule-beings lived; the philosopher submits and creates, through a rather easy literary
convention, an image of Romania inhabited by donkeys. If we go beyond the 'obstacle' of
ingenuousness, we realize that the space imagined by Zeletin is of a remarkable coherence.

Thus, referring to the home of Gods, Zeletin describes a type of dwelling which has 'the
valley', 'the angle', and 'the corner' as landmarks; the first two are conceived in a weak opposition
to the third: "Embittered by so many ill deeds they had witnessed on the face of the Earth, the
immortal Gods had left the high peaks of Olympus, from where they observed the whole world to
the deepest valleys, and the most concealed angles, and had chosen a corner hidden on all sides by

prodigious mountains, over which they could no longer perceive the deeds of the mortals, where they amused themselves in ceaseless blitheness."⁷ The same landmarks are used to describe the place where the donkey-beings dwell, but this time they are in perfect consensus. I am referring to the 'doomed valleys' of the Land of Donkeys, to a 'corner', or an 'angle' of land, of which nobody "on Earth or Heaven" knew anything "until almost eight years ago," and in which lived a "yet unknown species of beings."⁸ In short, from the "hidden corner of Olympus," the philosopher is sent to other 'corners', in order to bring "the immortal Gods whole and complete news."⁹

One of the most interesting parts of the "whole and complete news" communicated to the Gods is the discovery of an essential difference between the donkeys from villages, and the donkeys from cities: the first have their 'dirt' on the outside, while the latter have theirs on the inside.¹⁰ Zeletin clarifies this difference starting from two types of dwellings, from two ways of arranging space.¹¹ The donkeys living in the countryside are the characters in the following picture: "As soon as you cross the boundary of this country, and enter the villages, it is not hard to ascertain that you are truly among animals. The houses, if you can call them that, in which these poor beings take shelter, resemble somehow the stables where mortals keep their donkeys, only they are much worse. They have neither a floor, a ceiling, or walls, as it ought to be, but they are half dug in the ground and half built on the outside out of clay rolls, and covered with reeds, or grass ridges. The master donkey lives inside, not alone, but in touching togetherness with other animals: hens, calves, pigs . . . which he never lets out of his sight."¹² A completely different matter is the city of the donkeys: "A new world opens to one traveling in the Land of Donkeys, when he goes from the villages to the cities. . . The big, cheerful, bright houses breathe all the abundance and spoiling of some beings who lead their life in an eternal idleness. . . Theaters, music halls, variety shows, movie theaters, summer and winter gardens, beer houses, cafes, all types of party saloons are there in great number."¹³ The contrast between village and city is finally the contrast between the cottage and the party house.

The other essential distinction that organizes Zeletin's discourse on the species of Romanian donkeys is that between the 'nationalistic' group and the '*strainofil*' group, the latter being the worshipers of foreign things. The '*strainofil*' group is made up of those donkeys which requested "the dirt to be cleaned off the body;" being self-consistent, Zeletin sees in the foreign influence a breach of the dikes by 'foaming billows', by an 'impetuous flood'; in his opinion the purifying operation was incomplete, so that the donkeys only seem to be people, because "their bodies are clean, beautiful, but their soul is as dirty as it once had been."¹⁴ The nationalistic group took action precisely when the '*strainofil*' group was "preparing to make the donkeys wash their souls like they did their bodies" and it requested the return to the "forefathers' deposit of dirt."¹⁵

The metaphor of the island comes up in the description of this return requested by the nationalists: "But which is the dirtiest establishment, the one most related to the nation's soul? The Church! There, our dirt is laid down in all its ancient cleanliness. Because there it was not touched by the winds of modernity, not washed by the waves of culture, but it still stands in all that thickness existing ages before. It is a grand view, that of our True Church [*'Drept Credincioasa*']! For when the waters of modern culture had reached our dwelling places as well, almost washing away all of our beloved inherited dirt, the churches were the only remaining islands, surrounded by these all-powerful waves. They kept our sweet swinishness inside them until this day, with all its ancient characteristics."¹⁶

Ironically, the author calls on his fellow citizens to go to the islands, in order to resist the foreign influences: ". . . so, donkeys, all of you, let us start immediately towards these ancient dirt deposits and soil ourselves in them, at least once a week."¹⁷

In *The Land of Donkeys*, the island is the figure of speech that encloses the unfortunate resistance of the Romanian soil to modernization.

Let us also add that in 1916, Zeletin clearly preferred the solution involving foreign influences. Thus, his pamphlet ends with a few passages in which he pleads for sincerity in describing the Romanian condition: "We admit, in front of all people that the waters of culture washed us only on the exterior, yet in the depths of our soul we are still donkeys. And this is not a shame, because our nation is only at its beginnings, and everybody was the same when they saw the light of day. It would be shameful if we tried to hide out swinishness, as once did the sadly remembered patriots." The war, declared against "all donkeys and all swinishness" is described – as a 'new era' – first of all through the aquatic metaphors already mentioned: "again all barriers will vanish, all dams will burst, all gates will be opened and the foreign rivers will flow, until the cleaning waters will flood, richer, and foamier than ever." The author, pessimistic in regard to the short term, is, however, optimistic for the long term: "[M]y ashes, from the bottom of the Earth will rejoice in feeling what my eyes could never see: that the Land of Donkeys no longer simply seem to be, but is the Land of People."¹⁸

The Fortunate Resistance of Romanian Soil to Capitalism

Romanian Bourgeoisie and Neoliberalism follow another plan. Here it is first of all about the way modern Romania was born.¹⁹ As paradoxical as it may seem, Romania is no more looked upon as a 'country', and much less as one of donkeys, but as a 'bourgeois edifice'.²⁰

The constructivist figure of speech used here, does not deter Zeletin's use of several metaphors related to those from *The Land of Donkeys*, first and foremost in order to prove the role played by foreign influence in the process of modernization. This time, , the author speaks of 'trends', and not of 'rivers' or 'waters'; moreover, he carefully distinguishes between the types of '*strainofil*' trends: "In modern Romania's process of conception two big currents must be distinguished: a noisy, but superficial one, namely that of liberal ideas, which starts from Paris towards Bucharest and Iasi; and the another one, silent but deep, which starts from London, towards Constanta, Galati, Braila: it is the trend of the English capitalist economy."²¹

Zeletin's core thesis is that Romanian modernity came into being through imports of 'bourgeois merchandise', English mostly, and not through French 'bourgeois ideas'.²² In the books published in 1925 and 1927, the disbelief in the force of ideas is so strong, that our sociologist maintains it even though he himself was noticing that "the bourgeois ideology's elements were present in the Romanian Principalities before the bourgeois economy's elements."²³ The capitalistic edifice is not made up of ideas, but of commodities.

However, in the same way as in *The Land of Donkeys*, in both *The Romanian Bourgeoisie* and *Neoliberalism*, a second distinction organizes Zeletin's discourse on Romania's development. Here the discussion involves historical terms, instead of current metaphors – as the problem of foreign influence was presented: "The line of development of the foreign bourgeoisie is one thing, while another is the line of development of the indigenous bourgeoisie; the former is the oldest, the latter, although younger, is gradually strengthening, defeats the foreign bourgeoisie and forces it to nationalize itself."²⁴

The combined between the lack of trust in the force of ideas and the belief in a specific evolution of the Romanian world, cause Zeletin to conclude that the memorized formulas "from foreign books are taken from a higher level of development, and do not fit the country, which

requires its own formulas."²⁵ Even if the bourgeois edifice in Romania is not determined by ideas, it nevertheless requires authentic means.

These are related to a rigorously projectionist politics, well comprised in the expression "closed gates to foreign products."²⁶ The rather naive saying: "but opened for foreign capital and capacities," is dispelled by affirming the authentic ideal of a life lived "exclusively by personal powers."²⁷ Greater Romania, writes Zeletin, must be transformed into the "closed Romania, living by its own means of production."²⁸

Indeed, Zeletin considers this closed Romania²⁹ an 'economic island', between "the Danube, Dniester and Tisza."³⁰ The author does not hide the anti-liberal character of such politics: it is essentially about "the fight against capitalism."³¹ In the 1925 and 1927 books, the island sums up an old ideal, which is this time charming for Zeletin: it is the ideal of the Romanian soul's resistance to capitalism.

Let us note that, in the same manner as in *The Land of Donkeys*, Zeletin remains pessimistic for the short term and very optimistic for the long term: "It is beyond doubt that the future society will be an organized society," namely, one that follows an 'organic plan'. In order to justify his sympathy for the organization of capitalism – which in fact means its death – Zeletin introduces a particular spatial reference: where the bourgeois development seems to be "an ever larger circle,"³² or an "an infinite frame of reference," in which amassing is a "rush towards infinity;" as a result, in a future society "organization will set a limit to the power of accumulation, a limit to which, in its rush, it will fatally have to halt for a minute."³³ The theme of capitalism's death cannot avoid the spatial references, even if they are not alone: "Enclose the horizon of production, give it a field surrounded by clear and decided limits, and capitalism with its whole civilization dies like a fish out of water."³⁴

The Romanian island is the place where the halt "of the ex-hero of infinity" takes place, and it will be nothing else, Zeletin notes, than "the society envisioned by Marx."³⁵

Conclusion

The analysis of the manner in which the metaphor of the island is used shows us that between 1916 and 1925-27, Zeletin evolves from an advocate of Romania's development under the influence of foreign capitalism, into an admirer of a closed Romania, organized "by the conception of social revolution," yet, not with the proletariat as the agent of revolution (as Marx had proclaimed), but with the bourgeoisie playing this role.³⁶

The Romanian sociologists have never explained why he changed his opinion so radically. We therefore are obliged to resort to conjecture in order to understand it. We will mention here only two such attempts.

First of all, we could suppose that the change is produced as a consequence to the fact that Zeletin borrows – mostly from Marx, Sombart and Hilferding – a certain image of capitalism: it appears as an economic system of an ethically questionable origin and with an ending – predetermined – which is quite close.³⁷

Yet, even more important than the assimilation of this image of capitalism, probably is the Romanian author's theoretical will to excel the 'critical'³⁸ or 'non-scientific'³⁹ phase of Romanian culture, that of 'literary sociology',⁴⁰ which "does not state facts, but critiques, does not explain, but judges,"⁴¹ being a sort of 'weapon' which "falsifies science" in order to "attack its enemies."⁴² For Zeletin, to practice science means discovering "the causes and effects,"⁴³ to record "phenomena as existing facts,"⁴⁴ to "seriously and modestly investigate our social

reality."⁴⁵ The necessity of this inquiry was justified by the need to bridge the 'abyss'⁴⁶ existing between Romanian society and the Romanian soul: "while society took a modern, liberal and democratic form, the soul remained with the same archaic content."⁴⁷

The notion of 'The Island' changes its role in order to bridge an 'abyss'. In Stefan Zeletin's vision, the Romanian soul does not need a critique, but rather neoliberalism; the solution is in sociology, not in literature. As a consequence, after he wrote the critical pamphlet about *The Land of Donkeys*, Zeletin decides to produce two books of constructive sociology.

Translated by Olivia Horvath

Notes

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2 *The Land of the Donkeys* reprinted by Nemira Press, 1998, with a foreword by C.D. Zeletin, and comments by Mihaela Czobor-Lupp, Ioana Parvulescu, Cristian Preda, and Ioan Stanomir [hereinafter *LD*].

3 See *Burghezia romana. Neoliberalismul*, Nemira Press, Bucharest, 1997, introductory study by Cristian Preda, biographical notes by C.D. Zeletin, [hereinafter *BR* and *NL*]. All references to either work in this essay will be to this publication.

4 Considering the unity of opinion expressed in *BR* and *NL*, the two works will be analyzed together.

5 See Leo Strauss, *La persecution et l'art d'ecrire*, Paris, Presses Pocket, 1989.

6 Ioan Stanomir, "tara magarilor revizitata", in *TM*, pp. 147-148.

7 *LM*, p. 23.

8 *LM*, pp. 24 and 27.

9 *LM*, pp. 24-25.

10 *LM*, p. 38.

11 It is likewise suggested by one of Zeletin's current analysts, Mihaela Czobor-Lupp, in the text "*Epopoea magarilor sau pagini despre sufletul national in viziunea lui Stefan Zeletin*," *LM*, pp. 89.

12 *LM*, p. 28. The houses are also called 'burrows' [*'viziuni'*], see *LM*, pp. 29 and 30.

13 *LM*, p. 32.

14 *LM*, pp. 40-41.

15 *LM*, pp. 42 and 44.

16 *LM*, p. 44.

17 *LM*, p. 44. The churches are also referred to here as "deposits of ancient litter" and "never cleaned wells."

18 *LM*, p. 68.

19 Modern Romania and Romanian capitalism overlap: "Modern Romania's conception fused in one and the same process with the conception of Romanian capitalism." *NL*, p. 284.

20 Constructivist metaphors are used so often that they appear practically on every page: 'establishment', 'edifice' ('social', 'legislative', 'economic', 'cultural'), 'bases', 'foundation', 'to build', and 'walls' are figures of speech that represent Romania and Romanian capitalism. For the role of constructivist metaphors in modern social theories, see Friedrich von Hayek, *Law, Legislation and Liberty*, vol. I (Rules of Order) Routledge and Kegan Paul, London, 1973, chap.

1, and *The Fatal Conceit: The Errors of Socialism*, Routledge and Kegan Paul, London, 1988, chap. 4.

21 *BR*, II. 1, p. 127.

22 *NL*, p. 285; *BR*, I. 12, pp. 106-107.

23 *BR*, I. 10, p. 104.

24 *NL*, p. 371.

25 *NL*, pp. 367-368. Despite his disapproval of foreign literature, Zeletin uses formulae belonging to Marx, Sombart, Hobson, or Hobhouse.

26 *BR*, II. 22, p. 166.

27 *BR*, II. 23, p. 167.

28 *BR*, II. 24, p. 168.

29 Or "Romania for Romanians" [*Romanie a romanilor*'], *NL*, p. 446.

30 *BR*, II. 24, p. 168.

31 *BR*, II. 24, p. 168. There are also other references which express the ideal of autarchy, for instance the following: "Romania will stand on its own two feet, with a national capitalism, able to satisfy all its needs, sparing it from appealing to the expensive foreign means of production." See *BR*, V. 6, p. 252.

32 *BR*, Introduction, p. 77.

33 *NL*, pp. 354-355.

34 *NL*, p. 355.

35 *NL*, p. 356.

36 *NL*, pp. 353-354.

37 For all of these themes see the introductory study, cited above, to the Nemira press edition (1997) of Zeletin's works, or Cristian Preda, *Modernitatea politica si romanismul*, Nemira, Bucharest, 1988, pp. 201-235.

38 *BR*, Forward, p. 60.

39 *BR*, Introduction, p. 83. See also *BR*, V.14, p. 269, where in addition to these characteristics of the pseudo-scientific culture are 'sterility' and 'ahistoricity' [*anistoricitatea*].

40 *NL*, p. 283.

41 *BR*, Introduction, p. 83.

42 *BR*, V. 10, p. 263.

43 *BR*, IV. 1, p. 199.

44 *BR*, IV. 9, p. 210.

45 *BR*, V. 11, p. 265.

46 *NL*, p. 298.

47 *NL*, p. 448.

Chapter XIII

Rural Communities in Romania at the End of the 19th Century: The Family and the Community in Muscel County, A Case-Study

Laurentiu Vlad¹

In the 19th century, history, linguistics, and folklore invented the myths of the people and of the nation. Nevertheless, the scientific fervor, even if it was influenced by politics, created an exceptional data base that we can successfully use today. Thus, the inquiry into such a source [the answers to a juridical questionnaire of B. P. Hasdeu] reveals the system of natural ties which link together the people in the basic communities of Muscel County; on one hand, the family, the family property, along with the structures of paternal authority, and, on the other hand, the village, the property and the authority of the community – all these being marked by the spiritual patronage of the church. According to this perspective, what is at stake in our essay is the description of a possible political culture, which is of a parochial and dependent type.

Folk culture, which was subjected to the early aggression of scholastic culture [in the dawn of the modern époque], was conceived towards the 1800s as an inferior stage in a hierarchy of the models of civilization.² In the 18th century, the study of the primitive societies, from outside Europe, revealed the mythical image of a natural culture, of an innocent life, and of a space of genuine happiness. Gradually, the myth of the noble savage was brought on to the continent; the people, in some of its aspects, the peasant, by all means, the rural communities became the sole depository of authenticity and original freshness, revealing themselves, as Herder pointed out, to be the least corrupted part of the nation.³

Such a folk culture, conceived in a restrictive manner, partially justified the nationalistic propaganda of the 19th century. The fervor with which the remnants of patriarchal life of the nations were gathered, marked scientific research in a profound manner [for example: the collection of folklore, the study of linguistics and history, etc.]. This served the cause of nationalistic propaganda, especially in central and southeastern Europe, where there was primarily a need for the creation of national states [this was the case with the Czechs, the Poles, the Greeks, and the Serbs] or for its re-establishment on a modern basis.⁴

B. P. Hasdeu's Juridical Questionnaire (1878); Historical Context, Sources, Methodological and Historiographical Methods

On the 11th of August, 1877, G. Chitu, the Minister of Public Instruction at that time, invited B. P. Hasdeu to make up a juridical questionnaire and a mythological-linguistic one "for the collection and the description of popular habits, institutions, and customs."⁵ The answers to those questionnaires, associated with the archaeological information gathered by Al. Odobescu from all over the country, could recreate "the national life of Romania in a synthetic manner, with its moral and historical conscience."⁶

Hasdeu, as well as Odobescu, were well known at the time as some of the tireless researchers of the 'Volksgeist' or 'Volkseele' of the Romanian people. Odobescu, for example, began his study of popular songs in Eastern Europe by quoting Herder,⁷ while Hasdeu, approaching the same subject, quoted Gorres.⁸ Their critical apparatus included Fauriel, Liebrecht or Karadzic, all of whom were influenced by Herder's writings on the legendary voices of the peoples.⁹ In this

context, having as a starting point Herder's philosophy, the Romanian cultural elite of the second half of the 19th century created the concept of 'Romanian specificness', defined as a diffuse mixture of Latinity and rurality.¹⁰ Hasdeu, following G. Vico's idea that all human sciences find their origins in the practices of the rural world, tried to elucidate this specificness by delineating the essence of the ethno-psychological research,¹¹ which he linked conceptually to linguistics, as was done by his contemporaries Steinthal and Lazarus. Both of them constructed comparative philology. By defining the two terms of comparative philology, the Romanian scholar reserved to ethno-psychology the realm of research of folk beliefs, especially through the study of the folk literature. In this context, he also established in the Romanian culture the term of 'folklore': "the most intimate beliefs of the people, its habits and customs, its joys and sorrows, everything that one may call today ... with the English word folklore."¹²

Hasdeu published in a short time the requested juridical questionnaire [1878]; the second one was made available to the public in 1884. As he himself confessed,¹³ he had as sources of inspiration the monumental work of Grimm, *Deutsche Rechtsalterthümer*, published in Göttingen in 1854,¹⁴ as well as V. Bogisic's questionnaire of 1865, whose answers took the form of a very successful study published in Zagreb twice, in 1866 and 1867 [*Pravni obicaji u Slovena*].¹⁵ Starting from the enormous amount of information gathered from the questionnaire, Bogisic, who at the time was teaching "The History of Slavic Legislation" at Odessa University, initiated the publication of a collection of juridical customs of the southern Slavs in 1874. Last, but not least, we should mention the questionnaire of Efimenko and Matviev, which was carried out under the auspices of the Geographical Society of St. Petersburg in 1877. If Bogisic grouped the questions under the titles of *Jus privatum* and *Jus publicum*, while Efimenko and Matviev gathered them under the name of *Jus civile*, Hasdeu adopted a simpler classification, entirely folkish. The 400 questions of his questionnaire were divided into three groups: Village, Home, and Objects. These groups actually outlined all the relationships established between the members of a basic community outside of positive law. The classification of the questions was not made following unitary criteria, considering that some of them could as well have appeared in a different chapter; a fact which the author himself revealed in his introduction. While the questionnaire took on the formal character of some similar works in Europe, its substance was inspired by the agricultural monographies of Ion Ionescu de la Brad,¹⁶ the *Cartea Romaneasca de Invatatura*,¹⁷ the *Legiurea lui Caragea*,¹⁸ and from the juridical documents which Hasdeu studied at the Archives of the State, which were based on the so-called "customs of the land."

The answers to the juridical questionnaire were published as early as the year of its distribution. The documentary material, considerably less voluminous than the one obtained from the linguistic questionnaire of 1884 [18 volumes] or than the similar inquiries of N. Densusianu between 1893 and 1895 [17 volumes], was subsequently grouped into three volumes which are to be found at the Library of the Romanian Academy¹⁹ and at the National Archives.²⁰ The answers are from the following counties: Botosani, Buzau, Dambovita, Dolj, Falcu, Gorj, Ilfov, Mehedinti, Muscel, Prahova, Putna, Ramnicu Sarat, Roman, Romanati, Tecuci, Tutova, and Vlasca. In 1882 Hasdeu published in *Columna lui Traian* [nr. 1-12] the results of his inquiry in Bacau county, which are not to be found in the three above-mentioned volumes.²¹

Among others, I. C. Chitimia, Ion Muslea, and Ovidiu Birlea expressed their opinions on Hasdeu's questionnaires, the latter integrating the answers in a folkloric typology, a synthetic index of themes and legendary-mythological motifs. The researchers of the old Romanian law also mentioned in their studies the juridical inquiry that the present paper refers to.²² Lately, some approaches analyzed the domain also from the point of view of a search for an ethno-psychological

identity, a necessary threshold for the modernization/Europeanization of Romania. I opted for a sociological approach, following some of the guidelines suggested by H. H. Stahl in his excellent work *Contributii la studiul satelor devalmase romanesti*,²³ who used a part of the answers to Hasdeu's juridical questionnaire. The perspective I opted for enabled me to describe the entire attitudinal complex specific to the basic communities, the manifestations of authority within them, either of a familial or of a communitarian type, the participatory structures and those of decisional competence singled out in different contexts. At the same time, I also managed to highlight the characteristic features of the political culture of these communities. Among the models I used, the sociological monography of Nerej Village [1939] coordinated by H. H. Stahl, as well as P. H. Stahl's synthesis *Terra societa miti nei Balcani*, [1993],²⁴ were of great help.

The Answers to the Questionnaire; Muscel County(1882)

In the current stage of my research, I can present only a sample. Therefore, I chose the answers to Hasdeu's juridical questionnaire received from the villages of Podgoria, Muscel County.²⁵ The report, dated the 7th of October, 1882, was made by Judge D. Draghici, whose knowledge was combined with the information received from the following villagers: Ion Barbu from Valea Mare, 65 years old; Ion Bold, from Ciocanesti, Valeni, 70 years old; and Iancu Bold from the same hamlet, 65 years old; Ghita Craciunescu from Priboieni, 50 years old; Nita Gavan from Golesti, 40 years old; Dinu Grigore from Valeni, 60 years old; Bucur Mazilu from Beleti-Negresti, 75 years old; Petre Negulescu from Gorganu, 40 years old; Ion M. Otelescu from Stefanesti, 30 years old; Dumitru Dinu Parvu, the mayor of Priboieni, 45 years old; Sandu Scurtu from Stefanesti, 40 years old, Costache Tarziu from Vrancesti, 75 years old. The answers were grouped using as criteria the two basic communities around which the questionnaire was structured: Home, Family and Village.

Home and Family

Founding a Family. The answer to the question about the purpose of marriage reveals in general the pattern after which the life of the couple was organized. A mystery of God, marriage presupposed the proliferation of the people and marked the position of the partners one towards the other ["man's need for someone to help him"], also suggesting the material ground which assured his very existence: the property, obtained from the dowry. Similar conclusions were drawn by a well-known folklorist, contemporary with Hasdeu, Simion Florea Marian, who, in the spirit of the époque, also insisted on some possible ancient roots [Greek or Latin] in the structuring of the conception of marriage for the Romanians. Otherwise, the majority of the facts related to marriage described in what follows were mentioned in his work from 1890.²⁶

Had one of the conditions stated above not been fulfilled, the village would have been confronted with a series of deviations. First of all, the childless family could not be socially accepted. Secondly, there was the problem of unmarried girls and boys, due to an insignificant dowry or to bad behavior, which was publicly known. Finally, one should not forget the case of the unwed couples, who were labeled as whorish [*curvie*]. The latter did not have any responsibility towards the children resulting from such a relationship, and who thus remained without protection. In this respect, one should notice the villagers' attitude towards the 'easy women' [*posadnice*] who were despised and were not invited to meetings.

The proper age for marriage was considered to be 18 years old for the boys and between 14 and 16 years old for the girls. The young people met each other at the parties of the village [dances

(*hore*) and weddings] and afterwards the boy, together with his father, uncle or grandfather, went to ask formally for the girl's hand at the house of her parents. If the girl liked the boy she would taste from one of the two gourds full of brandy and wine, and then her father signed the dowry act, after a previous negotiation with the boy's parents. Not less than two to three weeks were to pass between the engagement and the wedding, time during which anything could happen! Sometimes the dowry could not be gathered and then the engagement was broken, the same being the case if the young people would have heard of one another as having either bad behavior or hidden vices. If an engagement was broken, the girl generally lost her reputation in the eyes of the villagers, occasionally this could be avoided by the payment of some compensation by the girl's family.

Marriage was forbidden in some situations. The relatives, up to the third cousin including the in-laws, the godparents, the great-grandchildren and the bloodbrothers, could not marry each other. At the same time, marriage was forbidden between the adopted children and the natural children of a father, they were however allowed to marry the other relatives of their father. In the old times, the villagers confessed, marriage between Christian Romanians and people of other beliefs was also forbidden, but by 1882 this prohibition had fallen into disuse; nevertheless, the community did not seem to approve of the new practices, even though they permitted the entrance of strangers into the community. The same interdiction was valid for the gypsies; in Moldavia at the end of the 18th century, Sobornicescul Hrisov considered marriage between the free inhabitants and the gypsy slaves to be "against both justice and law" and established that "this kind of union and wedding should by all means be stopped."²⁷ The persistence of the restrictions in regard to gypsies, even after their liberation, was generated not only by socio-economic considerations, but also by moral reasons, which were enforced by the village, still a guardian of traditional structures. Surpassing these limits was assumed to cause a degradation of the family, either in an economic, or in a moral sense, which was equivalent to challenging the rules upon which the society was founded.

The families debated the issues and agreed upon the engagement. On the eve of the marriage, two people [a man and a woman], the so-called '*pocanzei*', came to the girl's house and brought a gift [a fried bird, two breads (*jimble*), two pretzels, figs, and ginger bread]. On the morning of the wedding, two other persons brought gifts to the girl's parents, who, in their turn, gave presents to the guests. In the evening, after the religious ceremony, which concluded the wedding, at the party table set in the boy's house, some other *pocanzei* brought the gifts of the girl's parents, consisting in money or, sometimes, in cattle. After the first night spent together by the couple, the trial of the sheets took place, a widespread custom.²⁸ If the girl had not been a virgin, a polished apple was no longer to be offered, and her parents, when they came on the third day to the groom's house ['the primary path'], were served at the table only in punctured glasses and plates or with fried magpie. Sometimes, the bride was taken to her parents' home on an upside-down sleigh, under the eyes of the villagers, this was considered to be of great shame, but eventually the parties reached an agreement after a new negotiation of the dowry. Otherwise, the bride was supposed to conform to a standard, having to do with her capacity for hard work and a record of good behavior, but, as I already mentioned, the behavior could be compensated by the dowry.

I will conclude by saying that a wedding in Muscel County, in the 70s and 80s of the 19th century cost about 500 *lei*. In order to have an idea of what this sum means, I should note that in 1882 the tariffs for a day's work in the mountainous lands were of 1.00 *lei* for digging, 1.20 *lei* for hoeing, and 1.50 *lei* for reaping.²⁹ Also, in 1876, 1.3 kilograms [1 *oca*] of meat reached the price of 1.00 *lei*, while the same quantity of cow milk was sold for 0.48 *lei*, butter for 4.00 *lei*, pressed

cheese for 2.62 *lei*, green cheese for 0.73 *lei*, wheat flour for 0.80 *lei*, corn flour for 0.11 *lei*, white bread for 0.40 *lei*, dark bread for 0.30 *lei*, and wine for approximately 0.40 *lei*.³⁰

*Kinship and Paternal Authority.*³¹ In a marriage, the husband, who was his own master, had the duty of taking care of his wife, and was busy most of the time with the work in the fields, while the woman took care of the household, and was continually subjected to and trying to satisfy all her husband's wishes. Sometimes conflict situations appeared, which resulted in arguments and fights, which eventually ended in a trial or temporary separation, with the parties being eventually reconciled by relatives, parents, or neighbors. A more serious case occurred if adultery or bodily weakness of one of the partners was proven, both cases would lead to final separations, which was extremely disagreeable in the eyes of the villagers.

A family was considered to be fulfilled, as I have already mentioned, if it had children. This is why a pregnant woman was well received by the community, in contrast to those who practiced abortion. If a family did not have children, they could adopt some, who were conferred the rights and the duties of natural children.³² The children were placed under their parents' authority until they married, and some of them, if immature, even after this event. Theoretically, a hierarchy and division of authority was established, with the sons listening more to the father, and the girls to the mother.

As for the relatives, the villagers acknowledged three distinct groups. The first one had as a reference point a type of natural legitimacy: blood relationship, in-law relationship, and christening relationship. The second group referred to the position in an imaginary genealogical tree: relatives from above, from below, and from the same level. Finally, relatives were divided into those belonging to the husband's family and those belonging to the wife's family, who together constituted the entire family. Male relatives were considered to be closer than female relatives. I should also mention a spiritual type of relationship, known as 'blood brotherhood'. The structures of kinship were manifest at the moment of the transfer of wealth. For example, in the case of a land sale, the person who wanted to sell, would first have to ask his relatives or his neighbors if they wanted to buy it. If the seller did not follow this procedure, the relatives or neighbors could re-purchase the land within a year, by means of a trial. This was known as 'preemption', and was inherited from the Byzantine law as a method of restricting the entrance of strangers into the community.³³ This practice was quite commonly encountered in the rural communities of Albania or Serbia.³⁴ Nevertheless, the peasants from Muscel confessed that at the time of the survey, this customary rule was not commonly observed.

Obviously, paternal authority and kinship structures were formally asserted at the time of the marriage, with the children asking their parents for permission to found a family, and the latter giving them their blessing. These acts symbolized the harmony of the domestic group and the promise of future prosperity. In everyday life they were asserted through the relationships established between the parents and the children in regard to the division of work and property [inheritance and dowry].

*Property and Its Transmission.*³⁵ Family property consisted in the dowry received by a woman at the moment of her marriage [the received fortune] and of inheritance [the inherited fortune]. There was also a common wealth, realized during the marriage through purchases, exchanges, etc. As far as the agreement about the dowry is concerned, I should mention that this act was written by the priests in the presence of some witnesses ['popular dowry act' (*foaie de zestre de popor*)]. The dowry usually consisted of land, trees, cattle, clothes, sheets, tools and domestic objects, or

money. The dowry was given on the day of the wedding and it was received by the groom's parents. The father received the money and the cattle, while the mother received the sheets and the girl's things. In the case of a separation, the dowry was given back to the woman; if she died and she did not have children, the dowry was received by her parents or her relatives.

Inheritance was regulated by the natural structures of kinship or by written acts [*diate*]. These acts were signed in the presence of the inheritants, of four to five witnesses, of the person who had written them, and of the priest who officiated. These acts were usually kept by the beneficiaries or by some close relative and their mandates were carried out by the interested parties. Sometimes, the stipulations of the written wills gave some of the children larger portions of the inheritance, which often caused disagreements or more serious quarrels. The community condemned such practices, being much more attached to the idea of an equal transmission of the inheritance to the children or other legal beneficiaries.

In principle, the children received from the deceased parents equal parts of the inheritance; if the mother lived, she had an equal part of her husband's wealth, together with their children. Nevertheless, she could not give through will her own fortune, unless she did not have inheritants; in this case, she could receive by means of a *diata* the fortune of the deceased husband. By marrying another man, she contributed to the fortune of the new family with what she had inherited from her first husband. In the case of the wife's death, the fortune was transmitted to her husband only if some children had resulted from their marriage; if not, the husband was driven away by the relatives of his former wife, being compensated only for the expenses of the burial. In any case, the relatives automatically benefited from the fortune of a family that disappeared without leaving heirs.

The Village

*Property Delimitation: The Rules of Sale and Loan.*³⁶ By differentiating between personal [movable] and real [immovable] property, the answers to the questionnaire also brought up the issue of whether the latter had any type of lien attached to it. Real property was limited by boundary stones, marked trees, roads, glens, rivers, or ditches. There were also some references to cases when boundaries became confused and required rectification in order to avoid litigation. Similar problems were noted in regard to personal property. For example, if on somebody's land some animals [cattle or poultry] got lost, the authorities of the community were informed and if within six months their owner did not claim them, the animals were sold at an auction. The person who had fed the animals was given a part of the price, while the rest was included in the revenue of the community. The same was the case for the swarms of bees, except that they needed to be claimed within only three days; if nobody did, they remained the property of the landowner. In the same context, some other issues were settled: the right of the community to use fountains built outside the courtyard [as well as the duty of the entire village to maintain them in good condition], the manner in which a riverbed, a ditch, or a tree [as boundaries between two properties] were shared, the right to pick mushrooms, to go hunting on someone else's land, or to go fishing in running waters.

As mentioned before, property could also be acquired through purchase. After the parties negotiated the price, the buyer, if he could not pay the entire sum on the spot, gave one-eighth or one-tenth of the total as earnest money, then *adalmasul* was drunk, two-thirds being paid for by the seller and one-third by the buyer. If at the time of agreement there had also been witnesses [generally three persons chosen from the old men of the village], they too were invited to

drink *adalmasul*, especially as they were not paid for their testimony [except for the cases of a litigious situation that led to a trial]. Sales at the market were not guaranteed against hidden defects of the goods, while the sales between people who knew each other were. This situation even led to the cancellation of the sale at the moment when some faults for which the goods had been guaranteed appeared. Also, the sale was canceled if the goods originated from a theft, and they were given back to their original owner. The same was the case of an object used as a guarantee for a loan.

The fortune could also result from finding a treasure. Even if it was considered only in a hypothetical way, the peasants from Podgoria did not exclude such a possibility. In principle, in such a situation the authorities had to be notified, but very often, because of the small rewards, half of its value was given to the landowner on which the treasure was found. Nevertheless, many peasants violated these rules, appropriating the treasure in mischievous ways, without making the event public. From all these examples, we can see that land was the reference property in the villages from Muscel County. The transgression of the limits of real property involved a series of sanctions or litigation usually resolved in favor of the landowner.

As for any loan, we should mention that it was generally given with interest up to 20 percent [except for those given by close relatives] and it was given back in the form of money, work, or rents, in accordance with the initial agreement. Those who practiced higher interest rates were called 'usurers' and had a negative image in the community. The payment of the debt was made either in several stages or all at once, usually on Saints Apostles' Day [the 29th of June], on Saint Mary's Day [the 15th of August], or on Saint Demetrius' Day [the 26th of October]. If the indebted person could not make the required payment, the state-appointed mayor was charged with suing him; previously, locally chosen authorities had been charged with this task. Some villagers lent a sum of money, but asked for a guarantee [land or different objects] consisting of a certain part of the indebted person's fortune. If the latter did not give the money back, then the guarantee was appropriated by the creditor. In certain situations, if the solicitor of a loan did not have sufficient guarantees through his own fortune, he had to appeal to some guarantors, the latter being responsible for the returning of the loan. Nevertheless, the villagers said that it was difficult to find such guarantors in the countryside and they almost always had to be paid for their service. The villagers also borrowed agricultural products [corn, wheat, etc.], the indebted person being obliged to return the same amount of the products as he had received.

*The Socio-Economic Structure: Attitudes Towards Strangers and Marginals.*³⁷ In the village there were two categories of peasants: the rich and the poor. The former were considered honorable persons, and held prestige in the community ["honor and obedience were due to them"] proportional to their economic status. They stood out by their richer clothes and their higher standard of living. Some of them were called *boyars*, who had given up the peasant-like clothing and were older. Among the honorable persons there were also *mazilii* or *postelnicii*, terms which for the villagers meant "the honor which was given to a man by the powerful ones for his knowledge and his deeds." Priests were also granted special respect in the rural world; their wives and children benefited from their prestige.

The juridical questionnaire of Hasdeu also provided some answers regarding the relationships between the masters and the farmhands. These relationships concerned, among others, the coercive rights of the former [which consisted of beatings, prolonging duties, or reducing salaries] and the very precise social delimitation [which reduced to a minimum the instances of marriage between the two social categories].

In the villages of Podgoria, Muscel County, before the Land Reform Act of 1864 there were two types of peasants: landowners [*razasii* or *mosnenii*] and persons who did not own land [*clacasii*], the latter held a very low status in the community. The situation dramatically changed when land was given to the *clacasii*. There was no formal differentiation of status among *mosneni*, yet a special respect was shown to those of outstanding behavior or of an older age. What is worth mentioning is the fact that *mosnenii* had written genealogies, which they used as proof of their possession of the land. As H. H. Stahl pointed out in his *Les anciennes communautés villageoises roumaines*, the genealogies appeared at the moment of disintegration of traditional life, when property was attacked by an increasing number of competitors; the genealogies were strictly used in the conflicts generated by this competition.³⁸

In the villages, together with the peasants lived a great number of paid shepherds, carters, field guardians, and craftsmen [carpenters, blacksmiths, wheelmakers, joiners, shoemakers]. What is of interest is that some categories of craftsmen were considered to be specific for Romanians, while others for Gypsies. In the Moldavian villages, the division was much more complex, because Jews and Germans had to be taken into account; for example, according to the answers to the above-mentioned questionnaire, the peasants from Cristesti Village, Cosula, Botosani County³⁹ mentioned that Romanians worked in agriculture and woodcraft, Gypsies worked as blacksmiths and musicians, Jews were bartenders, clothesmakers and joiners, while the Germans also worked as blacksmiths and in woodcraft.

As I have already pointed out, in Muscel strangers were rejected by the community, as they were considered to be speculators and cheaters. Nevertheless, the villagers still preserved their tradition of hospitality towards guests and travelers, a fact noticed as early as the 17th century by some foreign travelers through the Romanian Principalities – for example, Nicolo Barsi, who was traveling through Moldavia in 1632.⁴⁰ By the term ‘stranger’ [*strain*], the villagers understood a person who could not be assimilated by the community, who was excluded by it, and who was generally looked at with mistrust. Anyway, he was addressed in quite rude terms: *leafta straina*, *letin*, and *cataonu*. We can see that there was no precise criterion for the delimitation of the strangers, as their religious identity was often mixed with their ethnic identity, a fact which can also be remarked in the answers to N. Densusianu’s questionnaire [see, for example, the case of Epureni, Falciu, where the term ‘pagan’ could as well refer to the Germans or the Russians].⁴¹ Nevertheless, there were some certitude for the peasants from Muscel: the Turks were ‘pagans’, while the Germans and the Hungarians were ‘beggars’. Together with the Germans, the Hungarians, and the Turks, the term ‘pagan’ was also used for the Busneci, the Bulgarians, the Serbs, and especially for the Armenians, mistrusted because of their religion. The villagers also mistrusted the Jews who, as well as the Gypsies,⁴² were labeled thieves and cheaters. Some Romanians from beyond the mountains also appeared in the community; they were the so-called Hungarians [*ungureni*], towards whom the villagers did not show an obvious mistrust, although in the neighboring areas very many conflicts took place between the community of the *mosneni* [the town-dwellers from Campulung] and the Hungarians.

At the periphery of the rural world there were the beggars [usually disabled people of Romanian, German, or Hungarian origin, who in most cases seemed to fake their disability], drunken people, former convicts, or suicidal persons. Thieves and easy women were the most despised in the community and, as shown above, they were not called to the councils of the village and could not be witnesses at trials.

Orphan children enjoyed a special status; after their parents’ deaths, they were taken care of either by guardians or by their closest relatives. At the end of the 18th century, the relationships

between the orphans and the guardians was settled. The latter were not paid for their services, but they benefited from the interest resulting from the children's fortune, being strictly forbidden to sell any of the orphans' immovable goods.⁴³ The orphans without a fortune were taken in by a villager to work for him. The context is similar to the moral obligation of the brother to provide for his sister's dowry if their parents died. Thus, one can detect in the late 19th century villages of Muscel very powerful family and/or community solidarities that proceeded from customary law, which had already been included in positive law.⁴⁴

Finally, those who left the community and established themselves in towns appeared in the town-dwellers' eyes as stupid people and were labeled '*gherlani de la tara*'; on the other hand, the villagers admired the higher standard of living and assumed higher intelligence of the town-dwellers. Together with the peasants established in urban areas, very poor people left the village to marry in other villages, trying thus to gather a fortune and, consequently, to achieve a different social status, even if their prestige in their original community remained low.

*The Trial and the Confession.*⁴⁵ A conflict situation between the members of a rural community was carefully worked out within its boundaries. The first to get involved were the so-called mediators [*mijlocitori*], who would attempt to resolve the dispute. The parties in conflict had to bring evidence to support their point of view, the most frequent types of evidence being confessions, documents, and oaths. Only respectable people were admitted as witnesses; it was preferable that they were of an older age, that they did not have hidden vices [such as drunkenness or thievery], that they had never been convicted, and that they systematically paid their taxes. Women were not allowed to testify, which clearly reflected their inferior position within the community. As for the oaths, the villagers showed that they were made during a ceremony, in the presence of the priest, invoking the children, fortune, cattle, etc.

These conflicts generated a complex of attitudes towards guilt, as well as towards the punitive system. Thus, the villagers had a hierarchy of guilt, placing in the highest category murder and the theft of the holy things. For committing such crimes, the punishment was settled by positive law, and the villagers thought that hanging, shooting, and jail were the most severe of all. They believed that a lesser sanction was appropriate for attempted crimes, which did not succeed, and also for those who had committed the offense due to mistake, drunkenness, or unwillingly. They also were willing to forgive men who had beaten their wives and children. Some of the villagers also evoked the old custom of ceasing to follow a criminal into holy places on holidays [such as Easter or Christmas].

The most characteristic feature of a rural community was revealed at the moment of a conflict between villages. The reconciliation was brought by "old people, with a good reputation, who were wealthier or who were more cultivated and knew about trials." These persons were chosen by each community separately [they represented the village in a similar manner as they did at the trials]. The two groups of representatives met in a churchyard or in someone's house and found some modality of reconciliation; afterwards, some written acts were signed in the presence of several witnesses.

*The Authority of the Community.*⁴⁶ The rural community of the people living in Podgoria knew two structures of organization. The first one was represented by the village itself,⁴⁷ more precisely by the meeting of all the villagers, an organism which is also recognizable in the case of other rural communities from south-eastern Europe.⁴⁸ The villagers met in the church or at the town hall and discussed the potential problems related generally to the trials in the village. The meeting could

not be attended by children or by those considered to be suspect [thieves, easy women, etc.]. If an act was concluded, all the participants signed it. The persons chosen by the community, who satisfied the conditions of experience, prestige, fortune, carried out the decisions of the meeting, acting at the same time as mediators [*mijlocitori* or *impaciuitori*] in the case of conflicts between villages. The community was also subjected to the direct authority of the state, through the modern local administration, which had been introduced in the Principalities in the second half of the 19th century. Initially, the 'Organic Rules' allowed the representatives of the villagers to have the financial competence imposed by the new organization, but eventually they were totally replaced by the clerks of the state.⁴⁹ The villagers often accused this administration of corruption. Otherwise, any dissent against the authorities [communal or civil] was generated only by the abusive treatment [fiscal and/or corporal] given to the peasants.

The second form of organization of the villagers was the common property association. It was a well-structured organism, which consisted of four to five persons [sometimes up to 100]. It had very old members, the oldest of whom were the association head [*capul neamului*] and the founder [known as 'the old one' (*mos*)]. However, there were also more recent migrants to the community in this association. The questionnaire indicated that a strategy for the greater acceptance of outsiders was to marry into the community.⁵⁰ The community, being a secular institution, justified its communal property through privileges and royal confirmations, which were kept by the oldest and the most honorable peasant, who owned the largest share in the community.

The members elected their leaders from among themselves. These leaders were supposed to have certain qualities: bravery, intelligence, and wealth. They represented the community's interest in a trial [which meant the testimony on the behalf of the community or the refusal to alienate the land]⁵¹ and at the conclusion of the contracts. The leaders did not have any authority over the community's wealth. Any abuse of their authority led to their dismissal from the leadership. In case of death, the widow of a head of the community could not succeed him; just as any other woman could not be elected to the leadership.

The leadership was not to make any decision without consulting the entire community. In order to discuss the problems related to trials, the administration of the community property, or redistribution of this property, a council was convoked [where women were also admitted]. The decisions were made by unanimous or majority vote. Due to their prestige, the most respectable members of the council could sway the general vote. They could also have a decisive vote by comparison with the ordinary members of the community,⁵² due to a voting system based on wealth.⁵³ The right to vote in the council was limited to men over the age of 25 years [with the exception of younger males, who were married and therefore the heads of households].

For the *mosneni* from Muscel County, the memories of the 'old village order' were very remote and diffuse, and somewhat resentful. These memories nevertheless evoked the image of a golden age: "at the time any peasant and even the little *boyars* were dressed in fabrics made out of wool and hemp, cultivated and grown in the community; while today [1882] any peasant wears *madepolon* and 'foreign america' [cheaper material], and all the clothes are bought at the market."

Conclusion

At the end of the 19th century, the traditional communities still preserved their vigor, but the mass culture and the structures of the open society were increasingly penetrating them. What I

aimed to achieve with this essay was to describe some of the natural links, which closely tied people together within organic solidarities⁵⁴ at the end of the 19th century.⁵⁵

Within the context of this essay, we can conclude that the peasant family of Muscel County reproduced a model in which paternal authority was obvious, as well as the inferior position which women occupied. Last, but not least, I should note the egalitarian manner in which inherited property was transmitted. Thus, there were obviously relationships here of an authoritarian nature, established between parents and children, but within which some breaches had occurred [for example, the disregard of the parents' wishes in the case of marriage, specifically marriage to persons from outside the community or outside the Orthodox religion]. The socialization of the children in such an environment led hypothetically to giving shape to a political culture in which participation and competence reached very low levels;⁵⁶ any individual or collective initiative needing the endorsement of a moral authority, such as the Church [establishing family relationships, setting the calendar of the daily life, and the *agora* of the village], and a temporal authority [the council of the community]. The forms of communitarian organization which continued and completed the socialization started within the family, and which had as their ground precisely the authoritarian structure of the family, made necessary, nevertheless, a series of participatory principles and a competence in an environment which seemed to be self-sufficient, although there were obvious references to positive norms. From this perspective, we should underline the exclusive character of the group solidarity, such as the mistrust of the community towards strangers, the status of women and of deviants, which would generally outline a model of a political culture of a parochial-dependent type.

Translated by Flaviana Teodosiu

Notes

1 Laurentiu Vlad, New Europe College Alumnus, Assistant Professor, Faculty of Political Science, University of Bucharest.

2 Consider the thought of Edmund Burke.

3 Cocchiara, *Storia del folklore in Europa*, Torino, Boringhieri, 1971, see also Colovic, 192.

4 Alexandru Dutu, *Principatele Romane*, p. 1; Alexandru Dutu, *Imperiul Otoman*, p. 2.

5 B. P. Hasdeu, p. 1.

6 *Ibid*, p. 3.

7 Odobescu, p. 4.

8 B.P. Hasdeu, pp. 2 and 12.

9 This formula belongs to Al. Odobescu.

10 Dutu, *supra* note 3, pp. 2 and 7.

11 This is the translation of a term of German origin.

12 *Etymologicum Magnum Romaniae*, vol. 1, Bucharest, 1893; see also Birlea and Muslea, *infra*, note 20, p. 18.

13 B.P. Hasdeu, pp. 1 and 7-11.

14 Grimm, *Deutsche Rechtsalterthümer*, Göttingen, 1854.

15 *Pravni obicaji u Slovena*, A study published in Zagreb twice, in 1866 and 1867.

16 The agricultural monographies of Ion Ionescu de la Brad: Dorohoi County, Bucharest, 1866; Mehedinti County, Bucharest, 1868; and Putna County, Bucharest, 1870.

17 *Cartea Romaneasca de Invatatura*, Iasi, 1646.

- 18 *Legiuirea lui Caragea*.
- 19 Library of the Romanian Academy, mss. rom. 3437, 3438.
- 20 Romanian National Archives, mss. rom. 1492.
- 21 Ion Muslea and Ovidiu Birlea, Their work on Hasdeu's questionnaires, p. 68.
- 22 Georgescu, 372.
- 23 H. H. Stahl, *Contributii la studiul satelor devalmase romanesti*.
- 24 P. H. Stahl, *Terra societa miti nei Balcani*, 1993.
- 25 B. P. Hasdeu's juridical questionnaire received from Muscel County, Podgoria Village, B.A.R., mss. rom. 3438, pp. 71-106.
- 26 Simion Florea Marian, His work on Romanian Folklore, 1890, pp. 15-16, 17-20, 21-28, 87-101, 519-521.
- 27 see also Lenny, p. 84.
- 28 See, for example, Erasmus Weismantel, *Confession*, [He was in the army of King Charles XII of Sweden which was stationed in Moldavia between 1710-1714]; see also Cernovodeanu Simionescu, pp. 382-383.
- 29 G. D. Creanga, *Cresterea arenzii pamantului in bani si in dijma, a pasunatului si a preturilor muncilor agricole de la 1870 la 1906*, Bucharest, 1908, see also Iacob, I, p. 187.
- 30 Dan Berindei, *Societatea romaneasca in vremea lui Carol I, 1866-1914*, Bucharest, 1992, see also Iacob, I, p. 198.
- 31 B.A.R., mss. rom. 3438, pp. 90-95.
- 32 Stahl, P. H., supra, note 23, p. 125.
- 33 Panaitescu, pp. 142-147, Georgescu, p. 372, Hanga, pp. 73-74.
- 34 Stahl, P. H., supra, note 23, pp. 52, 92, 201-204.
- 35 B.A.R., mss. Rom. 3438, pp. 88-95.
- 36 *Ibid*, pp.78-84, 98-105.
- 37 *Ibid*, pp. 74-84.
- 38 Stahl, H. H., *Les anciennes communes villageoises roumaines*, pp. 3 and 59.
- 39 mss. rom. 3437, p. 6 v.
- 40 See also Cernovodeanu Simionescu, pp. 378.
- 41 B.A.R., mss. rom. 4552, p. 457 r.
- 42 In 1856 in Podgoria there were 141 Gypsies, in Aricescu there were 167.
- 43 Livada-Cadeschi, pp. 49-51.
- 44 *Pravilniceasca Condica*, 1780; *Regulamentele Organice*, 1831-1832; *Codul Civil*, 1865.
- 45 B.A.R., mss. rom. 3438, pp. 80 v.-84 r.
- 46 B.A.R., mss. Rom. 3437, pp. 78-84.
- 47 cf. Stahl, H. H. 1, p. 123.
- 48 see, for example, the Albanians or the southern Slavs; cf. Stahl P. H., supra, note 23, pp. 50-53, 89-92.
- 49 cf. Stahl, H. H. 2, II, 28; 39-44.
- 50 Local customs continually manifested a pattern of excluding outsiders and such laws were even codified: *Pravilniceasca Condica of 1780*; *Sobornicescul Hrisov of 1785, 1835 and 1839*; Stahl, P. H., supra, note 23, p. 151.
- 51 cf. Panaitescu, pp. 194-199.
- 52 cf. Arhivele Nationale, filiala Pitesti, fond Obstea mosnenilor campulungeni, files 6/1846, 1/1856, 5/1861, 4/1892, 4/1905, etc.
- 53 see also Indrumator in Arhivele Statului. Arges department, p. 217.

54 The term belongs to Al. Dutu, Dutu, supra note 3, pp. 1 and 171.

55 The current project will be extended in the future by inserting into my analysis all of the answers received to B. P. Hasdeu's juridical questionnaire and by comparing them with the answers received to the similar inquiry of N. Densusianu.

56 Almond, Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations*, pp. 283-320.

Chapter XIV

The Construction of the Feminine Sexual Identity through the Hygiene Treatises: The Second Half of the 19th Century in Romania

*Ionela Baluta*¹

Starting with the study of feminine beauty practices and of the ideal type of beauty which are shaped throughout the 19th century in Romania, I came to the conclusion that this construction of new representations, of new models, is a complex phenomenon, which implies several levels of analysis. The goal of this study is to highlight the various social aspects, which might be related to the process of constructing an identity. The choice of such a goal is not an accident; it was repeatedly demonstrated that body representation, and especially feminine body representation, is the central pillar of any power relationship, either in the case of a man/woman relationship, or in the case of the more general relationship between politics and femininity.

Thus, Françoise Heritier² demonstrates that, starting from the body, from the data inscribed in it, in its biology and physiology, each society builds itself, in direct relationship with its conceptual schemes, its own kinship system, its own representations of masculinity and femininity, and also of procreation. That is why the author considers that the different value ascribed to the sexes³ is the ground of any way of thinking, traditional as well as scientific. Being incorporated by all the members of society, these different ways of thinking generate perception and evaluative schemes, which are subjected to a model that differentiates them. Accordingly, the scientific discourse itself can reproduce, under the mask of 'impartial' formulation, the archetypes of dualistic thinking. Thus, through all these forms, the reproduction of masculine domination becomes a reality.

This happens because the principle of the sexual relationship as a domination relationship originates precisely in the principle of the fundamental division between masculine and feminine. In this direction, Pierre Bourdieu successfully demonstrates that the feminine body becomes the main realm and objective of masculine domination. By transforming their body into a-body-for-the-other,⁴ a body built for and subjected to the masculine look, the dominant order obliges women to live and to gradually incorporate the already-made representations of themselves; in time, living with these models which seem "to come naturally," women get not only to accept, but also, in their turn, to reproduce, the sexual identity which was attributed to them. The point which has to be made when these social facts are studied is that, under the veil of symbolic violence, women are inculcated not only a corporal identity,⁵ but also a genuine feminine ethos, which very closely ties their identity to their roles, among which reproduction is the most important of all: "The feminine ethic also imposes itself throughout a continuous discipline which acts on all parts of the body and which is repeated and continuously exerted throughout the constraint of the clothes and of the hairdo."⁶

This is precisely why the analysis of the 'eternal femininity' involves long and sometimes tiresome work, because it is confronted with the "violence of triviality,"⁷ with a monotonous repetition of the same models, perhaps put in different words.

Nevertheless, it is a work that is worth doing; this is due to the fact that the construction of identity can also be interpreted as a target of political order. It could serve as a cornerstone for "the political ideology and for the sociodicy of a regime obsessed with the restoration and with national homogeneity,"⁸ as Francine Muel-Dreyfus's remarkable analysis shows. The order of body

becomes thus a fundamental dimension of the political order. Mainly in periods of crisis, under political regimes whose ideology is centered on the ideas of unity and national identity, the woman, and especially her body, becomes the object of political strategies. The construction of the model of the 'true' femininity, the inclusion of women in the project for the salvation of the nation, their enrollment for their mission as mothers and educators; all these are only a few dimensions of the political project which is mainly realized by means of the straitjacket of a certain corporal identity.

These general considerations, generated by various sociological readings, constitute the basis of this study. Starting from this point, I will try to answer a few questions, aiming to demonstrate the complexity of the problems and interests which gravitate around the elaboration of a new feminine identity throughout the 19th century in Romania: to what extent does the hygienist discourse take over the archetypes of the dualistic conception of the sexes in order to construct a 'convenient' identity of the Romanian woman? Under what rhetoric is the strategy of domination dissimulated and to what extent can we talk of a violence of triviality? What place does maternity occupy in this identity attributed to women and incorporated by them? Also, which are the political interests in the legitimization of this hygienist discourse and especially in the construction of a corporal model of the 'ideal' woman?

The Hygienist Discourse and the Construction of Femininity

There are several reasons for choosing the hygienist discourse for the study of the way in which during the last century Romania attempted to elaborate a new 'femininity'. The first reason is given by the fact that this discourse represents a unitary bibliographical body, because there is only one category of authors, a fact which allows for a brief sociological presentation of their position and of their status in the social space of the epoch. The second reason is given by the fact that they offer a legitimate and authorized discourse, which makes possible the relationship with the field of power. Two different levels of the hygienist discourse were chosen in this respect – the hygiene treatises, closer to the scientific field, and the hygiene magazines, which make use of a popularization discourse; the purpose being to assess their impact and their area of diffusion.

All the texts that I have chosen for this analysis might seem, at the first sight, some sort of textbook that aims to teach women how to use the different means of embellishment [starting from body care to the most insignificant decorative elements], the types of products that must be chosen in order to obtain a lasting and healthy beauty.

The great majority of these treatises begin by stating the reasons of their production: the existence of a very small number [some authors even invoke a complete lack, which is not always true]⁹ of such studies imposed the necessity of introducing the great public – in this case the women – to the achievements of medicine, and especially to those from the realm of hygiene. Beauty is one of woman's oldest wishes, but it should not harm the health of the body, and in this respect the role of hygiene is fundamental. It is significant that the stating of this permanent concern women have for beauty, as well as all the advice which is continuously given to them are still veiled in the rhetoric of the scientific discourse. Thus, there is a constant care to back up every statement with historical or scientific references,¹⁰ in order to demonstrate that the author rigorously documented himself.

The women's aspiration to be beautiful is not criticized; on the contrary, some authors underline the importance of the aesthetic aspect for the 'true' woman.¹¹ What these authors intend is to analyze the entire spectrum of embellishment practices, in order to put them in accordance with the hygiene precepts; moreover, they want to inform and to persuade women of the damage

that some of these embellishment practices can produce on their health and, at the same time, on their beauty itself. This intention actually expresses the concern these authors have not "to touch the individual liberty,"¹² and underline the fact that what is desired is to persuade women, by means of the scientific demonstration, to willingly adopt the hygiene norms.

In what follows, the main lines that the construction of the feminine identity follows in its becoming are examined, as they are shaped throughout the analysis of beauty practices. I will also try to see to what extent medical discourse can reproduce or re-interpret, in its 'scientific' language, the archetypes of the differentiated representation of the feminine and masculine characteristics.

One of the basic elements of this construction is the constant relation to the specific character of the physical and psychic constitution of women. According to the logic of the scientific demonstration, before giving any piece of advice, the hygienists thoroughly describe each organ, each part of the body, presenting its physiological function. The outstanding character of the description, as well as the objective medical language of these presentations, might give the impression that common sense is overcome, especially that of the dualistic reason which opposes the masculine to the feminine. Nevertheless, with every occasion it is mentioned that the feminine organs are more fragile than the masculine ones; therefore the body of a woman needs specific care.

For example, after the anatomic description of the skin,¹³ Sergiu Torjescu states that the female skin is softer, more delicate and that it needs special attention: it needs to be protected from wind, intense sun; cosmetics must be carefully chosen [creams, powder, make-ups] – and, under no circumstance, should they be abused. The hygiene magazines make the same observations; in one of them, doctor Marcian¹⁴ adds that the hygienist's advice must help women to preserve the glamour and freshness of their delicate skin.

Clothing is also an object of hygiene control, mentioning that 'convenient'¹⁵ clothes means, on one hand, to relate it to the age, social status, physical and mental constitution of the woman, as well as to the season and climate; on the other hand, this also means speaking of the woman's body, because it directly suffers from the effects of the clothes a woman wears. The way a woman dresses is very important, the same author states, because this "regulates her physical formation" and, at the same time, influences the mental formation and the aesthetic aspect.

The woman should not forget that clothing must insure the normal functioning of the body; clothing should be in accordance with the social status and, as a consequence, with its specific activities – for example, the clothes of a peasant woman should give her warmth and freedom of movement, according to the tasks she has to accomplish every day;¹⁶ the women who belongs to the elite must adapt the clothes to the occasion, in accordance with their bodies, as well as to their husband's fortune.

Due to the dimensions of this article, space is not enough to dwell upon the description and the recommendations regarding the different pieces of clothing of the feminine toilette. Nevertheless, it can be asserted that, under the pretext of health care and beauty, the hygienist eye sneaks deep into the corporal intimacy of the woman and comes up with an exhaustive inventory of the clothing and the means of embellishment that are healthy.

The model thus built is meant to be interiorized by women; therefore, it is supposed to go beyond the so-called 'external' means; the body must be surveyed and modified in its inner structure, and this is mainly accomplished by means of maintenance practices and food diet.¹⁷ For example, instead of using a corset the woman should rather keep herself in a good shape and correct her shape by means of physical exercise and a right diet. This is especially true as the influence of

nutrition not only on the figure, but also on the skin health and the functioning of the organs is demonstrated.

It should be highlighted here that physical exercise and the nutrition prescribed for the woman take into account, again, the specific character of her physical and mental constitution. The opposition with masculinity returns in the objective discourse of the hygienists: the outdoor walks, gymnastics, as well as certain sports, produce positive effects on the woman's health and beauty; but she must not abuse these and especially must not practice masculine sports, which would harm her delicate organism.¹⁸ The same is true about nutrition: "the amount of food is not the same for everybody, as it varies from one person to another and especially depends on constitution, sex, profession, labor power of each individual."¹⁹ As it is presupposed that the feminine tasks are easier than the masculine ones, and that her organism, being smaller, does not have the same needs, a lighter nutrition is recommended for women.

The second important element which, otherwise, appears in the fragments already quoted is the connection between the physic and the moral dimension; the hygienists go further in their enterprise than the mere construction of a feminine corporal identity; they also elaborate a true ethos of the respectable woman, of the true woman. Their pretext is, as in the case of the first series of analyzed examples, feminine beauty and its practices. In order to attain a real, durable, and healthy beauty, women must not neglect the mind, more sensitive than the man's.

This is because wrinkles, for example, are not due only to the usage of inappropriate cosmetics, but also to the torments of the spirit and of the soul, to fatigue, to crying, and exaggerated laughing.²⁰ Thus, feminine ideal type consists in the expression of the harmony between body and soul, harmony that was described several times by G. L. Mosse.²¹ It should also be noted that, in this respect, there is almost no difference between the content of the hygiene treatises and that of the hygiene magazines.

Thus, by studying the hygiene precepts of feminine beauty, the moral identity of woman can be reconstructed: simplicity, moderation, kindness, grace, subtle smile, and a serene understanding. These are some of the indispensable attributes of a beautiful woman, which make up her profile together with the purely aesthetic ones.

Physical health, as well as mental equilibrium, are especially important for the woman as she has another major specific feature – and this is the third element that I intend to underline – maternity. This essential role of women is to be found several times in the hygienists' discourse.

Firstly, maternity appears, under different forms, in the recommendations that were succinctly evoked. An eloquent example, which was intentionally left aside until now, is that of the corset. The corset is the object of one of the greatest disputes of hygienists [each of them reserves it special chapters in their treatises, if not even entire treatises]²² with the social customs of their times. In order to show 'the mutilations' inflicted by this 'torture apparatus'²³ on the female body, on their beauty and health, an impressive multiplication of the number and the nature of the arguments is put to work: the quoting of the well-known French and German doctors of those times, thorough anatomic and physiological descriptions, together with comparative drawings, which present the 'ugly' body, deformed by the corset, by contrast with the beauty of the natural shape. Among the different organs that suffer serious modifications – seeing their considerable list, I wonder if there is any organ which is left unaffected – the skeleton, consequently the womb, the matrix, are seriously affected, and no longer fulfill their role. In this case the consequences are even higher, because they disable women in one of their most important roles, maternity. Does she have the right to endanger the health of the children she will give birth to? What argument against the corset would be stronger than the appeal to the maternal instinct?

Then, due to the fact that maternity, as well as sexuality, are important issues, it is normal that there are special chapters: the intimate hygiene of the woman, the hygiene of the pregnant woman, maternity, here are some subtitles that speak for themselves.

In this respect, there is an even greater differences between the hygiene treatises and magazines; they follow the guidelines of the medical discourse, reiterating and repeating this theme – which constantly appears in all the magazines for women – multiplying also the practical advice. All the beauty practices and all the body care are modified and adapted to this special situation: the woman will have to wear "ample, comfortable and warm"²⁴ clothes, to intensify the cleaning care, to prepare her body for birth [a special attention and care for the breasts],²⁵ to reduce physical exercise, but without giving it up; she will have to adapt nutrition to the new needs of her body – the food must be "more nutritious, more bracing, well-cooked, and easily digested."²⁶ Sexual intercourse should be moderate during the first months and is completely forbidden toward the end of this period; periodic medical examinations are recommended.

Consequently, it can be stated that maternity greatly influences the creation of the feminine identity; not only that in a way it re-creates, during the pregnancy period, the entire female body, the attitude, its practices and habits, but also during her entire life; since childhood, the girl, and later on the woman, must think about this essential function of her being, to keep a close look to her body and take care of it and of her spirit, to adapt the beauty practices to her maternal destiny.

I will come back to the interpretation of these elements. For the time being, what deserves special attention is the outstanding character of the hygienists' description and analysis of every part of the body and even of the feminine spirit, as well as the postures, practices, and even nutrition, in order to build the sexual, physical, or moral identity of the beautiful and respectable woman – of the true woman, it should be added – by using the authority given by the objectivity and rigorousness of the scientific discourse.

The Place of Hygiene and Hygienists in the Social and Mental Space of the Second Half of the 19th Century

For a better understanding of the content and the importance of the hygienist discourse the context in which it came into being and its special place have to be outlined.

The Romanian 19th century is characterized by the breaking off of oriental mentalities and customs, as well as a by the greater influence of the Occident, especially of France and Germany. Thus, as in the West, science, and especially medicine, exert a growing influence over the social realm.

It is far beyond the confines of the present paper to proceed to a rigorous analysis of the place of the hygiene in the scientific and social realm, in the direction of the remarkable example provided by Pierre Bourdieu.²⁷ However, the analysis that I tried to develop above, allows, starting from the elements that I signaled, to advance a few hypotheses.

Thus, the increasingly dominant presence of the doctors, and especially of the hygienists in all sorts of public councils and committees, the wide dissemination of their precepts, not only by means of the hygiene treatises, but also of numerous magazines and newspapers, the adoption and application of the hygiene rules in the regulations of the public institutions, especially in schools, the status conferred to hygiene as a 'social science' show that hygiene comes to be socially recognized as a science, finding thus in the scientific type of necessity a "legitimization of its social arbitrariness".²⁸

The place that hygienists occupied in society supports this hypothesis. Thus, as other studies also demonstrate,²⁹ doctors usually came from the upper class families, which, due to their wealth, were able to send their children to study abroad, most often in Paris and Vienna. Therefore, doctors imposed themselves as important characters in the fashionable milieu of the epoch; several testimonies indicating the wealth and the luxury of the houses they built [some of them by using French architects, in order to make sure that the most recent techniques of their time were used in the way houses were made].

The majority of the authors of the treatises I have studied had medical offices, which they advertised in newspapers; they also occupied other offices, which demonstrates their active presence in society. Thus, Dr. Gerota was an Assistant at the Institute of Gynecology, an Anatomy Professor at the School of Beaux Arts, and gave 'scientific and popular' lectures at the Bucharest and Craiova Athenaeums on the issue of the disadvantages of wearing a corset, conferences which were later published in his treatise and reproduced in various papers and magazines of those times. Doctor Manolescu was an ophthalmology professor at the Bucharest University, a hospital doctor, and he also wrote a book on peasant hygiene for a contest organized by the Romanian Academy. From a closer analysis of the specializations and offices which were occupied by these authors, the hypothesis can be advanced, based especially on an analogy with Pierre Bourdieu's analyses, that the hygienists seem to have occupied dominant positions in the scientific field, and also played a very important role in the social realm.

Consequently, their initial social capital made it possible for them to achieve a scientific capital that, in its turn, multiplied their economic capital. This accumulation explains why the new social and political order – characterized by the considerable ascension of bourgeoisie, which promoted capitalist relations – chose the doctors, and especially the hygienists, in order to make them the speakers for the new social values and to impose, by means of their scientifically prestigious discourse, the new class and sexual identities. Therefore, it can be stated that, in this way, doctors also achieved political capital. The hygiene discourse, both a legitimizing and a legitimated discourse, reveals thus the whole complexity of the conditions that created it. Hygiene comes to exist as a 'temporarily dominant'³⁰ science; consequently, the importance of the creation of a feminine identity can be better understood by means of the hygiene discourse. Supported by the medical authority, which gradually replaced the authority of the church all across the 19th century, the political power imposed its own models by means of the hygiene message, strengthening thus its new representations.

Distorted by a scientifically euphemized form, the representations given to the woman and to her role, although they reiterate the old stereotypes, can be expressed, according to one of Bourdieu's famous statements, "in a socially acceptable form, even approved and prestigious."³¹ In the hygiene discourse, many of the elements that created the effect of the scholarly style can be found [whose prestige is often at work in the creation of sexual identities]: "A coherence which is expressly stated, with a scientific allure; affirmed through the multiplication of the external signs of science; a hidden coherence, of a mythical character in its principle."³²

The Construction of the Feminine Identity and Its Target

In order to re-construct the feminine identity as the studied documents indicate it, I will briefly review them. Taking into account the context of the creation of the hygiene discourse and the way it acquires its legitimacy, it can be said that this kind of discourse imposes itself as an official model. The fact that most of these treatises have as a starting point the issue of feminine beauty,

seems to indicate another strategic element in the construction of the discourse: which woman would not have the curiosity to browse through a book or a magazine which speaks about one of her most constant 'wishes', that of being beautiful?

Therefore, on one hand, the doctors make sure, by means of this strategy, that a minimum of attention is paid to them, a fact that increases the efficiency of their message. On the other hand, right from the beginning, they reiterate an essential dimension of the archetypal definition of woman: beauty. In fact, the first suggestion is that the medical discourse is also deeply rooted in the different perception of the sexes, which I already mentioned at the beginning. As the discourse develops, a series of elements are inserted in the discourse that point in the direction of the dualistic pattern that opposes the feminine and the masculine. As it was already shown, the syntagmas and the adjectives that constantly appear when the anatomy and the physiology of the feminine body are at stake, are the following: specific physical constitution, small, more feeble, more delicate, more fragile, smoother skin.

It is obvious that the model constructed by these texts is much more complex, being necessarily related to the model of the body, which was common in those times. Thus, for a better objectivity, these sources need to be confronted with others, which might belong to a different sphere. Nevertheless, this is far beyond the objective of this paper. What has to be underlined is that, by means of the beauty practices, the hygienist discourse constructs a real feminine corporal identity, a model where the terms of the oriented relationship between masculine and feminine are to be found again, this time reformulated in a medical language [which can be translated in terms of weight: small/big; of value: weak/strong, sensible/resistant, etc.], a relationship which expresses the differentiated value of the sexes.

The construction of the feminine identity goes beyond the production of 'a body-for-the-other'; in order to increase its efficiency, the model is associated with a feminine ethos. This aspect is especially important because, as mentioned before, in the 19th century the doctor took over the priest's task as far as the surveillance and the defense of morality are concerned. Through a continuous discipline, the hygienists want to control the woman's body as deep as her intimacy. They also elaborate a feminine morality which, starting from the clothes a woman should wear, from the nutrition diet she should adopt, and so on, actually imposes a behavior characterized by temperance, measure, good will, and kindness. This physical and moral identity is constructed not only in the name of hygiene, of health, and of beauty [as if all these were not enough], but also, as already shown, in the name of maternity.

Accordingly, it can be argued that the first objective of constructing this feminine identity is that of the power relationship between feminine and masculine. The elements that were regrouped here constitute in fact the symbolic instruments, which produce and reproduce masculine domination.

Masculine domination is imposed through the purely symbolic channels of communication and of knowledge, through the paradoxical adhesion brought about by its recognition as such. This is the reason for the importance of the rhetoric of the hygienist discourse, which contains, from the standpoint of the present paper, all the elements of the symbolic violence. Nothing in this resembles an imposition, nevertheless, by the appeal to reason and understanding, by the 'scientific' demonstration that proves the correctness of the given advice and precepts, a goal is pursued, that of counting on the 'rational' adhesion of women, in unmasked words, on the acceptance and the incorporation of domination. Nowadays, the symbolic violence of these discourses is even more visible, especially due to the fact that they restate an identity which "seems to have always existed." This can be also defined as a violence of triviality, to the extent that the

same discourse is reproduced in magazines and journals, the same advice is given over and again, while the scientific explanations meant to legitimize this mode are proliferating.

Finally, based on this data, an interpretation of the construction of this feminine identity as an objective of the political order can be sketched. In order to accomplish this goal, it has to be said that, given the historical conditions, the first decades of the last century are characterized by a crisis of the couple, of the family: the rate of divorces is increasing and several testimonies of the time insist upon the easiness of the Romanian woman's habits, as she, under the influence of the Western emancipation, begins to neglect her duties as a wife and a mother.³³

To these historical facts we have to add that in the second half of the century, the Romanian Principalities were united and there was a transition towards a centralized national state, as well as an increasing domination of society by the bourgeoisie. In this context, it can be argued, based on similar studies made in France, that this bourgeoisie is in fact interested in imposing a new model of the feminine body that should fit its values: order, measure, and work. The woman must be a good master of the house, must not be lazy, and must be a good accountant, [i.e., must not waste money]. All these characteristics are to be found in the feminine identity that we have highlighted. Moreover, the bourgeoisie had to maintain the cohesion of the family, to correct the habits of women in order to make out of them good mothers and educators; and, in this respect, the interests of the bourgeoisie coincided with those of the state. This is because, as Francine Muel-Dreyfus' analysis³⁴ skillfully demonstrates, the control of reproduction and of femininity read, through the lines, from the ideology itself of the political regimes which have as their main goal the national unity. Therefore, the presupposition that the feminine identity [both physical and moral] which I have described above, is not external to the political project of the epoch.

To sum up, the hygiene treatises, structured as they are by the notion of feminine beauty, build thus a real and influential sexual identity of woman, an identity which becomes an important vehicle of the power relationships that make up the social space of the epoch.

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Notes

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2 Françoise Héritier, *Masculin/Féminin. La pensée de la différence*, Paris, Odile Jacob, 1996.

3 This "differential valence of sexes" is an artefact which "expresses a conceptual rapport oriented, if not always hierarchical, between masculinity and femininity, which can be translated in terms of weight, of temporality (anterior/posterior), of value," *ibid*, p. 24.

4 Pierre Bourdieu, *La domination masculine*, Paris, Seuil, 1998.

5 Or, better said, a corporal hexis, as P. Bourdieu puts it; *ibid*, p. 28.

6 *Ibid*, p. 33.

7 Francine Muel-Dreyfus, *Vichy and the eternal femininity. Contribution to a political sociology of the order of bodies*, Paris, Seuil, 1996, p. 357.

8 *Ibid*, p. 357.

9 The chemist Sergiu Torjescu, in his treatise *The Elaborated Hygiene for the Women* of 1890, invokes, for example, the complete lack of such studies; instead, we have discovered several studies, published especially after the '50s, which treat, under various forms, the same subject.

10 For example, the historical evolution of the notion and of the beauty practices, which originate from antiquity – see the treatises of S. Torjescu, of the doctors Bercar and Gerota – are succinctly re-created; or, in other occasions, in order to prove the strength of the assertion concerning the negative effects of a certain product or of a certain practice, famous studies of Western authors are quoted – procedure which is to be found in all the studied documents.

11 See Stefan Fodop (1858); doctor Antonescu-Remusiu (1886); doctor Bercar (1891); doctor Gerota (1899); also "Women's health" (1902).

12 Doctor Gerota, *The Effects and Disadvantages of Wearing a Corset*, Bucharest, The Institute of Graphic Arts Carol Gobl, 1899, p. 7.

13 Sergiu Torjescu, *The Hygiene of Beauty Elaborated for Women*, Bucharest, E. Miulescu Tipography, 1890, p. 12.

14 "Women's Health", Bucharest, Bukarester Tagblatt Tipography, no 4/1902.

15 Doctor G. Bercar, *The Clothing of the Woman from the Hygiene and Aesthetical Perspective*, Barlad, George V. Munteanu Tipography, 1891, p. 20.

16 Doctor N. Manolescu, *The Peasant's Hygiene*, Bucharest, Carol Gobl Typography, 1895, p. 232.

17 Doctor Gerota, *idem*, p. 40.

18 "The Physical Exercises of Women", *Women's Health* magazine, no 11/June 15th, 1903.

19 Doctor Grunfeld, *Man's Health*, Bucharest, Aurora Tipography, 1906, p. 23.

20 "C.O.D. – Civil Clothing Code. Simpleness, Hygiene, Elegance", Bucharest, The Romanian Lab Workers Tipography, 1870, p. 12.

21 George L. Mosse, *L'Image de l'homme. L'Invention de la virilite moderne*, Paris, Abbeville, 1997, p. 11.

22 Doctor Gerota, *idem*.

23 *Ibid*, p. 8.

24 "The Pregnant Woman's Hygiene", *Women's Health* magazine, no. 3/November 1902.

25 *The Defender of Health*, Bucharest, no. 12/1893.

26 Doctor Grunfeld, *ibid*, p. 11.

27 Pierre Bourdieu, *Homo Academicus*, Paris, Minuit, 1984.

28 *Ibid*, p. 90.

29 G. Potra offers us information in this respect in the history of the city of Bucharest; see G. Potra, *The Bucharest of Yesterday*, Encyclopaedical and Scientific Publishing House, 1990.

30 Pierre Bourdieu, *supra*, note 26, p. 77.

31 Pierre Bourdieu, *Le Nord et le Midi. Contribution a une analyse de l'effet Montesquieu*, A.R.S.S., p. 24.

32 *Ibid*, p. 21.

33 Mihai-Razvan Ungureanu, *The Moral Borders of Europe. On the Moral of the Couple in the Romanian Society at the Beginning of the 19th Century*, in "20th Century", June 1997, pp. 94-105.

34 Francine Muel-Dreyfus, *supra*, note 6.

Bibliography

Bourdieu, Pierre, *Homo Academicus*, Paris, Minuit, 1984.

-----, *La domination masculine*, Paris, Seuil, 1998.

-----, *Le Nord et le Midi: Contribution a une analyse de l'effet Montesquieu*, A.R.S.S., 35, 1980.

Heritier, Françoise, *Masculine/Feminin: La pensée de la différence*, Paris, Odile Jacob, 1996.
Mosse, George L., *L'image de l'homme: L'invention de la virilité moderne*, Paris, Abbeville, 1997.
Muel-Dreyfus, Francine, *Vichy et l'éternel féminin: Contribution à une sociologie politique de l'ordre des corps*, Paris, Seuil, 1996

Chapter XV

Romania in the Television Era or the Prison of the Fading Reality

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"Romanians have all they want... Romanians have PRO TV..." This is the slogan with which a TV station [PRO TV] launched its new schedule for its fourth year of existence. The expression used in the advertising campaign, though having a self-assumed megalomaniac touch, is simply reflecting the role which television has decided to take on. Every night the TV set brings the whole family together, provides discussion topics, makes it dream, entertains it and after promising everything, gets tired and lets it down. It is the universal remedy for tiredness and boredom, for loneliness and bad mood, for any attempt to do something else – the TV, the possessive god, jealous of any rival. The image and sound box satisfies any wish of the viewer: if this one wants to watch a movie – here's your movie; if he wants to watch his favorite soccer team – a few minutes of searching and his idols make their entrance; music – it is for any age and any taste; one wants more information on the world – here is the most recent news, with pictures that could move even the most stone-hearted on the most spicy topics. Everything is offered and nothing is given at the same time – the viewer dreams and then forgets, today's pictures fade before tomorrow's, with no trace left. Television appears as being invested with all the hopes in the world, at the same time remaining incapable of satisfying them.

Then why? Why such success, such a large audience, such unquestioning of this type of media, placing it above all others? A possible answer could begin with the functions Jean Stoetzel² conferred on the mass media in 1943. In his opinion, the main function – that of informing – is more or less fortunately completed by the three collateral or adjacent functions: that of being an instrument for social contact among individuals, an entertainment function, and a cathartic one, [in the same sense in which Aristotle defined catharsis as the purification of human passions by means of music or by presenting the unequal confrontations between man and fate]. This idea was thoroughly developed by Edgar Morin³ ten years later. He claims that the stars on the silver screen have become the new human prototypes, proposed for imitation or, as Morin calls them, "the new Olympians." The newly appeared gods act upon the individual imagination by means of a double mechanism, of projection and identification. Firstly, the viewer projects outwardly everything that he is unable to achieve by or inside himself. The hero pursues up to the end what the individual cannot do or is not allowed to do in his daily life, "irrigating fantasy in real life and real life in fantasy."⁴ The symmetric mechanism of identification occurs in the middle of this projection: Once certain psychological tendencies are liberated and focused on a certain character, the viewer identifies himself with the one he already shares something with. Fantasy thus actually overwhelms real life and now, almost forty years later, there is nothing to stop it.

Every type of society has developed over time a certain set of representations within the collective fantasy, depending on its specificity. These representations are taken over by television and, once different adjustments responding to marketing norms and to medium specific necessities are made, they are re-launched onto the market in a far more attractive package. The show that is offered, and the image that has become almost palpable are at stake now, even if unfortunately, a simplification and an almost caricatured reduction of the representation take place simultaneously. Those making these changes have as an advantage the fact that the audience is extremely thrilled to see that issues, which until now had only a strong abstract character, are apparently becoming

concrete and tangible. The situation changes once one can see the bravest man on Earth, who can at the same time be the fairest one, the one best prepared to sacrifice himself for the common good – whatever that common good means. The shift from an abstraction – kindness, bravery, courage, good, etc. – to something that seems to possess that feature which makes the whole reality of a character – the embodiment – is that which allows extreme simplification and increases availability. It is obvious that such an approach to the phenomenon is, in its turn, simplifying and, it should be admitted, a little too simplistic. The true dimensions of the problem are far deeper and inflict huge implications upon all domains of social manifestations, the most important of which may be the political realm.

If superficially analyzed, Romania's case may appear as not being very different from that of all Eastern-European countries. They all experienced totalitarian regimes, where communication channels all were under thorough state control, and censorship played an overwhelming role in the foundation of a particular type of approach to events. However, they all witnessed specific elements meant to create differences, differences that proved their importance later on.

Mass communication channels were continuously subjected to extremely strict surveillance in Communist Romania. Censorship was omnipresent for those who were working in this field: any broadcast and any story was carefully checked by those entrusted to do so. This fact resulted in the critical lack of information and the individual isolation within the reality that was fabricated for them. If adding the fact that, for some years Romanian Television broadcasting had been reduced to two hours a day – the mass media's picture is almost complete.

One of the most popular jokes made on behalf of television programs was that which compared them to a sandwich: two news programs and something in between them. Either speaking of the news programs or of that "something in between," the content can be considered somehow similar, in that all reflected the same insane propaganda, meant to impose the image of the new man and to worship its most visible incarnation, the beloved Leader. The central problem of this propaganda was that the identification of the viewer with the model was absolutely impossible. Plays and films which featured young workers who exceeded their quotas, working very hard, with self-abnegation and enthusiasm for the blossoming of socialist Romania – mostly national productions – were broadcast weekly and then obsessively rescheduled. The proposed characters, adapted to the demands of the system, could not satisfy the needs of a real person, of a person who had to fight against hunger and all sorts of privations on a daily basis, and to whom this well-being and happiness, made out of images, did not appeal.

The Romanian revolution, broadcast live on television, caused a break in the imposed pattern. People could see people like themselves doing things they themselves had long wished to do, but lacked courage to do. No one can deny the role television played in December 1989. Neither can one deny that this role was skillfully cast, that Romanians had once again been subjected to some extremely noticeable manipulations, that there were no clear differences between television and telegraph in those days – everybody sent messages, appeals were made, people were called to defend one or another building under attack by terrorists, but that no one has ever found again – cannot be denied. Throughout this period, the main source of information for Romanian Television [instantly turned into 'Free Romanian Television'] consisted of rumors, whose apocalyptic dimensions also trapped TV stations throughout the world.⁵ A state of mass psychosis was created and perpetuated for an extremely long period of time. Its existence, accompanied by the initially subtle and then more and more obvious emphasis of fear and anxiety among people, later allowed an open manipulation of Romanians by means of television, controlled by the National Salvation Front (NSF) during the first months following the Revolution.

The credibility of the NSF in the first post-revolutionary moments is primarily due to the rapidly created image of the NSF as a savior of the people. The measures for the country's democratization were instantly made public, showing us, in the eyes of the citizens, a real wish of breaking with a past that had suddenly become so odious. Unfortunately, what followed proved to be contrary to this intention. A clear example of how democracy was understood by the new power in Bucharest is what Ion Iliescu, the president of the NSF, who was to become Romania's president, stated in January 1990, namely, that many people mistake democracy for political pluralism. In his opinion, the multiparty system was a historically obsolete system and Romania did not need any model. These thoughts were reasserted later on, during the April 1990 electoral campaign, when the same Ion Iliescu claimed that democracy could exist even within a totalitarian regime, if the despot is a wise man. The vote given in May of the same year consecrated the establishment of an 'original democracy' in Romania, as it was introduced by its creators and promoters. This entire period between January 1990 and May 1990 is characterized by more and more violent charges against the NSF, charges of using television for manipulating its audience, stirring social groups against one another, spreading confusion among an electorate that already faced enough problems in understanding and assimilating democratic mechanisms, and particularly for de-legitimizing the political groups of the opposition, and thus presenting its own policy as being the only one which could be viable for the entire country.

Several weeks before the 1990 elections, RTV [Romanian Television] – which had been monopolizing information at the national level – had already settled on a news pattern based on combining the lack of any live broadcast of critical attitudes towards Iliescu, while promoting anything which would enhance the electoral chances of the government. All those who spoke against the recently established regime were instantly labeled as enemies of the glorious Revolution and of the new-born Romanian democracy, and were therefore for all practical purposes denied access to the national station.

The great importance of these facts is to be found in the place that political agitation took in the lives of Romanians. No one was actually preoccupied with anything but politics and, possibly, soccer. These are actually the domains that Romanians feel best at mastering. Each moment of political tumult was lived to the maximum, passions were thrown in struggle, family members could even end up not talking to each other, and not being willing to live together, due to political arguments. We then witnessed a remarkably clever manipulation, which aimed at keeping the NSF's frail legitimacy alive, which was based on the eternal role of the people's father. The total lack of a critical spirit towards what was presented on television is worth noting. One might have expected that after decades during which Romanians knew that all they could see on the silver screen were lies, they would have become more mistrusting, more suspicious of the pictures they were provided with. It did not turn out this way – the audience foolishly believed everything it saw. The NSF representatives were the only ones who had been able to create a coherent image.

The image that the NSF had managed to construct was so strong that not even the frequent marches the miners took to Bucharest, in order to "restore the public order jeopardized by the enemies of the new regime,"⁶ succeeded in moving the electorate. The 1992 elections are the best proof of this, as one can see from the high vote in favor of Iliescu.

In the Spring of 1990, the central demand of the opposition forces was the establishment of an independent national television station. Peter Gross⁷ relates what happened then: "It was also the rallying cry of the anti-Communist forces that occupied the University Square in Bucharest in the summer of 1990. In September 1990, the Romanian Society for the Creation of an Independent National Television Company [*Societatea Romana pentru Infiintarea unei Companii Nationale de*

Televiziune Independenta], or SOTI, was established in Bucharest. Its initial organizers and supporters included some of the most well-known Romanian journalists, intellectuals, dissidents and civic leaders." Though enjoying the support of the International Media Fund from Washington, SOTI lived an extremely short life, due both to the disagreements existing among its leaders and to the continuous obstacles placed in its path by Parliament⁸ and RTV. The link between SOTI and RTV was made by initially establishing a three hour broadcasting time on RTV's Channel 2 frequency, after the end of its daily broadcast. Later on, in August 1990, SOTI was allowed to use the Channel 2 frequency several days a week for one hour after 11:00 PM, without being allowed to show any type of advertising in its program. Following a long ordeal, in 1994 SOTI Bucharest ceased broadcasting after its license was not renewed.

Though many wonderful things were promised for the time to come after the farewell to Communism, Romania's economic situation did not evolve as fast as Romanians had expected. The emergence of unemployment and inflation produced uneasiness among the people, and lack of any perspective that these could be quickly repaired also appeared rapidly. Mistrust in state institutions and in their capability of solving the problems of ordinary men replaced post-revolutionary effervescence and enthusiasm. Live broadcasts of parliamentary sessions on RTV largely contributed to this mistrust. The incapability of the elected representatives to communicate with each other, as well as the scandals which surrounded them, made people perceive these sessions as some sort of congregation of fools and incompetents which no one took seriously any longer.

By the spring of 1994 the National Audio-Visual Council [NAVC] had issued 73 broadcasting licenses all throughout the country, none of them included a national license. On the national level, RTV still held a monopoly. The station Antena 1, which was created in 1994, did not compete with public television, its program being centered almost exclusively on a mixture of comedies, sitcoms, thrillers and Indian films casting Raj Kapoor. Tele 7abc also was created in 1994, had a schedule structured around shows for women, films from the 80's, and music. Lack of diversity in the offer was emphasized by the massive repetition of material [about 60 percent of the broadcasting time].

One of the biggest investments in Romanian media was achieved in 1995. The US-based Central European Media Enterprises [CEME] announced its 20 million dollar investment in PRO TV, in a joint venture dominated by RTV. The satellite-delivered program was expected to reach 55 percent of the Romanian market by the end of 1996. Tele 7abc went on air via satellite the same year and, according to its own estimates, it reached 40 percent of the television audience.

The new PRO TV station immediately made itself known due to its aggressive approach to the market, which was manifested from the very beginning and in the manner in which it structured its shows and films. Teenagers and people aged 25-30 mainly formed its target audience. The success formula included a large number of youth series [S.F, sitcoms, etc.], some of the latest films in the period, and especially a reward system for its loyal viewers, by means of contests based on different subjects from the telecast shows. The moment PRO TV started to become popular, the other stations – e.g. Antena 1 – felt jeopardized and launched a sustained assault upon the audience.

Antena 1, whose declared target audience was the whole family – that is where its slogan, "Antena 1, your family's TV station" comes from – proceeded to an increased diversification of the shows, using some recipes for success which could not possibly fail. Between 1988 – 1989, Soviet television had broadcast the Brazilian soap opera "The Slave Isaura" and enjoyed a great public success in the Romanian areas in which TV Moscow could be watched, even if the film was

dubbed in Russian.⁹ Starting from this premise, Antena 1 began to massively insert soap operas into its program. By 1996, more than two soap operas were telecast every day and one top soap opera was repeated every midnight. It is interesting that these late repetitions had their loyal viewers who were not ashamed to admit that they were watching the program for the second time.

The soap opera, which is a goldmine to the stations that are in search of a greater audience, was included in all stations' programs, as a consequence of the viewers' preferences. PRO TV would telecast a South American soap, yet combined with one American soap and several sitcoms in the program schedule. TVR could not resist this devastating tendency and thus the soap opera ascended to the throne.

This is not an isolated phenomenon of the 1995-1996 period. It continues today and it has even bigger proportions. Why all the success? The search for the answer must go to the evolution of Romanian society during this period. Not only that the general economic situation has not improved, but also the standard of living has dropped impressively, inflation and unemployment have increased to amazing levels. It is obvious that under these circumstances, the heroes and especially the heroines in the Argentinean, Venezuelan and Mexican soaps can become of special importance. The fact that the themes are obsessively repeated does not seem to bother any one; the viewer lives a part of his own life by means of what he/she can see on the silver screen. Soap operas are the perfect substitute for the life of the bored and prematurely aged housekeeper. She can see characters that she resembles and identifies with, and who offer her wonderful solutions to daily cares and concerns. She learns about how her husband should treat her and she is thus spared a direct confrontation with the real specimen, a confrontation which would be sterile anyway, as he actually would not know her expectations and she would be too busy to try to explain them to him.

What makes a soap opera so amazingly fascinating? Hope. The good and honest people cannot end but happily, the bad ones will always pay for their deeds and honor, justice, and kindness will always prevail over all infamies. Though things are far from this in real life, such an approach to life may have its own joys.

In an attempt to break the audience success of Antena 1, the same corporation that was financing PRO TV introduced a new TV station to the market – Acasa, transmitted only via cable. This station offered a program structured exclusively on broadcasting soaps on weekdays and sports on weekends. A cleavage was thus made between the main points of public interest: South American soaps and sports. Unfortunately, Acasa has never enjoyed the estimated audience although extremely substantial prizes were offered to loyal viewers, besides shows and sports. These prizes consisted in completely furnished apartments, electric house devices, and generally items that regular viewers knew that they could not afford and that chances were that they might never afford.

The TV stations that continued to be created were all subjected to this tyranny of the soap opera. Prima TV was launched in 1997 as well. Its program schedule included from the start a small number of South American soaps, which later grew three per day and were joined by several sitcoms. Unfortunately, after a short period of time, every film that was not soap was repeated two or three times a month. The diversity of the programs thus became minimal.

Another element that finds its roots within the status of society is the presence of numerous games and contests. In 1998 each station had at least three shows of this kind every day. Except from PRO TV, which broadcast adapted versions of 'Jeopardy', 'Wheel of Fortune', and 'The Price is Right', all the other stations completely lacked inspiration and the same things could be watched over and over on three different stations – TVR, Antena 1 and Prima TV. The remarkably

big prizes appealed and still appeal to people. Additionally, the hope that they could soon become the happy owners of a new car or of a significant sum of money [the equivalent of \$100, \$1,000 or even \$62,500]¹⁰ was kept alive among viewers. In 1999, this competition fever reached a level that has never been reached before. A type of broadcast Bingo was introduced and, due to the sums of money that could be gained, it attracted huge numbers of viewers. These sums could reach \$130,000.00 and even more, if lucky. This new type of magic makes people see an open door to material happiness, happiness which can be reached without much effort and that can be repeated any time.

This structure has been successfully used by PRO TV throughout its existence. It's only that here, on PRO TV, the aims for which the slogan "You watch, you win" has been used were diverse. In 1996, during the period in which local, general and presidential elections were held, real media events took place. These events aimed at increasing voter participation. The PRO VOTE operation enjoyed a real success. This success was due not only to the rhythm which was imposed by live television from all throughout the country and by alternating short news broadcasts with entertainment shows, but also to the permanent winning opportunities for those who could prove by the stamp on their identity cards that they had exercised their civil voting rights. One year later, "PRO NATO", a much wider operation, took place before the NATO summit in Madrid on the 9th and 10th of July 1997. That summit was supposed to decide whether Romania would become a NATO member or not. The outcomes of this operation organized by PRO TV could be observed in the high percentage [98 percent] of the population that declared itself to be pro-integration. Though concrete information on what this integration would mean and on its implications for Romania reached a low level, the show that wrapped up the event was enough to draw the attention of an impressive number of citizens.

Instead of Conclusions

What can be said to complete what was intended to be only a short concise essay on the manner in which the interdependence between society and television has developed in a former Communist country, during an extremely painful transitional period? Firstly, it has to be said that in Romania, maybe more than in other countries, television not only produces reality, but produces the only reality, the complete utopia, which annihilates any will to create, change or even improve in the given world. Secondly, television, especially stations like PRO TV, deepen the gap between the event and its meaning, as the NATO campaign showed to be the case. People get more and more involved in their sacred and urgent mission without having any grasp of their motivation or their real purpose. The deceiving feeling that they are the actors gets even stronger while in reality the paralysis of their will is growing. Individuals participate thus, through television, to the whole of the Romanian reality, even to the whole of the world, without being connected to each other in a moral and political real way. Thirdly, the impact television has nowadays on Romanian society combines in a rather new way paternalistic and individualistic features. On the one hand, television is an uncontested reality, but, on the other hand, this uncontested reality gives the impression that it could not continue to exist without the support of every individual. From here we see the rather easy-going way of manipulating people, by strongly personalizing them. Yet, overall, everyone exists only to the extent that he/she reproduces his/her daily life through participating in the construction of the glamorous 'reality' of the latest total utopia in the Romanian cultural space, the Romanian television, where entertainment, politics, life problems, and cooking recipes are brought together as the new emerging Romanian escape from reality. Is Romanian television the latest

prison of a fading reality, the ultimate prison of a bored, too tired and prematurely aged society?
The answer still waits to be given . . .

Translated by Irina Stefuriuc

Notes

1 Monica Ibram, Lecturer, Faculty of Political Science, University of Bucharest.

2 Jean Stoezel, *Theorie des opinions*, Paris, 1943.

3 Edgar Morin, *L'Esprit du temps*, Grasset, 2nd Edition, Paris, 1976.

4 *Ibid.*

5 The case of the French station TF1, which presented unchecked numbers and data, is notorious, numbers and data, which were later proven to be incredibly imprecise.

6 The "enemies" was a reference to the opposition.

7 Peter Gross, *Mass Media in Revolution and National Development – The Romanian Laboratory*, University Press of Illinois, 1996.

8 Until the formation of the National Audio-Visual Council, Parliament's special commission issued broadcasting licenses.

9 Most of the members of the over-35 years generation were required to study Russian in school.

10 The average salary in Romania is less than \$100/month.

Bibliography

Balle, Francis, *Médias et société*, Montchrestien, Paris, 1990

Cazeneuve, Jean, *La société de l'ubiquité*,

Gross, Peter, *Mass Media in Revolution and National Development – The Romanian Laboratory*, University Press of Illinois, 1996

McLuhan, Marshall, *Mass media sau mediul invizibil*, Nemira, Bucuresti, 1997

Morin, Edgar, *L'Esprit du temps*, Grasset, Paris, 1976

Pourchot, Georgeta, *Mass Media and Democracy in Romania: Lessons from the Past, Prospects for the Future in Romania in Transition*, ed. by Lavinia Stan, Dartmouth Publishing Group Company, Vermont, 1997

Sartori, Giovanni, *Homo videns: Televisione e post-pensiero*, Saggiatori Laterza, 1997

Stoezel, Jean, *Théorie des opinions*, Paris 1943

Appendix¹

TVRI

Owner: The Romanian Television Society – public channel
Leadership: an Administration Council; its members are appointed by Parliament, Government and President. The president of the Administration Council is appointed by the specialty parliamentary commission.

Territorial coverage: 100 % – through cable and Hertz waves

Audience: TVR1 covers 46% of the market at the country level and only 16% of the market at the capital level. TVR1 owns territorial stations in other cities: Iasi, Cluj and Timisoara. Their programs are partially presented by the central station as well.

TVR2

Owner: The Romanian Television Society

Territorial coverage: 75 % – through cable and Hertz waves

Audience: 5% at both national and capital level

It has the same managerial and administrative bodies as TVR1.

PRO TV

Owner: It has a Swedish owner. PRO TV is part of the Media Pro Corporation. Other Media Pro members are Mediafax news agency, radio PRO FM, PRO Sport daily paper and a relatively big number of periodical publications – ProCinema, AutoPro, Sport Magazin, etc.

Leadership: an Administration Council, whose president is Adrian Sarbu, the former minister of information in 1990

Territorial coverage: 47%

Audience: 26% at national level and 46% at capital level. PRO TV owns territorial stations in Deva, Oradea, Sinaia, Cluj, Brasov and, since September 1999, in Kishinev (Moldavian Republic).

Antena

Owner: Intact Corporation, with Dan Voiculescu as the main shareholder. The Corporation also owns a radio station- Radio Romantic -, a central daily paper – Jurnalul National – and several local papers similar to Jurnalul National.

Leadership: an Administration Council led by Dan Voiculescu.

Coverage: 25 % at national level

Audience: 10% at national level, 13% at capital level.

Prima TV

Owner: a corporation of Romanian businessmen

Leadership: an Administration Council

Territorial coverage: approximately 47% of the territory (cable transmission)

Audience: In Transylvania, according to a Metro Media Transylvania (MMT) survey, 5% of the population preferred the programs on Prima TV. The data for the rest of the territory were not available.

Acasa

Owner: the same as PRO TV's

Leadership: the same Administration Council as PRO TV's

Audience: according to the same MMT survey 12% of the population in Transylvania preferred the Acasa station. The data for the rest of the territory were not available.

Tele 7abc

Owner: ROMSAT Cardinal Network

Leadership: an Administration Council

Territorial coverage: 15% – cable transmission and Hertz waves

Audience: 2% at national level and 8% at capital level.

Note

1 Unless otherwise noted, this appendix uses data valid for the year 1998.