

HISTORY

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Citizenship and National Identity in Romania: A Historical Overview

Recently, there has been renewed scholarly interest in the concept of citizenship, in an interdisciplinary effort of political scientists and historians, anthropologists and sociologists.¹ Challenged by socio-political developments in the post-Communist and post-Maastricht era, numerous scholars have re-examined established definitions of citizenship and their relationship with issues of identity, civil society and the foundations of democracy. However, as Bryan Turner has rightfully pointed out, the growing body of scholarly works on citizenship has concentrated overwhelmingly on theoretical aspects, so that the history of the institution of citizenship in western and Eastern Europe has still remained largely under-researched.²

This article is designed as a first historical overview of Romanian citizenship legislation from 1866 up to the present, a subject that has received so far a limited scholarly attention.³ It focuses on the historical roots of the institu-

1 From the vast scholarly production on citizenship in the last decade, I can mention selectively the works of: Will Kymlicka: *Multicultural Citizenship: A Liberal Theory of Minority Rights*. New York, 1989; Michael Mann: "Ruling Class Strategies and Citizenship". *Sociology*, 1988, No. 2, 339–354; Reinhard Bendix, *Nation-Building and Citizenship. Studies on Our Changing Social Order*. New Brunswick and London, 1996. Second, enlarged edition); Rogers W. Brubaker: *Citizenship and Nationhood in France and Germany*. Cambridge, 1992; and Charles Tilly (ed.): *Citizenship, Identity and Social History*. Cambridge, 1996. See also the collection of articles by B. S. Turner and Peter Hamilton (eds.): *Citizenship. Critical Concepts*. London, 1994, 2 Vols.; and R. Beiner (ed.): *Theorizing Citizenship*. New York, 1995.

2 B. S. Turner: "Outline of a Theory of Citizenship". *Sociology*, 1990, No. 2, 189–217.

3 The present article builds on my dissertation work on the history of citizenship and civil society in Romania. My research has resulted to date in several publications on various

tion of citizenship in Romania, on the main features of Romanian citizenship legislation, and on the relationship between citizenship and issues of state formation, construction of national identity, and the structuring of the private and public spheres. Special attention is devoted to social, ethnic, religious and gender groups excluded from Romanian citizenship, to their strategies of emancipation and their relation with the dominant national ideology.

A comprehensive study of citizenship poses great theoretical and methodological challenges. The concept of citizen can be used to refer to a wide range of issues, such as a collection of rights and duties, membership in a national community, a philosophical idea, or a moral ideal. Each of these definitions of citizenship encompasses a number of rival concepts, none of which can be accepted as its true meaning. Citizenship can be consequently regarded as an “essentially contested concept,” whose meaning is never settled but changes as a function of wider socio-political phenomena in society.⁴ In coping with this problem, this article employs Charles Tilly’s relational, cultural, historical and contingent definition of citizenship. In Tilly’s view, citizenship is concomitantly (1) *a category* which designates “a set of actors – citizens – distinguished by their shared privileged position vis-à-vis some particular state”; (2) *a tie*, which designates “an enforceable mutual relation between an actor and state agents”; (3) *a role* which includes “all of an actor’s relations to others that depend on the actor’s relation to a particular state”; and (4) *an identity* which refers “to the experience and public representation of category, tie or role.”⁵ This instrumental definition of citizenship regards the state as a set of specialized and even divergent agencies, and not as a unitary and indivisible actor; and traces the impact of citizenship on various social categories, roles and identities. The definition thus accounts for a multitude of

aspects of the making of Romanian citizenship in the 19th and the 20th centuries. See Constantin Iordachi: *Citizenship, Nation and State-Building: The Integration of Northern Dobrogea in Romania, 1878–1913*. Carl Back Papers in Russian and East European Studies, No. 1607. Pittsburgh: University of Pittsburgh Press, 2002; “A nemzet újrajazolt határai: A magyar ‘státustörvény’ és Románia politikája a kettős állampolgárságra vonatkozóan a Moldovai köztársaságban”. In Zoltán Kántor (ed.): *A státustörvény: előzmények és következmények*. Budapest: Teleki László Alapítvány, 2002, 88–112; and “The Unyielding Boundaries of Citizenship: The Emancipation of ‘Non-Citizens’ in Romania, 1866–1918”. *European Review of History*, 8 (August 2001) 2, 157–186.

4 W. B. Gallie: “Essentially Contested Concepts”. In Max Black (ed.): *The Importance of Language*. New Jersey, 1962, 121–46.

5 Charles Tilly: “Citizenship, Identity and Social History”. In Tilly (ed.): *Citizenship, Identity and Social History*, 8.

actors, relations and domains pertaining to citizenship, and redirects the research focus from the formal-legal aspect of citizenship to issues of “state practices and state citizen interactions.”⁶ Consequently, instead of a universal and pre-given status, citizenship is viewed as a continuum series of transactions, “a set of mutual, contested claims between agents of states and members of socially-constructed categories: gender, races, nationality and other.”⁷ On this basis, one can distinguish between multiple and hierarchical forms of citizenship, and the function of actors’ specific social position and kind of tie to the state they are involved in.

I. CITIZENSHIP AND NATION AND STATE BUILDING IN ROMANIA, 1866–1918

After a century of unprecedented socio-political isolation, in the first half of the nineteenth century the Principalities of Moldova and Wallachia experienced a period of intense socio-political development. A central component of the process of “Westernisation” was the introduction of modern citizenship legislation. This entailed the consolidation of the countries’ internal autonomy in relation to the Ottoman Empire, the development and further centralisation of the administration, and the formal legal delimitation between citizens and foreigners. In a first stage, the first modern civil codes in the Principalities, the *Legiuirea Caragea* in Wallachia and the *Codul Calimach* in Moldova, attempted to homogenise the body of subjects. Later, *The Organic Regulations* (1831), the first constitution of the Principalities (adopted under Russian military occupation), established the foundations of modern citizenship legislation. The Regulations instituted a genuine legal Commonwealth between Moldova and Wallachia, the inhabitants of the two principalities enjoying a quasi-common citizenship. In addition, they introduced a strict control of naturalisation, and excluded Jewish communities from political rights and certain civil rights. In addition, the Organic Regulation defined two types of naturalisation: a “narrow naturalisation” (*naturalizarea mică*) which granted residence rights, transforming all permanent inhabitants of the country into virtual Romanian subjects; and a “broad naturalisation” (*naturalizarea mare*) which conferred full political rights. Finally, the establishment of the Romanian nation-state in 1859 through the union between Moldova and

⁶ Ibid.

⁷ Ibid., 9.

Wallachia brought significant changes to the citizenship doctrine, as defined by the 1865 Romanian Civic Code and the 1866 Constitution of Romania. Modelled on the 1804 French Civil Code and, respectively, on the 1831 Constitution of Belgium, citizenship legislation in Romania converged for the first time in a single legal status several distinct aspects of citizenship, namely citizenship as state membership, citizenship as political participation, and citizenship as civil equality. The following section concentrates on these major components of citizenship legislation in Romania.

I. 1 Citizenship as State-Membership in the Romanian Citizenship Doctrine

In regard to citizenship as state-membership, the Romanian citizenship doctrine was balanced initially between a political and an ethno-cultural definition of nationhood. Thus, the programme of the 1848 revolution in Wallachia followed the French liberal political model, based on the “dominance of political citizenship over nationality.”⁸ It aimed at establishing a modern parliamentary republic, based on the sovereignty of the people, equality before the law, and civil rights and liberties. In addition, the programme also stipulated the political emancipation of Jews, and the liberation of Gypsies from enslavement. This predominantly political concept of citizenship was later challenged by a *risorgimento* type of nationalism, and by an organicist reaction to modernisation. In the long term, this generated an ethno-cultural understanding of nationhood that was later consecrated by Romanian citizenship legislation. Thus, the 1865 Romanian Civil Code, adopted under the rule of Prince Alexandru Ioan Cuza (1859–66), automatically ascribed Romanian citizenship to a child born from the marriage of a Romanian man, and to a foreign woman married to a Romanian man, upon request and providing that she renounced her previous citizenship.⁹ The principle of *jus sanguinis* thus served as the basis of ascribing Romanian citizenship. The rule of *jus soli* had no bearing on ascribing Romanian citizenship at birth. The only exception admitted was the case of abandoned newly born babies, who, since found on Romanian territory, were assumed to have Romanian parents and ascribed Romanian citizenship. However, in emulating the assimilationist French citizenship model, the Romanian Civil Code em-

⁸ Rogers W. Brubaker: *Citizenship and Nationhood in France and Germany*, 49.

⁹ Constantin Hamangiu: *Codul Civil Adnotat*. București, 1899, Vol. I., art. 6–20, 60–82.

ployed the *jus soli* principle as a criterion of naturalisation of Christian residents born in the country, at the time of their adulthood (article 8). This opportunity was not open to non-Christian inhabitants, who were considered foreigners and could naturalise only in certain conditions and following a residence period of ten years (article 16).

Adopted in 1866, a short time after the forced abdication of Prince Cuza, the Constitution of Romania amended the citizenship policy put forward by the Civil Code in several aspects. First, the Constitution instituted an active ethnic policy by granting ethnic Romanians from neighbouring countries (*români de origină*) instant access to Romanian citizenship without being subject to a naturalisation process. Article 9 read that “an [ethnic] Romanian from any state, regardless of his place of birth, upon renouncing his foreign subjection, can immediately acquire political rights, through a vote of the Parliament.”¹⁰ This later stipulation expressed the incomplete ethnic boundaries of the Romanian nation-state and legitimised an irredentist policy directed towards absorbing Romanians from Austria-Hungary, Russia and the Balkans. Second, and most importantly, the Constitution abrogated article 16 of the Civil Code, denying the access of non-Christian foreigners to Romanian citizenship: “Only foreigners of Christian rite can acquire naturalisation” (Art. 7).

This significant change in Romanian citizenship legislation had important practical consequences. The absence of the principle of *jus solis* in ascribing Romanian citizenship at birth, coupled with the exclusion of Jews from naturalisation, resulted in a significant numerical difference between the overall resident population of the country and the more limited category of citizens: in 1876, out of a total population of 4,800,000, there were circa 700,000 non-citizen residents, representing 14% of the inhabitants.¹¹ This difference was further aggravated toward the end of the century, when Romania became an immigration country: according to unofficial estimates, at that time the alien resident population of the country grew on average by approximately 20,000 immigrants a year, or 4–5 persons for every 1,000 inhabi-

10 “Constituția din 1866”. In I. Muraru et. al. (eds.): *Constituțiile Române*. București, 1995, 32. All translations from the original text are mine.

11 Data on the total Romanian population are usually arbitrary since general demographic surveys were conducted only in 1859–60 and 1899. For estimates on non-citizen residents, I used M. G. Obedenaru, in *La Roumanie économique d'après les données les plus récentes*. Paris, 1876, 402.; and I. Ghica: “Industria”. In *Insemnări economice*, Vol. I, București, 1937.

ants.¹² As Roger Brubaker suggested in his authoritative comparative analysis of citizenship and immigration in France and Germany, this situation is generally caused by the political utilisation of citizenship as an instrument of “domestic closure” for satisfying material interests.¹³ This closure was carried out by the Romanian citizenship legislation in two major ways. First, the 1866 Constitution was based on the commonly accepted principle that excludes foreigners from the exercise of political rights (Art. 6).¹⁴ Moreover, in Romania political rights accounted for an extensive range of privileges, such as rights to land tenure and access to positions in the state bureaucratic apparatus (Art. 10). Second, the Romanian political elite went beyond this “routine” closure of political rights, and, through specific state policies, established a direct relationship between citizenship and the exercise of certain civil rights and economic activities. In doing so, the state used its quality of being concomitantly a membership *and* territorial organisation: while participation in the political community was reserved for ethnic Romanians, the state nevertheless exercised territorial authority over all its resident population.

The laws concerning military draft are a relevant example. Successive conscription laws from 1876 and 1882 stipulated the obligation for military draft of all foreigners in the Romanian territory “who are not subjects of a foreign country”, and, respectively, of all “inhabitants of the country”. Nonetheless, conscription of non-citizen residents had no bearing on their legal status, except for cases of participation in major military conflicts. In 1879, 883 Jewish soldiers were granted citizenship for fighting in the Romanian army in the War of Independence (1877–78). However, Jewish soldiers participating in Romania’s military campaign in Bulgaria during the Second Balkan War (1913) had to wait until 1918 to be granted citizenship.¹⁵ Furthermore, the possibilities of upward social mobility provided by the army were specifically denied to non-citizen soldiers: Laws of 1875 and 1911 forbade their accession to the rank of officer.¹⁶

12 See M. G. Obedenaru: *La Roumanie économique*. 400–401.

13 Brubaker: *Citizenship and Nationhood*, 32.

14 Far from being a specificity of the Romanian legislation, the exclusion of non-citizens from political rights is in fact the most salient universal characteristic of nation-state citizenship. As Brubaker pointed out, this is an underlying feature of ‘the routine, ordinary, taken-for-granted nationalism.’ *Ibid.*, 28.

15 This collective naturalisation was admitted on the basis of a special 1879 amendment to the Constitution: See Art. 7/II/c.

16 see Carol Iancu: *Emanciparea Evreilor din România (1913–1919)*. București, 1998, 51.

I. 2 *The Practice of Being a Citizen: Rights and Duties of Citizenship*

Romanian citizenship legislation attached a significant number of rights and duties to citizenship status. First and foremost, in regard to political participation, the 1866 Constitution established a constitutional monarchy, with a parliamentary political regime. It provided for the separation of powers between the bi-cameral Parliament and the prince as the legislative power (Art. 33 and 113); the government and the prince as the executive power (Art. 35); and an independent system of courts as the judicial power (Art. 36 and 104). The Constitution also guaranteed civic rights and liberties, such as sovereignty of the people, representative government, freedom of the press, freedom of association and of conscience, and the right to state-sponsored education, etc., while private property was declared sacred and inviolable (see Articles 5, 21, 23, 24, 26, and 31).

In spite of its liberal ideological commitments, in practice the system of parliamentary representation in Romania was based on an underlying electoral inequality. The Constitution granted political participation only to propertied and educated adult males. In addition, the electorate for the Chamber of Deputies – the lower house of Parliament – was divided into four colleges which assured the dominant representation of great and middle landowners (Colleges I and II, representing 1.5% of the total voters, but electing 41% of the deputies), and of the urban middle class and professional categories (College III, representing 3.5% of the voters, but electing 38% of the deputies). At the same time, the remaining 95% of the electorate were confined to a single college (IV), which elected only 21% of the deputies; within it, the illiterate voters without a standard level of income (91% of the electorate) elected only an electoral representative for every 50 voters, who afterward exercised a direct vote in a second ballot.¹⁷ The electorate for the Senate was even more limited, consisting of only 2% of the voting body, solely great landowners and high professional categories.

In regard to political participation, the 1866 Constitution of Romania thus inherited what Jürgen Habermas (1989) has called the *ambivalence* of bourgeois-democratic ideology. In theory, the constitution was formally com-

¹⁷ I am relying on data provided by Philip G. Eidelberg in *The Great Rumanian Peasant Revolt of 1907. Origins of a Modern Jacquerie*. Leiden, 1974, 15–16. For additional data, see also *Istoria parlamentului și a vieții parlamentare din România pînă la 1918*. București, 1983, 252–255.

mitted to a universalistic definition of citizenship, open to everybody. In practice, instead of a unified and universal-equalitarian citizenship status, the constitution implemented a hierarchical and multi-layered citizenship. According to the system of parliamentary representation, there was a virtual distinction between active and passive political participation: great landowners disposed of two votes (one for the Senate and other for the Chamber of Deputies), while peasants disposed of one indirect vote. Furthermore, at the margins of society there were the excluded others: in the period 1866–1919, women, non-Christian inhabitants (mainly Jews), and starting with 1878, the inhabitants of the newly-annexed Ottoman province of Dobrogea were denied significant civic and political rights. The following section devotes attention to the legal status of the social, ethno-religious, and gender categories excluded from Romanian citizenship, to their strategies of emancipation, and to their relationship with the dominant national ideology.

I. 3 The Right of Belonging: The Emancipation of non-Citizens in Romania, 1866–1919

Jews were the first major ethno-religious category excluded from Romanian citizenship. Initially, Romanian legislation in the eighteenth century favoured the socio-political integration of Jews born in the country, denying it only to Jews recently immigrated. In 1831, however, *The Organic Regulations* denied Jews rights to political participation.¹⁸ Later, the modernisation of Romanian legislation during 1859–1866 following the French example favoured the political emancipation of Jews. As previously shown, the 1864 Romanian Civil Code (Articles 8, 9 and 16), as well as an early draft of the 1866 Constitution (Article 7) stipulated the full political emancipation of native Jews. However, due to an effective lobby of Moldovan boyars, coupled with anti-Semitic riots in Bucharest during the constitutional debates in early 1866, the final text of Article 7 of the Constitution excluded non-Christians from naturalisation. Furthermore, in September 1866, a decision of the Romanian government blurred yet again the distinction between native and for-

¹⁸ According to Joseph Berkowitz, in *La question des Israélites en Roumanie. Étude de son histoire et des divers problèmes de droit qu'elle soulève*. Paris, 1923, the 1831 anti-Semitic legislation in Romania was adopted under Russian influence. Carol Iancu also adopted the same argument in *Les Juifs en Roumanie (1866–1919). De l'exclusion à l'emancipation*. Provence, 1978.

eign Jews, a principle that became subsequently the cornerstone of its naturalisation policy. Consequently, the entire resident Jewish population was excluded from citizenship, even if born and raised in Romania for generations.

How can one account for this illiberal turn in the legal status of Jews? Surely, anti-Semitic legislation in Romania was triggered by a peculiar combination of economic and religious motives. Nevertheless, the compelling reasons behind the exclusion of Jews from citizenship were concomitantly demographic and economic.¹⁹ Beginning with the second quarter of the nineteenth century, a massive influx of Yiddish speaking *Ashkenazi* Jews from the Tsarist “Pale of Settlement” into northern Moldova raised the proportion of Jews to 10.5% of the entire population of Moldova in 1899, and 51% of the population of the Jassy capital city.²⁰ In addition, the Jewish population acquired an important economic role: in 1899, Jews encompassed 4.4% of Romania’s total population, but represented 21% of the total number of merchants, 39% of commercial agents, and possessed about 19.5% of the capital invested in large scale industry.²¹

This situation resulted in ethnic segregation and competition for resources in northern Moldova and generated widespread anti-Semitic prejudices, skilfully instrumentalised by Romanian political elites. Romanian political elites portrayed Jewish dominance of significant sectors of the economy as being detrimental to Romanian national interests. In order to curtail competition from Jewish economic elites, between 1866 and 1918 the Romanian government issued over 200 administrative regulations that denied Jews the right to settle in the countryside, to own rural property, and to practice certain professions and economic activities, such as law (1864 and 1884), pharmacy (1910), inn-keeping, tobacco and spirits dealer (1873 and 1887), lottery organizer, etc.²² These were to remain the privilege of either the Romanian state itself or of Romanian nationals.

The inferior legal status of Jews shaped their social composition and influenced their emancipation strategies. Facing the intransigence of Roma-

19 See parliamentary speeches by Liberal politicians Mihail Kogălniceanu and I. Brătianu.

20 As a result, during 1860–1899, while the population of Romania grew by 50%, the Jewish population grew by 98.7%. See Colescu: *Analiza rezultatelor recensământului general*. 82–82.

21 See G. Bogdan-Duică: *Românii și Evreii*. București, 1913, 223. For statistics on the industrial capital, see L. Colescu: *Ancheta industrială din anii 1901–1902*. București, 1904, 126.

22 For comprehensive analyses of this legislation, see Joseph Berkowitz: *La question des Israélites en Roumanie*; and Carol Iancu: *Les Juifs en Roumanie*.

nian political elites, Jewish associations tried to take advantage of the powerless international status of Romania in order to impose an external solution to their emancipation. Due to their intense political lobbying, Article 44 of the Berlin Treaty (July 1878) conditioned diplomatic recognition of Romania's independence upon granting citizenship to non-Christian subjects. In 1879 the Romanian constitution was finally amended to comply with the Berlin Treaty. Article 7, which excluded non-Christians from naturalisation was revised as follows: "In Romania, the difference of religious belief and confession can prevent neither the accession to civil and political rights, nor the exercise of these rights."²³ This was, however, only an apparent liberalisation: instead of *collective* emancipation, the amendment offered Jews only *individual* access to naturalisation. The procedure of naturalisation was very restrictive, being granted "exclusively by the legislative power", with a majority of at least two-thirds of the votes (Art. 8). Far from being simple formalities, decisions on individual cases of naturalisation were debated by Parliament at great length, and the number of favourable decisions was very limited: only 183 in the period 1878–1911, out of an estimated many thousands of requests.²⁴ Thus, until World War One, Romanian political leaders refused to grant them full civic and political emancipation. Romanian Jews thus remained confined to the legally inferior status of "denizens" – they lived in Romanian territory, paid taxes and performed military service, but were denied significant civil and political rights. In 1912, there were only 4,668 Jewish citizens in Romania, representing 1.9% of the country's total Jewish population, as compared to 228,430 Jewish subjects or 95.8% of the total, and 7,987 Jews under foreign protection, or 3.3% of the total.²⁵ Facing the intransigent attitude of Romanian authorities, numerous Jews chose to emigrate to the United States or western Europe, with the result that their ratio within the Romanian population decreased from 4.5% in 1899 to 3.3% in 1912.²⁶

23 Muraru: *Constituțiile României*, 34.

24 Iancu: *Les Juifs en Roumanie*, 186–7.

25 Iancu: *Emancîparea evreilor*, 210.

26 In real terms, given the natural demographic growth, the number of Jews increased from 239,016 in 1899 to 269,015 in 1912. *Ibid.*, 37.

Citizenship and Assimilation: The Integration of Northern Dobrogea into Romania

The second major legal category excluded from Romanian citizenship were the inhabitants of Northern Dobrogea, a former Ottoman province granted to Romania by the European Congress in Berlin in compensation for the loss of Southern Bessarabia to the Tsarist Empire. The annexation of Dobrogea was a major challenge for Romania's ethnic and religious policy. As a frontier zone at the borderland of the Ottoman empire, Dobrogea carried a specific imperial demographic legacy, being inhabited by 21 ethnic groups, among which were Turks and Tartars, Romanians, Bulgarians, Russians, Greeks, Armenians, Jews, Germans, and Italians. In addition, the province was a "micro-cosmos of all religions."²⁷ Together with the predominant Muslim Turks and Tartars, there were also Romanians, Bulgarians and Greeks of Eastern Orthodox Christian denomination, Jews, Russian Ancient Orthodox Believers (Lipovans), Catholics and Protestants. While numerous Romanian politicians pleaded for religious tolerance toward other Christian denominations, in the view of many nationalists, a "Romanian Jew" or a "Romanian Muslim" represented an inherent contradiction, which undermined the legally consecrated doctrine of the Romanian Christian state.²⁸ For these reasons, a majority of Romanian political elites initially rejected the annexation of Dobrogea as "a fatal gift", whose acquisition would disrupt the "homogeneity of Romania's Latinity" and deteriorate Romania's diplomatic relations with neighbouring Balkan states.²⁹ However, since resistance to the irrevocable decision of the Berlin Treaty was considered "political suicide", Northern Dobrogea was later almost unanimously re-evaluated as an ancient Romanian land, and the country's main asset in becoming a western (anti-Russian) military bastion, a guarantor of political stability in eastern Europe and an essential link in the commercial transit between Occident and the Orient.³⁰ As a result, the integration of Northern

27 Mihail Kogălniceanu: *Opere*. București, 1968, Vol. V, Part. I, 287.

28 This legal contradiction was partially liquidated just one year after the annexation of Dobrogea: the revision of article 7 of the Romanian Constitution provided for individual naturalisation of non-Christians (1879).

29 For the prevailing resentments against the annexation of Dobrogea, see the *Resolution of the Romanian Senate*, 26 January 1878; the memoir of the Foreign Minister of Romania, M. Kogălniceanu: "Memoriu în chestiunea Basarabiei". February 25/March 9, 1878; and the brochure of N. B. Locusteanu: *Dobrogea*. București, 1878.

30 Kogălniceanu: *Opere*, 620.

Dobrogea into Romania was framed by an underlying dichotomy of symbolic inclusion and administrative exclusion: despite its formal territorial incorporation into Romania, Northern Dobrogea was subject to a *separate administrative regime* between 1878 and 1913. Under this status, from 1878 to 1909, the inhabitants of Dobrogea thus enjoyed only a local-type citizenship; since (1) They were denied political representation in the Romanian Parliament and the right to enrol in political parties. Instead, once a year, two representatives of the province would raise issues of specific Dobrogean interest with the prince; and (2) Once they crossed the Danube into Romania, they were treated as virtual foreigners, being denied political participation and the right to acquire immovable property.³¹

This restraining citizenship legislation facilitated the integration of Northern Dobrogea with Romania at the following levels: (1) the colonisation of Dobrogea with ethnic Romanians; (2) the nationalisation of the landed property in the province; (3) cultural homogenisation in the province; (4) the implementation of a highly centralised political regime, which promoted the interests of the Bucharest-based political elites and weakened regional political resistance; and, finally (5) the exclusion of Dobrogea's non-Romanian economic elites from political rights. Thus, under the impact of the state-sponsored ethnic colonisation of Dobrogea, the overall population of the province experienced a dramatic increase – from approximately 100,000 inhabitants in 1878 to 261,490 in 1900 and 368,189 inhabitants in 1912.³² Most importantly, ethnic colonisation substantially altered the relationship between the three major ethnic groups in the province, Romanians, Bulgarians, and Turks and Tartars. In only 25 years the ratio of ethnic Romanians in Northern Dobrogea grew from a relative to an absolute majority (from 36.3% in 1880 to 52.5% in 1905 and to 56.9% in 1913). These demographic changes affected land ownership in the province, as well – by 1905 Romanians managed to acquire approximately two-thirds of Dobrogea's landed property. Finally, after the turn of the century, Romanian political elites appreciated almost unanimously that the assimilation of Dobrogea produced satisfactory results. Consequently, a series of laws regu-

31 For a comprehensive analysis of the mechanisms of the assimilation of Northern Dobrogea to Romania, see Cf. Iordachi, *Citizenship: Nation and State-building: The Integration of Northern Dobrudja into Romania, 1878–1913*.

32 M. D. Ionescu: *Dobrogea în pragul veacului al XX-lea*. București, 1904; for 1912, Sabin Manuilă: "La population du Dobroudja" In *La Dobroudja Roumaine*. București, 1938, 456.

lating the judicial system (1909, modified 1911, 1912, 1913), political rights (1909, 1910, 1919) and local administration (1913), homogenised Dobrogea's legislation with that in Romania proper. The law granted citizenship to Dobrogea's former Ottoman inhabitants, and to post-1878 rural colonists in Dobrogea. Nevertheless, in a dissimilationist spirit, the law still excluded from political rights foreign immigrants residing in urban areas, including numerous Jewish, Armenian and Greek merchants who settled in Dobrogea after 1878.

Women and Citizenship in Romania, 1866–1918

Last, but not least, the 1866 Romanian Constitution and the 1864 Romanian Civil Code were based on an underlying gender inequality, denying women political participation and depriving married women of nationality, property and legal capacity. As such, the new bourgeois-democratic political order was essentially dominated by males, who secluded women to the “private sphere” and monopolised forms of representation and allocation of resources in the public sphere. Until World War I, debates on “the woman question” continued uninterrupted in parliament and media, occasioned by discussions over electoral rights, property or professional laws. These debates were framed by three main ways of conceiving gender roles in society: 1) a liberal view, supported by few politicians, which insisted on the essential sameness of women and men as rational human beings and argued for equal civic and political rights for women; 2) a traditionalist-conservative view – supported, among others, by the Orthodox Church – which valued the differences between men and women as complementary parts of the social body and advocated the total seclusion of women to the private sphere;³³ and 3) the dominant gender ideology of the new bourgeois-democratic political order. Citizenship legislation set the dividing line between a universal and rational public sphere, which was monopolised by men, and a particular and intimate private sphere, where bourgeois notions of domesticity and intimacy conferred an important role to women as mothers, wives and housekeepers. The symbolic inclusion of Romanian women into the national body was not based on their nationality, but on women's role in the reproduction of the na-

³³ See “Educațiunea sexului feminin”. In *Biserica*, September 1862, 164–165, apud Paraschiva Căncea: *Mișcarea pentru emanciparea femeii în România, 1848–1948*. București, 1976, 21.

tion and in educating the future generation. The emancipation of women was therefore: 1) conceived in a gradual manner, in order to minimise its impact on the established political order; 2) confined solely to limited domains of participation in the public sphere – such as elementary or vocational education – which would strengthen the bourgeois family and reinforce women’s specific social roles; and finally 3) accepted only for special categories of women, such as widows or unmarried women, whose emancipation would not disrupt the unity of the bourgeois family.

In summary, the 1866 Constitution of Romania implemented “from above” a passive, formal and hierarchical definition of citizenship, which excluded from participation in the public sphere numerous ethnic and socio-political categories. As such, Romanian citizenship legislation also served as an effective instrument of social closure. Membership in the political community was reserved for ethnic Romanians who had exclusive access to land tenure, bureaucratic positions and political participation. At the same time, the absence of a *jus soli* component in ascribing citizenship degraded a substantial part of the resident population to the legally inferior status of Romanian subjects, which encompassed their obligation for taxation and military service, but denied their exercise of political rights and of certain economic activities. Furthermore, the highly bureaucratised procedure of naturalisation reserved to the bureaucracy full control over access to citizenship, a situation that favoured abuses and corruption.

In spite of these multiple barriers to citizenship, the 1866 Constitution nevertheless encompassed a promise of the gradual emancipation of non-citizens, in the spirit of bourgeois-democratic ideology. Accordingly, in the period 1866–1918, the legally subordinated groups conducted an intense campaign for their civic and political emancipation. Their simultaneous campaign for enlarged political participation did not result, however, in collaboration. Jewish associations, Dobrogean regionalists and feminist societies employed divergent and even contradictory emancipation strategies, which further diminished their impact on the existing political order. Furthermore, the political system established by the constitution proved, by and large, unresponsive to a gradual enlargement of the public sphere: claims of political participation were perceived by Romanian political elites as a generalised attack by “minorities” on the reigning bourgeois-nationalist ideology. The emancipation of non-citizen subjects in Romania thus occurred only under the im-

part of major geo-political events – such as the Great War – and not through the development of a pluralist political discourse.

II. CITIZENSHIP IN INTER-WAR ROMANIA: BETWEEN NATIONALIST CONSENSUS AND IDEOLOGICAL COMPETITION

The socio-political upheaval of World War One brought significant changes to the Romanian citizenship doctrine. First and foremost, the events of the war generated an unprecedented liberalisation of access to Romanian state citizenship. Following the defection of the Russian Army on the eastern front, in May 1918 Romania was compelled to sign a separate peace treaty with the Central Powers. In its articles 27 and 28, the treaty provided for the naturalisation of Romanian Jews who either fought in the Romanian army, or were descended from parents settled in the country, and had never been subjects to a foreign power. These stipulations were soon consecrated by “The Law for the Naturalisation of Foreigners Born in the County”, adopted by the Romanian Parliament on 25 August 1918. The law functioned only for several weeks and had no practical consequences. On 10 November 1918, Romania rejoined the *Entente*, declared war on Germany, and abolished all laws adopted by the former “collaborationist” parliament. The emancipation of Romanian Jews remained, however, an urgent diplomatic problem. Determined to provide a domestic legislative solution to Jewish emancipation prior to the Paris Peace Conference, the Romanian Prime Minister, Ion Brătianu, issued, on 28 December 1918 and in May 1919, two successive decrees that granted accession to instant naturalisation to those Jews descendant from Romanian subjects. Although steps in the right direction, Brătianu’s decrees were, however, “too little and too late”. The Paris Peace Conference took the final political decision on Jewish emancipation in Romania. As part of the new international political order, the Peace Conference designed an international regime for protecting ethnic minorities in east-central Europe. As a result, the Minority Convention – which was incorporated in the treaty between Romania and Austria concluded by the Supreme Council of the Great Powers on 10 September 1919 at Saint Germain – took the last steps toward the civic and political emancipation of Jews in Romania. The Convention also granted international protection to ethnic minorities in Greater Romania. The specific conditions and procedure under which

these ethnic groups were granted citizenship were nevertheless established by Romanian domestic regulation, namely “The Law on Acquiring and Losing Romanian Citizenship” of 23 February 1924. By and large, the 1924 law preserved the underlying features of Romanian citizenship doctrine by stipulating three main ways of acquiring state citizenship: (1) by descent, according to the principle of *jus sanguinis*; (2) by marrying a Romanian man; and (3) by naturalisation. In addition, article 56 of the law granted Romanian citizenship to: (1) all inhabitants of the historical provinces of Bukovina, Transylvania, Banat, Crişana, Maramureş and Bessarabia who were either born there from parents that had their domicile in one of these provinces, or had settled their administrative domicile in those provinces by 1 December 1918, respectively by 9 April 1918 in Bessarabia; (2) all inhabitants of southern Dobrogea who were granted citizenship under laws of 1914 and 1921; (3) all inhabitants of the Old Kingdom that were granted citizenship under article 133 of the 1923 Constitution; and (4) to Romanians from neighbouring countries who decided to renounce their foreign citizenship and opt for the Romanian one. Compared with previous citizenship regulations, this law introduced several liberal innovations in naturalisation policy. First, decisions on naturalisation were to be taken by the Romanian government, as the executive power, and not as previously by the Romanian parliament, as the legislative power. More significantly, together with ethnic Romanians from neighbouring countries, the law also exempted from the mandatory naturalisation stage of 10 years foreigners born and raised in Romanian territory, provided that they specifically requested naturalisation upon reaching maturity (21 years old).

The liberalisation of access to state-citizenship was accompanied by a major socio-political reorganisation of the country. Comprehensive reforms such as universal male suffrage (1918), massive land redistribution (1921) and a new liberal constitution (1923) remodelled Romania into a modern parliamentary democracy. A single but notable restriction still applied to the principle of universal suffrage in inter-war Greater Romania – gender. In spite of the intense campaign for women’s emancipation conducted during the First World War, the 1923 Constitution accepted women’s enfranchisement only in principle: article 6 stipulated that “Special laws, voted with a majority of two-thirds, will determine the conditions under which women can exercise

political rights.”³⁴ However, in the future period, the parliament failed to pass any law on women’s political emancipation. Consequently, between 1918 and 1929–1932, Romanian women were still subject to civil inequality, and were denied political rights in local administration and national elections. The civic and partial political emancipation of women in Romania occurred only later, as part of the general process of legislative homogenisation in inter-war Greater Romania: in 1929, women were granted the right to vote in local elections, while in 1932, a new Romanian Civil Code finally granted women full civic rights.

The dispositions of the 1923 Constitution and of the 1924 Law thus completed the long process of emancipation of non-citizens in Romania and transformed the citizenship body into a multi-ethnic and multi-confessional community. In spite of the unprecedented enlargement of the political public sphere, the civil society of the nineteenth century failed, however, to develop into a lasting democracy. Ethno-religious diversity in Greater Romania made imperative the adoption of a new understanding of citizenship as a political contract between state and citizens, regardless of their ethnic origin, an understanding that would be supported by forms of “constitutional patriotism”.³⁵ In fact, the opposite occurred: inter-war political life was dominated by radical definitions of national identity that discriminated between Romanian citizens “by blood” and “by papers”, and attempted to exclude the latter from substantive socio-political rights.

Several reasons may account for this development. First, the historical provinces of Transylvania, Banat, Bessarabia and Bukovina that were incorporated into Greater Romania after 1918 had been shaped by radically different socio-political systems. As a result, Greater Romania was a mosaic of various civil codes, political cultures and levels of economic development. Second, the task of fostering administrative integration, legislative unification and cultural homogenisation in Greater Romania proved particularly difficult. Although ethnically dominated by Romanians, Greater Romania encompassed a relatively high ratio of ethnic minorities: 28% of the total population, including 8.4% Hungarians, 4.3 % Germans, 5 % Jews, 3.3 % Russians,

34 See Articol 6, Title II, “Despre Drepturile Românilor” In *Constituțiunea promulgată cu decretul regal No. 1360 din 28 Martie*. 1923, 611.

35 On the concept of “constitutional patriotism” see Jürgen Habermas: “Citizenship and National Identity. Some reflections on the Future of Europe”. *Praxis International*, 1992, No. 1., 1–19.

3.3% Ruthenians, 1.5% Bulgarians, 1% Turks and Tartars, etc.³⁶ Many ethnic groups, such as Jews, Hungarians and Germans, were perceived as “high-status minorities”, advantaged by the former imperial order, as dominating urban residence, liberal professions and state bureaucracy. Romanian political elites regarded the high proportion of national minorities and their dominance of urban social-economic life as major stumbling blocks in their effort of national consolidation.³⁷ As a result, social discrepancies between ethnic minorities and the Romanian majority brought the “nationalising nationalism” of the latter to the forefront of the political arena.³⁸ For this combination of reasons, debates over citizenship remained at the top of the political agenda in inter-war Romania. Nevertheless, compared with the previous period, the nature and function of these debates changes significantly. In the pre-war period, debates over citizenship focused on the exclusion of ethno-religious minorities from state citizenship. After the war, the generalised access of ethnic minorities to Romanian citizenship generated a symbolic differentiation between formal state citizenship and membership in the Romanian national ethnic community. Right-wing political organisations blamed international organisation for the “forceful” and “premature” emancipation of non-citizens in Romania, accused them for the slow pace of nationalising the state promoted by traditional Romanian political elites, and agitated for the implementation of a policy of *numerus clausus* in education, economy, and politics.

In the first post-war decade, right-wing political activists proved unable to dismantle the political order established by the 1923 Constitution and agitated therefore primarily on the cultural field. Rightist ideologues took an active part in debates concerning Romanian national identity (*specificul național*) and the path of development, by trying to develop a symbolic-ideological control over the nation, aimed at symbolically excluding the “foreigners”. The most representative phenomenon in this respect was the birth of *Orthodoxism*, a school of ideas centred on the magazine *Gândirea* (*Thought*). Orthodoxism re-evaluated the relationship between religion and nationality in Romanian national ideology in the form of religious nationalism, defined

36 Joseph S. Roucek: *Contemporary Roumania and its Problems*. New York, 1971, 187.

37 See Irina Livezeanu: *Cultural Politics in Greater Romania. Regionalism, Nation Building, Ethnic Struggle, 1918–1930*. Ithaca, 1995.

38 Rogers W. Brubaker: *Nationalism Reframed. Nationhood and the National Question in the New Europe*. Cambridge, 1996.

the Orthodox church as the national spiritual leader, the main repository of Romanian traditional values, and thus transformed Orthodoxy into an *ism*, an ideology. In this way there appeared one of the most authoritative constructs of integral nationalism developed in inter-war Romania: “We are Orthodox because we are Romanians, and we are Romanians because we are Orthodox.”³⁹ Ionescu’s formula united in a very penetrating synthesis two of the most fundamental elements of Romanian national ideology: the theme of the Romanian peasant as repository and promoter of ethnic purity and traditional national values, and the theme of Orthodox religion as a fundamental, characteristic element of Romanian spirituality. Furthermore, Ionescu’s definition of Romanian identity operated, on a line inaugurated by a radical romantic tradition, a syncretism between religion and nationality, which, given the multi-confessional reality of Romanian society, excluded a significant part of Romanians from the national community.

Later, the progressive crisis of the political system established by the Constitution, coupled with the social effects of the 1929–33 economic crisis and with the establishment of fascist regimes in Italy and Germany, favoured the political rise of right-wing political parties in Romania. Under the impact of integral nationalism, the Romanian citizenship doctrine suffered significant changes on the eve and during the Second World War. Thus, in 1938 the right-wing government led by Octavian Goga – which emerged from the 1937 political crisis generated by the undecided results of the last free elections in inter-war Romania – initiated the revision of Romanian citizenship for Jews. According to a decree adopted on 21 January 1938, Jewish inhabitants had to prove with legal documents, within an interval of 50 days, that they had acquired Romanian citizenship in full accordance with the stipulations of the 1924 Citizenship Law. The decree did not abolish the emancipatory stipulations of the 1919 Minority Convention, but was aimed primarily against the numerous Jews who immigrated into Romania after 1918, mostly from the Ukrainian lands. According to official estimates, as a result of the 1938 decree, 225,222 persons, or 36.30% of Romania’s Jewish population lost their Romanian citizenship and became stateless persons (*Heimatlos*).⁴⁰ Although the Goga government fell after only forty days of existence, the anti-Jewish policy that it inaugurated continued during the royal

39 Nae Ionescu: *Roza Viiturilor*. București, 1937, 201.

40 See *Evreii din România între anii 1940–1944*, Vol. I, *Legislația antievreiască*. București, 1993; and Radu Ioanid: *Evreii sub regimul Antonescu*. București, 1997.

dictatorship of King Carol II (1938–40). On 8 August 1940, Decrees No. 2560 and 2651 annulled the post-World War One emancipation of Jews in Romania and reactivated the anti-Semitic regulations from the late nineteenth century. The decrees had a double discriminating nature. First, they stripped the entire Jewish population of substantive political and civic rights, such as the right to settle in the countryside and buy rural properties, access to state positions, as well as the right to marry Christians. Second, the decrees differentiated among several legal categories of Jews. Their stipulations favoured those Jews who were emancipated by the Romanian Parliament – either individually or collectively for fighting in the Romanian army – but discriminated against Jews who achieved emancipation under the stipulation of the 1919 Minority Convention.

The establishment of the National-Legionary state (September 1940–January 1941) and the subsequent military dictatorship of Ion Antonescu (1941–44) aggravated anti-Semitic legislation and raised it to the level of a systematic state policy. Especially in the period 1940–42, the new regime implemented a set of fully-fledged anti-Jewish laws, ministerial decisions, ordinances and circulars meant to exclude Jews from the social and economic life of the country. Thus, anti-Semitic decrees dispossessed Jews of rural properties (Decrees of 5 October 1940 and 5 December 1940) and urban properties (Decree of 28 March 1941), excluded them from military service, subjected them to mandatory forced labour (5 December 1940), denied them access to education (14 October 1940) and restructured their religious and community organisation (9 September 1940 and, respectively, 30 October 1941). In addition, following Romania's military participation in the anti-Soviet war in the summer of 1941, a special regime of occupation was established in the liberated territories of Bessarabia and Bukovina, and in the occupied territories under Romanian jurisdiction on the eastern front. Romanian troops organised mass repression of Jews, their concentration in ghettos and their mass deportation in Transnistria. After 1942, however, a major turn occurred in the anti-Jewish policy of the Romanian state: in spite of a previous declaration of intention and of several preparatory secret orders, the regime fell short of adhering to the German "final solution" regarding the Jewish question and even allowed repatriation on Romanian territory of certain categories of deported Jews. Overall, the anti-Semitic policy of the Romanian military regime thus exhibited an underlying paradox: on the eastern front the Romanian war administration conducted anti-Semitic atroci-

ties. On the territory of Romania, however, a population of circa 300,000 Romanian Jews survived the Second World War.⁴¹ Many students of anti-Semitism in Romania noted this paradox. This feature made William O. Oldson, for example, to define anti-Semitism in Romania as a “providential anti-Semitism,” a “tertium quid” or a particular “mixture of ethnic bravado and defensiveness.”

III. NATIONAL COMMUNISM AND ROMANIAN CITIZENSHIP DOCTRINE

The Romanian communist regime applied significant changes to the citizenship doctrine. In order to gain political legitimacy and stability, the regime combined three main forms of societal control: remunerative, coercive and symbolic-ideological.⁴² Based on a specific combination among these forms of control, one can distinguish three main stages in the development of the communist regime in Romania: 1946–58, 1958–80 and the 1980’s. In all of these periods, citizenship legislation served as an effective “ruling class strategy” of political domination and was therefore subject to many revisions, in 1948, 1952, 1953, 1954, 1956, 1965 and 1971.⁴³

In the first phase of the communist regime, that of the “primitive accumulation of legitimacy” (1946–58), citizenship legislation had an underlying repressive function.⁴⁴ The communist regime’s main political support came from the Red Army, and it engaged in a process of “breakthrough”, meant to subvert the legacy of “bourgeois nationalism” and to disrupt alternative centres of power in society.⁴⁵ In this context, citizenship legislation contained a strong ideological component. The 1948 Constitution proclaimed Romania a popular democracy and assigned to the working class a leading political role. In addition, the Constitution granted the state the right of expropriation of private property and emphasised citizens’ duties of allegiance to the new re-

41 William O. Oldson: *A Providential Anti-Semitism. Nationalism and Polity in Nineteenth-Century Romania*. Philadelphia, 1991, 9.

42 For the most authoritative conceptualisation of these forms of control under the communist regime in Romania, see Verdery, Katherine: *National Ideology under Socialism. Identity and Cultural Politics in Ceausescu’s Romania*. Stanford, 1991.

43 For citizenship as a “ruling class strategy”, see Michael Mann: “Ruling Class Strategies and Citizenship”. *Sociology*, 1988, No. 2., 339–354.

44 See Michael Shafir: *Romania. Politics, Economy and Society*. Boulder, 1985.

45 On the concept of “breakthrough” see Kenneth Jowitt: *Revolutionary breakthroughs and national development: the case of Romania, 1944–1965*. Berkeley, 1971, 7.

gime and defence of socialist property. Most importantly, the regime engaged in a brutal war against internal “class enemies”: article 18 of the Constitution denied “undignified persons” – arbitrarily declared as such by juridical bodies of the new political regime – significant civic and political rights. The underlying ideological dimension of the new citizenship legislation also reshaped the traditional relationship between Romanian national community and the *diaspora*: although under the 1948 Constitution repatriation of ethnic Romanians was still possible, in practice this was granted only selectively and was based on political criteria. In addition, Decree No. 563 of 5 November 1956 stripped numerous politically undesirable persons of Romanian state citizenship.

A major innovation of the citizenship legislation in this period was granting full citizenship rights for women. The 1948 Constitution of Romania, in its articles 16, 17 and 18, granted women political rights, equal access to state functions and equal salary with men. In addition, article 21 stipulated specifically that “the woman had equal rights with the man in all the economic, social, cultural domains of state activity, as well as in the private domain. At equal work the woman is entitled to equal payment.” Gender equality was later extended to other spheres of social life as well. Decree 130 of 2 April 1949 provided for official investigations over the paternity of illegitimate children, while Decree No. 33 of 24 January 1952 accepted the transmission of Romanian citizenship on maternal line. Initially, this transmission of nationality was not automatic: according to the 1952 decree, in the case where a Romanian woman married a foreigner, the citizenship of her child was to be chosen by parental accord, between the nationality of either the mother or the father. On 22 September 1960, however, the Romanian State Council ratified the *Convention on the Status of Married Women*, adopted by the General Assembly of the United Nations in 1957. As a result, article 24 of *Law No. 24 on Romanian Citizenship* of December 1971 stipulated that descendants of a Romanian woman were automatically ascribed Romanian citizenship, regardless of the father’s citizenship. The granting of full civic, political and citizenship rights for women thus completed a long and arduous process of emancipation, which started in 1866. Under the communist regime, most of the newly achieved rights were, however, quite formal: women in Romania were emancipated precisely at a time when political rights became meaningless, while citizenship obligations increased substantially.

After 1958, in the second phase of the development of the communist regime in Romania, the diplomatic divergence from Moscow and the move of political leaders in Bucharest towards increasing political independence generated significant changes in the official socialist ideology. The communist regime renounced its previous external sources of legitimisation and attempted to gain broader domestic support: political prisoners were released from prison and the official state propaganda changed its focus from “inside” to “outside” enemies. Furthermore, in order to strengthen its symbolic-ideological control in society, the communist regime underwent a nationalist turn. Especially after 1965, the official propaganda of the regime recuperated and aggravated several themes of the Romanian national ideology, such as the continuity of the Romanian people in the same territory, the predestined, “manifest destiny” of the Romanian nation, the emphasis on the autochthonous Dacian roots and traditional ethno-centrist myths.⁴⁶ The result was a specific syncretism between nationalism and a decayed Marxism, under the form of national-communism. According to Nicolae Ceaușescu, the nation, rather than the proletariat, became the ideological basis of the communist regime. Citizenship legislation reflected this incorporation of traditional elements of Romanian national ideology into the official state ideology: the 1971 *Law on Romanian Citizenship* valued the principle of *jus sanguinis* as the very foundation of a homogeneous national community, and attached to it even stronger nationalist significance. Article 5 of the Law read that “As an expression of the relationship between parents and children, of the uninterrupted continuity on the fatherland of previous generations that fought for social and national freedom, children born from Romanian parents on the territory of the Socialist Republic of Romania are Romanian citizens.”⁴⁷

The political liberalisation of the communist regime was, however, very limited, and citizenship legislation preserved its important function of repression and control. The regime implemented strict observation of the population, rigorously controlled internal migration – such as settlement in big cities – and drastically restricted the right of Romanian citizens to travel abroad. In addition, the regime observed strict control of foreigners in Romania terri-

46 See Vladimir Tismăneanu and Dan Pavel: “Romania’s Mystical Revolutionaries: The Generation of *Angst* and Adventure Revised”. *East European Politics and Society*, 1994, No. 3., 404.

47 Article 5, The Law on Citizenship no. 24 in *Buletinul Oficial al Republicii Socialiste România*, Partea I, No. 157, 17 December 1971.

tory: according to decrees from 1969, and 1982, foreigners had to register with the authorities, had to obtain a special permission to settle in certain areas, and every contact they had with Romanian citizens had to be reported.⁴⁸ Last but not least, access to Romanian state citizenship was severely controlled: according to the 1971 Citizenship Law, the president of the republic alone, as representative of the executive power, could grant or withdraw Romanian citizenship.

Finally, in the third phase of the communist regime in Romania, in the 1980s, the generalised economic and socio-political crisis of the regime generated an acute crisis in inter-ethnic relations. Nicolae Ceauşescu tried to overcome the acute lack of legitimisation and popular support for his rule by increasing repressive measures, a situation that transformed Romania into a veritable *Polizeistaat*; and by an exacerbation of national-communist propaganda. Consequently, the traditional ethnic understanding of the nation merged with authoritarian socialism and resulted into a monolithic nationalism. The main characteristics of the official propaganda in this period were xenophobia, autarchy, isolationism, anti-intellectualism and protochronism.⁴⁹ The main target of communist propaganda became an alleged “Hungarian danger” to the integrity of Romania. In addition, the turn of the political regime in Romania towards extreme nationalism coincided with a gradual process of transforming the minority concern into a fundamental principle of Hungarian diplomacy: from János Kádár’s theory of “minorities as bridges” between countries, Hungarian diplomacy moved to the “double-bound responsibility” thesis, launched by Mátyás Szűrös, the leading figure of Hungarian diplomacy in the late 1980s. Ultimately, these developments generated an acute ideological and diplomatic conflict between Romania and Hungary over the status of the Hungarian minority in Romania, which reached its peak in late 1980s.

The main Romanian-Hungarian ideological controversy has concerned contrasting and ultimately overlapping definitions of the nation. The Romanian part has employed a *statist* definition of the nation, as a territorial political

⁴⁸ *Buletinul Oficial al Republicii Socialiste România*, Partea I, No. 146, December 17, 1969.

⁴⁹ See Tismăneanu and Pavel: “Romania’s Mystical Revolutionaries.” Protochronism was an intellectual trend that tried to prove that numerous major achievements of the European culture were in fact invented by Romanians. For the most comprehensive analysis, see Katherine Verdery: *National ideology under socialism: identity and cultural politics in Ceausescu’s Romania*. Berkeley: University of California Press, 1991, 167–214.

unit. Since ethnic consciousness is defined as a cultural phenomenon, Hungarians from Transylvania are seen as an “ethnic minority”, which shares only a common culture with Hungarians in Hungary. On the other side, the Hungarian part has employed an *ethnacist* definition of the nation, as a large, politicised ethnic group, defined by common culture and alleged descent.⁵⁰ From this different perspective, national consciousness is seen as a political phenomenon, expressed primarily by an identification with a common government. Consequently, Hungarians in Transylvania are defined by the Hungarians in Transylvania as a “national” minority.

These contrasting definitions of the nation had important political consequences. The Hungarian government decided to monitor the treatment of the Hungarian minority in neighbouring states. In 1985, Szűrös argued that “the Hungarians living outside our borders, but mainly within the Carpathian Basin, constitute a part of the Hungarian nation. They have every right to expect Hungary to feel responsibility for their fate and to speak up for them when they are objects of discrimination.”⁵¹ In contrast, the Romanian side deeply contested this principle, considering it a self-appointed right. The Romanian communist leader Nicolae Ceaușescu did not recognise minorities as belonging to other nations. He argued that, because a nation is created by centuries of “living together”, the Hungarians and other ethnic groups are part of the Romanian nation.⁵² The controversy reached a new stage in 1990, when the obligation of the Hungarian state to protect the interests of ethnic Hungarians abroad was embodied in article six of the Hungarian Constitution. Furthermore, Hungarian diplomacy tried to legitimate juridically the international relevance of this principle, by emphasising the importance of national minorities’ ties with the “mother nation” and claiming that the nationality question was not exclusively an internal affair, since it encompassed human rights and international aspects, as well. This position led to a further escalation of Romanian-Hungarian diplomatic polemics. In 1991, the new Hungarian Prime Minister, József Antal, declared that he considers himself, “in spirit”, the Prime Minister of 15 million Hungarians – including, hence, ethnic Hungarians in neighbouring countries. In reaction, Adrian Năstase, the Romanian Foreign Minister, was quick in pointing out

⁵⁰ For a theoretical perspective of these citizenship models, see Anthony Smith: *Theories of Nationalism*. London, 1971, 176.

⁵¹ *Radio Free Europe Background Report*, Romanian SR/3, 22 April 1985, 3.

⁵² *Radio Free Europe Background Report*, Romanian SR/3, 22 April 1987, 12.

that, as a political leader, József Antal received a mandate only from Hungarian citizens. As for the Romanian citizens of Hungarian ethnic origin, they elected their own political leaders who represent them in the Romanian Parliament.

The controversy acquired new domestic and diplomatic significance with the creation, in December 1989, of the Democratic Alliance of Hungarians in Romania, as the main political representative of the interests of the ethnic Hungarian population. On the one hand, DAHR has considered the Hungarian national minority in Romania as an integral part of the Hungarian nation, and defines itself as a “co-nation,” or a “state-building nation”. On the other hand, at the international level, DAHR has demanded to be considered as the official representative of the Hungarian community in Romania, and to be part of every bilateral negotiation between Romania and Hungary over the status of the Hungarian minority. This request has been considered legitimate by the Hungarian part. In order to provide an institutionalised framework for permanent political consultation with representatives of the Hungarian national minorities in neighbouring countries, the Hungarian Parliament set up a special commission for consultations entitled *The Office for Hungarian Minorities Abroad*. In addition, the Hungarian government advocated the right of the DAHR to be consulted during the negotiation process between Romania and Hungary toward the completion of a bilateral friendship treaty (1994–96): “The Hungarian government cannot formally represent the citizens of other countries who belong to a Hungarian national minority, but it considers it an essential requirement that the representatives of the minorities concerned should be able to present their views during the process [of Romanian-Hungarian negotiations] and on the agreements reached.”⁵³ The Romanian side rejected this claim, arguing that the DAHR is a political party, while the issues between Hungary and Romania should be solved between the two governments: “The bilateral treaty is a treaty between Romania and Hungary, and it deals with the relationship between the two countries. The persons belonging to the Hungarian minority are citizens of Romania and their relation with the Romanian state is solved in the same way as the relation of all the other citizens with the Romanian state. The rights of the Hungarian minority in Romania are not guaranteed by the

⁵³ *Concluding Document of the Inaugural Conference for a Pact on Stability in Europe*, Interpretative Statement, point 1.5.

Romanian-Hungarian Treaty, but by the Constitution of Romania, the laws of the country and the international agreements signed by Romania.”⁵⁴

IV. DEFINING THE BOUNDARIES OF THE NATION: CONTROVERSIES OVER DUAL CITIZENSHIP IN POST-1989 ROMANIA

After 1989, the democratisation of the political system had a powerful impact on the Romanian citizenship doctrine, contributing to the redefinition of the criteria of membership in the Romanian national community. At the same time, the interaction between the citizenship policies of Romania, Hungary and Moldova generated numerous diplomatic tensions over issues of dual citizenship.

Traditionally, Romanian citizenship doctrine considered simultaneous legal membership in two national communities as a juridical “anomaly” and it therefore forbade dual citizenship. This feature of Romanian citizenship legislation was preserved during the communist period. In order to eliminate cases of dual citizenship generated by border changes after World War II and to solve the resulting juridical controversies, Romania signed several international conventions on dual citizenship with Hungary (1949), the USSR (1957) and Bulgaria (1959). In contrast, the *Law on Romanian Citizenship* of March 1991 introduced a major innovation in the citizenship doctrine: the law allowed Romanian citizens to hold dual citizenship. Article 4 of the law stipulated that Romanian citizenship can be acquired in the following ways: a) birth from a Romanian parent; b) adoption by Romanian citizen; c) repatriation; and d) naturalisation. In regard to repatriation, articles 8 and 37 stipulated that “persons who lost Romanian citizenship”, as well as their descendants, can reacquire Romanian citizenship by request “*even if they have another citizenship and they do not settle their domicile in Romania.*”⁵⁵ The law thus stipulated the right of former Romanian citizens to repatriation. The law went, however, far beyond this original purpose, since it allowed former Romanian citizens to also retain their current citizenship, and their domicile abroad.

According to the authors of the 1991 law, the motivation behind these liberal stipulations was democratic, since they allowed former Romanian citi-

54 Traian Chebeleu, the Spokesman of the Romanian President, In *Evenimentul Zilei*, 27 May 1997.

55 My emphasis.

zens to reacquire, upon request, their lost rights.⁵⁶ The law was animated, nevertheless, by an underlying nationalist motivation, as well, being aimed specifically at enabling the inhabitants of Bukovina and Bessarabia to retrieve their Romanian citizenship. These former provinces of Greater Romania were lost to the Soviet Union in 1940. In 1991, upon the dismemberment of the USSR, Romania was the first country to recognise the state independence of the Republic of Moldova, but it also inaugurated a policy of special partnership and gradual integration between the two countries. In this context, a potential if undeclared aim of the 1991 Citizenship Law was that dual citizenship would succeed in unifying ethnic Romanians into a single political community, across dividing state frontiers, and as such would constitute a step towards a possible future reunification of Romania and Moldova.

These stipulations on dual citizenship of the 1991 law had, however, unpredictable domestic and international consequences. First, the adoption of the law was followed by massive requests for Romanian citizenship. According to Romanian statistics, after 1991, from the Republic of Moldova alone, the Romanian government granted citizenship to 250–300,000 persons belonging to various ethnic groups in the province.⁵⁷ This massive influx of new citizens raised the question of their socio-political and electoral impact in Romania.⁵⁸ Second, and most important, dual citizenship undermined, rather than strengthened, the cause of “union” between Romania and Moldova. In fact, dual citizenship offered the Moldovan intelligentsia an “exit option” in the case of economic crisis. Instead of activating as agents of “Romanianess” in the republic, pro-unionist Moldovan intellectuals preferred generally to emigrate to Romania. Third, since the internal legislation of the Republic of Moldova has expressly forbidden Moldovan citizens to hold dual citizenship, the Romanian 1991 law generated diplomatic tensions between the two countries. Moldovan ruling politicians feared that for Romania dual citizenship was a strategy meant to increase its control over Moldova. Consequently, they accused Romania of deliberately undermining Moldova’s state sovereignty and stability. The tensions over dual citizenship thus reinforced disagreements over how connected the two states should be.

56 See statement of M. Ionescu-Quintus, *Evenimentul Zilei*, 24 February 2000.

57 This estimate was made by the former Moldovan Prime Minister, Mircea Druc, *Evenimentul Zilei*, 20 May 2000.

58 See article “Unde se duce votul basarabenilor”. *Evenimentul Zilei*, 28 May 2000.

Finally, and most important, the stipulation about dual citizenship in the 1991 law also had an impact on the status of the Hungarian minority in Transylvania. The discussions over mandatory visas between Romania and Hungary generated by Hungary's better prospects of joining the European Union stirred the vigorous reaction of the Hungarian community in Romania, which requested concrete guarantees that its relations with the 'mother country' would not be rigorously severed. In this context, on 26 August 1997, Ádám Katona, the president of the "The Hungarian Initiative from Transylvania", asked the DAHR leadership to introduce among its objectives the granting of Hungarian citizenship to Romanian citizens of Hungarian ethnic origin, as a way of guaranteeing their free movement.⁵⁹ Hungarian diplomacy reacted very cautiously to this proposal. Both Ferenc Szócs, the ambassador of Hungary in Romania and the Hungarian Foreign Minister, Kovács László, acknowledged the overwhelming juridical and socio-political complications of the issue, and denied that the Hungarian government was preparing a bill on granting dual citizenship to ethnic Hungarians in Romania. More significantly, the president of DAHR, Béla Marko, specifically refused to officially endorse the proposal. This was a clear indication that the proposal over granting dual citizenship to Romania's ethnic Hungarians was directly linked to the political competition between opposing factions within the DAHR, being launched by the radical political wing of the DAHR – led by its Honorary president, László Tőkés – and utilised as an effective way of pressuring the leadership of DAHR.

With the change of government in May 1998, however, there were many indications that the new Hungarian government led by Viktor Orbán might reconsider the issue of granting Hungarian citizenship to ethnic Hungarians in Romania. During his first official visit to Romania in July 1998, Prime Minister Orbán indicated that Hungarian diplomacy was seeking alternative solutions to granting Hungarian citizenship to Romania's ethnic Hungarians. However, Orbán did not openly reject the possibility of dual citizenship, but promised unequivocally that "if asked [by the DAHR], Hungary will grant dual citizenship."⁶⁰ This statement triggered a prompt reaction from the Romanian authorities. A leading counsellor of Romania's President portrayed granting dual citizenship to Romania's ethnic Hungarians as a "desperate solution", which would "create two categories of citizens in a single coun-

⁵⁹ *Evenimentul Zilei*, 27 August 1997.

⁶⁰ *Ibid*, 21 July 1998.

try” and would consequently “deteriorate the relationship between minority and majority in Romania.”⁶¹ Opposition parties in Romania were also prompt in rejecting the solution of dual citizenship for ethnic Hungarians in Romania. The former ruling Party of Social Democracy in Romania (PSDR) considered the proposal as meant to “subvert the authority of the Romanian state towards its citizens and to compromise the concept of nation-state” and warned that Romanian citizens who “yearn for another citizenship will lose their Romanian one”. Moreover, the PSDR rejected any alternative, compromise solution meant to guarantee the free movement of ethnic Hungarians in Romania, cautioning that the very idea of Hungary’s special visa treatment toward Romanian Hungarians would provoke “grave national tensions”. The demand for dual citizenship thus stirred passionate reactions from Romanian and Hungarian politicians, generating a new diplomatic controversy and threatening to endanger the recently and arduously achieved reconciliation between the two countries. Furthermore, the arguments employed by the two parties greatly exceeded the limits of a simple juridical controversy. Instead, the deep nationalist overtones of the polemics demonstrated that the debate over granting dual citizenship to the Hungarian minority in Romania is linked with a historical Romanian-Hungarian ideological controversy over contrasting and overlapping definitions of the nation. Last but not least, the debates over dual citizenship have also highlighted an underlying inconsistency of the Romanian policy makers, who rejected dual citizenship for ethnic Hungarians, but promoted it in the case of Moldovan citizens. Using Rogers Brubaker’s triple concepts of “the nationalising state,” “the national minority” and “the external national homeland”, this contradiction can be explained by the fact that Romania acted simultaneously in a double role: as a “nationalising state” in regard to the Hungarian minority in Transylvania and as an “external homeland” in relation to ethnic Romanians in Moldova and Bukovina.⁶²

61 Ibid, 27 July.

62 See Cf. Brubaker, Rogers: *Nationalism Reframed. Nationhood and the National Question in the New Europe*. Cambridge, 1996.

V. CONCLUSIONS: ROMANIAN CITIZENSHIP DOCTRINE AND THE THIRD 'TIME ZONE' OF EUROPE

Arguing for the necessity of a "high culture" as a precondition for nation building, Ernst Gellner identified four main distinct time zones in the making of citizenship and nation states in Europe. The first one, composed of regions along the Atlantic Sea coast in the early modern process of national building, was based mainly on "forgetting" rather than on reawakening ethnic identities. The second time zone, corresponding with the territories of the former Holy Roman Empire, was characterised by the existence of viable high cultures, a feature that favoured the political unification of Germany and Italy at the end of the nineteenth century. In contrast, in the third time zone of east-central Europe, both political units and dominant high cultures were missing; instead, "a patchwork of folk cultures and cultural diversities separating social strata" and "adjoining territories" transformed the inter-war national building process into a more "arduous" and "brutal" process. Finally, the fourth time zone of Europe was contained within the imperial borderlands of the lasting Tsarist/Soviet Empire, which considerably delayed the nation-building process of many peoples.⁶³

Although criticised for its oversimplification and its tendency to essentialise the difference in the historical development of eastern and western Europe, Gellner's framework has the merit of introducing a cultural element – "high culture" – in the study of patterns of national development. Building on the distinction between *Bürgerschaft* or substantial citizenship – in the "Marshallian" sense of social citizenship – and *Staatsangehörigkeit*, or formal citizenship, Gellner's typology also highlights the different timing and the specificity of citizenship in east-central Europe, as compared to western Europe.⁶⁴ If in the west substantial citizenship was used as a form of social integration, in contrast, in east-central Europe, it was rather the formal citizenship that prevailed.

The evolution of citizenship in Romania has exhibited a close similarity with patterns of national developments in the third "time zone of citizenship," that of east-central Europe. First, Romanian national ideology pro-

63 Ernst Gellner: *The Condition of Liberty: Civil Society and its Rivals*. New York, 1994, 115–117.

64 See T. H. Marshall: *Citizenship and Social Class*. Cambridge, 1950.

moted a “thick” and “primordial” definition of citizenship,⁶⁵ since (1) it attached to citizenship status substantive rights and duties; and (2) defined membership in the national “imagined community” on the basis of the myth of common origin and historical destiny. Second, the concept of citizenship in Romania evolved as a “competition” between two contrasting understandings of citizenship: a liberal one, which was “state-centred, secular and assimilationist” and an opposing Romanticist one which was “Volk-centred, and dissimilationist”, a distinction that is usually presented as a French/German contrasting understanding of citizenship.⁶⁶ However, as the present article has attempted to point out, citizenship legislation in Romania was not shaped exclusively by these ideological commitments, but exhibited specific characteristics, modelled by Romania’s geo-political position, state policies and interests, as well as features of socio-political development.

65 On the distinction between “thick” versus “thin” and “primordial” versus “learned” definitions of citizenship, see Tilly: “Citizenship, Identity and Social History”. In Tilly (ed.): *Citizenship, Identity and Social History*.

66 See Brubaker: “Immigration, Citizenship, and the Nation State in France and Germany. A Comparative Historical Analysis”. *International Sociology*, 1990, No. 4., 379–407; and Brubaker: *Citizenship and Nationhood*; for a similar conceptualisation of a ‘German versus French’ dichotomy of political ideologies, see also Liah Greenfeld: *Nationalism: Five Roads to Modernity*. Cambridge, 1977, 278, 358.