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# Regionalization in the Interwar Political Discourse in Romania<sup>1</sup>

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## INTRODUCTION

The paper aims to outline the vision of the administrative-territorial organization, as emanating from the Constitutions of 1923 and 1938 and from the main legislation, and, most importantly, to provide a doctrinal and ideological context. The interwar period was characterized by trends towards administrative unification, manifested both at the level of the political parties and among the intellectual elite, taking one of the two forms – either centralization, the governing strings being in the hands of the party in power, either an administrative regionalism based on decentralization and local autonomy<sup>2</sup>.

Thus, the main question of the research refers to the weight of doctrinal, intellectual, cultural and territorial affiliations of the elites in the development models of administrative-territorial organization proposed. We start from the premise that, despite the unanimously acknowledged objective of strengthening the statehood, the persisting different realities in the provinces of Greater Romania that had previously belonged to politico-cultural spaces gave rise to the axis of center-periphery cleavages which were reflected in public and political debates of the time on ordering state. The reality was that the historical provinces now incorporated in the newly formed Greater Romania Kingdom had inherited different types of administrative frameworks, shaped by the dominant powers: French in the Old Kingdom, Hungarian in Transylvania, Austrian in Bukovina and Tsarist in Bessarabia. As I.C. Brătianu noted, “Their maintenance, however, allowed for the preservation of a regionalism, foreign to

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<sup>1</sup> A draft of this article was delivered at the Conference “*Cercetare de excelență – cunoaștere științifică – progres social*”, Octobre 30-31, 2014, Romanian Academy, as part of the READ – program: this work was supported by the project “Excellence Academic Routes in Doctoral and Postdoctoral Research – READ” co-funded from the European Social Fund through the Development of Human Resources Operational Programme 2007-2013, contract no. POSDRU/159/1.5/S/137926.

<sup>2</sup> Dănuț Radu Săgeată, *Modele de regionare politico-administrativă*, Top Form, București, 2004, p. 59.

the soul of the Romanians from the unified provinces, and facilitated to adverse elements the satisfaction of their needs, against the interests of our people”<sup>3</sup>.

The assumption is that the administrative-territorial organization became a subject political, rather than one strictly technical, being subordinated to the interests of politicization of public administration at all levels of the two dominant political force (the National Liberal Party and the National Peasant Party).

This paper provides a comparative analysis of the provisions of the 1923 and 1938 Constitutions and the subsequent organic laws relevant to the research topic, while aiming to reveal and illustrate the main divergent currents of opinion – *centralization* and *regionalization*. In this regard, a number of documents (speeches, opinions, lectures, articles, pamphlets, policy documents) are analyzed, which marked the public debate in the interwar period. A critical approach to these visions and research on the legislative framework in place at the time gives us the opportunity to reveal, on the one hand, the main advantages and disadvantages of the two trends, and on the other hand, the context of their manifestation and, not least, the political decision *per se* of choosing a model over another.

## UNCONDITIONAL UNION VS. REGIONALISM

At the level of all historical provinces recently incorporated into the Romanian Kingdom, we can identify two affiliations: those in favor of regional autonomy and those in favor of complete administrative and legal uniformity. However, it must be noted – and the elites at the time were also aware of this – that the pre-war realities and aspirations were totally different than those emerged after the Union. These stances heated up vivid debates among elites and were brought to the attention of the public opinion through the journals at the time.

Transylvania and Bukovina had long been in the forefront of the political struggle for self-determination and for the Romanian elites residing there achieving national unification was the ideal of many generations. For instance:

“Before the war, the whole of Transylvania was the National Party, because for Transylvania there was only one possible policy that of national preservation, and this could only be given through everyone’s rally under a banner. Liberalism, democracy, conservatory touch etc., are principles that you can apply on construction politics, not in defensive politics. After the Union, we came on the open field of the large battle that all of us Romanians give for the country’s consolidation”<sup>4</sup>.

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<sup>3</sup> I. Constantin Brătianu, *Activitatea corpurilor legiuitoare și a guvernului de la ianuarie 1922 până la 27 martie 1926*, Cartea Românească, București, 1926, p. 23.

<sup>4</sup> Sextil Pușcariu, “Regionalism Constructiv”, *Societatea de mâine*, no. 6, Feb. 8, 1925, pp. 83-86/p. 83.

Likewise, regarding Bukovina, Sextil Pușcariu recalls the moment when he received the mandate from Iancu Flondor to submit to the King the petition for annexation, with instructions to preserve an autonomous status for Bukovina, but soon after adhered to the idea of a complete and unconditional union. His initial enthusiasm was however shaken when he noticed that the government officials of the Kingdom were already focusing on whom to designate as prefects in the new provinces: in most cases people perceived as outsiders by the population of Transylvania or Bukovina. To him, it was already clear that the “unconditional unification” would soon be followed by “regionalism”<sup>5</sup>.

The struggles in achieving this unity and harmonization of the different traditions led to reciprocal accusations from all sides. For instance, while commenting on the accusations brought to the National Party of Transylvania, Emil Fagure notes:

“Therefore, when in the such Latin politics sparked around the electoral and administrative regime in Transylvania, the words ‘separatism’ and ‘anti-dinasticism’ were thrown, the Committee of the National Party should have read *recte*: regionalism, provincialism, or decentralism and anger against the king”<sup>6</sup>.

Similarly, Bessarabian autonomists advocated their position by claiming that the same people the Romanians now accused of “separatism” and “Russophilism”, were accused under the Russian regime of “Romanianphilism”. In fact, a sense of regional belonging had evolved within the Tsarist rule, given the fact that Moldavia benefited from a certain degree of self-governance (including in administration, justice and education), a series of exemptions (e.g. military service). Under these circumstances, many of the Moldavian elites, such as Pantelimon Erhan – who had served in leading government positions both under the Tsarist and Romanian regimes – could not conceive that Romanians from the Kingdom would mingle in the internal affairs of Bessarabia, that Bessarabians alone can manage:

“Romania, coming into Bessarabia, suddenly wanted to destroy all this administrative and judicial apparatus that for a century had developed through the efforts of the Russians but also of the Moldavians. [...] And not to forget that the century long Russian dominion has created a Bessarabian regionalism, just like it created an Ukrainian, Lithuanian, Polish etc. one. [...] This regional solidarity has not been destroyed with all the annexation to Romania. [...] And our desire is legitimate: our people understand better our needs, and our desire is also justified: the Romanians that came until now, even those who have invested a lot of goodwill and longing to do us good, have caused us only nuisance, for they don’t know us and have in their best intentions bad and inappropriate gestures to our soul. [...] Bessarabia must be led by

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<sup>5</sup> *Ibidem*.

<sup>6</sup> *Adevărul*, no. 11044, Apr. 4, 1920, p. 1.

Bessarabians! This is the slogan of the Bessarabians and not just of those that call themselves autonomists, but also of those that seem to play by the center's directives"<sup>7</sup>.

So, as Pușcariu<sup>8</sup> notes, regionalism emerged on the one hand, due to the inability of the Transylvanians to adapt to the new circumstances and, on the other hand, due to "their natural reaction against those who impeded them from validating themselves at home. Yet, always due to the lack of reciprocal knowledge among the brothers having long lived under varying circumstances". Therefore, as many contemporary authors appealed for, such small setbacks or misapprehensions in the course of national unification were not to be regarded as insurmountable, but rather as expressions of the nationalist passions of a political and cultural elite that had long fought the struggle for assertion of their identity.

As a consequence, as early as 1920, it became clear that the balance leaned towards administrative unification and decentralization: Sergie Niță, Minister of Bessarabia, was quoted saying that the Government hoped to achieve the largest decentralization in the administration of the counties and towns, the latter being granted most of the rights. Pieces of Bessarabian, Transylvanian and Bukovinan legislation were to be considered in this process<sup>9</sup>. The process of administrative unification and reform was however gradual. By abolishing the General Directorates from these provinces, which had in their turn become embedded with regionalist ambitions, paved the way to the *centralization* of the state authority. This centralization of authority was accompanied however by transferring many of the attributions of the Ministry of Internal Affairs to the prefectures and municipalities<sup>10</sup>.

As Julian Peter notes, "for many publicists, administrative reform is enacted through the extension of administrative decentralization, which many wrongfully identify as autonomy. For others, reform is summarized in one word: regionalism"<sup>11</sup>. Therefore, he draws a conceptual distinction between the *originary autonomy* and the *derived autonomy*. The former refers to the local liberties historically gained by concentrations of people (e.g. boroughs), as the result of a long struggle, which in time became customary law and only more recently were harmonized by law with the national interests. The latter derives from the progress of democratic ideals, liberalism, but also from the increased complexity of social and economic life, technical and scientific achievements etc., thus being linked to the modern idea of State.

<sup>7</sup> *Adevărul*, no. 11289, Jan. 21, 1921, p. 2.

<sup>8</sup> Sextil Pușcariu, "Regionalism...cit."

<sup>9</sup> *Adevărul*, no. 11238, Nov. 18, 1920, p. 4.

<sup>10</sup> I. Constantin Brătianu, *Activitatea corpurilor legiuitoare...cit.*

<sup>11</sup> Julian M. Peter, "Reforma administrativă", *Revista Fundațiilor Regale*, anul II, no. 5, 1935, pp. 368-391/p. 368.

As the author claims:

“Authentic democracy, based on the thorough equality of the citizens, on the sacred and inalienable individual rights, requires all factions of the nation to be subject to the same regime. [...] Each political territorial unit is organized according a uniform and obligatory model imposed by organic laws. The powers of the local authorities derive from the will of central legislative power. Genuine democracy is rationalist, and therefore tends towards uniformity, towards precise and well-defined architectonic forms, towards universality”<sup>12</sup>.

Peter (1935) thus emphasizes the fact that *decentralization*, in its juridical meaning, is devoid of any political aspect, being understood as a means of administration, fully compatible with the notion of a unitary state. In this sense, he argues that decentralization does not presume fighting against center or even mistrusting it, but rather provides for a division of the attributions between the central power and the local authorities, as established by the central legislative power, in the name of the nation. The degree of decentralization is given by the degree of freedom that is granted to the sub-national administrative units. So, “decentralization bursts from an act of national will, while the autonomy from a local demands movement”<sup>13</sup>. The key features of decentralization are local elections, meaning the participation of the local population to the management of local affairs, and free deliberation on issues declared by the legislator as being of local or regional interest.

Peter<sup>14</sup> (1935) also highlights the notion of *deconcentration*, defined as a set of administrative measures by which the central government organizes the exercise of its competencies, primarily by means of “delegation of powers”. This can occur in three ways: (i) the State creates at the periphery institutions and personnel for its services; (ii) the State delegates certain powers to the personnel and the organs of the autonomous or decentralized public administration; (iii) a mixed system, by which the State establishes some own territorial administrative structures, while delegating other powers to the local administrations.

The latter was the case of Romania. Decentralized administration was active at county and communal level, through the deliberative bodies (councils), whereas deconcentration occurred at county level (through its own organs, the *prefect* and the *county state services*), at the level of the “plase” (through the “*primpretor*”) and at communal level (through the *notary*, as organ of the central government, and the *mayor*, as organ of the local administration).

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<sup>12</sup> *Ibidem*, p. 377.

<sup>13</sup> *Ibidem*, p. 379.

<sup>14</sup> *Ibidem*.

## LEGISLATIVE DEVELOPMENTS

### *The Constitution of 1923*

As already mentioned, following the Great Union of December 1, 1918, Romania was faced with the simultaneous existence of four different administrative regimes in the Old Kingdom, Transylvania, Bessarabia and Bukovina. The Old Kingdom was based on the system introduced by the legislative efforts in 1864 and 1866; Transylvania was endowed with a system based on the principle of decentralization; Bukovina featured an archaic-type organization, with a multitude of nationalities; Bessarabia was characterized by the existence of a system dominated by the Tsarist spirit, with local autonomy only in appearance, the citizen being compelled to accept without contesting an absolutist regime<sup>15</sup>. The coexistence of these four regimes having their own characteristics, embedded in one form of statehood in the course of institutional framing, led to the emergence of a wide array of imbalances regarding these provinces' demographics, territory, layout, residence etc.<sup>16</sup>, precipitating a heated debate among elites concerning the drafting of a coherent territorial and administrative organization.

A first milestone in the consolidation process was the adoption of the Constitution of 1923. At the end of 1918, in the context of a series of internal and external challenges, the Liberal National Party was considered by the King as the suitable to address these challenges and was thus called to govern. Among the measures adopted by it in the immediate aftermath, we can name the Decrees from December 1918 aimed at achieving the unitary national state<sup>17</sup>.

The following years witnessed numerous political tensions and governmental instability. Although a review of the Constitution was called for, in compliance with "the duty to take measures for the legislative and administrative unification throughout the Romanian state", the moment for adopting a new Constitution was delayed. Only when the Liberals regained power (1922) was a state of political stability established, allowing the Liberals to bring on the public and political the necessity of adopting a new Constitution.

In this deliberative context, we can also include the view expressed by Constantin Stere, that this legislative act should be enforced at the level of the unified provinces only by "their expressly and freely stated will"<sup>18</sup>. Hence, it is

<sup>15</sup> Aurelian Stroe, *Constituția din 1923 în dezbaterile contemporanilor*, Humanitas, București, 1990, p. 408.

<sup>16</sup> Dănuț Radu Săgeată, *Modele de regionare...cit.*, p. 57.

<sup>17</sup> Eufrosina Popescu, *Din istoria politică a României. Constituția din 1923*, Editura Politică, București, 1983, p. 63

<sup>18</sup> Constantin Stere, *Anteproiect la Constituție întocmit de secția de studii a Partidului Țărănesc*, Tipografia Viața Românească, București, 1922, pp. 14-16.

underlined the need to convene the Constituent National Assembly in order to draft the new Constitution, thus recognizing the mission of the National Liberal Party to emanate the Constitution. Acknowledging the need to replace the 1866 Constitution, a number of preliminary constitutional drafts were put forward by different political forces: the National Liberal Party, the Peasant Party and the Romanian Communist Party, as well as by members of the Academia, such as Professor Boilă or Professor Berariu.

In March 1923, the debate on the articles of the draft Constitution took place, which concerned a total of 138 articles. The article of particular interest to our research theme (regionalization) is regarding the territory of Romania, which stipulated that “the Kingdom of Romania, within the current borders, is a *unitary and indivisible state*”<sup>19</sup>.

Unlike the 1866 Constitution, where under this article it was only mentioned the indivisibility of the state, in this new context the term *unitary* arises, whose role was to reinforce the state’s unity at the expense of federalism or regionalism processes<sup>20</sup>. Due to the insistence from Nicolae Iorga and Simion Mândrescu to add in the above said formulation also the *national* character of the state, following a vote, the adopted wording of this first article of the Constitution proclaimed that the “Kingdom of Romania is a national, unitary and indivisible state”. Also under Title I, on the Romanian territory, under Article 4 it is stated that “the territory of Romania, from an administrative point of view, is divided in counties, and the counties in communes. Their number, scope and territorial subdivisions will be established according to the layout provided for in the laws of administrative organization”<sup>21</sup>.

At the time, seizing the momentum of drafting a Constitution that would respond to the new economic, social, administrative, etc. situation, the Romanian Social Institute has also organized a series of debates regarding the provisions of the new constitutional act. Anibal Teodorescu (1922) – university professor — opened this debate on April 30, 1922 by highlighting the reasons which lead to the need for new regulations in the field of administrative-territorial organization, in the context of the coexistence of different models defined in accordance with the policies of the governments from Budapest, Vienna and Petersburg. Thus, after admitting the need for such reform, Anibal Teodorescu mentioned two important aspects to be taken into account before formulating the new organization forms in the legislative text: firstly, the new organization should not be achieved by expanding administrative model of the Old Romanian Kingdom on the new Romanian provinces, not being a model free of imperfections and, secondly, the new model should not be taken over

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<sup>19</sup> Eufrosina Popescu, *Din istoria politică a României...*cit., p. 183.

<sup>20</sup> Alexandru, Lascarov-Moldoveanu, Sergiu Ionescu, *Constituțiunea României din 1923 adnotată cu dezbateri parlamentare și jurisprudențe*, Tipografia Curierul Judiciar, București, 1923, p. 7.

<sup>21</sup> Aurelian Stroe, *Constituția din 1923...*cit., p. 611.



from the administrative-territorial organization of a foreign country and transposed to the national context. In this sense, the design of a new organizational model must take into account, on the one hand, the specific provisions of the Administrative Law and, on the other hand, the national traditions and specificity.

The two main reforms listed are the *depoliticization of the administration*, which would determine some degree of stability in the exercise of the function of a public servant and *decentralization*. Regarding the communes and municipalities, Teodorescu advocates the application of the principle of autonomy, as derived from decentralization. He further suggests finding the optimal scaling of the administrative divisions (e.g. introducing districts for communes with more than 50,000 inhabitants) and reconsidering the relationship between the local level and the central government (e.g. providing municipalities with a high concentration of population the same power as the counties). As far as counties are concerned, their size and attributions should match their scope, i.e. on the one hand, being large enough to generate the revenues necessary to fulfill their mission of coordinating the administration of the communes and, on the other hand, having distinctive competencies compared to the center (which also implies the limitation of the prefect's role).

Another factor considered by Anibal Teodorescu is introducing a new administrative level between the state and the county, the *region*, which, through deconcentration, would ease the administrative burden on the central government and would render the activity at county level more efficient, given that counties would be subordinated to the region. The justification for the introduction of the regions is that there are public needs that are shared by a population of a given state, which are superior to those of the counties but inferior to those of the nation. Most of these derive from the particularities of terrain, specificities of the predominant economic activity.

George Grigorovici – former Senator, who delivered a speech at the Romanian Social Institute on January 19, 1922 – also supported the cause of decentralization, but advocated a

“[...] federal form, which is the most democratic that can be envisaged, because the federative form is the foundation of the strongest states from the combative point of view in war, as military, and from a national, cultural point of view and even as a unitary national state”<sup>22</sup>.

Thus, he sees the organization of Greater Romania as consisting

“of a Constitution and a Federal Parliament with special attributions regarding the control over autonomous institutions, the army, finance, railways and other issues [...], because only by conferring to the various provinces complete freedom to develop

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<sup>22</sup> *Ibidem*, p. 117.

according to their traditions and real means, the whole could progress, by progress of the parts”<sup>23</sup>.

Also in the sphere of public debates at the time in what concerns the administrative organization of the state, we can ascribe the draft prepared in 1919 by Costache Negruzzi. He argued for the establishment of a system based on the principle of administrative decentralization, which would divide the territory into three provinces that have legal personality, with capitals in Bucharest, Iași and Cluj<sup>24</sup>. In this system proposed by Negruzzi, services and central authorities are decentralized at the level of the provincial capitals, taking the form of *general directorates* subordinated to different areas that were not deconcentrated, but decentralized, enjoying autonomy; the only bodies supposed to remain centralized at the level of Bucharest, are Ministries of Foreign Affairs, War and Navy. At the level of each Province, a Council would be assembled for a period of one month each year. The Council could vote on the dismissal of its leadership. Although the project put forward by Negruzzi supports the implementation of a high degree of autonomy, his approach does not go beyond administrative decentralization, since the Council, unlike the central bodies, cannot make laws.

It can be concluded, after analyzing these views on the administrative-territorial reorganization following the Great Union, that the trend is towards deregulation, devolution and even federalization, while respecting (and preserving) the different characteristics of the adjoined provinces.

In this context, the 1923 Constitution emerges, considered to be the act of unification because it had “the role of a political and legal instrument, of a integrator binder [...] of the economic, territorial, political and spiritual binding and welding of Greater Romania”<sup>25</sup>. The constitutional provisions on administrative-territorial organization will be regulated in 1925 through the Law of 14 June.

### *Law of Administrative Unification of June 14, 1925*

In order to draft this unifying Administrative Law, a commission was instituted (Commission for the Study of a New Assignment of the Counties), consisting of 7 members with different professional backgrounds. The main findings revealed the persisting demographic, territorial and infrastructural

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<sup>23</sup> *Ibidem*, p. 121.

<sup>24</sup> Bogdan Dumitru, “Federalism and Regionalism in Romanian Political Thinking in the Interwar Period”, *Studia Europeae*, no. 1, 2012, pp. 15-37.

<sup>25</sup> Angela Banciu, *Rolul Constituției din 1923 în consolidarea unității naționale*, Editura Științifică și Enciclopedică, București, 1988, p. 211.

disparities, their recommendation being the establishment of sufficiently large counties (300,000-400,000 inhabitants). Thus, in a first phase, the Commission proposed the abolition (by merger) of 28 counties, and then, in a second proposal, reducing the number of dismantled counties by half. Both proposals were rejected, and finally only 6 counties were abolished by merger (Bukovina) and one split (Caraş-Severin), resulting in a structure with a total of 71 counties<sup>26</sup>.

The county was endowed with legal personality, being the basic unit of the administrative-territorial organization, hierarchically placed immediately below the state level, so that the county councils were directly subordinated to the central authorities. However, due to the fact that counties were demographically, economically and territorially different, an underlying administrative framework was created, in the form of *ministerial directorates* and *provinces* (“ținuturi”) that would allow the counties’ association with the purpose of undertaking joint projects at macro-regional level<sup>27</sup>.

According to I.C. Brătianu<sup>28</sup> (1926), the administrative reform took into account the most democratic principles: (i) the liberty to develop the local life, (ii) a dutiful, healthy decentralization that would not enfeeble the unity of the State, (iii) public participation in the administrative affairs of a large spectrum of local society, (iv) thorough citizen control on law enforcement, (v) introduction of longer terms in office for communal and county councils, (vi) independence of the communal and county councils from any political influence and (vii) ensuring financial resources in the benefit of local authorities.

We can therefore conclude that the organizational model resulting from this Law is a strong centralist one, lacking any practical application of decentralization, even though in the explanatory memorandum and in the Article 108, Chapter V of the 1923 Constitution (which basically precedes this Law) this principle is stated.

### *Law on the Organization of Local Government from August 3, 1929*

Maniu government’s stated aim was to improve local public administration by enhancing the application of the decentralization principle. This trend towards regionalization appeared in Romania due to domestic pressures (i.e. the difficulties arising from the enforcement of the 1925 Law, the

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<sup>26</sup> Dănuț Radu Săgeată, *Modele de regionare...*cit., p. 60.

<sup>27</sup> *Ibidem*, p. 63.

<sup>28</sup> I. Constantin Brătianu, *Activitatea corpurilor legiuitoare...*cit.

interest in the functioning of decentralization/local autonomy, the specificity of the administration in each province), as well as external influences, namely the status that the regional system witnesses in Western public discourse, as articulated by Ratzel, Bryce, Vidal de la Blanche etc.<sup>29</sup>.

In this context, in 1929 the Law for the Organization of Local Administration was drafted, which introduced the above mentioned structures: the ministerial directorates. It must be noted that the final choice of the term “ministerial directorates” was chosen against “region” following a compromise, due to the Liberals’ objection that the latter term could have been associated with regionalization, which they perceived a menace to the unitary state. There were 7 such ministerial directorates, named after their capital cities, and partially overlapped with the historical provinces. They were designed in compliance with the ethnic criteria and by respecting the existing traditional contacts within the urban system<sup>30</sup>.

In the document entitled “Manifesto of the government towards the country. Program for the moral and economic recovery of the country”, dating from 1928, Maniu claimed that “through the administrative reform, local autonomy and decentralization through councils elected by universal suffrage will be achieved and the political interference of the central power in local government will be excluded”<sup>31</sup>, thus creating the prerequisites for efficient use of institutional resources, elimination of corruption and accountability of the public servants. In counterpart to the local autonomy conferred, a mechanism of *administrative tutelage* was introduced.

The existence of ministerial directorates abruptly ended when the National Liberal Party came to power, just two years after their implementation, because they regarded these ministerial directorates as dangerous to achieving national unity.

Thus, after 1931, once the ministerial directorates were abolished and until 1936, a total of 11 laws amending the Law in 1929 were issued, culminating in the new Law on the Administrative Organization of 27<sup>th</sup> March 1936. It provided, in accordance with Article 4 of the Constitution of 1923, for the territorial organization into *counties* and *communes*, as well as the so-called “*plase*”. There are a set of provisions that bring back a centralized character to administrative model, devoid of the local autonomy and decentralization previously implemented by the Law from 1929, such as the ability, in certain circumstances, appointing the mayor by the prefect or the Interior Minister.

In the case of Romania, Julian Peter points out a paradox in what concerns the adoption of the Law on the Organization of Local Government from 1929: it was embedded with an “ultra-democratic ideology”, based on

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<sup>29</sup> Paul Negulescu, Romul Boilă, George Alexianu, *Codul administrativ adnotat*, Tipo Moldova, Iași, 2013, p. 245.

<sup>30</sup> Dănuț Radu Săgeată, *Modele de regionare...cit.*, p. 63.

<sup>31</sup> Gheorghe Sbârnă, *Partidele politice din România. 1918-1940. Programe și orientări doctrinare*, Sylvi, București, 2001, p. 161.

which the principle of decentralization was applied to the extent that it provided a genuine *derivate autonomy*: a legal juridical institution emanating from the center, characterized by a territorial and services-based decentralization. In practice, however, when confronted with the influence of the executive power, this derivate autonomy was diminished to the extent of an ordinary decentralization.

Another particularity is the existence of two public servants – the prefect and the notary –, who are representatives of central power (and thus hierarchically subordinated to it), but also have significant attributions in the decentralized administration. Both of them represent the liaison between the local deliberative bodies and the central government<sup>32</sup>.

### *The Constitution of February 24, 1938*

Similar to the structure of the 1923 Constitution, the first article on the territory of Romania provided that the state is a national, unitary and indivisible one, thus being dismissed from the start the theme of federalism, which “would hinder the consolidated and fully accomplished union of the provinces, so long living under various dominions”<sup>33</sup>. Unlike the previous Constitution, the 1938 Constitution does not expressly specify the territorial division in counties and communes, being “intended to give to the ordinary legislator the right to arrange the Country’s administration also in other shape”<sup>34</sup>.

According to the advocates of this approach, the principles that should structure the new administrative organization of the state are: the primacy of jurisdiction, the abolition of artificial administrative-territorial units, order in administration and authority, organization and systematization of administrative work, division of the State territory in the provinces and communes<sup>35</sup>.

### *The Administrative Law of August 14, 1938*

The Administrative Law of 14 August 1938 came as a result of the repeal of the 1923 Constitution and the adoption of Carol’s Constitution of 24 February 1938. This new Law provides that “the local administration is exercised by the following territorial constituencies: *comuna* (commune), *plasa* (municipality), *județul* (county) and *ținutul* (land)”.

<sup>32</sup> Julian M. Peter, “Reforma...cit.”, pp. 384-385.

<sup>33</sup> Andrei Rădulescu, *Cinci conferințe ținute la radio*, 2<sup>nd</sup> Edition, Tipografia “Cuvântul Românesc”, București, 1939, pp. 10-11.

<sup>34</sup> *Ibidem*, p. 11.

<sup>35</sup> Julian M. Peter, “Principiile noiei legi administrative”, in *Enciclopedia României*, vol I, Imprimeria Națională, București, 1938, p. 311.

So the novelty is the macro-territorial structure called *ținutul* (the Land), constituted by adjoining several counties, the Law finally introducing 10 such Lands. In the context of the creation of these new structures, the counties, which until 1938 had legal personality, became simple “control and devolution constituencies of the general administration”<sup>36</sup>, being deprived of legal personality, which is in turn conferred to the Lands. The counties regained their legal personality only two years after, by the adoption of Law no. 577 of September 20, 1940.

What characterized the Lands and what actually distinguished them from the ministerial directorates is that the former were based on the principle of centralization and diminishing of local autonomy, being ruled by a royal resident appointed by King Carol II<sup>37</sup>. In reality, the purpose of these Lands was to provide a better organization of local communities, as a result of the devolution of the central system through the transfer of powers to the regional governor.

It must also be noted that this structure, the land, was not consistent with the historical layouts (e.g. historical provinces), because their goal was to be

“well-defined geographic and economic entities, bringing together the fraternal inhabitants of the new Romania, according to their real needs, according to their natural geographical layout, according to the commonality of economic life, according to the resources they have”<sup>38</sup>.

Yet, by analyzing the layout, some cases clearly show an arbitrary demarcation of these Lands.

The most relevant debates at the time concerning the meaning of the administrative system reform are those organized by Armand Călinescu. He claims that this change was facilitated by the establishment of the new political regime, emanating from the Constitution of February 27, 1938. Furthermore, he argues that the administrative reform would not have been possible if the introduction of a new political regime were not accompanied by the restoration of peace and internal stability. In portraying the harsh reality that triggered such action, Armand Călinescu points out that:

“All the elements of anarchy were unleashed, the idea of authority was weakened; order was deteriorated, but order was afterwards restored, the state authority regained its prestige”<sup>39</sup>.

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<sup>36</sup> Mihai T. Oroveanu, *Organizarea administrativă și sistematizarea teritoriului în R.S. România*, Editura Științifică și Enciclopedică, București, 1986, p. 171.

<sup>37</sup> Raularian Rusu, *Organizarea spațiului geografic în Banat*, Mirton, Timișoara, 2007, p. 231.

<sup>38</sup> Armand Călinescu, “Spiritul noului regim administrativ”, in *Enciclopedia României*, II, Imprimeria Națională, București, 1938, p. 4.

<sup>39</sup> *Idem*, *Noul regim*, Imprimeria Centrală, București, 1939, p. 57.

In the same context, we have the speech within the parliamentary debates in the Senate, delivered by Victor Iamandi, which stated *inter alia* that

“at the Ministry of Interior, in addition to defending public order and restoring it, an administrative reform was also made, which decentralized services and enabled it to function according to local interests, ensuring at the same time a fruitful and fair management and enabling a serious development of our local life as it has always been desired, but has never been achieved until today”<sup>40</sup>.

## CONCLUSIONS

After examining these key moments in the reform of the administrative structure throughout the interwar period, it can be seen that there are two major trends associated to the forces that succeeded in governance: on the one hand, a centralist model promoted by the Liberal Party and, on the other hand, a regionalist model by the introduction of macro-regions benefiting from local autonomy, as promoted by the Peasants Party. Paradoxically, both orientations rally to objective of political and national consensus, namely strengthening the statehood.

What is common to both models, i.e. centralism and regionalism, is that the projected territorial units were strictly different aggregations of the old counties. The fear not to affect the territorial integrity and national unity of the new state has allowed only for a moderate application of the principles of decentralization and devolution, to the newly proposed intermediate levels and in a lesser extent to local authorities being conferred only a series of administrative attributions, but not at all legislative competences. Thus, a state of subordination of the periphery from the center was maintained, the dominant political force preserving its influence and control throughout the hierarchy (e.g. the mechanism of administrative tutelage introduced by the Peasant Party as a counterweight to local autonomy).

We can conclude that the trends in favor of regionalization were amplified in Romania as a result of internal factors (political instability, difficulties occurred in law enforcement since 1925, peculiarities of administrative and cultural needs of each province, etc.), but also of intellectual Western influences.

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<sup>40</sup> Victor Iamandi, “Desbaterile parlamentare. Senatul, Ședința din 28 iunie 1939”, *Monitorul Oficial*, no. 9, Part III, 1939, p. 13.