

# **STUDIA**

**UNIVERSITATIS PETRU MAIOR**

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No. 1, Nicolae Iorga str.  
540088, Tîrgu Mureş, România  
Tel./Fax. 0040-265-211838  
e-mail: [studia.historia@umfst.ro](mailto:studia.historia@umfst.ro)



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**STUDIA UNIVERSITATIS PETRU MAIOR  
SERIES HISTORIA**

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# MAKING ACQUAINTANCE WITH ROMANIA: A MEMOIR, 1952-1962

Keith Hitchins\*

## **Abstract**

*The article recalls the context in which the author became acquainted with the Romanian history in a time when the scholarly study of this subject in the United States was still at its beginnings. Although, it seems rather like a memorialistic approach, the article offers a pertinent view on the Academic challenges of an American historian in a communist state. The study is about history and historians, about political realities and culture, about elites and prejudices and the relations between Romania and the United States of America.*

**Keywords:** *American History; Memories; Cultural Experiences; Romania; History; Elite*

I was introduced to the serious study of Romanian history, literature, and culture at the beginning of my academic career by dedicated scholars who shared with me their knowledge and enthusiasm for the subject. It was a time when the scholarly study of Romania in the United States was still at its beginnings. There were relatively few graduate students in Romanian history and language in the 1950s, but the situation was steadily changing, as may be seen in the growing number of participants in the Romanian-American cultural exchange program in the 1960s and later decades. I had the good fortune to study with Professor Robert Lee Wolff of Harvard University, Professor Jean Boutière of the Institut d'Études Roumaines at the Sorbonne, Dr. Emil Turdeanu, Lecturer at the same institution, and Acad. Prof. Andrei Oțetea of Institutul de Istorie al Academiei Române in Bucharest. Many other scholars also contributed to my intellectual development in the years covered by this memoir and during numerous regular stays in Romania afterwards.

My earliest acquaintance with Romanian history came as a graduate student at Harvard University in 1952-56, where I took courses with Professor Wolff, who was a specialist in Byzantine history but also covered Southeastern Europe and Russia in his wide-ranging research and writing. One of the courses he gave which made a lasting impression on me was "Russia and the West," an investigation of how scholars and travelers from Western Europe viewed Russia and how Russians viewed them between the 15<sup>th</sup> and 20<sup>th</sup> century. It taught me to appreciate the perceived differences

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\* Honorary Member of Romanian Academy

between East and West resulting from distinct courses of cultural and economic development over the long term. But Professor Wolff also encouraged the class to see the similarities between East and West and include both when we undertook to define "Europe." I have been working on a definition ever since and have explained to my own students how Romania and other countries of East-Central Europe clearly belong to this Europe. On Romania, specifically, I took a number of reading and discussion courses on Southeastern Europe with Professor Wolff in which I read the historical literature on Romania available in English, at this time modest in extent, but including fundamental works (for English-speakers) by Robert W. Seton-Watson, *History of the Roumanians* (Cambridge, 1934), T. W. Riker, *The Making of Roumania* (London, 1931), and Henry L. Roberts, *Rumania; Political Problems of an Agrarian State* (New Haven, 1951). I also read numerous works in French. Of great value was Basil Munteanu, *Panorama de la literature roumaine contemporaine* (Paris, 1938), which was not only a sophisticated literary history and criticism for the 19<sup>th</sup> and early 20<sup>th</sup> century, but, more broadly, provided a stimulating introduction to modern Romanian intellectual history. I also sampled parts of Nicolae Iorga's *Histoire des Roumains et de la romanité orientale*, 10 v. in 11 (Bucarest, 1937-45), especially for the modern period. As my interest in Romania grew it became clear that the sooner I acquired a reading knowledge of Romanian the better. Fortunately, the French Department was home to a course in Romanian taught by Professor Louis Solano, a specialist in Old French and Provençal. In the first semester of the 1953-54 academic year the class (we were only two graduate students) covered grammar and elementary readings mainly as offered in *Colloquial Rumanian* (London, 1945) by Grigore Nandriș. During the second semester we read brief excerpts from the variety of texts old, modern, and contemporary Romanian literature contained in *Antologia rumena* (1923) by Carlo Tagliavini.

As my reading ability in Romanian improved I began to go more deeply into certain aspects of Romanian history. I became interested, in particular, in the national movement of the Romanians of Transylvania, the beginnings of which may be dated from the first half of the 18<sup>th</sup> century with the activities of Bishop Ion Inochentie Micu-Klein and the rise of an intellectual elite who concerned themselves with the identity and, hence, with the origins of the Romanians. I was of course drawn to the activities of the Transylvanian School and read as much as I could on Samuil Micu, Gheorghe Șincai, Petru Maior, and Ion Budai-Deleanu and their colleagues. Their writings on the origins and history and language of the Romanians and especially their theories about the Roman origins of the Romanians and the Latinity of their language and the international debates they stirred were absolutely intriguing. But I could read only about their works because I did not have access to



the works themselves. I brought my studies up to the Revolution of 1848 in Transylvania in order to discover how the theories of the Transylvanian School may have inspired practical efforts at nation formation. I thought it necessary in surveying this long period of a century and a half to study national movements among the other peoples of Transylvania, notably the Hungarians and Saxons. All these studies convinced me about the indispensable role of intellectuals, both clergy and laymen, in the modern history of the Romanians and the peoples of Eastern Europe generally and led me to develop a secondary field on the social and cultural importance of intellectuals. All these readings became the foundation of my doctoral dissertation: "*The Romanian National Movement in Transylvania, 1700-1849.*" To do research on Romania solely on the basis of scholarly books and periodicals available in American libraries proved difficult. At Harvard I had at my disposal the collections of the second largest library in the United States (Widener Library) after the Library of Congress in Washington, D.C. It contained many fundamental works on Romanian history and culture in various languages, including Romanian, and thus provided a good beginning. I was also able to draw on the collections of other American libraries (the Library of Congress and Yale and Columbia University libraries, to name a few) through interlibrary loan, and I spent time at the Public Library in New York City, which had a strong Eastern European collection. But it was obvious that serious gaps existed in my bibliography, especially Romanian periodicals and monographs, not to mention unpublished sources: manuscripts and archive materials.

Most important for my studies of Romania and Eastern Europe was a Fulbright Fellowship for Paris during the 1957-58 academic year. Here I pursued my interests at three institutions. I took courses in modern French history at the Sorbonne as a preparation for a teaching career that I expected would include modern European history. Then, at the École des Langues Orientales Vivantes I studied Hungarian with Professor Aurélien Sauvageot (1897-1988), using his *Esquisse de la langue hongroise* (Paris, 1951), and Modern Greek with Professor André Mirambel (1900-1970), using his *Grammaire du grec moderne* (Paris, 1949), as preparation for further research on the history of Eastern Europe. Most important of all, as it turned out, were the numerous courses I took in Romanian language and literature offered at the Institut d'Études Roumaines at the Sorbonne. At the same time I did research on my dissertation at the Bibliothèque Nationale, especially in the Fond Picot, a large collection of books and periodicals that had been assembled by Émile Picot (1844-1918), who had served as the French vice-consul in Sibiu and Timișoara in the late 1860s and became a well-known linguist in France. The Bibliothèque Nationale's holdings of works on Romanian history supplemented

those that I had used at home. Especially useful was its collection of Romanian periodicals, notably those published by the Romanian Academy and others such as *Transilvania*, the main organ of *Asociația Transilvană pentru Literatura Română și Cultura Poporului Român* in Sibiu, where I found much of value for my study of Romanian intellectuals in Transylvania.

At the Institut d'Études Roumaines I studied Romanian linguistics and literature with Professor Jean Boutière, who was well-known for his pioneering study on Ion Creangă: *La Vie et l'oeuvre de Ion Creangă, 1837-1889* (Paris, 1930). Among the courses I took with him was one on the many varieties of Romanian folk literature, my introduction to the subject. We read "*Gruia în Țarigrad*," which Professor Boutière placed among the *haiduc* tales and analyzed linguistically in great detail. His own recital of the poem enabled the class to savor the rhythms and rhymes of the genre. In similar fashion we read and discussed a number of *descânțe* (magic charms). Professor Boutière also lectured on the history of popular literature, calling our attention especially to the contributions of Vasile Alecsandri, the great collector of folk poetry, and G. Dem. Teodorescu, who in his *Poezii populare române* (București, 1885) was the first to attempt a classification of Romanian folk poetry. He also offered us a detailed discussion of *Miorița* in its numerous variants, showing how Alecsandri's version is full and satisfying because of his arrangement of its verses and his additions to it. Of great interest also was Professor Boutière's course on *Ciocoii vechi și noi* (1863), the novel by Nicolae Filimon. He provided an historical and artistic framework for our appreciation of it as the first Romanian social novel. While emphasizing its importance as a portrayal of the society of the time, he also drew our attention to the novel's aesthetic values and to the problem of language, specifically the juxtaposing of archaisms and neologisms, especially borrowings from French, as Filimon sought to enrich Romanian.

Dr. Emil Turdeanu offered several invaluable courses on Romanian literature on the period between the second half of the 19<sup>th</sup> century and the First World War. I was much taken by his presentation of the poet Alexandru Macedonski. The reading of "*Noaptea de Maiu*" and "*Noaptea de Decembrie*," in particular, was deeply moving and led me to put Macedonski alongside Mihai Eminescu and Lucian Blaga as my favorite Romanian poets. Of great value for a historian was Dr. Turdeanu's course on the development of the Romanian short story, as he placed the genre within a broad cultural and intellectual framework. Outstanding were his analyses of the works of Costache Negruzzi, Ion Creangă, Ion A. Brătescu-Voinești, Duiliu Zamfirescu, Barbu Delavrancea, and Ioan Slavici. His lectures, in Romanian, were stimulating introductions to the art

of the short story and thoughtful incursions into the social history of the time.

I hoped that my stay in Paris would give me the opportunity to arrange a short trip to Romania to see the country I had been studying and perhaps consult with historians and find books and periodicals I needed for my dissertation. My visit to the Romanian consulate in this regard was disappointing. I explained to the consular official my reasons for wishing to go to Romania, and though he listened to what I had to say, he did not provide me with any useful information or an application form for a visa. In a sense, I was not too surprised because I had read about conditions prevailing in Romania in the 1950s and therefore knew that visits by Americans were rare.

I went to Vienna for a short stay in the winter of 1957-58 and did research in the Nationalbibliothek and the Haus-, Hof- und Staatsarchiv. In the library I found interesting books that I had not seen elsewhere, notably, *Az erdélyi román nacionalizmus első százada, 1697-1792* (Budapest, 1946), by Zoltán I. Tóth, the Hungarian historian specializing in the history of the Romanians of Transylvania. His book was invaluable to me because of its detailed accounts of the ideas and works of Romanian intellectuals and its reliance on the rich archive materials in Budapest, which encouraged me to go there on my next trip to Europe. At the Staatsarchiv specialists in my field of study were very helpful. They provided me with index books for materials from the central organs of the imperial administration, which contained much information of use. But as the archivists told me, Budapest was the place to go. The National Archive (Országos Levéltár) held the extensive archives of the Transylvanian government (Gubernium) and the Transylvanian Chancellery (Erdélyi Kancellária), which had been transferred there from Vienna after the First World War.

I took advantage of my stay in Paris to start my own collection of books on Romanian history, literature, and culture. I regularly searched in the numerous second-hand bookstores on the Left Bank and around the Sorbonne and in the book stalls along the Seine River. A few interesting items turned up, for example, Vasile Alecsandri, *Poezii*, 2 volumes. (București, 1955) and Nicolae Iorga, 4 volumes of his *Histoire des Roumains*, mentioned above. But, on the whole, there were very few publications from either the pre-Second World War period or the Communist period. Professor Boutière explained that the war had been devastating for the Paris book market and that it was recovering only slowly. Yet, my searches resulted in the purchase of numerous books on French history and literature, which would prove to be enormously useful for the courses on modern Europe that I would teach at Wake Forest College (later, University) beginning in the fall of 1958.

In the spring of 1958 while in Paris I was hired as Instructor in History at Wake Forest in Winston-Salem, North Carolina, a liberal arts college of some 2500 students affiliated with the Baptist Church. My assignment was to teach courses on the history of modern Europe, mainly from the Enlightenment of the 18<sup>th</sup>-century to the present (at that time, the 1950s). The courses were of two kinds, one for freshmen, that is, students who were at the beginning of their college studies, and the other for juniors and seniors who were majoring in history. I taught four courses for 12 hours a week with about 150 students all together, a standard teaching load for that time. After the first year of teaching I could expect to teach a course in my specialty: Southeastern Europe, 1453 to the present, something I much looked forward to doing. In the meantime, I set about organizing my courses on modern Europe and introduced students, probably for the first time, to the history of Romania. I focused on broad issues of European history and illustrated general trends by using the Romanian experiences as case studies. For example, the process of nation formation was characteristic of the continent as a whole in the 19<sup>th</sup> century, and in general courses on European history Germany and Italy usually received the most attention and then the peoples of the Habsburg Monarchy. My students and I strove to place the Romanians of Transylvania and the Romanian principalities of Wallachia and Moldavia within this general framework. We therefore studied the rise of a new, mainly European-educated intellectual class, the Revolution of 1848 and the provisional government of Wallachia, the reign of Alexandru Ioan Cuza (1859-1866) and his reforms, the reign of Carol I (1866-1914) and the continued growth of modern institutions and the emergence of modern political parties, and relations with Russia and the other great powers. We also examined economic and social change, notably the agrarian question and the rise of the middle class. Then came the First World War and the formation of Greater Romania. We spent much time on the political life of the interwar period, especially the fortunes of democracy and the rise of extremist political movements on the right and left, and then on Romania in the Second World War and during the early period of Communist rule. The readings in English on these themes were rather limited, but students made good use of the works by Seton-Watson, Riker, and Roberts, mentioned above, and numerous articles in scholarly periodicals. In my lectures I provided a general European context, noting of course what was specifically Romanian. We could, for example, have a class discussion on the rise of extreme-right movements in interwar Europe, using the Iron Guard as a Romanian example. But for balance, we also discussed the fortunes of European liberalism and used the evolution of Romanian liberalism to illustrate general trends and show specific national examples. I thought it useful in one of my lectures on historiography in 20<sup>th</sup>-

century Europe to point out how Communist parties in those countries where they came to power, in a sense, reorganized the historical narrative in order to suit their own purposes. For Romania I used the textbook by Mihail Roller and others, *Istoria României* (București, 1947) (later editions were published as *Istoria R. P. R.*).

Wake Forest College offered a stimulating intellectual environment not only for teaching and interacting with students but also for research and writing. The College through its central administration and academic departments encouraged faculty to pursue their scholarly interests and share the results of their research with colleagues. The Humanities Club, which met at least twice a semester, provided a public forum for just this purpose and brought together faculty especially from History, English, Political Science, and Philosophy. One of its meetings was sometimes devoted to Asian Studies, which was an academic field recently introduced at the College and drew colleagues from Winston-Salem State College, a predominantly black institution, and Salem College, a small women's college. Asian Studies colloquia attracted large audiences from the colleges and the general public, as they presented new research on such subjects as Russian-Chinese relations, 1898-1905, relations between India and Africa before 1860, and my own work on the nature of Ottoman suzerainty in Wallachia and Moldavia from the 16<sup>th</sup> to the 19<sup>th</sup> century.

While teaching at Wake Forest in the spring of 1960 the possibility of my going to Romania to do research arose. An official from the educational and cultural section of the State Department in Washington telephoned me to ask if I were interested in studying in Romania during the 1960-61 academic year? I of course replied that I was very much interested in doing so, and the person with whom I was speaking said that a fellowship might be available for this purpose, since Romania and the United States had recently initialed a cultural exchange agreement. He said that he could not provide any details at the moment, but would get back to me. Yet, the end of August came without further word, and I assumed that there would be no fellowship. Since fall classes were to begin at Wake Forest in two weeks, I informed the chairman of the History Department that I would be coming for the fall semester. A week later, just before my departure for Winston-Salem, I received a telephone call from the State Department telling me that a fellowship had been granted and asking if I would be able to accept it. I telephoned the chairman of my department with the news, and even though it was extremely late for him to replace me for the semester, he graciously agreed to do so and encouraged me to make full use of the opportunity. I took an unpaid leave of absence from the College. I also telephoned the Chairman of the Department of Foreign Languages because I had been scheduled to teach an elementary course in the Russian language. I am glad to say that a colleague in the French

Department took my place and could thus introduce Russian to our students. Then I informed the State Department that I was very pleased to accept the fellowship and go to Romania. I found out many years later, after 1989, that the main cause of the delay in initiating the cultural exchange had been the need for a signature on the part of a high party official in Bucharest giving final approval to the agreement. The signature was supplied by Chivu Stoica, who was then a member of the Politburo of the Communist Party and Prime Minister.

I arrived in Bucharest by a Romanian Airlines flight from Vienna in the middle of October 1960 and was met at Băneasa Airport by two representatives from the Ministry of Education. They brought me to the center of the city by way of Bulevardul Kiseleff and Calea Victoriei to the Athénée Palace Hotel, where I was to live during my first year and part of my second year in Bucharest. It became, in a sense, my home away from home. My hosts also provided me with my first month's stipend, 3000 lei, a sum which was specified in the cultural exchange agreement. Romanian graduate students and researchers in the United States received a sum in dollars necessary to meet their needs. The agreement provided that the receiving country would pay for lodging and other local maintenance expenses, while the sending country would pay for international transportation. Needless to say, the Athénée Palace was comfortable and convenient to the University, the Library of the Romanian Academy, and the Institute of History of the Academy. I paid Romanian, not international, rates for my room, which took about half my monthly stipend. Nonetheless, the remaining sum was quite adequate for my needs.

The first several days in Bucharest were devoted to visits to institutions where I would be studying and doing research. The Ministry of Education was most helpful in arranging meetings with prominent scholars. At the Faculty of History of the University of Bucharest Professor Gheorghe Ștefan, the Dean, explained the program of the Faculty and invited me to audit any courses that would be helpful for my work. At the Institute of History of the Romanian Academy I met the Director, Acad. Prof. Andrei Oțetea, who was to be my adviser during my stay. I was very glad because I knew his remarkable books on the Renaissance ( *Renașterea și Reforma* , București, 1941) and on Tudor Vladimirescu (*Tudor Vladimirescuși mișcarea eteristă în Țările Românești, 1821-1822*, (București, 1945). He was always generous with his time and encouraging in my explorations of Romanian history. He asked me about my studies at Harvard and what kind of research and other work I wished to do during my stay in Romania and offered all his support. He gave me a handwritten note to the Director of the Library of the Romanian Academy, which was my next visit. With Professor Oțetea's note and fulfilment of a few necessary formalities I

received a user's card that allowed me to consult the main catalogue, have a place in the researcher's reading room, and receive there the books and periodicals that I requested from the depository. A quick perusal of the catalogue revealed that the Library was the answer to my dreams when I began research on my dissertation at Harvard. All the published materials I could think of were there.

I became a regular visitor to the Library of the Academy from morning when it opened until usually mid-afternoon, when I returned to the hotel to organize my notes and continue reading. The books and other items that I could access for the first time made a long list. My debt to the Library (and to other libraries in Romania, especially the University of Cluj Library) is very great and is evident in the footnotes of my book, *The Rumanian National Movement in Transylvania, 1780-1849* (Cambridge, Mass.: Harvard University Press, 1969), which is based on the dissertation.

My stay in Bucharest was not taken up solely by research and study. I took advantage of the full cultural life the city offered. I went to the theater, where I saw plays by classical Romanian playwrights such as *O scrisoare pierdută*, by Ion Luca Caragiale, and more recent works such as *Citadela sfărâmată*, by Horia Lovinescu, to the opera for such classics as *Aida* and *Die Meistersinger von Nürnberg* where I heard magnificent singing, and to numerous concerts performed by the Bucharest Philharmonic Orchestra under the direction of George Georgescu and other orchestras. An extraordinary event was a concert given by the University of Michigan symphonic orchestra in Sala Palatului, the new spacious auditorium adjacent to the former royal palace, in the fall of 1960, made possible by the Romanian-American cultural exchange. The hall was full, and the audience was enthusiastic and wanted encore after encore. At the end of the concert orchestra members came down from the stage and met as many members of the audience as they could.

I regularly made the rounds of the bookstores. I had decided to build my own research library on Romanian history and culture, since I did not expect to find a teaching job at a large institution with a good Romanian collection in its library. Fortunately, the second-hand bookstores received a steady supply of books and I was able to acquire numerous important works. The second-hand bookstore in Pasajul Crețulescu was especially well stocked, and the manager kept an eye out for items he thought would be of interest to me. Of the many items I bought were the second edition of 1834 of Petru Maior's *Istoria pentruînceputul românilor dinDachia*, some twenty-five volumes of Eudoxiu Hurmuzaki, *Documente privitoare la istoria Românilor*, and three volumes of Nicolae Cartoian's *Istoria literaturii române vechi* (București, 1940-45). I also kept track of new publications. A singular event was the appearance in December 1960 of the first volume of *Istoria României*, which in the eight

volumes planned was to be the new standard history of the Romanians. This volume covered the period from pre-history to the 10<sup>th</sup> century and included a valuable discussion of the formation of the Romanian people, and all the volumes together were intended to restore in some degree the national narrative about the historical development of the Romanian people after over a decade in which a Marxist-Leninist approach promoted by the Soviet Union had predominated. I went with some students to the Mihail Sadoveanu Bookstore on Bulevardul Magheru to see the volume. There was a huge crowd and great animation and lively sales of the book. It was quite exciting, and I bought a copy, too.

One of my most pleasant occupations in Bucharest was walking. I walked all over the city from Old Town to Herestrău Park and from the neighborhoods near Aleea Alexandru to the Mitropolie. My most traveled route was Calea Victoriei between the Library of the Academy and Piața Unirii. It was always crowded, and there were shops of all kinds, among them bookstores and the Victoria department store. Visits to the shops gave me an opportunity to meet and talk to people. We never spoke about politics, but when they learned that I was an American (I was often taken at first for an Englishman, a German, or even a Czech), they were curious about all aspects of daily life in the United States, movies and Hollywood (several people asked about Stan și Bran), education and schools, and work (hours per week and salaries). Some wondered why I was in Romania and how I was able to come. Markets, such as those at Piața Unirii and smaller ones such as at Piața Amzei were marvelous places to engage people in conversation, especially farmers from the surrounding countryside, and just simply observe the great variety of people who came there. They all seemed to understand my Romanian, and I understood theirs, even though I noticed slight differences in vocabulary from Bucharest Romanian. On my walks I visited many churches. I was struck by their relatively small size, and even the Cathedral of the Mitropolie was small in comparison to cathedrals in French and German cities, but what especially impressed me was the sense of intimacy they conveyed, especially during a service. I think I visited almost every museum in the city, including Muzeul Satului and art museums, some of them housed in private residences like the Teodor Aman Museum. I tried to visit every quarter of the city, including newly constructed ones such as Militari.

I also acquainted myself with a few parts of Romania outside Bucharest. At Christmas 1960 I went to Sinaia to stay a few days at the house owned there by the American government. It was good to take long walks in the woods and countryside. On this occasion Peleş Castle was closed to visitors because, we were told, Communist Party officials were spending the holiday there. I used the occasion to visit Transylvania, taking the train from Sinaia to



Braşov. The center of the city with the Black Church and the Romanian district of Şchei were a pleasure to see, and I got to talk to a great number of people in shops and restaurants. They showed little hesitation in talking to an American, unlike the situation I sometimes encountered in Bucharest. In the spring Constantin and Viorica Stavila, whom I had met at the Library of the Academy, took me on visits to the monasteries of Căldăruşani and Cernica. They were well known because Constantin, a graduate in philosophy from the University of Bucharest, had served as secretary to Professor Ion Petrovici when he was Minister of Culture and Religious Affairs during the Second World War. At both monasteries the stareţ received us warmly, and in conversations with the clergy I learned much about the history and multiple roles of the monasteries and came away from the visits well supplied with books.

Later in the spring of 1961 on a trip to southern Transylvania I spent several days in Sibiu and was struck by the charm of the central district. I used the occasion to visit the Orthodox Theological Institute because I was very interested in the role that the Orthodox Church and its clergy had played in the Romanian national movement. Professor Wolff had loaned me books by Ioan Lupaş and Nicolae Popea on Andrei Şaguna, who as Bishop and Metropolitan of the Romanian Orthodox Church between 1848 and 1873 had become a national leader. The Director of the Institute kindly showed me the impressive archive of materials on Şaguna and all aspects of church history of the time. I began already to plan for research on my next trip to Romania.

In laying the foundations of my Romanian library, I benefited from the help of Mr. Radu Sterescu, a “private” bookseller in Bucharest at a time when commerce in books, new and old, was monopolized by various party-state agencies. He had turned his small house into a bookshop, which carried on a brisk business, even though it was technically illegal. Sterescu, a former journalist, had, it seems, contacts all over Romania and was thus in a position to obtain almost any book or periodical his customers might need. I went to his house a number of times and met there, among other Romanian scholars, professors, and journalists, the literary scholar and critic Tudor Vianu, and a number of foreign scholars. Sterescu obtained for me numerous items, which, I imagine, would never have appeared in the second-hand bookstores. Among them were periodicals such as *Gândirea*, complete, and *Convorbiri Literare*, the first ten volumes and almost all the others down to 1914, which he acquired in Craiova. In return, I obtained for him, that is, for his Romanian customers, many volumes in French, including works in the *Bibliothèque de la Pléiade*, and in German and English. I think Sterescu deserves recognition as a cultural intermediary and rendered important service to Romanian culture.

Through friends in Bucharest I had the pleasure of meeting Petru Comarnescu. I knew him from my reading about the Young Generation of Romanian intellectuals of the 1930s, which included Mircea Eliade and Emil Cioran. Comarnescu was the organizer of the Criterion association to which almost all young intellectuals belonged, and he was well known for his writings on America in the 1930s and his pro-American attitude in the immediate post-World War II years (I wondered then how he had escaped arrest by the Communist authorities). He invited me to his home for the first of many conversations we would have about the course of Romanian history in general and about Romanian intellectual life in the 1930s in particular. We renewed our conversation whenever I came to Bucharest and during his own visit to the United States in 1967, when I invited him to the University of Illinois.

I was able to extend my stay in Romania for the 1961-62 academic year and spent much of that time in Cluj. No formalities were necessary at the Ministry of Education for me to go to Cluj, even though, it seems, I would be the first American to do historical research there since before the Second World War. When I asked Professor Oțetea if I needed official approval for Cluj, he said simply: "Go." Professor Ștefan Pascu, of the History Faculty of Babeș-Bolyai University, served as my advisor and introduced me to the libraries and archives where I would find useful material. At the Manuscript Department of the Library of the Romanian Academy I had the good fortune to meet Dr. Pompiliu Teodor, a specialist in the history of the Romanians of Transylvania in the 18<sup>th</sup> and 19<sup>th</sup> century. He acquainted me with the rich archive and manuscript holdings that had formerly been housed at the Greek Catholic Metropolitanate of Blaj and Bishopric of Oradea. These materials were especially rich on the Transylvanian School and the period of their most important scholarly and public activities. Among the manuscripts of great interest to me were those of Samuil Micu and Gheorghe Șincai. Now for the first time I had in my hands the four volumes of Micu's *Istoria și lucrurile și întâmplările Românilor*. Pompiliu Teodor helped me master Micu's Cyrillic handwriting. At the University of Cluj Library I found monographs and periodicals of all kinds and, notably for the 1840s, the newspapers founded by George Barițiu, *Gazeta de Transilvania* and *Foaia pentru minte, inimă și literatură*. As in Bucharest, I continued to build my library by regular visits to bookstores and second-hand shops. I also received a number of gifts, among them, from Acad. Prof. David Prodan his pioneering monograph, *Supplex libellus Valachorum* (București, 1948), and from Pompiliu Teodor: Dumitru Popovici, *La Littérature roumaine à l'époque des lumières* (Sibiu, 1945).

Colleagues and friends in the United States after my return home in the summer of 1962, asked me how I was able to carry out such extensive research on what they knew to be delicate questions

during the 1950s in Communist Eastern Europe in the 1950s: national sentiments and national movements and Transylvania and its place in relations between Romania and Hungary? They also asked me whether I had difficulties getting access to the printed and manuscript materials I wished to see and whether surveillance by security agencies caused problems.

I am in a somewhat better position to respond to these questions now than I was then, mainly because in the past five years I have had access to the files that the Romanian security agency, the Securitate, kept about me between 1960 and 1989. The total number of pages that accumulated in this way over nearly three decades came to more than 2700. Most of this scrutiny was conducted by Section 3 of the Securitate, which was in charge of counterespionage activities and had a special sector that focused on Western Europeans and Americans. The attitude that the Securitate adopted toward me and the procedures it followed were fairly standard for Americans and other visitors from the West.

From the very beginning of my stay in Romania in Bucharest in the fall of 1960 the Securitate suspected me of being an agent of "American information services," their term for American spy agencies. They persisted in these suspicions until the collapse of the Communist regime in December 1989. Yet, they could bring forward no evidence in their reports (there was none to bring), beyond a few questions they raised on why I was asking friends and colleagues about the Romanian economy. The only conversations I can remember that touched on economic questions had to do with my wish to visit a collective farm. As is clear in my file, the Securitate used a variety of means to keep track of what I was doing and, especially, of the people I was meeting: receiving written and oral reports from persons who met me, opening my mail, and monitoring my telephone calls. In my file there are from time to time detailed accounts of all the things I did on a particular day from morning to evening, from what I had for lunch and dinner and the books I looked at in the bookstores to the people I met and talked to, even casually. None of this surveillance interfered with my research and studies, mainly because I was unaware of it.

As I look back over my experiences during these first two years in Romania I have come to the conclusion that for me as a historian of Romania I had come at a good time, compared to the preceding decade. The 1960s were a time of significant, if gradual, change in the domestic and foreign policies of the Communist Party. At home it was promoting a kind of *détente* with society and was thus moderating the severe measures it had employed in the late 1940s and 1950s to impose its will on the population and was now giving more attention to the needs of consumers and to the ambitions of scholars. In international relations it was trying to limit Soviet interference in its affairs, and to do so, among other things, it

reestablished productive relations with Western Europe and the United States. Of particular importance to scholars over the long term were country-to-country cultural exchange agreements. The first were made with France and Great Britain in the late 1950s. Then, in the spring of 1960 Romania and the United States signed an agreement, as noted above.

It was evident to me many years later that I benefited, in a sense, from the Communist Party's re-evaluation of Romanian history that had been going on since the later 1950s as the Communist elite gradually asserted its right to pursue a path to Communism in keeping with the interests and capabilities of Romania rather than simply adhere to the Soviet model, as it had been doing since 1944 or perhaps even since the interwar period. As the new official current of thought gained momentum, which in time many would refer to as "national Communism," a defense of the political and economic, and, no less, territorial integrity of the Romanian national state became a crucial issue for party leaders. Such a stand provided them with legitimacy and, for a time, even popularity with the Romanian people, which they themselves welcomed in order to bolster their assertion of "independence" against the efforts of Soviet leaders to integrate Romania into a kind of economic bloc led by the Soviet Union. For Romanian leaders a central territorial issue was the status of Transylvania, which had been united with Romania at the end of the First World War and about which Hungary continued to raise historical and ethnic claims. Since much of my research dealt with Transylvania in the modern period, Securitate officers took a particular interest in the materials I was using and, then, in subsequent years, they kept track of what I wrote on the subject. More immediately, in the reports they sent to their superiors they recommended that my Romanian colleagues be encouraged to make sure that I had an "accurate" understanding of the Transylvanian question.

After my return home in the summer of 1962 I resumed teaching at Wake Forest that fall. I had no doubts about the enormous value of my stay in Romania, and I remain convinced that the history of a people can best be studied with direct, regular contacts with them and their country. My research and the help provided by scholars in Bucharest and Cluj enabled me to finish my dissertation and receive my degree from Harvard in the spring of 1964. My experiences in Romania encouraged me to continue research and writing on the history of the Romanians.

# **LA SOCIÉTÉ TUNISIENNE AU XIXÈME SIÈCLE: ORGANISATION, POUVOIRS ET AUTORITÉ PENDANT LA COLONISATION FRANÇAISE (1880-1883)**

**Hedi Saidi\***

*The Tunisian Society in the 19th Century: Organization, Powers and Authority during French Colonization (1880-1883)*

## **Abstract**

*The paper analyses a file of the Tunisian history focusing on the end of the XIX century. Internationally, the timeframe is complicated, controversial and represents a picture of the French model of colonization. In this context interesting aspects of the manifestation of power emerges, with multiple faces and different players that compete for the control over a territory and a population.*

**Keywords:** *Tunis; French Colonization; Society; Culture; Power*

## **Introduction**

Ce papier propose une lecture de l'autorité et les différentes formes de pouvoir en termes d'échanges, d'influences et de rapports de forces multiples avant et pendant la colonisation de la Tunisie en 1881.

Il s'agit de montrer l'importance du fait communautaire tribal dont segments agnatiques et individus sont inséparables mais aussi ses fonctions: justifier la possession du sol qui fonde la solidarité des membres du lignage qui n'est pas exempt de conflits. Il est également question des rapports des hommes à la terre et les rapports de ces formations sociales tunisiennes avec le pouvoir central dans une période antérieures à la colonisation française. Ces derniers sont explicites et se rapportent aux temps historiques à un niveau plus large les relations qu'entretienne le pouvoir central avec les gens du plat-pays. Cette société féodale va subir des mutations sous l'ordre colonial.

L'autorité et le pouvoir ne sont pas décelables en un lieu unique (Bey, ministres, ministères), mais se définissent au contraire par leur ubiquité. C'est une sorte de flux qui traverse et connecte la société tunisienne, ses dirigeants, ses éléments et son environnement. L'autorité ne peut donc être associée seulement à un ensemble de dispositifs légaux (cheïks, Caïds, police, gendarmerie,

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\* Masters of Conferences -HDR- (Contemporary History) at the Social Institute of Lille and collaborator at CRASC -Oran- (Algeria), Knight of the Legion of Honor, Knight of the Academic Palms

armée, chefs tribaux...) qui ont pour but de soumettre les habitants aux normes édictées par le pouvoir beylical, elle n'est pas unifiée par le haut mais s'exerce dans différents domaines politique, philosophique, intellectuel.

Cette autorité varie en permanence avec d'incessantes modifications dans les rapports de force dont ne saurait rendre compte l'analyse traditionnelle des institutions de la régence de Tunis. Elle s'inscrit également dans un double conditionnement et obéit également à une logique et influence extérieures qui permettent de situer une société à une période donnée. Mais cette autorité coloniale est indissociable de l'état dans lequel se trouve le pays, et que tout point de l'exercice de l'autorité dans une société est également un lieu d'apprentissage, de formation, d'imitation mais également de résistance. Toute instruction/culture permet et d'assurer et prolonger l'exercice de l'autorité de la France sur le pays<sup>2</sup>.

Il est question explorer aussi les formes de domination, ses modes d'expression (chefs religieux, lois, administration...) et du changement dans les rapports d'autorité notamment dans le domaine politique et de déterminer de façon précise, les frontières dans ce domaine.

En fait le pouvoir ici sera pris comme une donnée, on se préoccupera de savoir comment ceux qui le déterminent cherchent à exercer leur autorité d'une part, à la renforcer et à la conserver d'autre part. Les structures du pouvoir dans système « traditionnel » d'une part et sa transition en un système dit « moderne », les problèmes que posent les moyens et les conditions d'exercice de l'autorité, le problème du nationalisme tunisien et le souci de la vie sociale sous l'occupation seront évoqués. Dans la mesure où la Tunisie se réfère aux conceptions traditionnelles du pouvoir, celles-ci se sont développées en fonction des influences directes et indirectes (Françaises) et par l'intermédiaire des contacts, des idées et des comportements acquis par l'élite tunisienne.

Pour rédiger cet article, nous avons exploité des archives inédites, tant tunisiennes que françaises : les archives nationales

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<sup>2</sup> L'image de l'Occident (autorité morale) chez les intellectuels tunisiens aux XIX<sup>e</sup>-XX<sup>e</sup> siècles, de la dynamique française et des carences locales, des défis, des mentalités et des cultures ainsi que les relations tuniso-françaises au miroir de ces élites à la même période.<sup>2</sup> Les moyens utilisés par ces intellectuels pour traduire le pouvoir de fascination exercé sur eux par la culture européenne et plus principalement française sont très variés: les récits des voyages d'abord, mais aussi les rapports, les ouvrages et les correspondances. Ces éléments leur permettent d'émettre des opinions sur l'Autre, de manifester leurs sentiments envers Autrui. Ils nous font ressentir également quelle perception ils ont des formes, des rapports, du dynamisme des éveilleurs et le pouvoir des idées (lors de leur mise en œuvre) sur une société traditionnelle comme la régence de Tunis au XIX<sup>e</sup> siècle.

tunisiennes (ANT) en arabe, localisées à Tunis, les archives de l'Observatoire National du Sport (ONS) à Tunis, les archives et les écrits de l'Institut de l'histoire du mouvement national à la Manouba (Tunisie). S'ajoute une documentation personnelle, des notes et dossiers trouvés dans les archives tunisiennes du premier ministère dont la richesse est considérable. En France nous avons pu consulter les archives diplomatiques de la Courneuve, les archives du service historique de la Défense (SHD) à Vincennes, les archives de l'Assemblée nationale à Paris ainsi que les archives privées de la Société Marseillaise de Crédit (SMC). Nous utiliserons en outre les résultats des passionnants travaux- entre autres- d'historiens tunisiens<sup>3</sup> qui ont abordé dans leurs études récentes les relations entre les deux pays et la pénétration intellectuelle des Lumières dans la Régence de Tunis. Pour l'orthographe des noms, nous nous sommes tenus à l'usage, en écartant (sauf exception) des transcriptions «savantes», toujours rebutantes pour le lecteur. Depuis l'indépendance de la Tunisie, plusieurs villes ont changé de nom. Nous nous sommes efforcés d'en tenir compte, au moins pour les noms propres<sup>4</sup>.

### **Pouvoirs, religions dans la société tunisienne précoloniale**

Au XIXème siècle, la société tunisienne, qui s'appuyait encore au XVIIIème et XIXème siècles sur un passé illustre, s'est trouvée tout à coup démunie face à une civilisation européenne qui la dépassait dans tous les domaines. La volonté réformatrice est née de la rupture qui s'est établie alors avec cet état d'esprit devenu inadapté au fil du temps, et du désir de combler un retard patent, attitude relevant d'une volonté évidente de réaffirmer sa position face à l'Occident. En même temps le processus d'acculturation qui l'accompagne réveille chez les élites tunisiennes des sentiments ambivalents qui ne sont pas nouveaux: d'un côté, une admiration pour l'Occident, ses idéaux, sa civilisation et de l'autre une répulsion envers cette civilisation, qui impose inéluctablement sa culture, sa langue, et avec, ses valeurs, en même temps que la domination qu'elle exerce s'accroît. La présence française effective en Tunisie donnera une ampleur sans précédent à ce phénomène.

Cette situation s'inscrit néanmoins dans une logique qui

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<sup>3</sup> Il s'agit d'Adel Ben Youssef sur la Franc-maçonnerie en Tunisie, Brahim Belgacem sur l'enseignement de l'arabe dans la Régence, de feu Ahmed Jday (décédé en 2012) sur les relations franco-tunisiennes, Hafnaoui Amairia sur l'élite tunisienne, sur Khaireddine et les Jeunes Tunisiens et des écrits de l'historienne Annie Rey-Goldzeiguer sur la *Nahda* et la thèse de Moncef Chebbi «L'image de l'Occident chez les intellectuels tunisiens au XIXème siècle».

<sup>4</sup> On écrit: le bey Hamouda, ou le bey Sadok, différemment de Hussein Bey, Hamouda Bey et Mohamed Bey.

dépasse le cadre strict de cette période: les rapports Orient/Occident ont toujours été passionnels et complexes, et les relations entre les deux mondes souvent conflictuelles, fortement teintées d'ignorance mutuelle et affectées par des préjugés et des malentendus hérités du passé. Dans les liens qui s'établissent entre les deux cultures, on échappe aussi à une relation de dominé à dominant, comme si on avait besoin de l'autre, à n'importe quel prix, pour revendiquer une existence propre. L'écrivaine franco-tunisienne Hélé Beji l'affirme lorsqu'elle écrit : «*Toujours l'Orient et l'Occident se sont côtoyés avec des sentiments réciproques de convoitise et de jalousie, complices malgré leurs dissemblances, dans le secret vivace de se vaincre l'un à l'autre*<sup>5</sup>». C'est dans le regard de l'Autre, de celui que l'on considère comme son rival, que l'on vit, que l'on se construit. C'est en cela que cette étude nous semble avantageuse puisqu'elle met en relief les contacts entre deux cultures qui s'opposent dans une fascination réciproque, et aide à comprendre qu'elle fut l'influence intellectuelle et philosophique françaises dans la Régence de Tunis.

Dans ce contexte politique, l'horizon des intellectuels tunisiens s'ouvre vers l'Europe et se peuple progressivement d'idées, d'objets et de pratiques qui suscitent l'admiration, l'étonnement et quelques fois la crainte<sup>6</sup>. Au moment où l'Occident opère sa révolution industrielle et bouleverse ses structures, affirme sa puissance et son dynamisme, le monde musulman, y compris la Régence de Tunis, lui, semble se fermer à la modernité et se replier sur ses traditions. Alors s'accroissent le fossé et l'inégalité de développement qui s'ensuit. C'est ainsi qu'apparaît le mouvement la *Nahda* comme ressourcement, résurgence, réveil, renaissance. Cette conscience réformatrice s'explique par des phénomènes externes. Il y a d'abord la Révolution française et son message de liberté, et aussi l'expédition de Bonaparte en Égypte qui amène dans ce monde en ébullition un cortège de nouveautés: des nouveautés en matière d'administration, l'idée de recourir à des assemblées représentatives faisant appel aux *oulemas* en particulier, et l'utilisation de quelque chose curieusement nouveau, alors que nous sommes déjà en 1798, l'imprimerie<sup>7</sup>. Dans cette conjoncture inattendue, certains chefs religieux restent enfermés dans le rapport antagonique séculaire entre l'islam et le christianisme, et refusent de « lever les yeux » sur ce que la nouvelle civilisation de l'Occident apporte à l'humanité

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<sup>5</sup> In Revue *Esprit*, n° 1, janvier 1997, p. 108.

<sup>6</sup> Saidi Hedi, *Rencontre des civilisations: chronique des opportunités gachées*, in *Transnationalités et développement: rôles de l'interculturel* sous la direction d'Altay Manço et Claudio Bolsman, publication de l'Institut de Recherche, Formation et Action sur les Migrations, Liège, pp. 199-215, L'Harmattan, 2010.

<sup>7</sup> Qui dit imprimerie dit communication, dit journaux. Cette espèce de bombe à retardement déposée par Bonaparte, c'est Mohamed Ali qui l'utilise. C'est lui qui est le point de départ du mouvement de rénovation qui a gagné le monde musulman.



entière. Leur attitude s'en démarque officiellement; ces théologiens ont cherché à trouver dans la redécouverte des sources de la foi et de la culture islamique le ressort nécessaire au renouveau du monde musulman.

### **Une Régence vassale mais non sujette, autonome mais non indépendante<sup>8</sup>**

La domination musulmane ottomane fut la plus longue (près de trois siècles), faisant de Tunis comme d'Alger des provinces ottomanes. Cette suzeraineté<sup>9</sup> à la Porte<sup>10</sup> est, du point de vue politique et diplomatique, une chimère. À Alger, le dey est élu par le *diwan* un conseil supérieur comprenant des officiers et des hauts fonctionnaires. A Tunis, le bey est choisi dans la famille husseinite. Le sultan n'intervient donc pas dans la nomination des souverains, sinon pour leur accorder le firman<sup>11</sup> d'investiture quand il reçoit la nouvelle de leur avènement, et des firmans annuels de confirmation. Point de tribut que Tunis et Alger verseraient à la Porte, pas d'agent du sultan dans les deux capitales, ni de représentants des deux Régences à Constantinople. Simplement, des agents recruteurs lèvent des troupes à Istanbul, à Smyrne, en Anatolie, mais ils ne sont en rien des consuls des deux Régences.

Du point de vue diplomatique, les deux souverains peuvent signer des traités librement avec les puissances chrétiennes. Et quand, en 1799, la Porte intervient pour que les relations avec la France soient rompues, Alger n'obéit qu'avec réticence. Cependant, la vassalité des deux Régences n'est pas totalement vide de sens. Elle s'exprime par l'envoi de missions officielles, de cadeaux, de secours militaires (La Porte demande des troupes en 1795 contre la Tripolitaine, en 1810 contre la Crète, puis pour réduire les Grecs moyennant des cadeaux diplomatiques et substantiels)<sup>12</sup>. D'autre part, le sultan est considéré comme le successeur du prophète, et cela fait de lui le suprême recours. Les monnaies frappées à Tunis portent son sceau et la *khotba*, la prière du vendredi est prononcée en son nom. À Alger, le mufti du culte hanéfite, nommé par Istanbul, est le chef de l'islam algérien. En cas de demande extérieure, c'est vers la Sublime Porte que l'on se tourne. La dernière lettre du dey d'Alger est un pressant appel à l'aide militaire d'Istanbul, et les tribus tunisiennes résistant à l'occupation française mettront leurs

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<sup>8</sup> Nous empruntons cette expression à l'historien tunisien Moncef Chebbi.

<sup>9</sup> Archives diplomatiques de la Courneuve, Correspondance politique et consulaire, 05.09.1851. Il faut distendre au maximum les liens avec l'empire ottoman « cette funeste suzeraineté qui ne peut qu'accentuer «le fanatisme religieux».

<sup>10</sup> Siège du gouvernement à Istanbul.

<sup>11</sup> Mot persan, qui veut dire décret royal émis par le sultan ottoman.

<sup>12</sup> Sources de profits appréciables pour les beys.

derniers espoirs dans l'arrivée des renforts turcs. Ces manifestations d'allégeance comptent cependant bien moins que l'intégration à un ensemble musulman dont la capitale est la Mecque<sup>13</sup>. C'est aussi le berceau de l'islam et le lieu d'origine revendiqué par plus d'une tribu. On remarque la fureur partagée, et plus encore, de la signification psychologique de ces échanges: le flot des milliers de pèlerins, citadins ou paysans, qui partent chaque année du Maghreb, la floraison des relations de voyages (*rihlas*), les contacts culturels auxquels le pèlerinage donne lieu. Rencontre d'intellectuels de tous les pays du monde musulman, le pèlerinage vers les Lieux saints est bien, pensons-nous, «un congrès mondial de la pensée islamique». En même temps, le Caire, étape de pèlerinage, tient lieu de capitale intellectuelle de l'islam<sup>14</sup>. Au Caire, les pèlerins maghrébins s'emploient à rechercher des manuscrits rares pour les rapporter dans leur pays. Plus généralement, les meilleurs lettrés y complètent leur formation. À al-Azhar, le *riwaq* des Maghrébins est important et le plus vivant, voire le plus turbulent (en 1787, avec les étudiants syriens, ils se soulèvent contre le *cheikh*, le gardant prisonnier, occupent la mosquée et obligent les commerçants à fermer leurs boutiques.) Autre fait révélateur : c'est au Caire que les fondateurs des confréries des *Rahmaâniya* et des *Tidjaniya* étudient, leurs ordres correspondant à ceux des *Halwatiya* et des *Hafnawiya* au Caire. Une intense circulation d'hommes et d'idées relie donc les Maghrébins aux musulmans du Proche-Orient. C'est la solidarité à l'intérieur de ce cadre (celui de l'islam) qui est vécue le plus généralement et le plus profondément par les musulmans d'Afrique du Nord. Eux-mêmes en Orient sont nommés indistinctement «Maghrébins». Mais la lecture par exemple, de la chronique tunisienne de *maqdish*, un seul vocable désigne les habitants de la Régence: les musulmans. Au-delà des diversités d'origine géographique s'exprime ainsi le sentiment d'appartenance à la vaste communauté des croyants. Ceci n'empêche pas ces pays musulmans d'avoir des relations avec d'autres pays comme ceux de l'Europe.

### **Le pouvoir dans une société sans classe**

A l'intérieur des tribus ; les groupes ne se scindent en classes superposées, mais s'individualisent les uns par rapport aux autres selon le système généalogique tout à fait mythiques (le non de la

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<sup>13</sup> Celle-ci est d'abord une direction de l'espace, vers laquelle on se tourne à chacune des prières quotidiennes

<sup>14</sup> Par exemple, le savant Muhammed al-Fâsi al-Tâûdi qui, passant au Caire pour le pèlerinage en 1767-1768 et 1768-1769, y donne des cours, à l'université d'al-Azhar.

tribu; fils de...). D'après l'historien Mohamed Hedi Cherif<sup>15</sup>, les groupes s'allient ou s'opposent entre eux selon des affinités ou des antinomies dictes par une vieille histoire mal élucidée mais nullement d'après un quelconque déterminisme biologique.

L'organisation familiale de la société n'exclut pas des inégalités<sup>16</sup>. La première, entre les tribus qui participent à l'exercice du pouvoir et celles qui ne font que le subir. La Tunisie connaît ces tribus privilégiées dites du makhzen (*makhzen* en Algérie, *guiche* au Maroc) qui en échange de l'appui militaire prêté au souverain, sont dotées de terre et jouissent d'immunités fiscales.

D'autre part, des tribus ont, par leur origine supposée, une certaine prééminence sur le commun des fidèles. Soit qu'elles descendent directement du prophète (*chorfa*) ou des premiers conquérants arabes, soit qu'elles aient simplement un ancêtre marabout, les unes et les autres bénéficient d'un charisme qui les distingue du reste de la société tunisienne. Du reste, la structure familiale elle-même peut, dans son fonctionnement, faire apparaître des familles privilégiées exerçant une domination sur l'ensemble de la tribu. Le principe est électif dans son principe. Mais s'il est détenu par la même famille pendant plusieurs générations, la démocratie ne laisse-t-elle pas alors la place à une structure bien moins égalitaire qu'au début? Enfin les agents du pouvoir, gouverneurs ou caïds ont toutes les prérogatives du monarque à l'échelle locale. Ne peuvent-ils pas, à leur tour, par leur domination et leur indépendance à l'égard du souverain, se muer en seigneurs semblables à ceux de l'Occident médiéval?

Dans la Régence de Tunis, ne s'est jamais mise en place la division tripartite de la société européenne, brillamment expliquée par Georges Duby, entre les hommes qui prient, ceux qui combattent et ceux qui travaillent: *oratores* (*ceux qui prient*), *bellatores* (*ceux qui combattent*), *laboratores* (*ceux qui travaillent*). Tout musulman est, potentiellement, un soldat de la guerre sainte et tout homme valide peut porter les armes. Non pas dans l'armée régulière du souverain, mais dans sa propre tribu, pour la défendre. Les tribus du makhzen bénéficient d'exemptions fiscales, mais elles n'ont pas d'autre moyen d'existence que le travail de la terre qui leur est concédé. Et en dehors des expéditions de recouvrement d'impôts, leurs membres sont des producteurs, tout comme ceux des tribus ordinaires<sup>17</sup>.

Dans les territoires des tribus, les relations sociales sont beaucoup plus archaïques, les solidarités tribales jouent énormément,

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<sup>15</sup> *Revue des mondes musulmans et de la Méditerranée*, année 1982/33, pp. 67-87.

<sup>16</sup> VALENSI (Lucette), *Fellahs tunisiens : l'économie rurale et la vie des campagnes aux XVIII<sup>ème</sup> et XIX<sup>ème</sup> siècles*, Paris, La Haye, Mouton, 1977, p. 22.

<sup>17</sup> Nous trouvons les mêmes phénomènes en Algérie et au Maroc.

elles ne sont altérées que rarement, lorsque certaines personnalités connaissent subitement une ascension due singulièrement à leur position avantageuse en tant qu'agent e l'autorité. Il est y admis que les groupes peuvent se faire les auxiliaires de l'Etat contre d'autres communautés rivales, ou plus rarement, se confédèrent entre eux pour s'opposer à la tyrannie beylicale ou aux menaces de l' Occident chrétien.

Quant aux familles qui, par leur origine ou autrement, ont un caractère aristocratique, elles ne jouissent pas nécessairement d'une fortune démesurée, et l'instabilité de leur pouvoir, les querelles entre branches opposées d'une même famille, contrarient le processus de différenciation sociale. Laissons parler l'historien tunisien Hedi Timoumi<sup>18</sup> sur les différents types d'aristocratie en Tunisie du XIXème *«On commettrait une grande erreur en tirant de ce qui précède la conséquence que tous les chorfa ou marabout occupent une position élevée dans la société arabe, on en voit au contraire journellement occupés à tous les métiers. Mais, si tous les membres de ces classes ne jouissent pas d'une part égale de considération et d'influence, on peut affirmer au moins que la puissance et l'autorité ne se trouvent que chez elles»*. Aussi bien, la question est de savoir si l'autorité sur les hommes s'accompagne d'un contrôle sur les terres; si, sur le plan économique, les collectivités rurales sont subordonnées à ces groupes ou individus réputés supérieurs.

La société tunisienne<sup>19</sup> révèle en premier lieu l'absence de perception de la profondeur du temps. L'histoire commence avec le fondateur de la tribu. Hors du lignage, il n'y a d'histoire que si le groupe est impliqué. Au-delà, la réalité est floue et comme étrangère. L'histoire s'identifie avec la généalogie et par conséquent elle commence avec les Arabes et l'Islam. Qu'il ait pu exister des Puniques, des Romains, des Vandales ou des Espagnols ne peut même être supposé. Autre trait d'une pensée pré-scientifique: le fabuleux et le réel ne sont pas distingués. Les miracles accomplis par les saints de la tribu sont incorporés à son histoire, le naturel cohabitait avec le surnaturel. La légende d'origine elle-même n'a, cela va de soi, aucun fondement historique, les tribus résultant de la coagulation d'éléments divers, beaucoup plus que de la fécondité des ancêtres reconnus. Cette image pourtant, est loin de n'être qu'une représentation mentale, une légende à l'usage des enfants, une production folklorique. Elle dessine en effet les plans des clivages qui partagent la société. En outre, les relations à l'intérieur d'un

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<sup>18</sup> Entretien à Tunis, le 20 août 2012. Traduit par nos soins.

<sup>19</sup> VIGNON (Louis) écrivait *«Les habitants du pays sont comme de l'autre côté de la frontière des Arabes et des berbères, deux traits seulement les différencient de leurs voisins: ils sont moins belliqueux et d'habitude plus sédentaire»*, *La France dans l'Afrique du Nord*, Paris, Librairie Guillemin et Cie, 1887, p. 134.

lignage, ou entre les groupes, peuvent être conventionnelles: elles n'en déterminent pas moins les alliances (matrimoniales, ou politiques) et les conflits. Chez ces tribus, le mythe d'origine définit le champ des solidarités du groupe, c'est aussi une première traduction d'une solidarité entre nomades et villageois. Ainsi les limites géographiques du réseau d'alliances de la tribu sont marquées par une fiction.

Chez les uns et les autres, la base de l'organisation sociale est la tribu, définie par les liens de consanguinité. L'endogamie est la règle générale et, à moins d'être parents des autres membres du groupe, on ne peut camper dans les *douars* qui composent la tribu. Le *douar* réunit la famille, comprenons la famille agnatique rassemblant le chef de famille (le *cheikh*), ses enfants, ses proches, ses serviteurs. Du point de vue politique ou administratif, c'est l'assemblée des chefs de *douars* (*la djemââ*) qui, au niveau de la fraction ou à celui de la tribu, prend les mesures concernant la vie du groupe, veille à ses intérêts. D'un commun accord, les membres de cette assemblée désignent l'homme le plus influent qui deviendra leur chef. Ainsi, des chefs issus de la collectivité, des décisions librement débattues entre les chefs des différentes familles, une étroite solidarité des membres de la tribu: en somme une organisation qui n'est pas moins « démocratique » que celle connue dans les pays occidentaux, là, c'est dans l'espace plus vaste de la tribu que la vie s'organise. Dans telle ou telle circonstance, l'adhésion à un *soff* (groupe tribal), qu'on avait crue oubliée, s'exprime de nouveau. Car cette forme sociale existe, elle aussi, dans l'ensemble du Maghreb et sa vigueur, sa résistance au temps, ne sauraient être sous-estimées. On peut le vérifier lorsque en 1729-1740, une guerre civile oppose le bey Hussein ben Ali et son neveu Ali Pacha.

Le pays se divise en deux camps et, en suivant la chronique de Mohamed Seghir ben Youssef, on peut ranger les différentes tribus dans les camps opposés. Un siècle et demi passe, et la révolte de 1864 embrase tout le pays. Révolte fiscale quasi générale contre le gouvernement central, elle se désagrège rapidement: les premières tribus qui se soumettent appartiennent au *soff* husseinite, les autres, selon la même ligne de partage qu'au XVIIIème siècle, sont du *soff* adverse.

### **De la société parcellaire à la communauté musulmane**

Unité sociale et politique, la tribu (ou une de ses subdivisions) est aussi unité économique. Elle a également une relative autonomie administrative: les impôts, notamment, sont répartis entre les groupes : à chacun d'eux revient la tâche d'établir

l'assiette et d'assurer la perception des redevances, la solidarité fiscale garantissant à l'État ses revenus. Du point de vue juridique, de même, tous les conflits doivent pouvoir trouver solution à l'intérieur de la tribu ou le village, devant le conseil ou devant le juge issu de la communauté. Quand ses intérêts moraux et matériels sont en jeu, la collectivité se fait justice elle-même, y compris par la guerre contre un autre groupe. Mais en cas de besoin, le recours au souverain est possible et la fonction de justicier suprême est scrupuleusement remplie par le bey de Tunis. Justice sommaire, puisque le jugement est rendu aussitôt sans que jamais une « instruction » ait précédé le procès et que l'exécution de la sentence est immédiate, mais justice directe, les parties se portant devant le monarque sans la médiation d'un avocat<sup>20</sup>.

Ainsi, quoique la société soit construite sur le modèle familial, l'appartenance à une entité politique définie ou à une aire culturelle plus vaste, celle de l'Islam, corrige le schéma général et empêche de voir dans la société tunisienne un tissu de cellules totalement closes, rigides et étanches comme l'écrit l'historienne Lucette Valensi<sup>21</sup>. C'est dans la pratique religieuse que s'observe le mieux cette dualité entre le repli sur soi et l'intégration à un ensemble plus vaste. En règle générale, la vie religieuse s'organise dans un espace social restreint. Une mosquée, au moins, dans chaque village, une tente qui en tient lieu dans les douars, l'une et l'autre servant aussi d'école pour les enfants, symbolisent l'adhésion à l'Islam et permettent de s'acquitter de ses devoirs religieux. Mais la mosquée a pour complément indissoluble le marabout, (le saint local). Celui-ci, souvent membre du lignage et parfois fondateur, est la transposition sur le plan religieux de la structure sociale déjà citée. En réalité, chaque tribu reconnaît plusieurs marabouts dont les tombeaux sont dispersés sur son territoire et font l'objet d'un culte plus ou moins fervent.

Leur diligence agraire est certaine. Le marabout est le protecteur des moissons (les réserves de grains sont souvent entreposées auprès du tombeau), il éloigne les voleurs et sert parfois

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<sup>20</sup> L'arbitrage familial, le cadre local, peuvent donc cesser de fonctionner, notamment quand les parties en cause n'appartiennent pas à la même communauté: il existe une autre dichotomie : entre le droit coutumier et la loi coranique. Elle est ressentie au sud de la Tunisie où l'individu peut opposer l'une à l'autre. Du droit coutumier - *l'orf* - relèvent les problèmes de la vie quotidienne (distribution de l'eau, aide aux récoltes) de la répression des délits et, d'une manière générale, l'ensemble des questions qui concernent toute la tribu ou la communauté villageoise, tandis que les problèmes du statut personnel relèvent du droit religieux. Dans la pratique, la distinction n'est pas toujours possible, et l'autorité du *cadi* peut être opposée aux prescriptions de la *djema*. Cette interférence du droit coranique avec la coutume apparaît surtout dans les tribus du centre et du sud.

<sup>21</sup> VALENSI (L), *Le Maghreb (1790 - 1830) avant la prise d'Alger*. Tunis, Cérès, 2004, p. 48.

de refuge, que le souverain lui-même craindrait de violer. Très fréquemment, la légende du saint exprime cette fonction agraire, soit que ses miracles aient permis au groupe de faire face à l'impôt, soit qu'il ait fait jaillir l'eau fécondante dans des terres stériles, soit qu'il offert des pluies pour l'agriculture. Mais plus encore, le marabout a une fonction sociale, de conservation de la cohésion du groupe. Son culte, en effet, donne lieu à des manifestations collectives; pèlerinage annuel avant ou après la période des grands travaux agricoles, fêtes votives (*Ouada*) où le repas partagé est l'affirmation de la solidarité entre les membres du groupe ou de l'alliance entre les lignages différents. Enfin, le marabout résout la contradiction entre une religion adaptée aux besoins locaux et l'œcoumène musulman<sup>22</sup>.

La sociologie religieuse maghrébine présente une autre forme, toute différente: les confréries. Celles-ci, au contraire des marabouts, débordent les frontières de la tribu ou du village et de leurs alliés. Elles rassemblent des adeptes de toutes provenances géographiques. Elles sont, comme l'a fait observer Jacques Berque, un moyen pour l'individu de s'affranchir du cadre familial naturel, et d'en choisir un autre<sup>23</sup>. L'adhésion à une confrérie procède d'une démarche individuelle. Cette forme religieuse, d'une grande vitalité à la fin du XVIII<sup>ème</sup> siècle et au début du XIX<sup>ème</sup>, plus que le culte des marabouts, intègre l'islam rural à l'ensemble de la communauté musulmane. Elle n'y réussit que partiellement: l'islam, ici, n'a pas fait disparaître des rites agraires qui ne lui doivent rien. Citons ces cérémonies de l'*achoura*, que célèbrent aussi les Berbères du Haut Atlas. Celle-ci est étrangère à l'islam orthodoxe.

Le Maghreb connaît bien d'autres situations et les régions berbérophones sont les meilleurs moyens de conservation des religions pré-islamiques. À la veille du Protectorat signé en 1881<sup>24</sup>, la réalité du pouvoir n'était pas entre les mains du bey, mais entre celles de son premier ministre. Ce dernier avait la haute main sur les affaires étrangères et les finances de la Régence. Pour l'administration générale du pays, il était assisté d'un ministre de l'intérieur appelé «vizir de plume» et de conseillers, chefs de diverses sections. Un ministre de la guerre et un «vizir du sabre» perpétuaient une tradition militaire attachée à la dynastie husseinite.

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<sup>22</sup> *Ibidem*, p. 53.

<sup>23</sup> BOUZAR (Wadi), *Jacques Berque et son «autre»*, in *Confluences Méditerranée*, n°41, printemps 2002, 194 pages, p. 34.

<sup>24</sup> Traité conclu entre le gouvernement de la république française représenté par le général Bréart et le gouvernement de son Altesse le bey. Bréart avait vécu entre 1826 et 1913, il fut envoyé en Tunisie à la tête d'une brigade, porteur d'un projet de traité préparé à l'avance par le consul général de France, Théodore Roustan, qu'il devait imposer au bey. Il attaqua la ville de Tunis le 8 mai 1881. Ali Mahjoubi, *L'établissement du Protectorat français en Tunisie*, Tunis, Publication de l'université de Tunis, 1982, p. 37.

Après un siècle de transmission héréditaire du pouvoir, la dynastie husseinite était forte de traditions d'indépendance qui donnaient aux beys l'autorité de princes souverains de la Régence.

### **La Tunisie, une multitude de dominations**

La Tunisie se démarque de ses voisins par sa géographie d'abord : elle est ouverte sur la mer et n'a pas de hautes montagnes qui la protègent de l'extérieur. Elle est donc accessible sur tous les fronts, d'où son fort potentiel commercial mais aussi les fréquentes conquêtes dont elle a été victime. De tout temps, ce pays a connu l'Étranger, a été influencé par l'Autre, c'est-à-dire par des hommes et de femmes provenant d'autres cultures.

Cette position géographique privilégiée la rend largement ouverte sur les courants d'échanges culturels, politiques, et économiques ayant parcouru la Méditerranée depuis l'Antiquité. Plus que celui de tout autre pays, le destin historique de la Tunisie fut déterminé par sa situation géographique. D'où un legs patrimonial, génétique, linguistique, politique, anthropologique et historique pour cette contrée plurimillénaire aux multiples appartenances<sup>25</sup>. De siècle en siècle, ce pays allait changer de maître: l'empire carthaginois (-800/-146), l'empire romain (-146/430), l'empire vandale (430 /533) et l'empire byzantin (533/700), les Arabes et les Turcs (1574), et plus près de nous l'arrivée des Français (1881). Ainsi s'explique l'histoire de la Tunisie si troublée parfois qu'il devient difficile de reconstituer la trame des événements historiques du pays<sup>26</sup>. Cette situation géographique avantageuse (ouverture sur deux façades maritimes) rend la Régence perméable aux influences extérieures en particulier celles de la France. Celles-ci se traduisent par une pénétration philosophique (les idées des Lumières) et politico-constitutionnel (la Déclaration des Droits de l'Homme) et une diffusion des systèmes juridiques qui les accompagnent, via la langue française entraînant l'avènement

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<sup>25</sup> AISSA (Lotfi), *Etre tunisien. Opinions croisées*, Tunis, édition Nirvana, 2014, p. 41.

<sup>26</sup> Traité centenaire du 30 août 1685 entre la Tunisie et la France. Ce traité fut conclu au cours d'une crise sanglante de guerre civile qui éclata entre Ali Bey et son frère Mohamed bey et dura de 1675 à 1685. Sous les ordres du maréchal d'Estrées, le gouvernement français envoya une flotte comprenant huit vaisseaux, cinq galiotes portant 5000 bombes et six autres bâtiments, pour exiger la réparation des dommages causés au commerce français par les corsaires de la régence, et ce au mépris des traités consentis par les deux parties contractantes. Ils devaient également essayer d'obtenir le retour à la France de la concession du Cap Nègre, dont les Anglais venaient de s'emparer et de renouveler le traité de paix et de commerce de l'année 1672. François Petit de la Croix se chargea alors de traduire les clauses de ce traité. *Cahiers des archives, Traités et accords conclus entre la Tunisie et les puissances occidentales (1626-1955)*, les Archives Nationales de Tunisie (ANT), Tunis, 2011, page. 23.



dans la Régence, d'une «monarchie constitutionnelle». Mais la modernisation à la française ne s'arrête pas là: le bey Mohamed Sadok (1813-1882) proclame sur les conseils du consul général de France, Léon Roches (1809-1900), le 10 septembre 1857, le Pacte fondamental qui constituait en Tunisie une ébauche de droit public moderne<sup>27</sup>, là où il n'y avait eu auparavant que le bon plaisir du prince. Quatre ans plus tard, après une entrevue à Alger avec Napoléon III en 1860, il promulguait la Constitution de 1861 (la première dans le monde arabo-musulman) qui tendait à substituer un régime constitutionnel à une «beylicalisation absolue» de la Régence<sup>28</sup>. Malgré l'affirmation d'une personnalité politique de plus en plus indépendante à l'égard de la Sublime Porte, la Régence de Tunis, courtisée par les puissances occidentales, est au milieu du XIXème siècle, partie intégrante d'un ensemble très vaste.

Après l'occupation de l'Algérie en 1830, la France devient une voisine immédiate (*jar* selon l'expression d'Ibn Abi Dhi'af dans son ouvrage *Ithaf Ahl Azzaman*) de Tunis et les relations entre la Tunisie et la France se resserrent par la force des choses. Dès lors que son domaine territorial s'étend désormais à l'Afrique, le «souci de sa sécurité» lui donne une sorte de droit de regard et d'intervention dans les affaires de la Régence limitrophe. Aussi dès la prise d'Alger, l'exclusion de toute influence prépondérante exercée en Tunisie par un autre pays devient-elle un des principes fondamentaux de la politique française

### **Le transfert de l'autorité dans le texte du Bardo (12 mai 1881)**

Le 7 mai 1881, l'ordre est donc donné de marcher sur Tunis car on redoute l'envoi de troupes venant de Constantinople.

Ces ordres parviennent le 8 mai à neuf heures du matin au général Bréart qui part à trois heures du matin. Le soir du 10 mai, il recevait le télégramme chiffré suivant: «Le général Bréart est désigné comme plénipotentiaire pour proposer au bey la conclusion d'un traité dont le texte, en dix articles, est joint à la dépêche. Le général Bréart doit, à cet effet, après avoir campé à deux kilomètres du Bardo (résidence du bey), s'y transporter, de concert avec M. Roustan et avec une escorte convenable. Si le bey demande un délai pour répondre, ce délai doit être fixé dans des limites précises et courtes; en outre, pendant ce temps, le

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<sup>27</sup> Ce n'était en fait que l'application à la Tunisie du *Hatti Cherif* ottoman de Gulhâné, promulgué par le sultan en 1839.

<sup>28</sup> Il faut mentionner que la première constitution dans l'histoire de la Tunisie fut celle de Carthage. Le philosophe grec Aristote considère dans ce témoignage de première main, que la constitution de Carthage était l'une des meilleurs, voire la meilleure de toutes.

général Bréart prendra les dispositions nécessaires pour que le bey ne puisse s'échapper. En cas d'un refus absolu de signer le projet de traité, le bey sera gardé prisonnier dans le Bardo, avec les égards, d'ailleurs, qui sont dus à son rang, et le général Bréart se référera immédiatement au ministre». <sup>29</sup>Accompagné de tout son état major, de la plupart des officiers supérieurs de sa colonne et, escorté de deux escadrons de chasseurs d'Afrique le général Bréart entre sous une pluie battante au palais beylical du Bardo pour soumettre au bey le traité du protectorat rédigé et expédié de Paris. Il accorde cinq heures au bey pour en délibérer avec ses conseillers et ministres en lui notifiant que la réponse doit être soit l'acceptation ? Soit le refus définitif. Il plaçait la Régence sous Protectorat français, bien que le mot lui-même ne figure pas dans le texte. <sup>30</sup> La plupart des juristes admettent en effet que formellement la Tunisie n'a pas aliéné, en 1881, sa souveraineté interne. Le traité du Bardo est un acte de droit international passé entre deux Etats, la France et la Tunisie.

L'article premier du traité du Bardo stipule que toutes les conventions antérieures entre la France et la régence étaient confirmées et renouvelées. Dans son article 2, il proclame en effet que «S.A le bey de Tunis consent à ce que l'autorité militaire française fasse occuper les points qu'elle jugera nécessaires pour le rétablissement de l'ordre et la sécurité de la frontière et du littoral». Mais le même article précise ensuite: «cette occupation cessera lorsque les autorités militaires françaises et tunisiennes auront reconnu, d'un commun accord que l'administration locale est en état de garantir le maintien de l'ordre». La France s'engageait à défendre son Altesse contre les dangers qui menacerait son pouvoir, ou compromettrait la paix des ses Etats (Art.3). La France se portait garante de l'application des conventions liant les autres pays à la Régence de Tunis (Art. 4). Le ministre résident représente désormais le gouvernement français, il veille à l'application du traité; il est également l'intermédiaire des autres pays européens (afin de prévenir leurs intrigues) dans leurs rapports avec le bey. (Art. 5). Les agents diplomatiques français et consulaires français sont à partir de la signature du traité chargés de la protection des intérêts des Tunisiens se trouvant à l'étranger. Le bey doit s'engager à ne pas signer de traités internationaux sans en avoir informé au préalable avec le gouvernement français (Art. 6). Suivent ensuite la contribution de guerre, la prohibition, la contrebande des armes et de la poudre ainsi que la mise en place d'une commission pour réorganiser la finance de la régence (Art. 7, 8 et 9). <sup>31</sup>

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<sup>29</sup> PAVY (Auguste), *Histoire de la Tunisie*, p. 364.

<sup>30</sup> Les textes établissant le protectorat français sur la régence de Tunis étaient pour l'essentiel assez voisins de ceux qui devaient trente ans plus tard instituer le protectorat sur le Maroc.

<sup>31</sup> Par le décret du 9 juin 1881, complétant le traité du Bardo, le bey s'est borné « à conférer au Ministre – Résident de France à Tunis le rôle d'intermédiaire officiel et unique dans les rapports avec «les puissances amies». Il s'agit d'une «simple» délégation de pouvoir, et que le

Conformément à la Constitution française, le traité, soumis à l'approbation parlementaire, était déposé le 13 mai sur le bureau du Sénat et, le 14 sur celui de la chambre des députés. Il est accueilli dans les deux enceintes par de vifs applaudissements et est approuvé le 23 mai par la Chambre sur un rapport de M. Antonin Proust, et le 27 mai au Sénat sur le rapport de M. de Rémusat.

Après la signature du traité, la Turquie multiplia dans la Tripolitaine les manifestations pour créer de troubles à la frontière, l'Angleterre a eu une mauvaise humeur mais de courte durée et l'Italie se montra très vexée et de ce fait, une crise ministérielle s'est produite. En remettant le texte ratifié par le Président de la République, et par la même occasion la copie de la commission qui l'accrédite auprès d'elle comme Ministre-Résident de la République français en vertu de l'article 5 de ce traité, Roustan déclare pour rassurer un bey très inquiet: «(...) Votre Altesse connaît mon respect et mon dévouement pour sa personne et mon zèle pour les intérêts de son pays. Je continuerai à m'inspirer des mêmes sentiments dans l'exercice de mes nouvelles fonctions (...) je vous prie de me conserver la même bienveillance qu'elle (son Altesse) a daigné me témoigner jusqu'ici»<sup>32</sup>.

### **La France en Tunisie: pouvoir, exclusion et domination**

Le régime du protectorat est le système de colonisation le mieux adapté à la III<sup>ème</sup> République. Dans un régime parlementaire où le pouvoir législatif peut à tout moment retirer sa confiance au gouvernement et provoquer une crise ministérielle, le protectorat, en soustrayant la régence au contrôle parlementaire, limite les effets d'une instabilité politique chronique. Il est assurément permis de se demander si le gouvernement de la République n'a pas, dans la perspective d'une politique d'expansion coloniale, favorisé un système de colonisation qui lui permet de s'abriter derrière la souveraineté fictive, laissée pour la circonstance au bey local, et d'échapper ainsi à la censure parlementaire. Le système du protectorat permet, en effet, au gouvernement de procéder à l'organisation d'un territoire colonisé sans être paralysé par le contrôle tatillon des Chambres. De plus, la situation démographique de la France, caractérisée par un faible accroissement naturel, cadrerait mieux avec le régime du protectorat qui ne nécessitait pas une colonisation de peuplement.

Le terme de «Protectorat» est bien choisi, il implique l'idée de réciprocité d'obligations. Il faut l'envisager contre la perte des droits

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bey n'a pas renoncé à la faculté d'entretenir une armée même si celle-ci a un rôle symbolique.

<sup>32</sup> Archives Nationales de Tunisie (ANT), Tunis, Série historique, Carton 215, dossier Protectorat mai 1881, Pièce 182.

du protecteur en cas de manquement. Au cas où le pays signataire du protectorat n'est pas dans le strict droit des colonies, il l'est cependant en plusieurs sens (différents) puisque le pouvoir y est partagé. A notre avis, un pays protégé, comme le fut la Tunisie, n'est qu'un «pseudo-Etat» ou un Etat «mi-souverain» qui ne détient le pouvoir exécutif et législatif qu'en principe, en fiction. Et même s'il a ces pouvoirs, il ne les a pas seul. Si les décrets tunisiens sont pris au nom du bey, ils sont élaborés, proposés et contrôlés par le pouvoir français en place. Il y a donc association et collaboration dans le protectorat entre les deux pouvoirs, le pouvoir indigène tunisien et le pouvoir français. Il y a toujours, dans ces cas, domination: une domination certes très peu perçue parfois, mais toujours déclarée.

Pour l'historien René Rémond «*Le protectorat comporte la reconnaissance partielle d'une singularité qui empêche de le confondre avec le métropole. Il y a des degrés dans la dépendance, et le protectorat connaît une dépendance atténuée. Dans le régime du protectorat, pratiqué par la France, la fiction d'un Etat subsiste. S'appliquant généralement aux pays qui constituaient des unités politiques ayant eu des relations internationales. Le protectorat tient compte de ce passé, respecte l'unité politique*»<sup>33</sup>.

En apparence donc, la Régence<sup>34</sup> continuait à être dirigée par un prince souverain (le bey) mais le traité du protectorat restreignait considérablement son pouvoir.

Les textes établissant le protectorat français sur la régence étaient pour l'essentiel assez voisins de ceux qui devaient, trente années plus tard, instituer le protectorat français sur le Maroc. La plupart de juristes admettent en effet que, formellement, la Tunisie n'a pas aliéné, en 1881, sa souveraineté interne.

Le traité du Bardo, signé le 12 mai 1881, tout comme plus tard le traité de Fès pour le Maroc<sup>35</sup>, est un acte de droit international, passé entre deux Etats. Dans son article 2, il proclame en effet que: «S.A. le bey de Tunis consent à ce que l'autorité militaire française fasse occuper les points qu'elle jugera nécessaires

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<sup>33</sup> REMOND (René), *Le XIX<sup>e</sup> siècle (1815-1914)*, éditions du Seuil, Paris, 1974, pp. 213-214.

<sup>34</sup> Archives Diplomatiques du Quai d'Orsay (Paris). Le budget des recettes de la Tunisie qui était de 17.980.000 piastres en 1881-1882 (la valeur de la piastre oscillait entre 0.60 F et 0.65 F, au mois de mai 1883 Paul Cambon l'estimait à 0.6076 F), passait à 23.753.330 en 1883-1884, à 30.860.885 en 1884-1885, à 34.200.276 en 1885-1886. A.E Tunis. Vol 67 bis et Vol 76 - Rapport au Président de la République sur la situation de la Tunisie. (1881-1890) pp 131 à 133 et pp 136 à 145.

<sup>35</sup> Pour le Maroc les textes de 1912 ne prévoient pas le délai au terme duquel les droits protecteurs expireront ou se transformeront, le traité du Bardo est plus explicite.

pour le rétablissement de l'ordre et la sécurité de la frontière et du littoral». Mais le même article précise ensuite que: «Cette occupation cessera lorsque les autorités militaires françaises et les Tunisiens auront reconnu d'un commun accord que l'administration locale est en état de garantir le maintien de l'ordre.» Certes, des limitations sévères sont imposées à la souveraineté tunisienne, mais même en ce qui concerne les rapports entre la régence et les Etats étrangers, le bey n'abdique pas sa souveraineté internationale.

Par le décret du 9 juin 1881, complétant le traité du Bardo, le bey s'est borné à conférer au ministre résident général de France à Tunis le rôle d'intermédiaire officiel et unique dans les rapports avec les puissances amies.

Il s'agit d'une simple délégation de pouvoirs, le bey n'a pas davantage renoncé à la faculté d'entretenir une armée même si celle-ci a un rôle symbolique.

La convention de la Marsa, conclue le 8 juin 1883, donne à la puissance protectrice le droit de promulguer les réformes. Il suffit de citer l'article premier qui disait: «*afin de faciliter au gouvernement français l'accomplissement de son protectorat, S.A le bey de Tunis s'engage à procéder aux réformes administratives, judiciaires et financières que le gouvernement français jugera utiles*». Cet article aurait pu servir de prétexte aux autorités françaises pour substituer à un régime de protectorat un régime d'administration directe. Cette deuxième convention contenait le mot « protectorat » et autorisait le gouvernement français à mettre son veto à tout acte émanant du bey susceptible de nuire à la bonne administration de la Régence. Pour de nombreux juristes, les conventions de 1881 et 1883 étaient, du point de vue juridique, des formules assez souples pour pouvoir fonder ultérieurement un régime d'autonomie interne.

C'est un projet en dix articles, prévoyant l'occupation d'un certain nombre de points stratégiques dans la Régence. En cas de refus du bey, une démonstration navale dans les eaux tunisiennes appuyée par l'intervention d'une force militaire sur la frontière, devait amener ce dernier à composer et à céder. Les prétextes pour une intervention militaire ne manquaient pas. En effet, le gouvernement français pouvait ouvrir le dossier des Kroumirs (montagnards berbérophones du nord-est du pays) qui avaient, en 1878, pillé un navire français sur les côtes non loin de Tabarka et qui avaient, depuis lors, été la cause de bon nombre d'incidents frontaliers. Le bey se révélait incapable d'inquiéter ces montagnards et les promesses d'indemnités aux familles des rescapés étaient restées sans suite, donnant un prétexte à la France pour intervenir. Les institutions tunisiennes étaient alors en pleine décadence, et la banqueroute financière du régime avait déjà été à l'origine d'une mise sous tutelle exercée conjointement par la France, l'Angleterre et

l'Italie.

Le projet avait été soumis au président Mac Mahon qui l'avait approuvé. Mais les ministres sont hésitants à cause des risques encourus. Gambetta, dont les sympathies pour l'Italie sont connues, avait jugé inopportun tout projet d'intervention dans la Régence, voulant éviter une rupture avec l'Italie, et souhaitant ne pas laisser Mac Mahon en retirer le prestige, dans le contexte d'hostilité latente prévalant depuis la crise du 16 mai.

«*L'affaire de Tunis*» connaissait donc un temps d'arrêt, et l'on ne s'intéressait au plan international qu'à la question de la rectification des frontières grecques que la France avait soulevée au congrès de Berlin. Cette question monopolisa l'attention du gouvernement français jusqu'au début de l'année 1881. «*L'affaire Sancy*» vint réveiller la question tunisienne au début de 1879, mais l'ultimatum de Waddington<sup>36</sup> n'était pas appliqué puisque le bey avait souscrit aux exigences françaises. Avec le ministère Freycinet<sup>37</sup>, la question de Tunis fut relancée pour la troisième fois, après que l'Italie ait affirmé ses vues sur la Régence, avec notamment l'achat de la ligne Tunis-la Goulette par la Société Rubbatino. Alerté par le baron de Courcel,<sup>38</sup> Charles de Freycinet, président du Conseil et ministre des Affaires étrangères (du 28 décembre 1879 au 23 septembre 1880), avait fini par se décider à l'action et incite Roustan, en mai 1880, à reprendre avec le bey les discussions au sujet du projet de protectorat, rédigé par Waddington<sup>39</sup> à la fin de 1878.

Le bey s'opposa à toute négociation. Charles de Freycinet n'osa pas s'engager plus avant. En effet, il fallait ajouter à l'attitude de l'Italie<sup>40</sup> le résultat des élections anglaises d'avril 1880 amenant au pouvoir à Londres le cabinet Gladstone qui semblait moins bien

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<sup>36</sup> William Henry Waddington (1826-1894), homme politique et archéologue français d'origine britannique. Il fut ministre de l'instruction publique (1873 et 1877) et des affaires étrangères (1877-1879) puis président du Conseil (février- décembre 1879). Dictionnaire encyclopédique de la langue française, p. 1639.

<sup>37</sup> Ministre du 27 décembre 1879 au 23 septembre 1880.

<sup>38</sup> Alphonse Chodron de Courcel. Né à Paris le 30 juillet 1835 et mort le 17 juin 1919. Diplomate et homme politique français, ambassadeur de la France auprès de l'empire allemand (1881-1886) et représentant de la France à la conférence africaine de Berlin (1884-1885). Sénateur de Seine et Oise, ambassadeur à Londres 1894-1898.

<sup>39</sup> William Henry Waddington (né le 11 décembre 1826 et décédé le 13 janvier 1894). Homme politique et archéologue français. Député en 1871, sénateur de l'Aisne 1876-1894. Président du Conseil du 4 février au 28 décembre 1879. Ministre des affaires étrangères de 1877 à 1879, représentant français au congrès de Berlin (1878).

<sup>40</sup> Pour contrecarrer l'action française, le consul Licurgo Maccio (Consul d'Italie à Tunis de 1878 à 1881) avait subventionné un journal imprimé en arabe «*Le Mostakel*» («L'indépendant») et distribué la plupart de ses exemplaires gratuitement. Ce journal, qui continuera à paraître jusqu'en avril 1881, était vivement critiqué par la presse française.

disposé envers la France que celui de Disraeli. Charles de Freycinet, et par la suite Jules Ferry, pensaient que le nouveau cabinet allait rendre incertaine l'exécution de la promesse donnée en 1878 par Salisbury. Aussi, avec l'arrivée de Jules Ferry au pouvoir, en septembre 1880, la politique gouvernementale continuait à se caractériser par les mêmes hésitations. Le ministre des Affaires étrangères d'alors, Barthélémy Saint Hilaire, ne s'intéressait qu'à sa position d'arbitre européen entre l'Empire ottoman et la Grèce pour résoudre le problème des frontières qui opposait ces deux pays. Bismarck, ironisant à propos de ses voisins, disait en janvier 1881, que *«les Français jettent aux moineaux grecs la poudre qu'ils devraient réserver pour le pigeon tunisien»*.

Cependant, influencé par Roustan et le directeur des affaires politiques de son ministère, Barthélémy Saint Hilaire posa la question devant le conseil des ministres en janvier 1881. Il espérait influencer ses collègues pour régler la question de Tunis avant les élections législatives prévues en fin d'année. Mais le conseil s'opposa à toute intervention immédiate. *«Une expédition à Tunis, dans une année d'élection, avait dit Jules Ferry,... mon cher Saint-Hilaire, vous n'y pensez pas?»* Les élections approchaient, et personne ne pensait que la France serait en mesure d'entreprendre une action militaire. Le gouvernement était contre; au Parlement, les monarchistes prônaient le «recueillement», la gauche républicaine de Georges Clemenceau y est opposée parce que les aventures colonialistes détournent l'attention des provinces perdues d'Alsace et de Lorraine. Les positions s'inverseront en trois ou quatre générations.

Cependant, la situation allait changer au cours du mois de mars de la même année. Le gouvernement décida en effet de recourir à l'intervention militaire. C'est à l'action du baron de Courcel que revint la responsabilité de ce revirement de la politique française en Tunisie<sup>41</sup>.

Directeur des affaires politiques au ministère des Affaires étrangères, bonapartiste et certainement influencé par la politique de Talleyrand dont il était un admirateur, de Courcel croyait à la nécessité d'occuper la Régence de Tunis. Mis au courant de l'opinion du bey et des grands États européens sur l'affaire de Tunis par une correspondance particulière avec Roustan ainsi qu'avec les ambassadeurs à Berlin, Rome et Londres, il avait jugé, dès le Congrès de Berlin, que la prise de Tunis était possible, et

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<sup>41</sup> Le Baron de Courcel écrivait à Roustan, le 4 novembre 1880, sur l'influence française à propos de l'Enfida *«Je ne crois pas que nous puissions accepter un échec sur l'affaire de l'Enfida. Vous suivez à cet égard la voie qui vous paraît la plus convenable, mais que le contrat soit arabe ou français l'essentiel est qu'il tienne bon. Je n'ose vous dire encore que nous prendrons les grands moyens parce que notre situation intérieure ne nous le permet pas mais vous serez soutenu...»*.

n'entraînerait pas de crise internationale.

Malgré leurs divergences d'opinions, de Courcel rencontra Gambetta au mois de mars, lui exposa ses idées et obtint son assentiment sur la nécessité d'une action énergique à Tunis. Le revirement de Gambetta, dont l'autorité était toujours décisive bien que qu'il ne fût pas au gouvernement, fut déterminant dans l'orientation de la politique tunisienne et dès la fin du mois de mars. «*Gambetta décidé, Jules Ferry se décida à son tour*». Il semble que le Président de la République, qui pensait en juillet 1880 que l'affaire de Tunis «*ne valait pas un cigare à deux sous*», ait changé d'avis puisqu'il approuvait, en 1882, le protectorat au cours d'une conversation avec le sénateur Labiche, rapportée par le député Bernard Lavergne: «*Vous avez tort de dire que nous n'aurions pas dû aller en Tunisie. Si nous ne l'avions pas fait, les Italiens s'en seraient emparés et c'était un danger*<sup>42</sup>».

C'est dans ce contexte de changement d'opinion chez les hommes politiques les plus influents que se situe l'expédition militaire de la régence de Tunis, et la signature du traité de Bardo le 12 mai 1881. Le procès du journal «*l'Intransigeant*» s'ouvrit en décembre 1881 dans ce contexte. En effet, Rochefort avait publié en septembre un article sur les affaires tunisiennes, accusant Roustan et Gambetta de diverses malversations financières. À la surprise générale, Rochefort fut acquitté. Gambetta, pour exprimer sa confiance dans les agents du gouvernement, maintint Roustan dans son poste. Ce procès fut la dernière phase du développement de l'affaire tunisienne en 1881. Avec ce procès, la loi sur la liberté de la presse, promulguée au mois de juillet de la même année, recevait sa première application. L'année 1881 fut ainsi non seulement une année d'élections, celle de la libération de la presse mais aussi l'année où la Troisième République entreprit sa première expédition militaire à l'étranger<sup>43</sup>. En collaboration avec le gouvernement beylical, Paul Cambon<sup>44</sup> mit en place les institutions du protectorat dont le but était de «*gouverner le pays de haut en bas.*» L'autorité du protectorat, dès son installation, fit preuve d'une grande complaisance à l'égard des chefs de l'administration locale qu'elle

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<sup>42</sup> SAIDI (Hedi), *Rapports colons colonisés en Tunisie. L'exemple de Dar Elbey 1880-1919*, éditions Farjallah, Sousse, p. 19.

<sup>43</sup> Le 8 novembre 1881, Clemenceau disait à la tribune de la Chambre à propos de cette affaire : «*Je n'aperçois dans toutes les entreprises que des banques qui sont à Paris, qui veulent faire des affaires et gagner de l'argent à la bourse; Ces affaires là peuvent intéresser des particuliers mais elles n'intéressent pas l'intérêt national...* » Cité par B. Lavergne, *Les deux présidences de Jules Grévy 1879-1887*, p. 95.

<sup>44</sup> A son arrivée, P. Cambon écrivit à propos des finances tunisiennes: «*On pourrait surveiller et améliorer la perception des impôts actuels et les modifier progressivement de façon à n'imposer au budget français que des charges minimales.*» A.E Tunis, Vol 167 bis, Cambon à Freycinet, Tunis, 22 avril 1882.



voulait à tout prix s'attacher pour restaurer son influence dans la régence. Certains caïds, accusés de corruption et de prévarication, furent destitués, mais le véritable mobile de ces destitutions était leur hostilité aux autorités françaises. Les nouveaux caïds complaisants, nommés sous le contrôle du Protectorat, ne manquaient pas de tirer avantage de la confiance et de la protection du corps d'armées dont ils jouissaient pour en tirer les plus grands avantages, notamment en s'enrichissant au détriment de leurs administrés.

### **L'administration<sup>45</sup> tunisienne maillon du pouvoir français**

En apparence, la Régence continuait à être dirigée par un prince souverain (le bey était autrefois un dignitaire de l'Empire Ottoman mais n'a jamais été un dignitaire religieux en Islam. Le principal dignitaire religieux de la Tunisie était le bach-mufti cheick el Islam), mais deux actes du traité de Ksar Saïd et la convention signée à la Marsa, restreignaient considérablement ses pouvoirs.

Le conflit idéologique: le clash

Le bey avait deux ministres: le «premier ministre» qui dirigeait les caïds ou administrateurs territoriaux et le «ministre de la plume» (*Bach katib*), mais les véritables ministres étaient les ministres français: le ministre des affaires étrangères qui n'était autre que le Résident général, le ministre de la guerre qui était le Général commandant le corps d'occupation, puis les chefs des grands services publics, de l'enseignement, lesquels étaient appelés à siéger dans les conseils du gouvernement et préparaient chaque année le budget. Le Résident général présidait les conseils des ministres en collaboration avec un secrétaire d'ambassade français qui occupait l'important poste de secrétaire général du gouvernement beylical.

Ailleurs, dans le reste de la Régence, des caïds sont nommés (sortes de préfets résidents) et assistés d'un ou de plusieurs *Kahia* chargés de l'administration locale.

À leurs côtés, dans une situation d'observateurs étaient les «contrôleurs civils», vice-consuls de France, qui exerçaient auprès des autorités tunisiennes les mêmes fonctions de direction et de

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<sup>45</sup> Il est difficile de traiter l'histoire de l'administration dans les colonies sans accorder aux interprètes et aux traducteurs l'intérêt qu'ils méritent, par ce que cette administration ne pouvait se passer de ces «intermédiaires». Bien qu'il occupait une position inférieure par rapport aux autres fonctionnaires, l'interprète a participé d'une manière très directe à la mise en place des institutions françaises. Rien ne fonctionnait sans l'assistance d'un traducteur ou d'un interprète dans un pays multilingue. Pour plus d'approfondissement voir l'excellent article de Hend Guirat, *Le fonds de l'actuel tribunal d'appel de Tunis : une source pour l'écriture de l'histoire de l'administration?* In *Les Archives de l'administration et du personnel de l'Etat en Tunisie à l'époque moderne et contemporaine*, Tunis, 2009, pp. 3-16.

conseil que celles du Résident général auprès du bey.

Ils étaient au nombre de 14, installés à Tunis, Mateur, Bizerte, Bejà, Sfax, Kairouan, Le Kef, Nabeul, Souk, El Arbaâ, La Goulette, Sousse, Djerba et Tozeur, et représentaient le corps des fonctionnaires français en Tunisie. Ces contrôleurs ne devaient pas administrer directement, mais leur rôle n'en était pas moins considérable car ils avaient pour charge de visiter des tribus, recevoir les habitants et contrôler l'application des lois. C'était là l'une des réformes que le système de protectorat s'était empressé de réaliser.

Enfin, nous pouvons citer l'institution de municipalités, la réduction des effectifs de l'armée beylicale, la réorganisation de l'enseignement, la création d'une justice française, l'institution de l'état-civil et la suppression des capitalisations qui mettaient la France en position particulière et privilégiée en Tunisie. Ces capitulations permettaient de placer les étrangers<sup>46</sup> vivant en pays musulman sous la juridiction de leurs consuls qui étaient seuls qualifiés à pouvoir les juger, les condamner et exécuter les jugements prononcés.

Au premier août 1884, tous les tribunaux consulaires étrangers étaient fermés en Tunisie et les juridictions françaises étendirent leur compétence à toutes les affaires concernant la population européenne. Certains colons, appuyés en France par des hommes politiques et notamment par la députation algérienne, avaient demandé la déposition du bey,<sup>47</sup> l'annexion pure et simple de la Tunisie. Il faut noter que chaque jour, l'administration française étendait sa mainmise sur le pays, même si les décrets du bey étaient toujours datés de l'année de l'hégire et précédés des formules rituelles musulmanes. Une ère nouvelle commençait, celle de la soumission et de l'exploitation. Il ne faut pas, d'après ce qui était dit, conclure que s'il n'y avait pas eu *l'affaire de l'Enfida*, la Société Marseillaise, la vente de Khairreddine, la colonisation n'aurait jamais vu le jour<sup>48</sup>.

Car, au fond, les raisons fondamentales étaient les transformations économiques et sociales qu'avait connues l'Europe

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<sup>46</sup> Ils font un effort gigantesque pour informer, motiver et encourager l'immigration vers les pays neufs et popularisent très bien l'image du soldat laboureur, du missionnaire et du colon courageux, venus apporter la grande civilisation aux barbares d'Outre-mer. Paul LEROY BEAULIEU : De la colonisation chez les peuples modernes. Alcan Editeur - Paris 1874-autres éditions 1882.1886-1891-1901-1908-.

<sup>47</sup> Archives Diplomatiques du Quai d'Orsay (Paris). Le Quai d'Orsay prescrit à Cambon à la fin de février 1883 de ne pas soumettre à la signature du bey le décret sur le budget qui peut entraîner des difficultés internationales (A.E. Tunis, Vol 72, Challemeil. La cour à Cambon, Paris, 24 Fev. 1883.

<sup>48</sup> Nous pensons en revanche que l'achat de ce vaste domaine (le plus vaste de la Tunisie) était l'une des plus importantes raisons.

dans les années 1870 et qui avaient entraîné le système capitaliste dans une nouvelle phase. À partir de 1870, l'Europe connaît une dépression économique, la compétition est de plus en plus acharnée et exige surtout l'ouverture de nouveaux marchés pour les marchandises et les capitaux!

*L'expansion coloniale est un système politique et économique(...) à trois ordres d'idées, à des idées économiques, à des idées de civilisation la plus haute portée et à des ordres politique et patriotique*<sup>49</sup>, selon la formule de Jules Ferry<sup>50</sup>.

Vers 1880, 66 % du commerce mondial est entre les mains des Européens, qui commence à imposer une division internationale du travail. Aux pays neufs, elle achète des produits bruts agricoles ou miniers à des prix qu'elle détermine, en contrepartie elle leur fournit des objets manufacturés. L'Europe exporte aussi ses capitaux, et à partir du milieu du XIX<sup>e</sup> siècle, elle est devenue le banquier du monde. Si la situation financière de la Régence était fort encourageante pour les investisseurs européens et français<sup>51</sup>, la Tunisie par contre ne représentait pas un marché important capable de résoudre le problème de la surproduction dans ces pays capitalistes industrialisés. La population tunisienne ne dépassait pas le million et le niveau de vie était tellement bas que les marchandises françaises et européennes ne représentaient aucune nécessité pour les habitants nomades et semi-nomades vivant en économie de subsistance. De plus, il manquait à la Régence des moyens de communication (routes, chemins de fer, ports) capables d'assurer l'écoulement de ces marchandises.

Cette infrastructure délabrée avait suscité l'intérêt des investisseurs de capitaux français, elle était source de profit et de gain. Les capitalistes financiers français avaient toujours d'autres sources de gain, non moins considérables, tels que l'achat des terres des grands propriétaires qui voulaient s'en débarrasser<sup>52</sup>.

### **Les contrôleurs civils, bâtisseurs du Protectorat**

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<sup>49</sup> FERRY(Jules), *Les fondements de la politique coloniale*, discours à l'Assemblée nationale, le 28 juillet 1885

<sup>50</sup> Homme politique français (1832-1893). Député, maire de Paris, ministre, il est considéré comme un des pères fondateurs de l'identité républicaine en France.

<sup>51</sup> Archives Diplomatiques de la Courneuve. Cambon écrivait à Ferry le 8 décembre 1884: «L'établissement en Tunisie d'un régime foncier permettant à la colonisation de se développer à l'aise dans les vastes et fertiles campagnes qui ouvre le protectorat français sur la Régence » A.E. Tunis, vol 85, Cambon à Ferry.

<sup>52</sup> Le domaine de l'Enfida en est le meilleur exemple. Le retard engendré par l'administration française à autoriser ces capitaux français privés à s'installer en Tunisie s'expliquait par la politique intérieure française et les ennuis rencontrés en Algérie (morts, dégâts matériels). L'opinion publique était incapable de supporter car elle était obsédée par la question de l'Alsace et de la Lorraine.

On peut ici analyser les rapports et les relations qu'un contrôleur civil membre de l'élite, nome et entretient avec les milieux tunisien et français en Tunisie. Qu'est ce qu'un contrôleur civil<sup>53</sup>? Que peut-il apporter et refuser au cours de sa carrière?

À côtés des caïds, dans une situation d'observateurs, ils exercent auprès des autorités tunisiennes les mêmes fonctions de direction et de conseil. Ce sont des fonctionnaires locaux, des acteurs de premier plan aussi bien dans l'histoire de la Tunisie contemporaine et les piliers de ce colonialisme de type nouveau inventé par la Troisième République.

Ils sont au nombre de 14<sup>54</sup>, installés à Tunis, Mateur, Bizerte, Bejà, Sfax, Kairouan, Le Kef, Nabeul, Souk, El Arbaâ, La Goulette, Sousse, Djerba et Tozeur, et représentent le corps des fonctionnaires français en Tunisie. Ces contrôleurs ne doivent pas administrer directement, mais leur rôle n'en est pas moins considérable car ils ont pour charge de visiter des tribus, recevoir les habitants et contrôler l'application des lois. Leur rôle louvoie ainsi entre deux comportements.

La période de la fondation 1884-1897: une phase «démilitarisée»

Le contrôleur civil est en théorie un administrateur qui n'administre pas ce qui laisse à la fonction, à ses débuts un champ d'exercice large parce que mal défini. Le système confère au contrôleur civil un pouvoir si étendu qu'il échappe à toute taxinomie juridique. Il dépend des faits, des hommes et non des idéologies. Durant cette période, les contours de cette fonction nouvelle se préciseront progressivement. Cette période est imprégnée par le souci de créer des rapports nouveaux avec les chefs indigènes et d'imposer une tutelle respectueuse aux populations. Ici, le contrôleur civil est le fonctionnaire républicain pris dans l'engrenage du système protecteur.

1897-1938: le temps de la stabilisation

C'est également le temps de la colonisation officielle dans un climat d'efflorescence du fait colonial et du développement du nationalisme tunisien. À peine la fonction de contrôleur civil stabilisée, elle est remise en cause et tout le système qui va avec. La crise des années trente, la radicalisation progressive du mouvement national sous l'impulsion d'une génération nouvelle ont bousculé l'« intelligent équilibre ». Les contrôleurs se soucient de maintenir

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<sup>53</sup> Voir à ce sujet MOUILLEAU (Elisabeth), Les contrôleurs civils en Tunisie (1881-1956), thèse d'histoire soutenue en 1998 à l'université de Paris 3, 1882 pages.

<sup>54</sup> Parmi eux Pierre BARDI, Contrôleur civil à Tunis en 1922 et René STABLO, contrôleur civil de Djerba de 1936 à 1941.

l'ordre dans la Régence, seule une minorité d'entre eux demeure encore soucieuse d'établir des rapports courtois avec les indigènes. Pendant cette période, il est le fonctionnaire colonial qui met sans état d'âme son expérience du métier et son savoir répressif au service de la colonisation.

### **Les Prépondérants<sup>55</sup> un groupe autoritaire opposé aux nationalistes tunisiens<sup>56</sup>**

Le collectif des Prépondérants apparaît essentiellement comme l'expression du pouvoir agricole en Tunisie. Il faut entendre par là les colons de la première vague, ceux qui ont été les premiers à s'installer en Tunisie et qui ont pu ainsi disposer des capitaux nécessaires et de l'appui technique pour mettre en valeur les terres. Ce collectif est un simple aboutissement de la colonisation française<sup>57</sup>.

Le fondateur de ce groupe d'intérêt, Victor de Carnières directeur du journal *La Tunisie Française*,<sup>58</sup> (appelé "*le seigneur de Soliman*"), est un grand propriétaire au Cap Bon où l'on produit du vignoble, où l'on entretient des pépinières d'arbres fruitiers et où l'on vend des arbres forestiers et des arbres et plantes en pot. Il en est de même de ses collaborateurs : Léon Moncelon est propriétaire à

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<sup>55</sup> Il faut dire que le terme Prépondérants est quelque peu anachronique, car il faut attendre 1907 pour qu'il soit introduit dans le vocabulaire politique. Récupéré par les réformistes tunisiens, il désigne tous les privilèges dont peuvent profiter les colons français, les Prépondérants étant ceux qui sont les plus attachés à conserver leurs privilèges.

<sup>56</sup> *La Tunisie Française*, 22 septembre 1894.

<sup>57</sup> Par le moyen de l'immatriculation d'une part et de l'achat de terres à des prix dérisoires au profit de grandes sociétés (comme la "Société Marseillaise de Crédit" ou la "Société Cléricale de l'Union foncière de Tunisie") et des grands capitalistes, le domaine agricole colonial progresse rapidement au nord du pays. Un décret promulgué en 1886 vient ouvrir les terres *habous*, qui sont en principe inaliénables, à la colonisation. Enfin, en 1890 on crée la Direction de l'Agriculture qui donnera en 1896 la Direction Générale de l'Agriculture, du Commerce et de la Colonisation dans le but de confisquer des terres appartenant soit aux tribus soit à l'administration des *habous* privés.

<sup>58</sup> Fils d'un haut magistrat, celui-ci, né en 1849, et après des études juridiques qui devaient le préparer à la carrière d'avocat, finit par se découvrir une vocation d'agriculteur. Il arrive en 1883 en Tunisie où il s'installe comme colon à Soliman (à une trentaine de kilomètres de Tunis). Il fonde le journal *L'Annexion* qui devient après quelques mois *La Tunisie Française* et réussit à se faire élire le digne représentant des colons agriculteurs, puisque dès 1894 il est nommé secrétaire général puis une année après vice-président de la Chambre d'Agriculture. À partir de 1896 il devient délégué à la Conférence Consultative. Sa liberté de langage et sa plume facile lui permettent d'occuper une importante place dans la scène politique tunisienne. Ses positions font de lui le porte-parole de la droite nationaliste en Tunisie, surtout après l'éclipse du groupement du journal *La Kasbah* de Paul Jacquinet d'Oisy qui était encore plus à droite.

Bizerte, Jean-Baptiste Aquaviva est membre de la Chambre d'Agriculture de la circonscription du Kef, G. Aubé est président du syndicat des viticulteurs. D'autres membres du groupement qui participent à la vie du journal, quoique anonymes parce qu'ils signent leurs articles par un X, un double X ou un triple X., paraissent aussi être bien expérimentés en matière d'agriculture. Ces colons agriculteurs, qui sont déjà en 1892, résidents en Tunisie depuis dix à douze ans, se considèrent comme les défenseurs attitrés des intérêts français dans le Protectorat et voient d'un mauvais œil la prolifération des fonctionnaires vers la fin des années 1890. Ils aspirent à un engagement toujours plus grand du gouvernement français dans la colonisation des terres et l'implantation des colons et constatent, non sans désarroi, l'indifférence du gouvernement du protectorat à leur égard. En effet, de Carnières écrit en 1899 : "On demeure confondu lorsqu'on se rappelle l'état des esprits en 1894, époque de l'arrivée à Tunis du Résident général (René Millet), la situation prospère de la Tunisie, son avenir heureux, tranquille, et que l'on constate en quel désarroi cinq années de folle administration ont précipité la régence"<sup>59</sup>.

Il faut dire, quand même, que l'émergence du groupement des Prépondérants est un peu l'expression des premières angoisses de la colonie française dans son ensemble vis-à-vis de la situation démographique en Tunisie dans les années 1890. Cette situation se caractérise par la faiblesse du nombre des colons français par rapport au nombre de ressortissants européens<sup>60</sup>.

De 1881 à 1890, le nombre des Français progresse peu, l'immigration française étant liée presque seulement aux besoins de l'administration. À partir de 1890, avec la création de la Direction Générale de l'Agriculture, l'immigration française devient un programme de gouvernement. Certes, le nombre des Français se multiplie par cinq entre 1891 et 1911, mais il ne représente encore que la moitié du nombre des Italiens. La présence italienne constitue pour les Français un véritable danger, car cette communauté constitue une colonie bien structurée avec ses commerçants, ses industriels, ses agriculteurs, ses avocats, ses hôpitaux, ses écoles, ses journaux, ses sociétés de toutes sortes, ses agents consulaires installés dans plusieurs ports du pays: La Goulette, Monastir, Gabès, Mahdia, Jerba, etc. et au-delà une capacité inégalable d'intégration.

Investissant d'abord, et dès l'institution du protectorat, le système politico-administratif, cette colonisation conserve, certes, la vieille hiérarchie tunisienne d'administration directe, qui est

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<sup>60</sup> EL ANNABI (Hassan), *L'Autre» à travers le journal La Tunisie française, Cahier de la Méditerranée*, 66/203, pp. 322-323.

constituée du premier ministre, des *caïds* (représentants locaux de cette autorité), des *cheïkhs* (agents de liaison entre les administrés et l'autorité) ; mais elle la double d'une hiérarchie nouvelle qui est dirigée par le Résident général et qui est composée, d'une part de techniciens français faisant de l'administration directe, et d'un système français de contrôle, avec notamment les contrôleurs civils. Parallèlement à cette action de conquête de l'administration, d'importantes superficies cultivables sont acquises par la colonisation dès les premières années du protectorat.

Le groupement des Prépondérants s'attribue un double rôle. Il se présente d'abord comme le défenseur de la civilisation contre la barbarie, il se donne aussi l'image du vrai gardien des valeurs républicaines. La première mission découle d'un constat que font les Prépondérants : «Tous les peuples depuis les primitifs jusqu'aux plus civilisés de nos jours se divisent en deux catégories: ceux chez lesquels la religion domine et règle tout et ceux qui, laissant à l'homme sa liberté de conscience, ont établi un recueil de lois civiles qui se sont modifiées et transformées avec le progrès de la science, ont constitué les codes de la Raison, indépendants des dogmes de la croyance et facilité ainsi l'éclosion de pensées nouvelles et le développement du progrès en laissant dans sa tour d'ivoire s'épanouir les scrupules de la conscience. Les premiers, parmi lesquels se trouvent presque tous les peuples extra-européens et les musulmans entre autres, constituent une race encore primitive, réfractaire à notre civilisation, fanatique par essence de par le développement exclusif donné aux dogmes religieux».<sup>61</sup>

Alors à la question : quelle doit être l'attitude des Français à l'égard des indigènes? «La réponse se trouve dans l'étiquette même de notre gouvernement. Protectorat équivaut à tutelle. Or, le tuteur administre les biens du pupille en bon père de famille sous sa responsabilité et sans prendre l'avis de l'intéressé. Ce qui revient à dire que la nation protectrice doit gouverner la nation protégée au mieux de leurs intérêts communs, qu'elle est tenue d'être juste et même bienveillante vis-à-vis d'elle et de la faire participer peu à peu aux progrès de la civilisation par des réformes opérées avec prudence et sagesse»<sup>62</sup>.

Ainsi, pour les Prépondérants, civiliser ne veut pas dire assimiler, du moins pas immédiatement, et ils n'hésitent pas à taxer d'arabophilie toute mesure dans le sens de l'assimilation prise par le gouvernement du Protectorat en faveur des autochtones.

La position des Prépondérants se radicalise à partir de 1895, après que des délits sont commis par des Tunisiens à l'encontre de Français, notamment à Béja. De Carnières y voit tout de suite un

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<sup>61</sup> *La Tunisie Française*, 3 juillet 1897.

<sup>62</sup> *La Tunisie Française*, 8 juin 1895.

changement dangereux dans la mentalité des habitants, qu'il n'hésite pas d'ailleurs à lier à l'attitude par trop conciliante et pas suffisamment ferme des autorités du protectorat à leur égard. Si l'attitude du groupement à l'égard des Tunisiens musulmans est commandée par la théorie de l'inégalité des races, celle qu'il affiche vis-à-vis des Juifs<sup>63</sup> de Tunisie relève en apparence du principe de l'égalité des sujets du bey dont les Prépondérants se font maintenant les grands défenseurs.

«Nous sommes résolus», dit de Carnières, «à combattre de toutes nos forces la tendance qu'ont les Juifs en Tunisie à s'isoler au milieu de la population indigène et de former, grâce à des institutions spéciales, une sorte d'Etat dans l'Etat". «Et tout d'abord», poursuit-il, «nous demandons au gouvernement de ne plus faire de distinction entre les sujets tunisiens et de supprimer tous les privilèges qui créent aux Israélites une situation de faveur par rapport aux Musulmans. Il faut en finir avec les protections consulaires qui, moyennant quelques francs par an, donnent aux Juifs des droits sans leur créer de devoirs. Il faut exiger des enfants d'Israël les mêmes impôts que payent les autres sujets beylicaux : il faut les soumettre comme les Arabes au service militaire. Il faut enfin expulser de la Régence cette Alliance Israélite Universelle qui vient, en pleine colonie française, façonner une partie importante de la population aux idées des ennemis de la France»<sup>64</sup>.

Ainsi, cachant mal son antisémitisme ce groupement constate avec amertume que Tunis est devenue "la nouvelle Jérusalem" des Juifs, car ces derniers y sont choyés, cajolés et protégés. Or, pour les Prépondérants cette situation est dangereuse pour les intérêts français, car, disent-ils : "cette race singulière a conservé dans tous les temps et chez tous les peuples au milieu desquels elle a vécu et qu'elle a exploités, une homogénéité, une persistance de vues, un désir ardent de parvenir à la richesse et au pouvoir; tels que, partout, à la longue, elle a amené la réaction, la révolte, les mesures d'exception enfin qui, seules, en Espagne, en France, en Russie, dans les pays barbaresques, ont pu arrêter son expansion, et, pour un temps, mettre un terme à son envahissement".

Le groupement du journal *La Tunisie Française* a la même appréhension à l'égard des Italiens vivant en Tunisie, quoique les raisons sont différentes. Ils affichent volontiers un nationalisme exacerbé lorsqu'ils évoquent les privilèges dont disposent les Italiens de Tunisie. "Ces Italiens sont vraiment nés coiffés !", s'exclame *La Tunisie Française*, « non seulement ils ont des consuls, des agents diplomatiques, des fonctionnaires de toutes sortes qui s'occupent d'eux, mais, ils trouvent encore, en Tunisie, dans l'administration

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<sup>63</sup> *La Tunisie Française*, 26 juin 1897.

<sup>64</sup> *La Tunisie Française*, 15 juin 1895.



française, des protecteurs et des clients »<sup>65</sup>. Ces privilèges créent en faveur des Italiens une situation comparable à celle dont jouissent les Juifs. Mais, pour les Prépondérants la question italienne est autrement plus importante parce qu'elle pose un problème de souveraineté pour le gouvernement beylical. Un problème qui tire ses origines dans la signature du traité franco-italien du 25 janvier 1884.

### **Les prépondérants et l'apprentissage du français par les indigènes**

Les Prépondérants ont, les premiers, compris le danger de l'apprentissage de la langue française par les Tunisiens. Pour eux, «l'agitation» signalée dans le monde musulman, était « en grande partie, le résultat de l'instruction». C'est pour cela qu'ils lancèrent dès 1889 une farouche campagne visant à limiter voire à supprimer l'enseignement du français aux indigènes. Ils considéraient que l'apprentissage de la langue et de la culture françaises qui ouvraient l'accès à la lecture d'ouvrages et de journaux , faisaient « brusquement surgir dans leurs âmes [celles des Tunisiens] des idées de liberté et d'égalité auxquelles ils ne sont prédisposés ni par l'éducation de la famille, ni par les traditions du milieu ambiant et qui, éclatant tout à coup dans leurs cerveaux mal préparés à les recevoir, se traduisent par un redoublement d'orgueil et des aspirations à un idéal vague dont leurs pères n'avaient jamais éprouvé le besoin». Cette cabale lancée par les Prépondérants eut rapidement des effets<sup>66</sup>. L'administration coloniale qui était, au début des années 1880 animée par la volonté de diffusion de la langue française dans une logique assimilationniste, changea progressivement de politique. Ainsi, comme l'affirma Charles André Julien: «Alors que la France s'attachait à répandre sa langue de par le monde, elle s'employait à en limiter l'usage en Tunisie». A travers leur journal, les Prépondérants se présentent à l'opinion coloniale et métropolitaine comme le rempart de la civilisation face à la barbarie, les garants de l'Etat de droit et les champions de la défense des intérêts coloniaux français en Tunisie. Cette image qu'ils se donnent d'eux-mêmes a son corollaire dans les représentations qu'ils portent sur l'autre.

### **Conclusion**

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<sup>65</sup> *La Tunisie Française*, 26 juin 1897.

<sup>66</sup> ESSID (Myriem), *Les Jeunes Tunisiens, pionniers du mouvement national*,? Mémoire de Master 2 : Langues, Cultures et Patrimoines, sous la Direction du Professeur Mansour SAYAH, Toulouse, Université Jean Jaurès, p. 60.

La société tunisienne précoloniale est une société tribale sans classe. Les manifestations communautaires sont nombreuses et différentes d'une région à l'autre, certaines sont, cependant communes à toutes les tribus, telles que la présence des groupes communautaires, des Cheiks et des notables, une sorte d'exigence vitale pour celles-ci. Le pouvoir à l'échelle de chaque communauté s'acquiert d'abord sur place aux prix d'une lutte intense menée contre les notables rivaux, vient ensuite la confirmation par la suite par le pouvoir central. L'appartenance à une famille privilégiée et puissante économiquement, ayant réussi à acquérir une suprématie soutenue par un prestige religieux ou la caution d'un marabout, est un atout efficace pour procurer les pouvoirs.

Les liens à l'intérieur de ses groupes sont basés sur la solidarité qui n'exclut pas une certaine violence. A ce niveau et comme nous l'avons montré auparavant, on peut parler de société segmentaire avec beaucoup de caractéristiques<sup>67</sup>. Les razzias, que ce soit un moyen d'existence ou une tradition guerrière, celle-ci semble un fait habituel qui plonge souvent les territoires tribaux, autrement dit une partie du pays dans une atmosphère de guerre civile permanente et e détérioration des conditions de vie.

L'histoire confirme l'analyse que Pierre Bourdieu proposait pour l'Algérie, elle autorise à élargir ses conclusions à la Tunisie et au Maroc. Il n'en y a pas de motif pour dissocier arabophones et berbérophones, nomades et sédentaires, tribus maraboutiques ou non. La même structure est commune aux uns et aux autres: structure familiale, agnatique et patrilinéaire. Il faut cependant rectifier ce schéma. Des formes politiques ou religieuses indépendantes du cadre familial se superposent à lui. La plus ou moins grande force de ces superstructures, l'existence de survivances pré- islamiques, déterminent des contrastes certains dans la société des trois pays. En règle générale, on doit reconnaître aux berbérophones une vive originalité. Ils ont conservé de la culture pré-islamique un grand nombre de caractères : avant tout, la langue, mais un droit coutumier, une pratique religieuse extérieure à l'Islam.

Tous ces éléments contribuent à faire obstacle à l'intégration aussi de la société. Au Maghreb, la Tunisie étant la plus totalement arabisée, la plus profondément islamisée, la moins morcelée du point de vue géographique, offrait sans doute plus d'homogénéité que l'Algérie et le Maroc et par conséquent plus de possibilités d'échanges voire de changement.

La colonisation imposée à la régence est un acte d'autorité dans le principal objectif est de mettre le pays sous la domination

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<sup>67</sup> HENIA (Abdelhamid), *L'exercice du pouvoir ans et sur les communautés locales en Tunisie aux XVIIIè et XIXè siècles*, MERFM, 115, 2003; pp. 581-583, p. 583.

française.

Dans ce régime de protectorat pratiqué par la France, la fiction d'un Etat subsiste. S'appliquant généralement aux pays qui constituaient des unités politiques ayant eu des relations internationales, le protectorat tient compte de ce passé en même temps qu'elle cherche à étendre son autorité sur tous les domaines. Le régime protectoral instauré en Tunisie est un véritable désaveu de la constitution tunisienne. Tous les droits de l'homme, les droits du citoyen élaborés par cette constitution y sont bafoués. Le Tunisien n'avait pas les droits à la citoyenneté. En lieu et place de l'égalité, le protectorat a instauré une société à double vitesse, séparant la communauté tunisienne de la communauté française. Les lois appliquées aux Européens étaient généralement différentes des lois appliquées aux Tunisiens. Les deux communautés n'étaient pas soumises de façon égale au fisc. Les Tunisiens payaient plus d'impôts. Bien plus, cette discrimination existe aussi au niveau de l'affectation du budget. Environ 90% du budget provenait de ce qu'on appelait la population indigène. L'essentiel des dépenses était consacré au paiement des fonctionnaires coloniaux et à la construction d'une infrastructure correspondant aux besoins de la colonisation. De même en ce qui concerne le travail, si la France a aboli le régime de la corvée, elle le maintient sous le nom de « travail forcé ». Rémunérations et salaires sont bien inférieurs à leur niveau dans la métropole, d'autres formes d'autorités imposées aux Tunisiens, en Tunisie.

L'inégalité n'est pas seulement politique<sup>68</sup> et économique, elle s'étend au statut des personnes, à leurs droits civils et sociaux. Le régime colonial en Tunisie applique deux lois, deux droits. Pour les Tunisiens, l'administration coloniale applique un statut notablement inférieur à celui des Français de Tunisie et sont soumis à un régime administratif plus rigoureux. Ils ne peuvent pas se prévaloir des libertés reconnues par la loi française. C'est le cas du droit syndical, pourtant reconnu en France depuis 1884 mais toléré en Tunisie seulement après la Seconde Guerre mondiale. Ce qui est licite en France est en Tunisie tenu pour un délit justiciable des tribunaux, poursuivi et sanctionné sévèrement par des amendes et/ou d'emprisonnement.

De plus, quelques uns des principes que la France tient depuis le XVIII<sup>ème</sup>, siècle des Lumières, pour élément constitutif de son identité et de sa construction, ne sont pas respectés, comme par

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<sup>68</sup> Parler d'inégalité politique est en vérité un euphémisme puisqu'elle implique qu'il y ait deux partenaires alors qu'on ne reconnaît pas à la Tunisie d'existence politique, qu'elle est considérée comme un simple laboratoire d'action et de décision politique, n'ayant donc aucune part aux décisions la concernant, qui sont prises en dehors d'elle et en son nom.

exemple le principe de la séparation des pouvoirs cher à Montesquieu.

Les écrits proposés dans ce travail ne notifient pas une vérité absolue, et ne brandissent pas un prêt à penser, mais tentent de nourrir l'information et de fournir des pistes de réflexion. L'interdépendance de plus en plus accentuée des sociétés entraîne des brassages sans précédents de produits, d'idées, d'hommes enrichit les métissages. Les replis et les universalismes univoques sont totalement dépassés. Aujourd'hui le communautarisme, l'enfermement et le rejet de l'Autre menacent la société tunisienne traditionnellement tolérante et ouverte. Alors que ce pays est appelé à participer à l'évolution du monde méditerranéen et à animer le dialogue Nord/Sud, un repli identitaire et un fanatisme religieux (qui sont totalement étrangers à la culture et la société tunisiennes) menacent la Tunisie. Nous devons prévoir une création d'un monde nouveau à la hauteur des exigences de la mondialisation pour aider les hommes à mieux vivre et à mieux comprendre l'Autre. L'histoire culturelle a toute sa place pour comprendre les savoirs de l'« Autre ».

Nous ne prétendons pas avoir épuisé ce sujet mais pensons avoir ouvert les portes à des chercheurs qui pourraient traiter les points non débattus dans le travail.

Notre souhait le plus cher serait de voir poursuivre les pistes évoquées dans cette étude.

# PROCESSI DI PACE E RELAZIONI INTERNAZIONALI NELL'AREA BALCANICA DOPO IL PRIMO CONFLITTO MONDIALE: IL SOGNO DELLA GRANDE ROMANIA LATINA

Francesco Randazzo\*

*Peace Processes and International Relations in the Balkan Area after the First World War: The Dream of Great Romania Latina*

## **Abstract**

*The tragic event of the First World War helped to revive the dream of all those Balkan peoples who for many decades had suffered domination by the multiethnic empires of the Austro-Hungarian and Ottoman Empire. Thus, the war offers the opportunity to rediscover its political, social and cultural roots in view of the creation of a unitary state. But projects are not always carried out as desired and the great powers that won the conflict pursue their own objectives, far from the desires of the peoples, while the Bolshevik revolution that broke out in the autumn of 1917 caused fear in Europe and threatened to overwhelm the newborn realities of the state. The "Russian"; influenced the decisions of the four "greats"; who, at Versailles, had to decide how to behave towards a new political class, the Soviet communists, guilty of having cruelly exterminated the Russian imperial family and of having inaugurated a regime of terror as never known before except in the time of "Troubles". In this climate, mixed with terror and hope, is inserted Romania, which entered the war on August 27, 1916 at the end of laborious and ambiguous negotiations with both sides in struggle. It will be you who will be at the center of this essay; it will be your relationship with the new European order that will arouse hopes and concerns among your people who are grappling with the thorny issue of Bessarabia and Transylvania.*

**Keywords:** Romania; World War; Bucharest; Bessarabia; Soviet Union; Bratianu

La prima guerra mondiale ha risvegliato in tutta l'area balcanica il sogno dei vari popoli di raccogliere le proprie radici politiche, sociali e culturali in un unico Stato unitario. Ma, su questi nobili progetti, già per altro perseguiti dai diversi attori in campo durante le guerre balcaniche che aprono il decennio "fatale", gravano i paralleli processi di accordi tra le grandi potenze vincitrici dello scontro bellico e la pesante eredità della rivoluzione bolscevica che incute timore in Europa e rischia di travolgere le neonate realtà statuali.

In questo clima, misto di terrore e speranza, si inserisce la Romania entrata in guerra il 27 agosto 1916 al termine di laboriosi e ambigui negoziati con entrambe le parti in lotta. Contrariamente a quanto affermò Fasciotti, in qualità di rappresentante diplomatico

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\* Associate Professor, Ph.D, University of Perugia, Italy

italiano a Bucarest, alcuni mesi prima del coinvolgimento bellico romeno - "Bratianu ...[ha] dichiarato che Romania lascerà che la guerra finisca senza la sua partecipazione"<sup>1</sup>. Così non fu. Il Regno governato dalla dinastia Hohenzollern, fin dal 1866, aveva siglato un trattato segreto con la Triplice Alleanza nel 1883 che prevedeva la partecipazione alla guerra solo nel caso in cui l'Impero austro-ungarico fosse stato attaccato. Così, seppur re Carlo avesse dimostrato l'intento di entrare nel primo conflitto mondiale come alleato delle Potenze centrali, si ritrovò subito contro l'opinione pubblica e i partiti politici romeni i quali erano senz'altro a favore dell'alleanza con la Triplice Intesa. La Romania rimase così neutrale allo scoppio delle ostilità, dal momento che l'Austria-Ungheria aveva iniziato il conflitto, esonerando dunque la Romania da un coinvolgimento diretto a supporto della duplice monarchia. Le acquisizioni territoriali promesse dall'Intesa nel Banato, in Bucovina e soprattutto nella Transilvania austroungarica<sup>2</sup> avevano infine prevalso sulle blandizie della Germania, legata alla Romania da un patto difensivo segreto, nel contesto della Triplice Alleanza, sin dal 1883<sup>3</sup>. Il governo di Bucarest confidava allora nell'afflusso di armamenti franco-britannici e ancor di più nella fratellanza d'armi con la Russia, l'unico alleato con cui il paese carpatico disponesse di continuità territoriale: è pertanto agevole comprendere quanto il collasso dell'impero degli zar avrebbe condizionato la condotta internazionale del regno rumeno.

All'inizio del 1918, la disintegrazione centrifuga dello Stato russo aveva lasciato la Romania circondata, lungo tutti i suoi confini terrestri, dalle potenze della Quadruplice Alleanza. I bulgari, assetati di vendetta per i rovesci subiti nella guerra balcanica del 1913, premevano da sud; ad ovest si stagliava l'impero asburgico, ormai un gregario al servizio della possente macchina bellica tedesca; a settentrione, le divisioni germaniche dilagavano praticamente indisturbate in Ucraina. L'unica eccezione era costituita, a nordest, dalla piccola striscia di terra che era la Bessarabia, appendice

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<sup>1</sup> Lettera di Fasciotti al ministro degli Esteri Sonnino, T. GAB. 1266/214, Bucarest 24 giugno 1916, in DDI (Documenti diplomatici italiani), V serie 1914-1918, Istituto Poligrafico e Zecca dello Stato, Roma, MCMLXXXVIII, p. 18.

<sup>2</sup> Sulle esatte condizioni richieste dal governo rumeno per la propria partecipazione al conflitto (offensiva russa in Bucovina, azione alleata in Tessaglia, armi, rifornimenti, ecc.) si veda W. M. St. Kirke, *An Outline of the Romanian Campaign, 1916-1918*, in "Royal United Services Institution. Journal", vol. 69, no. 476 (1924), p. 619.

<sup>3</sup> La Romania era inoltre legata alla Germania da vincoli dinastici: i re di Romania della casata di Hohenzollern-Sigmaringen, ramo collaterale della stirpe imperiale germanica, erano originari della Svevia. Il primo sovrano della dinastia, Carol I, erano inoltre un noto germanofilo; la sua morte, nell'ottobre 1914, contribuì a frustrare i piani della diplomazia tedesca in direzione d'un ingresso in guerra della Romania al fianco degli Imperi Centrali.

danubiana del defunto impero russo il cui destino, nelle convulse settimane seguenti al golpe bolscevico, appariva quanto mai incerto.

Il momento della discesa in campo della Romania in guerra era apparso, inizialmente, come il risultato di un mero calcolo strategico: in quel terzo anno di guerra, gli Imperi centrali risultavano in difficoltà in tutti i fronti. I tedeschi erano stati fermati a Verdun, e i bulgari in Tessaglia; gli ottomani stavano lentamente retrocedendo in Anatolia e in Mesopotamia, e gli austroungarici erano in rotta in Galizia. L'esercito rumeno aveva, pertanto, inaugurato la propria partecipazione al conflitto con una poderosa offensiva strategica in Transilvania, iniziata invero sotto i migliori auspici. La superiorità in uomini e mezzi esistente sulla carta non aveva impedito, tuttavia, che la vittoriosa marcia dei rumeni su Braşov si tramutasse in una rotta disperata dinnanzi alla fulminea controffensiva della coalizione avversaria<sup>4</sup>. L'aggressione quadripartita del tardo 1916, ultimo capolavoro di von Falkenhayn e del vecchio feldmaresciallo von Mackensen, aveva consegnato agli Imperi Centrali il controllo della Valacchia e della Dobrugia, mutilando il *Regat* di due terzi del suo territorio. La capitale Bucarest era caduta il 6 dicembre; il gabinetto e la Corte avevano dovuto riparare a Iaşi, antico capoluogo del *voivodato* di Moldavia eretto a sede provvisoria del governo. Le sorti del Paese restavano nelle mani di un esecutivo di unità nazionale con a capo Ion Brătianu (1864-1927), consumato leader dei liberali ed arbitro indiscusso delle vicende politiche rumene fino alla seconda metà degli anni Venti, il quale approfittò della crisi per accumulare un potere semi-dittatoriale pervaso di corruzione e nepotismo<sup>5</sup>. In circostanze tanto drammatiche l'esercito, fiancheggiato da un'armata russa di 500.000 uomini, fu nondimeno in grado di arrestare l'avanzata nemica, frustrando il disegno della Quadruplica di una rapida uscita di scena della Romania. Impantanati per tutto il 1917 in un'infruttuosa guerra di logoramento, entrambi i contendenti erano ormai persuasi della necessità di una pace di compromesso<sup>6</sup>.

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<sup>4</sup> Nell'agosto 1916, i rumeni potevano schierare dieci fanti e otto cannoni per ogni soldato e pezzo d'artiglieria austroungarico dispiegato sul fronte transilvano. Tre mesi dopo, a seguito delle offensive avversarie da nord e da sud, un terzo dell'esercito rumeno era perduto, tra morti, feriti e prigionieri. Cfr. A. Stătescu, *When an Army becomes 'Merely a Burden': Romanian Defence Policy and Strategy (1918-1941)*, in "The Journal of Slavic Military Studies", vo. 13, no. 2 (2000), p. 71.

<sup>5</sup> Cfr. C. Durand, *Romania, the War and the Army*, in "War & Society", vol. 3, no. 2 (1985), pp. 52-53.

<sup>6</sup> Riguardo le operazioni militari sul fronte rumeno nel 1916-1917 si vedano, tra gli altri, M. B. Barrett, *Prelude to Blitzkrieg: The 1916 Austro-German Campaign in Romania*, Indiana University Press, Bloomington, 2013, e, per un resoconto più sintetico, N. Stone, *The Eastern Front 1914-17*, Penguin Books, Londra, 1998, pp. 264-281.

La disintegrazione dell'impero russo aveva rinvigorito, al contempo, le ambizioni irredentiste della Romania nei confronti del summenzionato *gubernija* russo di Bessarabia, variegata compagine etnoreligiosa a maggioranza rumenofona assorbita da Pietroburgo nel lontano 1812. Un'intensa campagna russificatrice aveva investito a più riprese la provincia nei decenni precedenti, e aveva assunto caratteri e dimensioni brutali con le deportazioni in Siberia di tedeschi etnici ed ebrei avviate nel 1915. Né le pressioni centraliste e assimilatrici, né la "colonizzazione" del territorio da parte degli immigrati russi e ucraini avevano tuttavia soffocato i legami identitari e i pur fievoli sentimenti proto-nazionali esistenti nella comunità rumenofona bessarabena i cui membri, memori dell'epoca in cui la Bessarabia formava «la metà più bella»<sup>7</sup> del Principato di Moldavia, continuavano a identificarsi come moldavi. Il risorgimento culturale e nazionale moldavo era stato innescato, come altrove, dalla rivoluzione russa del 1905: un fenomeno circoscritto ad una frazione della già ristretta *intelligencija* autoctona, manifestatosi soltanto nella pubblicazione di qualche rivista in lingua rumena e ben presto decapitato dalle repressioni russe del biennio successivo. Rifugiatisi in Romania o nelle capitali occidentali, gli intellettuali della diaspora moldava avrebbero nondimeno continuato ad alimentare l'idea dell'indipendenza bessarabena, o della ricongiunzione dei moldavi ai loro "fratelli" rumeni. Lo scrittore, editore e ideologo *poponarista* Constantin Stere (1865-1936), natio bessarabeno esule a Iași fin dal 1892, fu probabilmente la voce più energica e illustre del fronte unionista.

In quella Mesopotamia stretta tra il Prut e il Dneestr, il governo rumeno poté pertanto sperare di compensare, almeno in parte, l'apparente tramonto delle proprie ambizioni in Transilvania. Alla catastrofe militare dell'autunno 1916 aveva fatto seguito, ad ovest dei Carpazi, una campagna repressiva scatenata dalle autorità ungheresi contro i «traditori», apparentemente efficace nel prevenire la formazione di un forte movimento irredentista presso la popolazione rumenofona transilvana<sup>8</sup>. Molti dei nazionalisti rumeni in fuga dal Regno d'Ungheria erano riparati, a loro volta, in Romania

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<sup>7</sup> Così secondo lo storico rumeno A. Urechia, come riportato in L. Kristof, *Russian Colonialism in Bessarabia: A Confrontation of Cultures*, in "Nationalities Papers: The Journal of Nationalism and Ethnicity", vol. 2, no. 2 (1974), p. 20. Il testo rappresenta uno studio sintetico dell'esperienza della dominazione russa in Bessarabia.

<sup>8</sup> I rapporti dell'*intelligence* britannica riferiscono di «misure concrete per punire i traditori» promesse da Balogh, il ministro ungherese della Giustizia [...] Nove pubblici ministeri [...] stavano cooperando con i tribunali militari dell'*Honvéd* [l'esercito nazionale ungherese] in Transilvania per fare pulizia delle migliaia di casi penali più o meno importanti...». Cfr. Intelligence Bureau, Department of Information, *Section D. Weekly Report on Rumania. IV. May 18, 1917*, National Archives, CAB/24/13, p. 206.



o nella stessa Bessarabia; questi esuli, forti di una più radicata cultura nazionale e già avvezzi alla lotta politica, avrebbero recato un apporto fondamentale al consolidamento del movimento nazionale moldavo e pan-rumeno ad est del Prut<sup>9</sup>. La gran maggioranza della popolazione moldava, agricola e scarsamente alfabetizzata, sarebbe tuttavia rimasta sostanzialmente indifferente ai dibattiti sul futuro politico della provincia; interessati soltanto alla redistribuzione delle terre, molti contadini non esiteranno a profittare del caos imminente per appropriarsi unilateralmente degli appezzamenti.

Un Partito (o Comitato) Nazionale Moldavo era sorto in Bessarabia nel marzo 1917, sull'onda della Rivoluzione di Febbraio, per farsi portavoce delle istanze autonomiste del popolo moldavo presso il Governo Provvisorio. Inizialmente propensi a mantenere i legami con una Russia federale garante dell'autogoverno locale, e incoraggiati dalla *Dichiarazione sui diritti dei popoli di Russia* emessa dai bolscevichi dopo l'Ottobre, i notabili moldavi si costituirono nel dicembre 1917 in un "Consiglio del Paese" (*Sfatul Țării*) in cui erano rappresentati, virtualmente, tutti i segmenti della società. Organizzato come una dieta provinciale con sede a Chișinău, lo *Sfatul Țării* arrogò a sé le funzioni legislative, elesse un proprio gabinetto (il Consiglio dei Direttori Generali) e annunciò infine, il 15 dicembre 1917 (2 dicembre del vecchio calendario), l'autonomia della Repubblica Democratica di Moldavia (*Republica Democratică Moldovenească*) come «parte della Repubblica Democratica Federativa Russa». Furono inoltre proclamate le libertà di stampa, associazione e religione, garantiti i diritti delle minoranze e declamata la fede del popolo moldavo in una «pace senza annessioni e senza indennità sulla base del principio della piena autodeterminazione dei popoli, in accordo con gli Alleati e con tutti i popoli della Repubblica Democratica Federativa russa»<sup>10</sup>.

La giovane Repubblica moldava ricevette effettivamente il riconoscimento del Consiglio dei Commissari di Pietrogrado; la sua sopravvivenza era quantunque minacciata dalle agitazioni bolsceviche e anarchiche dirette dagli autocostituiti Soviet dei soldati, il Paese attraversato dalle *jacqueries* e flagellato dai saccheggi cui si erano abbandonati i battaglioni russi smobilitatisi spontaneamente dopo la rivoluzione. Il RUMCEROD (Comitato Centrale Esecutivo dei Soviet del fronte rumeno, della flotta del Mar Nero e della regione di Odessa), autoproclamata cellula di potere sovietico nell'Ucraina meridionale, scatenò all'inizio di gennaio un'invasione in grande stile della Bessarabia; il 19 gennaio 1918 i

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<sup>9</sup> Cfr. A. Basciani, *La Bessarabia e la Grande Romania, 1918-1940*, Aracne, Roma, 2007, p. 76.

<sup>10</sup> Il testo del proclama è tradotto in Paris Peace Conference, *The Roumanian occupation in Bessarabia. Documents*, n.d. (1919-20), pp. 58-61.

soldati russi bolscevizzati, già impossessatisi dei punti nevralgici della capitale Chişinău, espugnarono il palazzo del parlamento, arrestarono i deputati dello *Sfatul Țării* annunciarono il trasferimento del potere a un Soviet moldavo in cui non figurava, significativamente, alcun membro d'etnia moldava<sup>11</sup>. Altrove, nondimeno, degli embrioni di organizzazione paramilitare di comunisti rumeni si stavano radunando sotto l'efficiente direzione di Christian Rakovki, leader di fatto del RUMCEROD<sup>12</sup>. In circostanze del genere i notabili bessarabeni, benché complessivamente restii ad una prematura unione con la Romania, inoltrarono al più potente vicino la richiesta di truppe per la pacificazione del proprio territorio.

Il governo di Iași, a sua volta, stava fronteggiando analoghi problemi con le divisioni russe distaccate a suo tempo in Romania per contribuire alla difesa del Paese. Il disarmo forzoso dei reggimenti russi considerati lesivi della sicurezza nazionale fu decretato nel gennaio 1918. Alcuni di essi cooperarono, in cambio di un lasciapassare per fare ritorno in madrepatria; altri resistettero, aprendo il fuoco sulle truppe rumene con moschetti e mitragliatrici e bombardando i villaggi con l'artiglieria campale (come accadde, ad esempio, a Galatz). Ottenuta l'autorizzazione degli Alleati e confidando in un tacito *nulla osta* dei tedeschi, il 23 gennaio le truppe rumene varcarono il Prut, volgendo in rotta i reggimenti

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<sup>11</sup> M. Mitrasca, *Moldova: A Romanian province under Russian rule*, Algora, New York, 2002, p. 36. Gli storici sovietici continueranno a sostenere artificiosamente, nei decenni successivi, che nel gennaio 1918 il «potere sovietico» era stato stabilito «sull'intero territorio della Moldavia». In tal modo, essi miravano a presentare l'avanzata delle truppe rumene in Bessarabia come un'invasione, cui aveva fatto seguito l'occupazione militare di territori appartenenti alla Russia socialista. La storiografia sovietica rivendicò inoltre una superiorità numerica degli ucraini insediati in Bielorussia sui moldavi che, chiaramente, non trovava alcun riscontro nella realtà. L'*ultimatum* vibrato da Stalin al governo rumeno nel 1940, antifatto della «restituzione» della Bessarabia all'URSS, citava espressamente tale visione faziosa della storia locale: «Nel 1918», declamavano i sovietici, «la Romania, sfruttando la debolezza militare della Russia, sottrasse con la forza all'Unione Sovietica uno dei suoi territori – la Bessarabia – spezzando, in tal modo, la secolare unione della Bessarabia, abitata principalmente da ucraini, con la Repubblica Sovietica Ucraina...». Cfr. M. Bruchis, *A turning point in the history of Bessarabia: Winter 1917-1918*, in "Nationalities Papers: The Journal of Nationalism and Ethnicity", vol. 15, no. 2 (1987), pp. 197-201. La questione è ampiamente approfondita in W. P. van Meurs, *The Bessarabian question in communist historiography: nationalist and communist politics and history-writing*, East European Monographs, Boulder, 1994.

<sup>12</sup> Christian Rakovski (1873-1941), socialrivoluzionario bulgaro convertito al bolscevismo e intimo collaboratore di Trockij, aveva alle spalle una lunga carriera di militanza rivoluzionaria in diversi Paesi europei. Carismatico capo del RUMCEROD, fu poi presidente del consiglio dei commissari della Repubblica Sovietica Ucraina e ambasciatore in Francia. Il suo illustre passato non lo salverà dalle persecuzioni staliniane: verrà fucilato, da prigioniero, nel 1941. L'azione rivoluzionaria di Rakovski è oggetto di studio in P. Broué, *Rakovski ou la Révolution dans tout les pays*, Fayard, Parigi, 1996.

bolscevichi a Tighina e Văcov. Chişinău fu liberata in tre giorni, e l'autorità dello *Sfatul Ţării* ripristinata; non fossero stati fermati dai rossi sul Dnestr, i rumeni avrebbero probabilmente continuato l'avanzata fino a Odessa. Il 5 febbraio (24 gennaio), il Consiglio del Paese proclamava solennemente, pur tra intensi dibattiti, la secessione dalla Russia della «libera e indipendente Repubblica Popolare di Moldavia»<sup>13</sup>. Con le divisioni rumene a presidiare il territorio e gli agitatori di Rakovski che, dalla sponda del Dnestr, agitavano lo stendardo della sovietizzazione forzata della Moldavia, la realizzazione dell'unione panrumena sembrava ormai inevitabile.

Il Consiglio dei Commissari della Russia socialista non rimase immobile ad assistere all'occupazione militare dell'antico governatorato bessarabeno. Prendendo a pretesto il trattamento riservato alle truppe russe dal governo rumeno, e le ingerenze di quest'ultimo negli «affari interni» della Russia, il Sovnarkom decretò, tra il 31 dicembre e il 29 gennaio, l'arresto e la conseguente espulsione del personale diplomatico rumeno a Mosca, il sequestro del Tesoro nazionale rumeno (trasportato in Russia, per motivi di sicurezza, nel 1917), e infine la guerra. Nelle parole di Trockij, come riportate dai puntuali rapporti dell'*intelligence* britannica, la Russia socialista impugnava le armi contro un'«oligarchia criminale»<sup>14</sup> che «nella sua disonestà e delinquenza forma una cricca che non ha pari sulla faccia del pianeta, benché questo sia ben lungi dalla purezza virginea»; «la distruzione di questa banda», concludeva il commissario agli Affari Esteri, «è una questione d'onore per la democrazia in Europa»<sup>15</sup>; una missione che andava intrapresa, beninteso, nell'interesse dello stesso popolo rumeno. Nonostante i toni roboanti, la guerra la Romania e la Repubblica Federativa Socialista Sovietica avvenne soltanto sulla carta: già il 9 febbraio la *Rada* ucraina siglava la pace con gli Imperi Centrali, avallando di fatto un'occupazione austrotedesca del Paese che sanciva la recisione del confine terrestre tra la Bessarabia e gli altri territori dell'ex impero russo. L'8 marzo un apposito trattato, negoziato con il RUMCEROD in rappresentanza del governo sovietico, disponeva la fine delle ostilità trala Romania e l'organizzazione comunista di Odessa; condizione pattuita era la ritirata delle truppe romene dalla Bessarabia entro due mesi<sup>16</sup>. Il mancato rispetto della clausola in

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<sup>13</sup> Paris Peace Conference, *The Roumanian occupation in Bessarabia. Documents, op. cit.*, p. 62.

<sup>14</sup> Intelligence Bureau, Department of Information, *Weekly Report on Rumania. XX. February 7, 1918*, National Archives, CAB/24/41, p. 325.

<sup>15</sup> *Ivi*, p. 320.

<sup>16</sup> Il testo del trattato è riportato in United States Department of State, *Texts of the Roumanian "Peace"*, United States Government Printing Office, Washington DC, 1918, pp. 205-206.

questione servirà a rafforzare le pretese sovietiche sulla ex provincia imperiale per i successivi due decenni.

Tramontato il pericolo di un'invasione dell'Armata Rossa, il *Regat* e la *Republica* moldava restavano nondimeno attornati dalle forze ostili della Quadruplice, tenute a freno dall'urgenza di trasferire uomini e mezzi sul fronte occidentale più che dalla solidità delle linee rumene. Che la Romania stesse operandosi per la stipula della pace separata con gli Imperi Centrali era cosa ovvia; irremovibili, soltanto i francesi continuavano a pretendere la continuazione della guerra a oltranza, nell'ottimistica quanto illusoria convinzione che l'eshausto esercito rumeno potesse congiungersi ai raggruppamenti bianchi della Russia meridionale e, al fianco di essi, ristabilire un fronte contro i tedeschi e i bolscevichi. Fare della Romania un «*môle de resistance*», un nucleo delle varie forze rimaste fedeli all'Intesa nell'Est, era il piano del Capo di Stato Maggiore generale Ferdinand Foch<sup>17</sup>. Comprensibilmente insensibile alle pressioni del Quai d'Orsay, con la gran parte del Paese occupata dai tedeschi o martoriata dalle scorrerie dei defezionisti russi, il governo rumeno aveva siglato con gli Imperi Centrali l'armistizio di Focșani, di durata trimestrale, il 9 dicembre 1917. Vi aveva fatto seguito un trattato di pace preliminare sottoscritto il 5 marzo, a Buftea, dal breve governo del generale Averescu, un ex sodale di von Mackensen opportunamente succeduto al filoccidentale Brătianu. L'accordo prevedeva, tra l'altro, la smobilitazione dell'esercito rumeno, fatto salvo per il mantenimento di una guarnigione «lungo il confine russo-rumeno»<sup>18</sup>; il che corrispondeva, nella prassi, a un consenso tedesco alla presenza dei 20.000 militari del *Regat* sul suolo moldavo<sup>19</sup>, in aperta contraddizione con quanto convenuto in quella stessa settimana tra Iași e i plenipotenziari di Mosca. Era piuttosto evidente, a quel punto, che la Germania stesse assecondandole ambizioni dei rumeni in Bessarabia per accelerare la conclusione della pace; e, forse, per gettare un'ulteriore seme di discordia tra Romania e Russia, allontanando la pur remota eventualità di un riavvicinamento in funzione antitedesca.

Il beneplacito delle Germania servì per l'appunto da catalizzatore per la conclusione del trattato di unione tra la Romania e la Moldavia; la priorità del governo moldavo era allora che l'accordo rispettasse le proprie condizioni, e dunque che non si concretizzasse

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<sup>17</sup> Cfr. G. E. Torrey, *Romania in the First World War: The Years of Engagement, 1916-1918*, in "The International History Review", vol. 14, no. 3 (1992), pp. 468-69.

<sup>18</sup> Il trattato preliminare di Buftea, come riportato dalla Frankfurter Zeitung del 7 marzo 1918 e accompagnato dalla traduzione in inglese, è contenuto in United States Department of State, *Texts of the Roumanian "Peace"*, cit., pp. 3-5.

<sup>19</sup> Political Intelligence Department, Foreign Office, *Memorandum on the Bessarabian Question and the Act of Union with Rumania. August 12, 1918*, National Archives, CAB/24/61, p. 4.

l'evenienza di un'annessione *tout court* subita passivamente dalla piccola nazione. Annunziata fastosamente il 9 aprile (27 marzo) 1918, l'unione politica tra i due Stati lasciava la Moldavia in possesso dello *Sfatul Țării* come dieta provinciale, democraticamente eletta, che sovrintendesse all'introduzione di una lungamente auspicata riforma agraria; decretava l'obbligo di rappresentanza nel gabinetto e nel parlamento rumeni per i delegati della provincia bessaraba; statuiva il rispetto dei diritti delle minoranze locali e garantiva, in generale, la conservazione di ampi margini d'autonomia amministrativa<sup>20</sup>. Non mancarono in ogni caso gli oppositori, specie nelle fila dell'*intelligencija* moldava che non aveva rinnegato la causa indipendentista. La provincia si tramutò inoltre inoltre un focolaio di propaganda sotterranea bolscevica, terrorismo politico e violenza antiromena; il governo sovietico non aveva accettato l'unione della Bessarabia alla Romania, evento che aveva peraltro offerto ai rumeni il pretesto per ignorare l'accordo con i bolscevichi sullo sgombero del territorio moldavo. Con i generali dell'Armata Rossa che peroravano la causa della riconquista *manu militari*, il Commissario agli Affari Esteri Čičerin si era limitato a trasmettere una protesta formale al gabinetto rumeno in aprile<sup>21</sup>; nulla di più poteva invero essere fatto, da parte sovietica, nei mesi più cupi dell'occupazione tedesca dell'Ucraina e poi della guerra civile. L'occupazione tedesca, e poi alleata, di Odessa aveva peraltro privato i sovietici della loro principale base d'operazioni nell'Ucraina sudoccidentale.

Come anticipato, l'espansione ad est dei confini della Romania avrebbe dovuto alleviare, a livello più che altro simbolico e psicologico, l'impatto delle mutilazioni territoriali e delle limitazioni alla sovranità nazionale imposte ai rumeni dagli Imperi Centrali. Le condizioni della pace con la Romania erano state cagione di dissidio tra i partner della Quadruplice. Fin dal 1916, la Germania aveva elaborato un accurato disegno per lo sfruttamento economico del Paese, poi puntualmente attuato nelle regioni sottoposte ad occupazione militare. L'accesso indisturbato alle risorse petrolifere rumene, e ancor di più alla poderosa produzione agricola locale<sup>22</sup>, era considerato una pregiudiziale determinante per il proseguimento della guerra e la salvaguardia della stabilità politica nel Reich, la cui

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<sup>20</sup> Una traduzione del testo del proclama è riportata in United States Department of State, *Texts of the Roumanian "Peace"*, op. cit., pp. 179-180, e in Paris Peace Conference, *The Roumanian occupation in Bessarabia. Documents*, op. cit., pp. 64-66. Per delle fonti coeve sull'unione rumeno-bessarabena si vedano E. de Martonne, *La Bessarabie*, Imprimerie Nationale, Parigi, 1919, e I. Pelivan, *L'Union de la Bessarabie à La Mère-Patrie, La Roumanie*, Imprimerie des Arts et des Sports, Parigi, 1920.

<sup>21</sup> Cfr. M. Mitrasca, *Moldova: A Romanian province under Russian rule*, op. cit., pp. 109-110.

<sup>22</sup> Negli anni prebellici, la Romania era assurta alla posizione di quarto esportatore di grano a livello globale.

popolazione iniziava a mostrare segni d'exasperazione per le restrizioni alimentari imposte dal blocco navale alleato<sup>23</sup>. L'accordo austro-tedesco di Kreuznach del maggio 1917 aveva tracciato, in previsione d'una pace con la Romania, i margini di una capillare influenza economica della Germania nel Paese carpatico; il patto assegnava tuttavia il "controllo" politico della Romania occupata al governo viennese, come contropartita per il riconoscimento dell'egemonia tedesca in Polonia e sul Baltico. Consci del valore strategico della Romania e abituati a ragionare in termini di crudo espansionismo militare, Hindenburg e Ludendorff fecero ricorso a tutto il loro ascendente per perorare la causa dell'annessione unilaterale del Paese al Reich, in totale spregio agli impegni precedentemente assunti con l'alleato austroungarico. Una futura guerra con l'Austria era d'altronde considerata una circostanza inevitabile dai falchi dell'Alto Comando prussiano<sup>24</sup>. Il destino della Romania, e dell'intera Europa orientale, oscillava allora in bilico tra i contrastanti imperialismi delle potenze della Quadruplice, cui la sconfitta della Russia sembrava aver dischiuso la via della vittoria – o quantomeno di una onorevole pace di negoziato.

Il brutale *diktat* imposto al governo rumeno dagli Imperi Centrali rappresentò, prevedibilmente, la realizzazione dei progetti di sfruttamento economico e vassallaggio politico patrocinati dagli ambienti militari prussiani e dal grande capitale industriale tedesco. L'avvicendamento al vertice dell'esecutivo di Jasi aveva affidato al boiario Marghiloman<sup>25</sup>, da sempre tacciato di germanofilia, l'onere di siglare la pace di Bucarest del 7 maggio 1918: un accordo che, nelle parole del Foreign Office britannico, avrebbe assicurato alla Germania «il controllo sugli affari interni della Romania» e sancito la scomparsa del *Regatcome* «fattore militare ed economico»<sup>26</sup> nello scenario geostrategico europeo. Per quanto concerneva le questioni

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<sup>23</sup> Sui progetti di sfruttamento economico della Romania elaborati e poi applicati dall'Alto Comando tedesco, con ricchezza di dati sulla pervasività delle requisizioni e i sacrifici imposti al popolo rumeno, si veda lo studio di D. Hamlin, *The fruits of occupation: food and Germany's occupation of Romania in the First World War*, in "First World War Studies", vol. 4, no. 1 (2013), pp. 81-95.

<sup>24</sup> Sul poco noto accordo di Kreuznach, e in generale sulle contrastanti ambizioni tedesche e austroungariche in Romania, si veda M. Kitchen, *Hindenburg, Ludendorff and Rumania*, in "The Slavonic and East European Review", vol. 54, no. 2 (1976), pp. 214-230.

<sup>25</sup> Alexandru Marghiloman (1854-1925), conservatore, ricordato nella storiografia come il più germanofilo dei politici rumeni benchè inizialmente favorevole alla neutralità della Romania, piuttosto che alla discesa in campo a fianco della Quadruplice. Fu lui, in qualità di primo ministro, a recepire l'atto d'unione della Moldavia alla Romania, presenziando alla cerimonia di Chişinău.

<sup>26</sup> Political Intelligence Department, Foreign Office, *Memorandum on the Meaning and Effect of the Bucarest "Peace Treaty" (With Map)*, September 19, 1918, National Archives, CAB/24/67, pp. 1 e 7.

territoriali, le aspirazioni espansioniste della Bulgaria furono assecondate con la cessione di gran parte della Dobrugia, la cui porzione settentrionale fu altresì sottoposta all'amministrazione collettiva delle potenze della Quadruplice. L'Austria-Ungheria ottenne il possesso dei picchi e dei valichi montani della cordigliera carpatica, spogliando la Romania delle proprie difese naturali ad ovest. Bucarest e l'intero entroterra valacco furono restituite ai romeni, cui tuttavia fu prescritto di provvedere con propri mezzi al fabbisogno di un'armata d'occupazione di 60.000 uomini. La guarnigione degli Imperi Centrali avrebbe peraltro potuto perpetuare la propria presenza sul suolo rumeno fino a data da destinarsi, e disporre a propria discrezione delle vie di comunicazione, della rete telegrafica e del diritto di requisizione su prodotti agricoli e risorse strategiche. Il grosso dell'esercito nazionale fu smobilitato, le divisioni residue (cinque su quindici) spedite a combattere i bolscevichi in Bessarabia. La proprietà dei pozzi petroliferi rumeni fu trasferita per trent'anni ad una *troika* di banche tedesche; sempre in tre decenni fu quantificata la durata dell'affitto di qualsiasi bene immobile rumeno che l'industria germanica avesse richiesto per le proprie necessità. Berlino pretese la consegna immediata di 120.000 tonnellate di grano, minacciando altrimenti la confisca dell'intero raccolto del 1918; fu inoltre stabilito che il surplus agricolo rumeno, calcolato insindacabilmente dai membri della Quadruplice, fosse messo a disposizione di questi ultimi per i sette anni venturi. Il mercato d'esportazione, parimenti, veniva asservito al controllo congiunto austro-tedesco. Le istituzioni furono colonizzate da politici e biari reazionari di nota tendenza germanofila, i prigionieri politici accusati di collusione con gli Imperi Centrali vennero scarcerati, e i promotori dell'alleanza con l'Intesa perseguitati. Nulla, tuttavia, esemplificava la soppressione dell'indipendenza rumena meglio della clausola secondo cui ogni membro del governo rumeno dovesse essere affiancato da un funzionario tedesco, cui era conferito il diritto di veto sulle azioni e le nomine del titolare di dicastero. Persino il sistema educativo fu assoggettato all'arbitrio dell'Austria-Ungheria<sup>27</sup>; di ciò, e di poco altro, dovette accontentarsi l'impero asburgico, il beneficiario primigenio dell'asservimento politico della Romania secondo gli ormai superati accordi di Kreuznach.

Pacificata con la forza delle armi l'Europa orientale, la Germania poteva dirottare le divisioni precedentemente impiegate

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<sup>27</sup> Per la traduzione letterale, in inglese, delle stipulazioni di Bucarest si rimanda come d'uso a United States Department of State, *Texts of the Roumanian "Peace"*, cit., pp.7-30. Le pagine seguenti, fino a p.169, riportano inoltre la vasta gamma di convenzioni politiche ed economiche contestualmente sottoscritte tra gli Imperi Centrali e la Romania. Sulle conseguenze pratiche della pace si è consultato anche Political Intelligence Department, Foreign Office, *Memorandum on the Meaning and Effect of the Bucarest "Peace Treaty" (With Map)*, September 19, 1918, cit.

sui fronti russo e rumeno verso le campagne francesi, laddove infuriava la *Kaiserschlacht*: l'ultima, colossale offensiva scatenata da Ludendorff per sopraffare gli anglofrancesi prima che l'intervento americano sovvertisse definitivamente l'equilibrio strategico a discapito delle Potenze Centrali. Non dissimilmente da quanto auspicato nell'estate del 1916, i rovesci – stavolta irrecuperabili – subiti dalle forze della Quadruplice avrebbero offerto alla Romania l'occasione di vendicare i torti subiti. Nell'ottobre 1918, il governo rumeno denunciava il trattato di Bucarest con gli Imperi Centrali, adducendo a motivazione l'imposizione dell'accordo per cause di forza maggiore, la sua denuncia da parte degli Alleati e la mancata ratifica del re Ferdinando, che aveva effettivamente rifiutato di controfirmare una pace tanto punitiva<sup>28</sup>. L'obiettivo manifesto dei rumeni era di recuperare la propria posizione come alleato dell'Intesa secondo i termini del 1916: un agile *coup de théâtre* diplomatico, si sperava a Bucarest, avrebbe cancellato l'onta della pace separata e assicurato alla Romania l'annessione di Transilvania, Banato e Bucovina, a seguito dell'ormai certa sconfitta della Quadruplice. Il 10 novembre, il primo ministro gen. Coandă, succeduto al germanofilo Marghiloman, dichiarava guerra alla Germania; il giorno seguente, l'armistizio di Compiègne tra Berlino e le potenze dell'Intesa sanciva la fine della prima guerra mondiale.

Lo sgretolamento dell'impero asburgico permetteva, al contempo, il coronamento della tanto agognata ricongiunzione con le terre della *Romania irredenta*. Il 27 ottobre, un Consiglio Nazionale Costituente dei rumeni della Bucovina proclamava «in piena solidarietà con i rumeni della Transilvania e dell'Ungheria [...] l'unione della Bucovina con le altre terre rumene nel quadro di un unico Stato nazionale sovrano». «L'incondizionata e perpetua unione della Bucovina al Regno di Romania»<sup>29</sup> fu ribadita e formalizzata il 28 novembre da un Congresso Generale della Bucovina costituito sotto la protezione dell'esercito di Bucarest, sconfinato nella ex provincia austro-ungarica su richiesta del notabilato rumenofono locale. I rumeni di Transilvania, parallelamente, si erano costituiti in un Consiglio Nazionale che il 18 novembre preannunciava «Ai popoli del mondo» l'unificazione di tutti i rumeni in una sola nazione, in esplicita adempienza ai principi wilsoniani di autodeterminazione<sup>30</sup>. Il 1° dicembre, nella cittadella di Alba Iulia, una Grande Assemblea Nazionale (*Marea Adunare Națională*) eletta a suffragio universale approvava, in un'atmosfera di incontenibile fervore patriottico e alla presenza di 100.000 persone, «l'unione con la Romania dei romeni di

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<sup>28</sup> Cfr. G. E. Torrey, *op. cit.*, p. 474.

<sup>29</sup> Ș. Pascu, *1 December 1918: The Union of Transylvania with Romania*, in "Southeastern Europe/L'Europe du Sud-Est", no. 6, pt. 1 (1979), pp. 60 e 62.

<sup>30</sup> V. Vesa, *Wilsonian Principles in Transylvania, 1918*, in *ivi*, p. 85.



Transilvania, del Banato e dell'Ungheria, come di tutti i territori da essi abitati»<sup>31</sup>; l'ingresso dell'esercito rumeno in Transilvania, fino al Mureș, ne era stato l'ovvio preambolo. Sulla scia di tali avvenimenti, il 10 dicembre 1918 lo *Sfatul Tării* bessarabeno aveva inoltre affermato l'unione senza condizioni al *Regat*, rinunciando alle proprie prerogative autonomistiche e di fatto estinguendosi in virtù della fine dello stato di guerra e dell'implementazione, patrocinata dal governo centrale di Bucarest, di una invero assai controversa riforma agraria<sup>32</sup>. Negli entusiastici termini dello storico Gheorge Brătianu, figlio del noto primo ministro, la Romania «ereditava così, con la Transilvania di Michele il Bravo, tutta la Moldavia di Stefano il Grande. L'unità moldava si fondava nell'unità romena, che essa aveva contribuito, più di qualsiasi altra provincia abitata da romeni, a risvegliare a preparare e a compiere»<sup>33</sup>. La stipula dell'armistizio di Salonico tra la Bulgaria e l'Intesa, il 29 settembre, aveva inoltre ripristinato la sovranità di Bucarest sulla Dobrugia, mentre la frazione nordorientale del Banato, regione contesa con la Serbia, sarebbe stata assegnata dagli Alleati ai romeni nel gennaio seguente. All'alba del 1919, dunque, l'antico miraggio della *Romania Mare*, la "Grande Romania", sembrava realizzato; lo Stato rumeno estendeva virtualmente le sue frontiere dal Tibisco fino al mar Nero, dal Dneestr al Danubio, inglobando una congerie di lingue ed etnie fino ad allora assoggettate ai due più vasti imperi del continente. Conseguenza indesiderata era, ovviamente, l'esposizione al revanscismo di tutti gli Stati limitrofi, e in primis della Russia e dell'Ungheria. La diplomazia rumena dovette pertanto adoperarsi, immediatamente dopo la fine delle ostilità, per ottenere la ratifica delle proprie acquisizioni in sede di Conferenza di Pace e, con essa, una garanzia da parte delle grandi potenze sulla salvaguardia dei propri confini. Tali furono le priorità

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<sup>31</sup> Ș. Pascu, *op. cit.*, p. 63. Cfr. anche F. Kühler-Wielach, *The Transylvanian Promise: Political Mobilization, Unfulfilled Hope and the Rise of Authoritarianism in Interwar Romania*, in "European Review of History/Revue Européenne d'Histoire", vol. 23, no. 4 (2016), pp. 581-582. Per un punto di vista coevo, da parte ungherese, della questione transilvana si veda J. Ajtay, B. Joncsó, A. Kovács, *The Transylvanian question*, Low W. Dawson, Londra, 1921.

<sup>32</sup> A. Basciani, *La Bessarabia e la Grande Romania, 1918-1940*, *op. cit.*, p. 118.

<sup>33</sup> G. I. Brătianu, *La Moldavia e le sue frontiere storiche*, Institutul de științe morale și politice, Bucarest, 1940, p. 32. Michele il Bravo, meglio noto come Michele il Coraggioso (*Mihai Viteazul*, 1558-1601), fu contemporaneamente *voivoda* di Valacchia, di Moldavia e di Transilvania alla fine del Cinquecento; è pertanto celebrato come un precursore dell'unità rumena, avendo brevemente unificato le tre "regioni storiche" di una nazione che avrebbe visto la luce, come Stato indipendente e sovrano, soltanto tre secoli dopo. Stefano III il Grande (*Ștefan cel Mare*, 1433-1504) fu il più longevo e venerato dei *voivodi* di Moldavia, patrocinatore di un'accorta politica militare e diplomatica che permise al suo piccolo principato di conservare una relativa indipendenza dinanzi alle pressioni espansionistiche dei suoi più potenti vicini: l'Ungheria di Mattia Corvino, la Polonia degli Jagelloni, l'impero ottomano di Maometto II.

del gabinetto del redivivo Brătianu, tornato al potere in dicembre e chiamato a soverchiare le perplessità dell'Intesa riguardo quella subitanea e ipertrofica espansione dei confini del *Regat*. Già all'epoca dell'ingresso in guerra, d'altronde, i compensi territoriali richiesti da Bucarest erano apparsi esorbitanti agli occhi degli Alleati; la "diserzione" dei rumeni del maggio 1918, e l'abiura dei trattati segreti vergata da Wilson (che investiva, oltre al Patto di Londra tra l'Intesa e l'Italia, anche quello con la Romania dell'estate 1916) s'intrecciavano ora ai dubbi dei Grandi concernenti in particolare la questione transilvana, «insolubile», a detta di Winston Churchill, «sulla base del principio di autodeterminazione»<sup>34</sup>. La controversia scaturiva dalla ossimorica distribuzione geografica delle due etnie principali: i romeni erano difatti concentrati nella Transilvania occidentale adiacente all'Ungheria, mentre i magiari costituivano un compatto nucleo ento-linguistico nella Transilvania centro-orientale limitrofa ai confini del Regno di Romania. Il premier Brătianu dovette ricorrere ad ogni possibile strumento di pressione diplomatica ed artificio retorico per persuadere gli Alleati non soltanto della bontà, quanto dell'ineluttabilità delle istanze rumene: agitando, innanzitutto, lo spettro di una propagazione del bolscevismo in Romania, frutto malevolo dell'insoddisfazione popolare per la "vittoria mutilata", e ventilando la possibilità di una mancata partecipazione di Bucarest alla *barrière des nations* volta a isolare la Russia sovietica<sup>35</sup>. La rivoluzione ungherese intervenne, come un dono del destino, a rinvigorire e corroborare le tesi di Brătianu.

La stessa prospettiva della mutilazione delle frontiere nazionali aveva fatto da propulsore alla bolscevizzazione dell'Ungheria: il 21 marzo 1919, il leader comunista Béla Kun aveva annunciato a Budapest la nascita della Repubblica dei Consigli, e preconizzato un intervento della Russia sovietica in favore della restaurazione delle frontiere prebelliche del Paese. Promessa a dir poco velleitaria, quella del tribuno ungherese, considerando che il governo di Mosca era all'epoca impegnato a respingere le armate controrivoluzionarie di Kolčak e Denikin dai confini della Moscovia.

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<sup>34</sup> M. Mitrasca, *Moldova: A Romanian province under Russian rule*, op. cit., p. 63.

<sup>35</sup> Sulle relazioni tra la diplomazia rumena e le potenze occidentali nel contesto della Conferenza di pace di Parigi nessun lavoro è più esaustivo dell'opera di S. D. Spector, *Rumania at the Paris Peace Conference: A Study of the Diplomacy of Ioan I. C. Brătianu*, Bookman Associates, New York, 1962; le pp. 131-197, in particolare, riguardano la pervicace opposizione di Brătianu al Trattato sulle minoranze, considerato lesivo della sovranità nazionale, e alle proposte alleate per la ridefinizione dei confini rumeni. Sul trattamento della questione bessarabena alla Conferenza si vedano anche i documenti riportati in Paris Peace Conference, *The Roumanian occupation in Bessarabia. Documents*, cit., pp. 119ss, e in M. Mitrasca, *Moldova: A Romanian Province under Russian Rule*, op. cit., pp. 68-97.

Una prima offensiva magiara era stata nondimeno lanciata, in aprile, contro le linee rumene lungo il Mureș; risoltasi in catastrofe, l'operazione aveva permesso un'ulteriore avanzata dell'esercito del *Regat*, che attestandosi sul corso del Tibisco occupava tutti i territori transilvaniche avevano aderito al proclama d'unione di Alba Iulia. L'Armata rossa di Budapest rinnovò l'assalto il 20 luglio, marciando incontro ad un'ancor più cocente e risolutiva disfatta: nell'arco di due settimane i rumeni, recuperata completamente l'iniziativa, sfondavano il fronte ungherese, espugnavano la capitale nemica sopprimendo il regime di Kun e dilagavano nella pianura panonica<sup>36</sup>. Messa dinnanzi al fatto compiuto, gli Alleati trasmisero un ultimatum al governo di Bucarest, minacciando la rottura delle relazioni diplomatiche se l'esercito rumeno non si fosse ritirato dall'Ungheria. Dimessosi per protesta l'intransigente Brătianu, il gabinetto di Alexandru Vaida-Voevod, espressione della nuova élite transilvana, acconsentiva alle pressioni alleate siglando inoltre (10 dicembre) un trattato sulle minoranze a lungo sollecitato dall'Intesa. La convenzione, rivolta espressamente alla protezione delle comunità minoritarie in Transilvania, Bucovina ecc., era espressione del rafforzamento delle correnti rumenofile tra i grandi, ormai persuasi dell'irrinunciabilità della Romania come fattore d'equilibrio nell'Europa centro-orientale e dunque convintisi ad avallare le richieste rumene. Il trattato impegnava la nazione contraente a garantire la tutela «della vita e della libertà», l'eguaglianza di fronte alla legge, l'impiego della lingua madre nell'istruzione e il diritto a disporre «di propri istituti di beneficenza, religiosi, sociali» ecc. a tutti i sudditi, senza distinzioni di razza, lingua e religione. La Società delle Nazioni avrebbe vegliato sull'implementazione e il rispetto di tali principi<sup>37</sup>. Entro la primavera 1920, le truppe rumene lasciavano come pattuito il suolo ungherese, ritirandosi nelle regioni di Crișana e Maramureș (un centinaio di chilometri più ad est del

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<sup>36</sup> Sulla guerra romeno-ungherese, e in generale sulla Repubblica dei Consigli ungherese, si vedano P. Pastor (a cura di), *Revolutions and Interventions in Hungary and Its Neighbor States, 1918-1919*, Columbia University Press, New York, 1988, con particolare riferimento alle pp. 31-80 sulle fasi militari del conflitto. Inoltre, per un punto di vista coevo, si veda C. Upson Clark, *United Rumania*, Dodd, Mead & Co, New York, 1932, pp. 191-221, e G. Romanelli, *Nell'Ungheria di Béla Kun e durante l'occupazione romana. La mia missione. (maggio, novembre 1919)*, Doretti editore, Udine, 1964.

<sup>37</sup> Il testo del trattato sulle minoranze tra la Romania e le potenze alleate è contenuto in *Peace treaties: various treaties and agreements between the Allied and Associated Powers and the Serb-Croat-Slovene state, Roumania, Bulgaria, Hungary, and Turkey, together with certain other agreements signed by the Peace conference at Paris and Saint Germain-en-Laye*, Government Printing Office, Washington DC, 1921, pp. 40-47. Sulla fase conclusiva del negoziato tra la Romania e gli Alleati si veda S. D. Spector, *Rumania at the Paris Peace Conference: A Study of the Diplomacy of Ioan I. C. Bratianu*, op. cit., pp. 197 ss.

corso del Tibisco) che avrebbero segnato, fino al 1940 e poi di nuovo dal 1945 ad oggi, il confine tra i due Stati. Come contropartita la Romania otteneva, per tramite dei trattati di pace di Saint-Germain con l'Austria, di Neuilly con la Bulgaria e del Trianon con l'Ungheria<sup>38</sup>, il riconoscimento della Conferenza di Parigi alle acquisizioni territoriali in Transilvania e in Bucovina. Una combinazione di scaltrezza diplomatica, opportunismo e fobia anticomunista paneuropea aveva consentito ai rumeni di coronare gran parte delle proprie ambizioni irredentiste: il benessere degli Alleati aveva infine consacrato la nascita della "Grande Romania", un regno che nel giro di un biennio aveva più che raddoppiato la propria estensione geografica e accresciuto in simile misura la propria popolazione<sup>39</sup>.

Secondo l'opinione dello storico nazionalista Kiritzesco, «la guerra rumeno-magiara del 1919 [...] aveva comportato la distruzione del pericoloso covo d'anarchia insediatosi nel cuore dell'Europa»<sup>40</sup>; l'annientamento del regime comunista ungherese, tuttavia, non aveva cancellato dalla mente dei maggiorenti di Bucarest il pericolo della contaminazione comunista. Consci delle difficoltà incontrate da Bucarest nell'amministrazione dei nuovi territori, e incoraggiati dall'ambiguo status internazionale della Moldavia (la cui unione alla Romania riceverà il riconoscimento degli Alleati soltanto nell'ottobre 1920), i bolscevichi rinnovarono la propria offensiva propagandistica e paramilitare nella primavera 1919. Benché duramente impegnato contro Denikin, il governo sovietico trovò l'ardore di recapitare un nuovo, feroce telegramma intimidatorio al gabinetto rumeno; una lunga dissertazione in cui Čičerin, quale firmatario, si faceva portavoce di quello che rimarrà per decenni il punto di vista russo sulla questione bessarabena. La provincia, arguiva il commissario agli Affari Esteri, era sottoposta dal 1918 ad occupazione militare rumena; né l'indipendenza né l'unione politica con la Romania dovevano pertanto considerarsi legalmente valide. Vi faceva seguito un ultimatum in cui i sovietici reclamavano, oltre ad una serie di corollari, l'immediato smantellamento

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<sup>38</sup> Per un'agevole consultazione dei testi originali dei trattati si visitino gli indirizzi [https://wwi.lib.byu.edu/index.php/Treaty\\_of\\_Trianon](https://wwi.lib.byu.edu/index.php/Treaty_of_Trianon) per le stipulazioni con l'Ungheria (Art. 27.3 e Artt. 45-47 sulla ridefinizione dei confini e le riparazioni con la Romania), <http://www.austlii.edu.au/au/other/dfat/treaties/1920/3.html> per quelle con l'Austria (Artt. 59-61) e <http://www.gwpda.org/1918p/neuilly.html> per la Bulgaria (Art. 27.5).

<sup>39</sup> Dai 138.000 chilometri quadrati del 1915 ai 295.049 della fine del 1918, dai 5.956.690 abitanti registrati dal censimento del 1899 ai 14,7 milioni del 1919, secondo i dati citati in L. N. Leustean, "For the Glory of the Romanians": *Orthodoxy and Nationalism in Greater Romania, 1918-1945*, in "Nationalities Papers", vol. 35, no. 4 (2007), p. 719.

<sup>40</sup> C. Durandin, *Rumania, the War and the Army*, op. cit., p. 54.

dell'amministrazione rumena in Bessarabia e il diritto dei proletari e dei contadini bessarabeni ad erigere un proprio governo<sup>41</sup>. Contestualmente, una sedicente Repubblica Socialista Sovietica di Bessarabia vedeva la luce a Tiraspol' come governo in esilio costituito dai comunisti moldavi sul suolo ucraino; la sua formazione era annunciata da un «Manifesto del governo provvisorio degli operai e dei contadini bessarabeni» promulgato il 1° maggio<sup>42</sup>. Quattro settimane dopo, la repubblica fantasma di Tiraspol' serviva da trampolino di lancio per un'imponente offensiva bolscevica lungo il Dneestr; l'impatto psicologico fu invero assai superiore a quello militare, giacché nell'arco di ventiquattr'ore i manipoli rossi volgevano le spalle al nemico lasciando sul terreno armi e prigionieri<sup>43</sup>. Le operazioni estive della guerra civile, con l'avanzata di Denikin verso Mosca e l'espulsione dei bolscevichi dall'Ucraina, affrancarono temporaneamente i confini del *Regat* dalla pressione sovietica<sup>44</sup>.

La diplomazia rumena, a ogni buon conto, ricercò nei mesi e negli anni seguenti la normalizzazione dei rapporti con la Russia, tassello di una più vasta politica di alleanze e patti di non aggressione volta a garantire la sicurezza delle nuove frontiere. Il governo di Bucarest mantenne una neutralità *de facto* nel corso della guerra civile russa e del conflitto polacco-sovietico; anzi, dai primi mesi del 1920 stabilì una rete di contatti con i consolati bolscevichi all'estero, allo scopo di giungere ad un riaccostamento delle relazioni diplomatiche – mai formalmente ripristinate dall'epoca dell'occupazione della Bessarabia. Sgominati Denikin e Vrangel', e ricacciati i polacchi dall'Ucraina, la potenza sovietica tornava d'altronde a materializzarsi a Odessa e lungo il corso del Dneestr più tardi dell'estate del 1920. Tenuto conto dell'instabilità sociale e politica della Moldavia, della permeabilità della popolazione

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<sup>41</sup> M. Mitrasca, *Moldova: A Romanian province under Russian rule*, op. cit., pp. 109-110. L'«occupazione» rumena della Bessarabia fu condannata anche dal Comitato per la Liberazione della Russia, organizzazione politica della comunità di emigrati russi antibolscevichi attiva a Londra. Per Pavel Miljukov, ad esempio, lo *Sfatul Tării* era stato «strumento e vittima dell'aggressione rumena», come comprovato, secondo lo storico ed ex ministro degli Esteri del Governo Provvisorio, dai documenti riportati in *The case for Bessarabia: a collection of documents on the Rumanian occupation, with a preface by Prof. Paul Miliukov*, Russian Liberation Committee, Londra, n. d. (1919-20).

<sup>42</sup> Cfr. M. Bruchis, op. cit., p.201, e C. King, *The Moldavians. Romania, Russia, and the Politics of Culture*, Hoover Institution Press, Stanford, 2000, p. 38.

<sup>43</sup> Cfr. A. Basciani, *La Bessarabia e la Grande Romania, 1918-1940*, op. cit., p. 135.

<sup>44</sup> Sulla guerra civile russa si veda in primis W. Bruce Lincoln, *I bianchi e i rossi. Storia della guerra civile russa*, Mondadori, Milano, 1989, in particolare le pp. 266-289 inerenti alla situazione politica e militare in Ucraina nel 1919.

contadina e delle minoranze russofone al verbo bolscevico<sup>45</sup>, il conseguimento di un *modus vivendi* con Mosca appariva quanto mai prioritario. Il riconoscimento reciproco tra i due Stati sopraggiungerà tuttavia soltanto nel 1934. La *realpolitik* interbellica della Romania non sarà infine in grado di scongiurare l'occupazione sovietica della Bessarabia e della Bucovina del nord, nel 1940<sup>46</sup>, e la quasi contemporanea amputazione dei propri possedimenti in Dobrugia, in favore dei bulgari, e nella Transilvania tanto bramata dagli ungheresi, alleati dell'Asse. Lo stesso governo di Budapest, costituitosi in uno "Stato nazionale legionario" parafascista sotto Antonescu, avrebbe aderito in novembre al Patto Tripartito, decretando la propria partecipazione in un altro, ancor più rovinoso conflitto mondiale.

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<sup>45</sup> L'integrazione nello Stato rumeno unitario delle nuove province bessarabene, bucovine e transilvane si era tradotta, di fatto, in una estensione *sic et simpliciter* delle strutture burocratiche e delle gerarchie di potere del "Vecchio Regno". L'alternanza al vertice dell'esecutivo tra il generale Averescu e l'intramontabile Brătianu, dopo la breve esperienza del governo del natio transilvano Vaida-Voevod, e poi il rafforzamento dell'autoritarismo negli anni tra le due guerre avrebbero condannato all'oblio molte delle speranze riposte dai "rumeni irredenti" nell'unificazione politica con Bucarest. L'esercito, i gradi superiori dell'amministrazione pubblica e la diplomazia rimasero appannaggio dei notabili degli antichi Principati, perlopiù latifondisti valacchi e moldavi; contro il riemergente regionalismo e il malcontento delle minoranze si fece ricorso alla censura, alla retorica sciovinista pan-ortodossa e in casi estremi alle espulsioni (di russi e ucraini in Bessarabia, ad esempio). Sulle politiche centraliste del governo di Bucarest, e la risposta delle masse e delle élite locali, si vedano ad esempio A. Basciani, *La Bessarabia e la Grande Romania, 1918-1940*, op. cit., pp. 104ss; F. Kühler-Wielach, *The Transylvanian promise: political mobilization, unfulfilled hope and the rise of authoritarianism in interwar Romania*, op. cit., pp. 580-594; L. N. Leustean, "For the Glory of the Romanians": *Orthodoxy and Nationalism in Greater Romania, 1918-1945*, op. cit., pp. 717-742; S. Santono, *Dall'Impero asburgico alla Grande Romania. Il nazionalismo rumeno di Transilvania fra Ottocento e Novecento*, FrancoAngeli, Milano, 2014, pp. 111ss., e I. Livezeanu, *Cultural Politics in Greater Romania: Regionalism, Nation Building & Ethnic Struggle, 1918-1930*, Cornell University Press, New York, 2000.

<sup>46</sup> Sugli sviluppi della questione bessarabena negli anni interbellici si vedano, oltre alle opere precedentemente citate, N. Dima, *Bessarabia and Bukovina: The Soviet-Romanian Territorial Dispute*, East European Monographs, New York, 1982, e G. B. Festari, *La Bessarabia tra la Romania e la Russia*, ISPI, Milano, 1940.

# THE FIRST MEMBERS OF THE HISTORICAL - ARCHAEOLOGICAL SECTION OF THE ROMANIAN SCHOOL IN ROME IN THE DIPLOMATIC ARCHIVES

Roxana Mihaly\*

## Abstract

Founded in 1922 by Vasile Pârvan, *Accademia di Romania* was a rare initiative among small European countries, taking into account the fact that only large countries had institutions of specialization in Rome. Vasile Pârvan's ambitious project of creating an academic training facility in Rome was only an axis of a vast cultural construct, that aimed at reforming the historical and archaeological research in Romania of the first decades of the last century.

The activity of the first members of the historical and archaeological section at the Romanian School in Rome gives us a broader view of the way the school carried out its activities and how the Roman experience would definitely mark their career.

**Keywords:** Archaeology; Romanian School in Rome; Rome; Elite

## Introduction

The Romanian School in Rome has won from the very beginning by its founder, Vasile Pârvan, a prestige among the other institutes existing in Rome since the first years of the 20th century. Vasile Pârvan's visionary idea of creating an institute in the Eternal City probably started in 1904 when he became acquainted with the Roman academic environment at the advice of Nicolae Iorga who supported him at that time to go to specialization in Germany with a scholarship from "Hillel"<sup>1</sup> Fund, a scholarship that offered him the opportunity to spend several months in the Eternal City.

Following his experience in doctoral studies in Germany, Vasile Pârvan understood the necessity and benefits of an intellectual training outside the country as well, so that his ambitious project of establishing a settlement in Rome began since 1914, as he himself confessed in the first volume of the Romanian School Magazine in Rome, *Ephemeris Dacoromana* published in 1923.

Vasile Pârvan wrote at that time that he had reached an agreement with the Italian Minister in Bucharest, Baron Fasciotti on the establishment of a school in Rome, supported by his colleagues

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\* Associate Lecturer, University of Medicine, Pharmacy, Sciences and Technology of Tirgu Mureş, Tirgu Mureş, Romania, Center for Research and Regional Strategies.

<sup>1</sup> Alexandru Zub, *Pe urmele lui Vasile Pârvan*, Bucharest, Institutul Cultural Român Publishing House, 2005, pp. 35-36.

from the Romanian Academy in Bucharest, Duiliu Zamfirescu and Ion Bianu, but the First World Conflagration caused the abandonment of the project. Later, close to the end of the First World War, this idea was to be resumed and endorsed by searching for a place by a Transylvanian priest, Vasile Lucaciu<sup>2</sup>, who was at that time in Rome. The project of establishing a school abroad both in Rome and Paris began to take shape in August 1920, through the parliamentary initiative of 45 signatories<sup>3</sup> and submitted by the deputy of that time, Nicolae Iorga. The Assembly of Deputies adopted the law at the meeting on 13 August 1920 with a majority of votes, and 10 days later the project would also pass through the Senate. Thus, the law no.4285, which provided for the establishment of the two schools in Rome and Paris, was enacted by the Royal Decree on October 22, 1920<sup>4</sup>.

The law on the establishment of the two schools, given by the Ministry of Public Instruction, provided in Article II the sections in which the institutes were to operate. The first mention being a section of the history and philology studies of the Romanic people, the second section proposed was that of archival research and libraries, and by the third section it was intended to support university studies for specialities that were not yet taught in Romania, the last section referring to the cultivation of the arts.

*“În aceste școli vor fi primiți după recomandarea așezămintelor noastre culturale numai studenți care vor fi isprăvit cu o superioară distincție studiile lor în țară”<sup>5</sup>.*

A memorable page of the Romanian national culture began to be written in Rome in 1922. Located in the capital of Italy, Vasile Pârvan communicates through a confidential report to the competent Minister the atmosphere with which he met in the first three months of the year: *“Îam găsit aici o atmosferă destul de rece, atât în cercurile oficiale cât și în cele academice. Fiind însă totuși invitat încă din primele zile a face pentru Institutul Italian pentru Europa Orientală la Universitate și pentru Asociația arheologică romană de la sediul ei, câte o conferință (...).”<sup>6</sup>*

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<sup>2</sup> Ephemeris Dacoromana - Annuario della Scuola romana di Roma, *Proemio*, vol I, 1923, p.V.

<sup>3</sup> Petre Țurlea, *Școala Română din Franța*, Romanian Academy Publishing House, Bucharest, 1994, p.9.

<sup>4</sup> M.A.E Romania's Archive, Rome fund 1873-1947, folder 161 – Monitorul Oficial No. 167 of October 31, 1920.

<sup>5</sup> George Lăzărescu *Școala Română din Roma*, Romanian Cultural Foundation Publishing House, Bucharest, 2002, p. 123 – The Law on the establishment of the Schools in Rome and Paris.

<sup>6</sup> Vasile Pârvan, *“Corespondență și acte”* under Al.Zub's care, Minerva Publishing House, Bucharest, 1973 p. 237.



Vasile Pârvan's ambitious project of creating a cultural establishment in Rome began to take shape at the beginning of November 1922. The Romanian School in Rome began its activity in a newly built building<sup>7</sup>, rented for the first time for five years, on Emilio de' Cavalieri Street number 11, where the school's activity took place for more than 10 years until the construction of the new building in Valle Giulia, designed by architect Petre Antonescu and financed by the National Bank of Romania's<sup>8</sup> funds.

At the beginning of September, one month before the opening of the Romanian Institute in the Eternal City, in addition to the financial problems, Vasile Pârvan asked the Ministry of Public Instruction in a letter that the members of the school should be listed by the Ministry of Finance on the table of persons with cultural missions abroad. At the same time, Parvan communicated for the first time the list of the first members of the Romanian School in Rome and asked the Ministry for the communication of the names of two other members who were to be listed on the member list and were to be subsidised by the Ministry. Initially, the list communicated by Vasile Pârvan to the Ministry was composed of six members: Paul Nicorescu, George Mateescu, university librarian Claudiu Percec, Professor Cezar Papacostea, Al. Dem. Marcu and Emil Panaitescu.<sup>9</sup>

Finally, the Romanian School in Rome began its activity on November 1, 1922 with only 4 members of those who were initially admitted on the admission table<sup>10</sup>. They were coming from 2 of the 4 universities mentioned in the School Regulation. Paul Nicorescu and Alexandru Marcu were recommended by the University of Bucharest, and Emil Panaitescu and G.G Mateescu by the University of Cluj. Apart from Alexandru Marcu who was an Italianist, the other 3 members, disciples of Vasile Pârvan, participated with him on several archaeological sites in the country and participated in his courses and seminars.

Remarkd even on the faculty benches by his professor Vasile Pârvan<sup>11</sup>, **Paul Nicorescu**<sup>12</sup>, born in Gioseni in Bacău County, he

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<sup>7</sup> M.A.E Romania's Archive, Rome fund 1873-1947, folder 161 – Written report by G.G. Mateescu to the Ministry of Public Instruction(1927), (The rented space consisted of two floors, a ground floor and a semi-basement, the rented space also had a modest living room that served as a library place, working space and used also for conferences).

<sup>8</sup> B.N.R.'s Archive, Administrative fund, folder 1, 1924.

<sup>9</sup> Vasile Pârvan, (Al.Zub), *op. cit.*, pp. 236-237.

<sup>10</sup> M.A.E Romania's Archive, Rome fund 1873-1947, folder 161 – Report G.G. Mateescu to the Ministry of Public Instruction (Apart from Emil Panaitescu, all three other members were married and would arrive in Rome with their wives).

<sup>11</sup> See: Vasile Pârvan, (Al.Zub), *op.cit.*, pp.111-112. On May 13, 1911, Vasile Pârvan wrote a report to the dean of the Faculty of Bucharest asking him to award the most

graduated in Law and then in Letters at the University of Bucharest. Shortly after finishing his studies, Vasile Pârvan recommends his student as an honorary assistant at the Museum of Antiquities near Bucharest University.<sup>13</sup> Over the years, in his professional training until he became a member of the Romanian School in Rome by the recommendation received from the University of Bucharest, Paul Nicorescu participated alongside Vasile Pârvan at excavations on several archaeological sites in the country<sup>14</sup>.

In the two years (1922-1924) when he was a member of the Romanian School in Rome, Paul Nicorescu specialized in the first year in excavation archaeology and began writing a work on the Thracians in the Roman army.<sup>15</sup> Thanks to the friendship between the school leadership and those conducting the excavations at Pompeii and Ostia, school members, especially those with specialization in archaeology, had the opportunity to attend the excavations in the two localities. Thus, who later was to become a personality of Iași's cultural life, **Paul Nicorescu** took part both in the first year and in the second year of his stay in Rome at the excavations in Pompeii and Ostia.<sup>16</sup> In the second part of his internship in Rome, Paul Nicorescu made a study trip to Sicily, alongside his other two colleagues, Emil Panaitescu and Ștefan Bezdechi.

Paul Nicorescu contributed to the publication of the first volume of the school magazine *Ephemeris Dacoromana* in 1923 with the work "*La tomba degli Scipioni*"<sup>17</sup>, a work he develops later after he returns to the country in a doctoral thesis. Thus, in January 1925, he reached his PhD in Letters at the University of Bucharest, specialisation Ancient History, obtaining the *magna cum laude* distinction.<sup>18</sup> Another important scientific work by Paul Nicorescu, made in Rome, was published in the second volume of the school magazine of 1924, "*Scavi e scoperte a Tyas*"<sup>19</sup>. During his stay in Rome, Paul Nicorescu has also scientifically manifested outside the

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active members of his seminary on ancient history and epigraphy. Among the five students to be awarded, the student Paul Nicorescu was included.

<sup>12</sup> See: Ionel Maftai, *Personalități ieșene*, vol.3, Culture and Socialist Education Committee of Iași County, 1972.

<sup>13</sup> Vasile Pârvan, (Al.Zub), *op. cit.*, p. 164.

<sup>14</sup> See: Vasile Pârvan, (Al.Zub), *op. cit.*, p. 163; 174; 175;187. In 1914, Paul Nicorescu accompanied Pârvan to the archaeological excavations in the discovery of Ulmetum fortress (near Pantelimonul de Sus, Constanța County), then to the archaeological excavations in Dobrogea, the fortress Tomis (1915), Histria, Callatis and Vetren.

<sup>15</sup> Academy's Annals, Debates, Bucharest, s.II, XLIII, 1922/23, p.112.

<sup>16</sup> Academy's Annals, Debates, Bucharest, XLIV, 1923/24, p. 133.

<sup>17</sup> *Ephemeris Dacoromana*, vol. I, 1923, p. 1.

<sup>18</sup> Bărbulescu Mihai, Turcuș V., Damian M. I., *Accademia Di Romania Din Roma 1922 - 2012*, 2012, Roma, p. 26.

<sup>19</sup> *Ephemeris Dacoromana*, vol. II, 1924, p. 1.

School, publishing the work "*La Roumanie Nouvelle*" in the magazine *L'Europa Orientale*<sup>20</sup>, the publication being considered by the school principal as a contribution to the prestige of Romania in Italy<sup>21</sup>. As a result of the collaboration relationships between the Romanian School in Rome and the British Institute in Rome, Paul Nicorescu and his colleague **Emil Panaitescu** were also commissioned to make topographic research on a quite large part of Via Appia, in the Albani Mountains, which has not been studied before<sup>22</sup>.

From a letter from Vasile Pârvan to the secretary of the school, Giuseppe Lugli, we deduce that this would not have happened. Moreover, Vasile Pârvan confessed that he was ashamed of the fact that he guaranteed for them to the director of the British School in Rome, Thomas Ashaby, and their task was not fulfilled<sup>23</sup>.

In 1924, Vasile Pârvan was to delegate Paul Nicorescu to the International Conference on Epigraphy and Immigration which took place in Rome<sup>24</sup>.

After returning to the country, Paul Nicorescu held his PhD thesis at the beginning of 1925, after which he was admitted for another research stage at the French School in Athens. Paul Nicorescu has been from the very beginning in close relations with his professor Vasile Pârvan, who has always watched over his academic career. Even though in a letter addressed to the school secretary, Giuseppe Lugli, Vasile Pârvan declared himself disappointed with his work in the two years spent in Rome, even claiming that he failed to carry out his research<sup>25</sup>, at the beginning of 1927, Vasile Pârvan wrote to the Rector of the University of Iași, Traian Bratu, a letter asking him to support Paul Nicorescu's candidacy at the Department of Ancient History and Epigraphy of the University, "(...) *te rog acum să votezi ca profesor pe școlarul meu Paul Nicorescu, care deși nu a lucrat până acum, cantitativ prea mult, are lucrări foarte bune și se bucură de un nume bun în lumea științifică de la Roma și din Apus.*"<sup>26</sup> After this intervention for his disciple, Paul Nicorescu is appointed on September 1, 1927, on the basis of Art.81 "by calling" tenured professor in ancient history, epigraphy and antiquities at the Faculty of Letters of Iași<sup>27</sup>, where he

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<sup>20</sup> Academy's Annals, Debates, Bucharest, XLIV, 1923/24, p. 134.

<sup>21</sup> M.A.E.'s Archive – Rome folder 1873-1947 no. 163.

<sup>22</sup> M.A.E.'s Archive – Rome folder 1873-1947 no. 163.

<sup>23</sup> Ion Bulei, *Vasile Pârvan. Scrisori inedite. Lettere inedite*, Institutul Cultural Român Publishing House, Bucharest, 2007, p. 33.

<sup>24</sup> V. Pârvan, (Al. Zub), *op. cit.* p. 293.

<sup>25</sup> Bulei I., *op. cit.*, p. 31.

<sup>26</sup> Bulei I., *op. cit.*, p. 31.

<sup>27</sup> Lucian Năstasă, *Suveranii Universităților Românești. Mecanisme de selecție și promovare a elitei intelectuale. I Profesorii Facultății de Filozofie și Litere (1864 - 1948)*, Limes Publishing House, 2007, pp. 308, 349.

will remain until the end of his life in 1946. Thanks to his studies and his professional career, Paul Nicorescu is recognized today as a personality of the cultural life of Iași.

With a professional career almost identical to the one of Paul Nicorescu, **George G. Mateescu**<sup>28</sup> followed in the period 1910-1914 the Faculty of Letters of the University of Bucharest obtaining the "magna cum laude" distinction, specializing in history – geography. Starting with the second year of faculty, he attended the seminar of professor Vasile Pârvan, entering in his good graces, and in the near future he participates with him on several archaeological sites in the country.<sup>29</sup> Also in the second year of faculty, George G. Mateescu, at the advice of Vasile Pârvan, begins to dedicate himself to the study of ancient history and epigraphy.<sup>30</sup> An important point in his professional career was when Vasile Pârvan recommended George G. Mateescu for an honorary assistant position of the archaeological service at the National Museum of Bucharest.<sup>31</sup>

After more than 5 years in which he found himself at the chair of several high schools in Bucharest and then in Cluj, George G. Mateescu was appointed in 1921 as an assistant at the Institute of Archeology of Cluj, in addition to the chair of ancient history, receiving the substitute of an associate professor only in 1926.

In the two years spent in the "Eternal City", George G. Mateescu specializes in studies on the Thracians, research considered fundamental for those who were to study in this regard.

In the first activity report of the Romanian School in Rome, presented at the Academic Plenum in Bucharest on May 28, 1923, Vasile Pârvan said about George G. Mateescu that he was working on a project on the spread of the Thracian element throughout the Roman Empire.<sup>32</sup> A year later, at the presentation of the second activity report of the Romanian School in Rome, Vasile Pârvan emphasized the importance of his student's studies, so that at the meeting of June 10, 1924, he brought in the report presented to the

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<sup>28</sup> Veronica Turcuș, *George G. Mateescu (1892-1929). Viața și Opera*, Romanian Academy Publishing House, Bucharest, 2008, p. 9.

<sup>29</sup> See Vasile Pârvan, (Al.Zub), *op. cit.*, p.174 - 175, 187, 236. On February 5, 1914 and then on February 13, 1915, Vasile Pârvan wrote to the competent Ministry for the release of train road sheets for those who were to accompany him at the archaeological excavations from the fortress Tomis, Tekierghiol, Callatis, Chiose - Aidin, Cadiochioi, Vetren. Among the names mentioned by Vasile Pârvan there was George G. Mateescu and Paul Nicorescu. Next to George G. Mateescu's name it was specified that he is a PhD student in letters.

<sup>30</sup> Năstasă L., *op. cit.* p. 258.

<sup>31</sup> See: Vasile Pârvan, (Al.Zub), *op. cit.*, p. 168. On September 18, 1914, Vasile Pârvan wrote to the competent Ministry recommending George G. Mateescu for a position at the National Museum "Pentru suplinirea d-lui Doras, recomandăm pe G.G.Mateescu absolvent al Facultății de litere."

<sup>32</sup> Academy's Annals, Debates, Bucharest s.II, XLIII, 1922/23, p. 111-113 p. 112.

academy plenary only words of praise to his student: “ *O activitate foarte rodnică a dezvoltat d-l Mateescu, pentru lucrările sale asupra tracilor: a) Tracii la Roma, b) Tracii în Imperiul Roman și c) Onomasticon Thracicum. În special această ultimă lucrare va fi un motiv de vie satisfacție pentru noi, întrucât va trebui pe viitor citată de oricine se ocupă de tracii. (...)*”.<sup>33</sup>

In a letter addressed to Martha Bibescu on December 19, 1923, Vasile Pârvan wrote about the preparation persistence of the first volume of studies of the Romanian School in Rome that was to appear early next year “*Tinerii mei prieteni de la Școala Română suntem plini de zel pentru pregătirea primului volum de studii de istorie, arheologie, filologie și literatură care va constitui recomandăția științifică a Institutului nostru în fața lumii savante a diferitelor școli de la Roma, pe care, prin tradiție le imităm și noi.*”<sup>34</sup> George G. Mateescu contributing to this first volume with a study of the Thracians in the inscriptions of Rome: “*I Traci nelle epigrafie di Roma*”<sup>35</sup>, a study later developed in his doctoral thesis. In 1924, George G. Mateescu published a study on the thraces names in the Sito-Sarmatian territory: “*Nomi traci nel territorio scritto – sarmatico*”.<sup>36</sup> Returned to the country after the experience in Rome, George G. Mateescu continued the collaboration with Vasile Pârvan, who appointed him in 1925 to lead the archaeological excavations at Tibiscum (near Caransebeș).<sup>37</sup>

Nicolae Iorga mentioned George G. Mateescu in one of his writings as “*unul dintre cei mai alesi elevi a lui Pârvan*”<sup>38</sup>, which determined him in the autumn of 1927, after the death of Vasile Pârvan<sup>39</sup>, to propose him for the position of the director of the Romanian School in Rome, and then to support him occupying this position.<sup>40</sup>

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<sup>33</sup> Academy's Annals, Debates, Bucharest, XLIV, 1923/24, p. 134.

<sup>34</sup> V. Pârvan, (Al.Zub), *op. cit.*, p. 249.

<sup>35</sup> Ephemeris Dacoromana, vol. I, 1923, p. 57 – 290.

<sup>36</sup> Ephemeris Dacoromana, vol. II, 1924, p. 223 – 238.

<sup>37</sup> Vasile Pârvan, *Scrieri*, Established text, introductory study and notes by Alexandru Zub, Scientific and Encyclopaedic Publishing House, Bucharest 1981 p. 332.

<sup>38</sup> Nicolae Iorga, *Oameni cari au fost*, vol. II, Editura pentru literatură, 1967 p. 247.

<sup>39</sup> See M.A.E Italy's Archive – Busta Affari Politici 1919-1930 – Romania (1514) – *Il Ministro degli Affari Esteri Italiano riceveva nel luglio 25 dallo Stato romeno, una telegramma, che annuncia la morte di Vasile Pârvan. Alcuni giorni dopo il Ministero degli Affari Esteri Italiano trasmetteva la notizia al Ministero della pubblica istruzione. Nel telegramma c'era scritto che Esso ha morto dopo un'operazione di appendicite a soli 45 anni. Il telegramma sottolineava anche il fatto che con la sua morte, la Romania ha perso uno dei più grandi specialisti in archeologia, che sarà molto difficile da sostituire.*

<sup>40</sup> See M. Bărbulescu, *op. cit.*, pp. 59 – 73.

After several proposals and a great insistence from his former colleague in Rome, Emil Panaitescu, George G. Mateescu was the one who was appointed director<sup>41</sup> of the Romanian School in Rome.

As he himself confessed, in a letter addressed to the school's secretary at that time, Giuseppe Lugli, on February 5, 1928, his appointment as head of the institution in "Eternal City" took him somehow by surprise<sup>42</sup> and in another letter sent 20 days later, Mateescu confessed that the news of his appointment had been received by a telegram. In his correspondence with Giuseppe Lugli, George G. Mateescu mentioned that he wanted the annual trips to Ostia, Naples and Pompeii to be made after his arrival in Rome.<sup>43</sup>

With great thoughts for the Romanian School in Rome, G.G. Mateescu wanted to continue his master's work at the headquarters of the institute in the capital of Italy<sup>44</sup>, but unfortunately the health problems said their words quite quickly.<sup>45</sup>

In one of the letters addressed to the school's secretary, Giuseppe Lugli, G.G. Mateescu confessed that he was devoted and faithful to "*Școlii noastre*" and has sincere feelings for true science. At the same time, Mateescu confessed to Giuseppe Lugli that his appointment was, however, a joy for him, given the difficulties he had encountered in his career. In another letter addressed to G. Lugli on March 4, 1928, G.G. Mateescu emphasized the importance of the school's publications, in his opinion they represented the prestige of the school, through which the academic level could be judged.<sup>46</sup>

From the first series of scholars of the Romanian School in Rome<sup>47</sup> was also **Emil Panaitescu**, who was appointed member of the Eternal City Institute following the recommendation made by the University of Cluj.

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<sup>41</sup> M.A.E.'s Archive – Rome folder 1873-1947 no. 160. George G. Mateescu wrote to the secretary of the Romanian School in Rome, Giuseppe Lugli, that he was appointed director of the school by a decree from the Ministry on January 26, 1928, No. 407, Dir. VI.

<sup>42</sup> M.A.E.'s Archive – Rome folder 1873-1947 no. 160.

<sup>43</sup> M.A.E.'s Archive – Rome folder 1873-1947 no. 160. G. G. Mateescu announced the school's secretary, Giuseppe Lugli, that his state of health did not allow him to travel at that time. At the same time Mateescu also said that he would arrive in Rome a few days before Easter, when he would be able to suspend the faculty courses in Cluj. *Până atunci vă rog să rămâneți în postul de secretar și să administrați școala, cum ați făcut și până acum și cum ați declarat că veți face în continuare.*

<sup>44</sup> M.A.E.'s Archive – Rome folder 1873-1947 no. 160. The letters of G.G. Mateescu to G. Lugli.

<sup>45</sup> M.A.E.'s Archive – Rome folder 1873-1947 no. 160. G. G. Mateescu dies at the age of 33 on June 7, 1929. His wife, widow Felicia G. Mateescu repeatedly wrote to the school's secretary, Giuseppe Lugli, telling him the last bureaucratic questions left by her husband.

<sup>46</sup> M.A.E.'s Archive – Rome folder 1873-1947 no. 160.

<sup>47</sup> M.A.E.'s Archive – Rome folder 1873-1947 no. 160.

Respecting the order passed by Vasile Pârvan in the admission table sent to the Ministry of Public Instruction, Emil Panaitescu was the last on the list<sup>48</sup> and next to his name was written the title of associate professor.

Emil Panaitescu came from a modest family from the commune of Cudalbi, Galați County. With great financial efforts<sup>49</sup> during 1905-1908, he attended the faculty of Letters at the University of Bucharest. One year after graduating, he would become a History teacher at the "Vasile Lupu" Normal School of Iași, where he remained until 1913, after which he transferred to the "St. Sava" High School in Bucharest. In all these years, as a high school teacher, he has received various training internships in the field of ancient history, in Germany and then in Austria, and has also participated in some archaeological excavations in the country. In 1919, at Vasile Pârvan's recommendation, he became "trainee aggregate" at the University of Cluj, a position that only thanked him for a semester, asking to be named tenured, which was not possible because he did not meet the requirements imposed by the regulation.<sup>50</sup>

During his two-year internship in Rome, Emil Panaitescu investigated the representations of the Thracian and Dacian barbarians in Greek and Roman art.<sup>51</sup> He contributed to the first volume of the school magazine, *Ephemeris Dacoromana* with a 25-page study on Decebal's portrait ("*Il ritratto di Decebalo*"<sup>52</sup>) and one year later to publish the study "*Fidenae, Studio storico - topografico*"<sup>53</sup>. During his stay in Rome, Emil Panaitescu also published the study "*La frontiera della latinita (Romania e Besarabia)*"<sup>54</sup> in the magazine *L'Europe Orientale*.

One year after returning to the country, Emil Panaitescu supported his doctoral thesis, obtaining the *magna cum laude* mention, with a subject started during his stay in Rome on the

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<sup>48</sup> Vasile Pârvan, (Al.Zub) *op. cit.*, p. 236 – Letter addressed by Vasile Pârvan to the Minister of Public Instruction on September 3, 1922. (Paragraph 4, line 6).

<sup>49</sup> See: Veronica Turcuș, *Emil Panaitescu (1885-1958) și Școala Română din Roma*, in "Anuarul Institutului de Istorie «George Barițiu» of Cluj-Napoca. Series Historica", 2009, XLVIII, p. 261-298.

<sup>50</sup> See Năstasă L., *op. cit.* p. 316 (When Emil Panaitescu asked for his promotion, the teaching council debated his request, but concluded that he did not meet the conditions required by the regulation, for not having the required number of published papers or the doctorate, so the request was denied).

<sup>51</sup> Academy's Annals, Debates, Bucharest, s.II, XLIII, 1922/23, p. 112.

<sup>52</sup> *Ephemeris Dacoromana*, vol. I, 1923, pp. 387 – 412.

<sup>53</sup> *Ephemeris Dacoromana*, vol. II, 1924, pp. 416 – 459.

<sup>54</sup> See G. Lăzărescu, *Școala Română din Roma*, p. 144 (In 1925, Minister A. Em. Lahovary wrote to Ion G. Duca, Minister of Foreign Affairs, a report on the activity of the Romanian School in Rome, in Lahovary's report, the only one mentioned being Emil Panaitescu).

Fidenae fortress. An important leap in his career was the marriage to the daughter of the head of the Romanian Legation in Rome, Alexandru Lahovary, so that shortly after the marriage ended in 1925, Emil Panaitescu became a tenured professor at the Department of Ancient History at Cluj University.<sup>55</sup>

Following his professional career, it is worth noting that Emil Panaitescu was part of the National Liberal Party having three times mandate as deputy.<sup>56</sup> In 1927, after the death of Vasile Pârvan, he hoped to become the director of the Romanian School in Rome, which would happen two years later, when the one he was confronted with at that time, George G. Mateescu died.

Emil Panaitescu headed the Romanian School in Rome for more than 10 years (October 15, 1929 - November 1, 1940). On October 2, Sextil Pușcariu, a member of the Romanian Academy in Bucharest<sup>57</sup>, wrote to the secretary-general of the Romanian Academy in Bucharest, Ioan Bianu, a letter expressing very harsh his point of view regarding the appointment of Emil Panaitescu at the head of the Romanian School in Rome: "*L-aș recomanda cu mai multă insistență dacă l-aș ști mai muncitor și mai însuflețit. Avantajile pe care le are asupra altora sunt însă legăturile lui personale – și prin socrul său – cu cercurile din Roma, unde a petrecut aproape doi ani și felul lui simpatic de a se prezenta. Și din punct de vedere științific sunt sigur că nu ne va face de rușine, dar nici că va putea continua moștenirea lui Pârvan*"<sup>58</sup>.

Furthermore, in the first months of 1928, Emil Panaitescu was elected president of the "Asociația foștilor membri ai Școlii Române din Roma", an association whose purpose was to maintain the "camaraderie" relations between the former members.<sup>59</sup>

Four days before being officially changed from the position of director of the Romanian School in Rome, Emil Panaitescu addressed on October 26, 1940, a letter to the Minister of National Education, Cults and Arts, Traian Brăileanu, in which he felt obliged to give a reply to some rumours that were brought to his address in some circles in Rome as well as in Bucharest. Emil Panaitescu was

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<sup>55</sup> Năstasă L., *op. cit.*, p. 316.

<sup>56</sup> See Lucian Năstasă, *Intimitatea amfiteatrelor. Ipostaze din viața privată a universitarilor "literari" (1864 - 1948)*, Limes Publishing House 2010 p. 174; (Emil Panaitescu was deputy from the National Liberal Party in the years: 1920-1922, 1927-1928, 1934-1938).

<sup>57</sup> See Dorina N. Rusu, *Membrii Academiei Române 1866-1999*, Romanian Academy Publishing House, Bucharest, 1999, p.691-692. On May 19, 1914, Sextil Pușcariu became a full member of the Romanian Academy, and from 1929 he was appointed president of the Romanian Academy's Literary Section until 1931.

<sup>58</sup> Marieta Croicu, Petre Croicu, *Scrisori către Ioan Bianu* vol. III, Minerva Publishing House 1974, p. 631.

<sup>59</sup> *Buletinul Asociației Foștilor Membri ai Școlii Române din Roma*, Anul I, București 1928/29, p.3.



considered to be a Freemason, and being part of a Masonic affiliation called "rotarilor".<sup>60</sup>

After his change from the position of director of the Romanian School in Rome in 1940, Emil Panaitescu remained in the capital of Italy, on January 8, 1941, being appointed Councilor of Legation at the Romanian Legation to the Holy See.

Emil Panaitescu died on February 20, 1958<sup>61</sup>.

After the first year of activity, on May 28, 1923, the director of the Romanian School in Rome, Vasile Pârvan, presented to the Bucharest Academic Plenum the activity of the Romanian Institute in the Eternal City: *"Școala noastră de la Roma a avut de la început favoarea excepțională de a fi foarte călduros primită atât de institutelor și învățații italieni de meseria noastră, cât și de cele trei Școli mari similare: franceză, engleză și americană."*<sup>62</sup> The activity of the first four members during their internship in Rome was constantly coordinated by Vasile Pârvan and in his absence the members were supervised by the school's secretary, Giuseppe Lugli. In addition to collective activities such as visiting museums, acquainting with antiques and local artworks, visiting the archaeological excavations in Ostia under the leadership of Professor Lugli, the school members took part in the first year of functioning on a several days trip to Naples and Pompeii. In this context, the members of the school accompanied by Pârvan were able to visit the archaeological excavations from Pompeii which were closed at that time to the public. During their stay in Pompeii, excavation inspector Matteo della Corte provided explanations and details on discoveries made as well as on new excavation methods.<sup>63</sup>

In the Romanian cultural landscape, the Accademia di Romania in Rome has a significant place that historical time and vicissitudes could not even cancel. Vasile Pârvan's ambitious project of creating an academic training facility in Rome was just an axis of a vast cultural construct aiming at reforming historical and archaeological research in Romania of the first decades of the last century. The founding of the Romanian School in Rome in the third

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<sup>60</sup> M.A.E.'s Archive – Rome folder 1873-1947 no. 160 – In the letter addressed to Minister Brăileanu, Emil Panaitescu said that he was obliged to address this letter, to defend his honor and *"Față de nemerniciile scotite, din gelozie, din rivalitate, sau din prostească răutate, am decât disprețul tăcerii. Dar când o ticăloșie este transformată în armă împotriva rostului vieții mele mă simt obligat să mă apăr.(...)* *Limpede:Nu sunt, nu am fost niciodată francmason."*

<sup>61</sup> M.A.E.'s Archive – Rome folder 1873-1947 no. 160. By decision of the Ministry of National Education No. 211.035 / 1940, Emil Panaitescu was recalled at the Cluj University chair since November 1, 1940. Panaitescu was also announced that the position of director of the School was entrusted to another former member of the school, Dimitrie Găzdaru.

<sup>62</sup> Academy's Annals, Debates, Bucharest, s.II, XLIII, 1922/23, p.111-113.

<sup>63</sup> Academy's Annals, Debates, Bucharest, s.II, XLIII, 1922/23, pp.111-113.

decade of the 20th century was part of a general European tendency of affirming European national identities.

During its first period of functioning and until its closing, on January 5, 1948, when the Legation counsellor, Basil Șerban told the director of the Accademia di Romania, Scarlat Lambrino that the Romanian Legation would take over the School's custody<sup>64</sup>, an important number of the intellectual elite would be formed in Rome in the interwar period. Archaeologists, historians, architects, or artists have all been marked in their studies by the time spent in the Eternal City. Even though the communist authorities tried to erase the memory of this Romanian institute from the heart of Rome, as soon as possible, both school members and those who crossed the threshold brought back to life the ambitious project of the visionary Vasile Pârvan and the Accademia di Romania has resumed its normal course for which it was designed.

The first series of scholars of the Romanian School in Rome opened, we can say the path of some unexploited intellectual journeys. It is also worth noting that all four members who inaugurated the Romanian School of the Eternal City would become a forming elite, whether in the academic or political environment. The Italianist Alexandru Marcu was to be noted both in the academic and political environment as well as Emil Panaitescu, and Paul Nicorescu and George G. Mateescu were remarkable in the university field and would make an important contribution in their field.

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<sup>64</sup> M. Bărbulescu, *op. cit.*, pp.152 – 153.

### **Bibliographic abbreviations:**

Arhiva M.A.E Italia – Archivio Storico Diplomatico del Ministero degli Affari Esteri  
Arhiva M.A.E România – Arhivele diplomatice ale Ministerului Afacerilor Externe,  
România  
Arhiva B.N.R – Arhiva Băncii Naționale a României

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# IP RIGHTS AND POLITICAL RECONSTRUCTION IN THE '90

Mihaela Daciana Natea\*

## Abstract

*In the development of Intellectual Property Rights (IPR) two international bodies play a major role namely the World Trade Organization (WTO) and World Intellectual Property Organization (WIPO). In the early 1990 two main events took place, one regarded the dynamics of the international political system and the other the implementation of a new treaty. Regarding the first aspect the beginning of the '90 brought the fall of the communist regimes in the Eastern Europe and parts of the communist regimes around the world. The orientation towards a democratic and capitalist political system pushed these states to adhere to the international organizational system and, thereupon, adopt also the IP rights system. On the other hand, the establishment of the WTO and the implementation of the Marrakesh Agreement which include the Trade Related Aspects of Intellectual Property Rights (TRIPS) generated an interest for all GATT and GATS members to develop stronger IP rules. The article follows these political changes and the international implementation of new acts in the field of IPR in the '90 in order to determine how the political changes following the end of the Cold War affected the IP system.*

**Keywords:** *IPR; International Organization; International Governance; International Political System*

## Introduction

The field of IP has been studied thoroughly from many structural viewpoints: legal, economic, management, marketing, and in some extent political. All offer a different yet convergent perspective over the functioning and impact of the global intellectual property system. Sometimes this perspective does not depict the whole image, but only a part of it. Sometimes political aspects, generated by the state's needs to ensure its main functions, such as ensuring citizens security and wellbeing, come before the needs of the global IPR system or generate needs in changing parts of this system. These changes are generated partially by economic reasons, others by certain social characteristics of a state or region, others by the legal system and its adaptability to the international legal framework, and last but as important as the others, the political regime both nationally and internationally. Barry Buzan and Richard Little argue that only by analyzing separately the international systems we can underline and understand the

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\* Lecturer, PhD., University of Medicine, Pharmacy, Sciences and Technology of Tîrgu Mureş, Tîrgu Mureş, Romania

divergences between economic, political or military systems<sup>1</sup>. The global IPR system is a complex one due to its implications in many fields of study, but the article will focus only on aspects related to the evolution of international political system and the impact over the IPR system at a specific moment – a decade around the year 1990.

As IPR are closely related to political and economic activities the functioning of international political system and the international economy are important in order to understand IPR system. So, for the IPR system globalism<sup>2</sup> and international interdependence<sup>3</sup> play a major role. Keohane and Nye argued that states are tied by the knots of complex interdependence, that generate an entropic movement when it comes to their behavior in international relations.

Even more, aspects of IPR can generate part of the nation brand as Wally Olins indicated in several studies<sup>4</sup>. In an international system where the state image is maybe more important than the actions it undertakes in the international arena, using IPR to promote one's image becomes a natural part of states activities expressed in the concept of soft power, because, *per se*, soft power can be seen as the ability to international attract<sup>5</sup> good-will, and can represent an important resource of public diplomacy.

The global system is complex and presents many particularities interconnected and differentiated by the part of the world we are analyzing. Political interests can influence different parts of the international system.

### **The historical landmarks in the development of the international IP system**

Form the view point of the IPR international relations two main directions can be developed. The first regards the adoption of international legal instruments that govern the international system, and the second the functioning of the OI in this field. Regarding the first aspect nowadays in the field of IPR we have the treaties administered by WIPO and the TRIPS Agreement administered by WTO. At regional level we can identify non-state actors which

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<sup>1</sup> Barry Buzan, Richard Little, Sistemele internationale in istoria lumii, Ed. Polirom, Iași, 2009, pp. 29-30.

<sup>2</sup> Robert O Keohane, Joseph S. Nye, *Putere și interdependență*, Ed Polirom, Iași, 2009, p.290, 292.

<sup>3</sup> Robert O Keohane, Joseph S. Nye, *Putere și interdependență*, Ed Polirom, Iași, 2009, p.290, p.300-301.

<sup>4</sup> Wally Olins, *Despre brand*, Ed. Comunicarea.ro, 1998.

<sup>5</sup> Joseph S. Nye, Jr., *Soft Power. The Means to Success in World Politics*, Public Affairs, USA, p. X.

generate regional agreements and regional systems of protection, and last but not least the states.

The evolution of the international IPR protection system is presented in the literature from different viewpoints. Historically speaking, the roots of the international IPR protection system date back to the end of the modern era, in the blooming of the industrial revolution. The starting point was the International Exhibition of Vienna 1873, where the problem of the international protection for IP rights was raised and ten years later, in 1883, the Paris Convention regarding the international protection of industrial property was adopted<sup>6</sup>. The Convention was managed by a Union, created according to the principles of collective security and in line with the first seeds of International Organizations (OI) developed in the late XIX early XX century<sup>7</sup>. The Union functioned for more than 50 years and was replaced by WIPO in 1970, when the Stockholm Convention establishing WIPO entered into force (it was adopted in 1967)<sup>8</sup>. In 1974 this IO become a specialized agency of the United Nations (UN)<sup>9</sup>. Since 1970 the global governance of the IP system was done through WIPO and the treaties it administered.

The governing IP treaty system was enriched gradually by introducing new acts some modifying the international settlement created by the Paris Convention, others supplementing the general provision of the mentioned international legal instrument. Thus, in 1886 the Bern Convention offered another range of IP rights protection, namely the protection of literary and artistic works and was administered under the same Union as the Paris Convention. These two treaties were followed by other amending their provisions. So, the Paris Convention was revised in Brussels (1900), Washington (1911), Hague (1925), London (1934), Lisbon (1958) and Stockholm (1967)<sup>10</sup>.

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<sup>6</sup> WIPO, *Intellectual Property Handbook: Policy, Law and Use*, Editura WIPO Publications, Geneva, 2004, p. 241, Michael Blakeney, *The International Protection of Industrial Property: From the Paris Convention to the TRIPS Agreement*, WIPO seminar on Intellectual Property, Cairo, 17-19 februarie 2003, p. 2, [http://www.wipo.int/arab/en/meetings/2003/ip\\_cai\\_1/pdf/wipo\\_ip\\_cai\\_1\\_03\\_2.pdf](http://www.wipo.int/arab/en/meetings/2003/ip_cai_1/pdf/wipo_ip_cai_1_03_2.pdf), Bolos Mihaela Daciana, „Actul de naștere a mărcii moderne: Convenția de la Paris privind protecția proprietății industriale” *Studia Universitatis Petru Maior. Series Historia*, Nr. 10, pp. 186 – 193.

<sup>7</sup> Bolos Mihaela Daciana, *Mărcile și indicațiile geografice în sistemul relațiilor internaționale*, București, Ed. Universul Juridic, 2013, pp. 40-44.

<sup>8</sup> [http://www.wipo.int/treaties/en/text.jsp?file\\_id=283854](http://www.wipo.int/treaties/en/text.jsp?file_id=283854)

<sup>9</sup> [www.wipo.org](http://www.wipo.org)

<sup>10</sup> [http://www.wipo.int/treaties/en/text.jsp?file\\_id=288514](http://www.wipo.int/treaties/en/text.jsp?file_id=288514), Michael Blakeney, *The International Protection of Industrial Property: From the Paris Convention to the TRIPS Agreement*, WIPO seminar on Intellectual Property, Cairo, 17-19 februarie 2003, [http://www.wipo.int/arab/en/meetings/2003/ip\\_cai\\_1/pdf/wipo\\_ip\\_cai\\_1\\_03\\_2.pdf](http://www.wipo.int/arab/en/meetings/2003/ip_cai_1/pdf/wipo_ip_cai_1_03_2.pdf); WIPO, *Intellectual Property Handbook: Policy, Law and Use*, Editura WIPO Publications, Geneva, 2004, pp.241-242

WIPO member states decided to enlarge the level of IP protection offered by the two main treaties. Regarding the Paris Convention four main directions were developed: patent, trademark, appellations of origin and industrial designs, for which special international acts created, gradually, and not without turmoil especially among the less developed or developing countries, an international system of protection. The international registration patent system was created by the Patent Cooperation Treaty (1970), Strasbourg Agreement, concerning the International Patent Classification (1971), and Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (1977)<sup>11</sup>.

Regarding trademarks international registration system was created through Madrid Agreement 1891, Madrid Protocol 1989<sup>12</sup> and two trademarks classification Agreements, Nice concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, (1957) and Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (1973). In 1994 Trademark Law Treaty is adopted and later the Singapore Treaty on the Law of Trademarks (2006) generating harmonization with the e-governance practices in trademark registration.

In 1925 in Hague, was adopted an Agreement concerning the International Registration of Industrial Designs and later in 1968 the Locarno Agreement concerning the International Classification for Industrial Designs<sup>13</sup> developed the path to harmonization of the registration process between member states.

This is the big picture of the international IP system until 1990. Nowadays WIPO has 26 treaties under administration, which illustrate the image of a global protection system, with more than 190 members and a basic level of convergence in the practice of IP rights.

In 1994 the Marrakesh Agreement was signed at the end of the Uruguay Round, which created WTO, reuniting General Agreement on Tariff and Trade (GATT) and General Agreement on Tariff and Service (GATS) and adding TRIPS as the C annex to the

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<sup>11</sup> WIPO, *Intellectual Property Handbook: Policy, Law and Use*, Editura WIPO Publications, Geneva, 2004, pp. 276-285.

<sup>12</sup> [http://www.wipo.int/treaties/en/registration/madrid/summary\\_madrid\\_marks.html](http://www.wipo.int/treaties/en/registration/madrid/summary_madrid_marks.html), WIPO, *Intellectual Property Handbook: Policy, Law and Use*, Editura WIPO Publications, Geneva, 2004, pp. 287-282; Bolos Mihaela Daciana, *The birth act of the modern mark: The Paris convention on the protection of industrial property*, in "Studia Universitatis Petru Maior. Series Historia", no. 1/2010, pp 186-193.

<sup>13</sup> <http://www.wipo.int/treaties/en/classification/locarno/>. WIPO, *Intellectual Property Handbook: Policy, Law and Use*, Editura WIPO Publications, Geneva, 2004, pp. 293-297.



treaty. This is an important moment because by adopting this treaty IP rules were regulated so that they would not become a barrier in the international trade. But, by doing so, many questions were raised on the viability of TRIPS Agreement in developing countries.

Regarding the provisions of TRIPS vs WIPO treaties, the first act follows the line of the Paris and Bern Conventions. The main difference concerns purpose of the act as TRIPS main focus is IPR in international trade. To this an emerging subject the application of IP rules can be added in conjunction with the need for ensuring a high level of human security, mainly concerning patient's access to treatment<sup>14</sup>. This concern was manifested in the 2001 declaration on TRIPS and Public health<sup>15</sup>. The need of this declaration surfaced primarily from the need of the developing countries to avoid the pressures of TRIPS on their health system.<sup>16</sup>

The international dimension is developed by the regional one, with more and more regional organizations adopting rules applicable in that region. Naturally, the European Union has a well-established system of protection, with European patents and trademarks and more important a harmonized protection system. Such initiatives can be identified in other parts of the world from Asia to the Middle East for the GCC countries<sup>17</sup>, Africa<sup>18</sup>, America – Andean Union etc.

## **Methodology**

A part of the literature, when it comes to economic development and IPR, mention mainly the TRIPS Agreement and the WTO system or the preminent role this system play. Some mention the WIPO system others do not. Our analysis focuses on the dynamics of the system around the 1990, when major political shifts happened internationally, which modified the global trends in approaching the political system. One aspect we tried to identify the treaty joining between 1985-2000, in order to establish a trend in

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<sup>14</sup> Timothy M. Shaw, Sandra J. MacLean and David R. Black, *A Decade of Human Security: What Prospects for Global Governance and New Multilateralisms?*

<sup>15</sup> Declaration on the TRIPS agreement and public health, adopted on 14 November 2001

[https://www.wto.org/english/thewto\\_e/minist\\_e/min01\\_e/mindecl\\_trips\\_e.htm](https://www.wto.org/english/thewto_e/minist_e/min01_e/mindecl_trips_e.htm)

<sup>16</sup> Kojo Yelpaala, *Quo Vadis WTO? The Threat of TRIPS and the Biodiversity Convention to Human Health and Food Security*, Boston University International Law Journal, Vol. 30:55, 2012, p.66.

<sup>17</sup> Bolos Mihaela Daciana, *From International to Regional Systems. IP in "The Middle East"*, in "Studia Universitatis Petru Maior, Series Oeconomica", Fasciculus 1, Anul VIII, 2014, ISSN 1843-1127, p. 66-77.

<sup>18</sup> "The Intellectual Property Protection System in the African French and British Colonies during 1945-1989", in *Empires and Nations from the 18th to the 20th Century*, Vol II, ISBN 978-1-4438-6363-6, Cambridge Scholars Publishing, pp. 120-127.

international involvement in matters of IPS. We approached this by following three main systems: The WIPO Convention – which established the international organization, the Paris Convention – the oldest of all treaties in pater of industrial property rights, and the WTO system – meaning the Marrakesh Agreement for the TRIPS Agreement. In this last case we followed the joining of GATT till 1994 and from 1995 the WTO Agreement. By doing so we tried to identify if a trend can be established even if GATT and GATS had no specific part for IP rights in international trade.

### Findings

In Table 1, starting from the year of joining GATT we established a list of countries that between 1985 till 1994 decided to ratify this international act. For the purpose of our study we must have in mind that only after 1995 TRIPS become part of an international act so in Table 2 we analyzed the states that joined the WTO. As a consequence of the new agreement, 1995 is the year that all GATT and GATS states joined the new act which also stipulated the creation of a new international organization, the WTO, so, in this table, we separated the states that previously were members of GATT and gathered only that ones that joined the system afterwards. In this manner we try to identify if there any differences in approaching the GATT system after TRISP was adopted.

**Table 1 - Year of joining international treaties based on the year of joining GATT**

<b>State</b>	<b>WTO</b>	<b>GATT</b>	<b>WIPO</b>	<b>Paris</b>	<b>Madrid</b>	<b>PCT</b>
<i>Antigua and Barbuda</i>	1995	1987	2000	2000	2000	2000
<i>Botswana</i>	1995	1987	1998	1998	2006	2003
<i>Morocco</i>	1995	1987	1971	1917	1999	1999
<i>Lesotho</i>	1995	1988	1986	1989	1999	1995
<i>Bolivia</i>	1995	1990	1993	1993		
<i>Costa Rica</i>	1995	1990	1981	1995		1999
<i>Tunisia</i>	1995	1990	1975	1884	2013	2001
<i>Venezuela,</i>	1995	1990	1984	1995		
<i>El Salvador</i>	1995	1991	1979	1994		2006
<i>Guatemala</i>	1995	1991	1983	1998		2006
<i>Macao, China</i>	1995	1991				
<i>Mozambique</i>	1995	1992	1996	1998	1998	2000
<i>Namibia</i>	1995	1992	1991	2004	2004	2004

<i>Bahrain</i>	1995	1993	1995	1997	2005	2007
<i>Brunei Darussalam</i>	1995	1993	1994	2012		2012
<i>Czech Republic</i>	1995	1993	1993	1993	1996	1993
<i>Dominica</i>	1995	1993	1998	1999		1999
<i>Fiji</i>	1996	1993	1972			
<i>Mali</i>	1995	1993	1982	1983		1984
<i>Saint Lucia</i>	1995	1993	1993	1995		1996
<i>Saint Vincent &amp; the Grenadines</i>	1995	1993	1995	1995		2002
<i>Slovak Republic</i>	1995	1993	1993	1993	1997	1993
<i>Swaziland</i>	1995	1993	1988	1991	1998	1994
<i>Angola</i>	1996	1994	1985	2007		2007
<i>Djibouti</i>	1995	1994	2002	2002		
<i>Grenada</i>	1996	1994	1998	1998		1998
<i>Guinea</i>	1995	1994	1980	1982		1991
<i>Guinea-Bissau</i>	1995	1994	1988	1988		1997
<i>Honduras</i>	1995	1994	1983	1994		2006
<i>Liechtenstein</i>	1995	1994	1972	1933	1998	1980
<i>Papua New Guinea</i>	1996	1994	1997	1999		2003
<i>Paraguay</i>	1995	1994	1987	1994		
<i>Qatar</i>	1996	1994	1976	2000		2011
<i>Saint Kitts and Nevis</i>	1996	1994	1995	1995		2005
<i>Slovenia</i>	1995	1994	1991	1991	1998	1994
<i>Solomon Islands</i>	1996	1994				
<i>United Arab Emirates</i>	1996	1994	1974	1996		1999

**Table 2 - Year of joining international treaties based on the year of joining WTO**

<b>State</b>	<b>WTO</b>	<b>GATT</b>	<b>WIPO</b>	<b>Paris</b>	<b>Madrid</b>	<b>PCT</b>
<i>European Union</i>	1995				2004	
<i>Bulgaria</i>	1996		1970	1921	2001	1984
<i>Ecuador</i>	1996		1988	1999		2001
<i>Mongolia</i>	1997		1979	1985	2001	1991
<i>Democratic Republic of Congo</i>	1997		1975	1975		
<i>Panama</i>	1997		1983	1996		2012
<i>Kyrgyz Republic</i>	1998		1991	1991	2004	1991

<i>Latvia</i>	1999		1993	1993	2000	1993
<i>Estonia</i>	1999		1994	1994	1998	1994
<i>Croatia</i>	2000		1991	1991	2004	1998
<i>Georgia</i>	2000		1991	1991	1998	1991
<i>Albania</i>	2000		1992	1995	2003	1995
<i>Jordan</i>	2000		1972	1972		
<i>Oman</i>	2000		1997	1999	2007	2001

As Table 1 and 2 point out, no significant difference can be noticed in the tendency of joining GATT or the Marrakesh Agreement. So, hardly we can conclude that the new act generated an international desire to join with a significant impact on the world system. That we can see is that many ex – communist states, or newly created ones joined: Bulgaria, Mongolia, Kyrgyz Republic, Latvia, Estonia, Croatia, Albania, Slovenia and others. Also, interesting is the increasing number of Arab states that join, gradually the system, fact that can be explained by the economic development: Oman, UAR, Jordan, Qatar, Bahrain, most of them members of the Gulf Cooperation Council.

**Table 3 - Year of joining international treaties based on the year of joining WIPO Convention**

<b>State</b>	<b>WTO</b>	<b>GAT T</b>	<b>WIPO</b>	<b>Paris</b>	<b>Madrid</b>	<b>PCT</b>
<i>Bangladesh</i>	1995	1972	1985	1991		
<i>Angola</i>	1996	1994	1985	2007		2007
<i>Nicaragua</i>	1995	1950	1985	1996		2003
<i>Lesotho</i>	1995	1988	1986	1989	1999	1995
<i>Iceland</i>	1995	1968	1986	1962	1997	1995
<i>Lebanon</i>			1986	1924		
<i>Sierra Leone</i>	1995	1961	1986	1997	1999	1997
<i>Paraguay</i>	1995	1994	1987	1994		
<i>Guinea-Bissau</i>	1995	1994	1988	1988		1997
<i>Swaziland</i>	1995	1993	1988	1991	1998	1994
<i>Ecuador</i>	1996		1988	1999		2001
<i>Tonga</i>	2007		1988	2001		
<i>Malaysia</i>	1995	1957	1989	1989		2006
<i>Liberia</i>			1989	1994	2009	1994
<i>Madagascar</i>	1995	1963	1989	1963	2008	1978

<i>Thailand</i>	1995	1982	1989	2008		2009
<i>Singapore</i>	1995	1973	1990	1995	2000	1995
<i>Croatia</i>	2000		1991	1991	2004	1998
<i>Georgia</i>	2000		1991	1991	1998	1991
<i>Kazakhstan</i>			1991	1991	2004	1991
<i>Kyrgyz Republic</i>	1998		1991	1991	2004	1991
<i>Moldova, Republic</i>	2001		1991	1991	1997	1991
<i>Tajikistan</i>	2013		1991	1991	2011	1991
<i>The former Yugoslav Republic of Macedonia (FYROM)</i>	2003		1991	1991	2002	1995
<i>Slovenia</i>	1995	1994	1991	1991	1998	1994
<i>Turkmenistan</i>			1991	1991	1999	1991
<i>Uzbekistan</i>			1991	1991	2006	1991
<i>Namibia</i>	1995	1992	1991	2004	2004	2004
<i>Bosnia and Herzegovina</i>			1992	1992	2009	1996
<i>Serbia</i>			1992	1992	1998	1997
<i>Lithuania</i>	2001		1992	1994	1997	1994
<i>Albania</i>	2000		1992	1995	2003	1995
<i>Armenia</i>	2003		1993	1991	2000	1991
<i>Bolivia</i>	1995	1990	1993	1993		
<i>Czech Republic</i>	1995	1993	1993	1993	1996	1993
<i>Latvia</i>	1999		1993	1993	2000	1993
<i>Slovak Republic</i>	1995	1993	1993	1993	1997	1993
<i>Saint Lucia</i>	1995	1993	1993	1995		1996
<i>Andorra</i>			1994	2004		
<i>Brunei Darussalam</i>	1995	1993	1994	2012		2012
<i>Estonia</i>	1999		1994	1994	1998	1994
<i>Guyana</i>	1995	1966	1994	1994		
<i>Bhutan</i>			1994	2000	2000	
<i>Azerbaijan</i>			1995	1995	2007	1995
<i>Saint Vincent &amp; the Grenadines</i>	1995	1993	1995	1995		2002
<i>Saint Kitts and Nevis</i>	1996	1994	1995	1995		2005
<i>Nigeria</i>	1995	1960	1995	1963		2005
<i>Bahrain</i>	1995	1993	1995	1997	2005	2007

<i>Cambodia</i>	2004		1995	1998		
<i>Lao People's Democratic Republic</i>	2013		1995	1998		2006
<i>Mozambique</i>	1995	1992	1996	1998	1998	2000
<i>Cabo Verde</i>	2008		1997			
<i>Eritrea</i>			1997			
<i>Nepal</i>	2004		1997	2001		
<i>Equatorial Guinea</i>			1997	1997		2001
<i>Samoa</i>	2012		1997	2013		
<i>Oman</i>	2000		1997	1999	2007	2001
<i>Papua New Guinea</i>	1996	1994	1997	1999		2003
<i>Ethiopia</i>			1998			
<i>Kuwait, the State of</i>	1995	1963	1998	2014		
<i>Botswana</i>	1995	1987	1998	1998	2006	2003
<i>Grenada</i>	1996	1994	1998	1998		1998
<i>Dominica</i>	1995	1993	1998	1999		1999
<i>Dominican Republic</i>	1995	1950	2000	1890		2007
<i>Seychelles</i>			2000	2002		2002
<i>Antigua and Barbuda</i>	1995	1987	2000	2000	2000	2000
<i>Belize</i>	1995	1983	2000	2000		2000

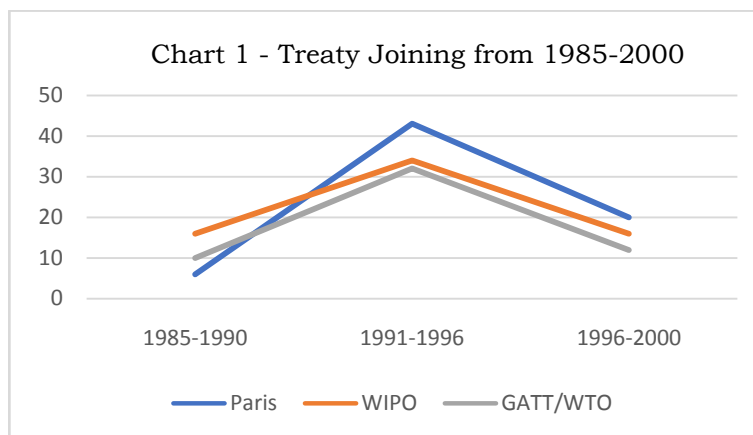
Regarding the contracting parties of the WIPO Convention, even if the number of contracting parties is higher in respect to GATT/WTO Convention, namely 66, from which 44 joined first the WIPO Convention and 24 were already members of GATT. The contracting parties are more homogenous, starting from the ex-communist area to Africa, Latin America or other parts of the world. Some of them join all the systems at almost the same time, others with a smaller or wider timeframe.

In table 4 are presented the total number of states that joined in the timeframe we conducted the research, and it is obvious that Paris Convention has the biggest number of new contracting parties even if, at the time, this international act had the highest number of members comparing with the other two.

**Table 4 - Total number of contracting parties from 1985 to 2000**

Paris	WIPO	GATT/WTO
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<i>1985-1990</i>	6	16	10
<i>1991-1996</i>	43	34	32
<i>1996-2000</i>	20	16	12
<i>Total</i>	69	66	54



From Chart 1 it is obvious that 1991 to 1996 was the peak in increasing the number of contracting parties, with the acknowledgement that in 1990 no state joined the Paris Convention, 1 joined the WIPO Convention and 4 GATT.

### **Conclusions**

From the view point of the research, that followed the process of membership of the IP Agreements mentioned in the research two things are clear: one that after the shift in the international political system, a surge in joining the international acts exist and this can be identified in the case of IPR system; the second is that the process of joining follow a rather constant trend when we compare the treaties. It is clear that the change in the political system generated a type of enthusiasm towards the principles encouraged by the dominant political actor. This translated in the

Nevertheless, one must consider that the WIPO system is older and most of WTO states were members of the Paris Convention long before the Marrakesh Agreement.





# REPUBLIC OF MOLDOVA IN THE CONTEXT OF INTERNATIONAL COOPERATION IN THE FIGHT AGAINST TERRORISM

Cristina Ejov\*  
Cristina Morari\*\*

## **Abstract**

*Terrorism is a serious threat to the contemporary world. The understanding of this threat is forcing the states and international organizations to join forces in the fight against it. For the Republic of Moldova the terrorism has become a threat as well. Terrorist organization Islamic State has delimited geographically its targets and through these territories is the Republic of Moldova as well.*

*Thus, in this article are studied: a) institutional and legislative aspects of Moldova's fight against terrorism; b) cooperation of the Republic of Moldova with CE, EU, CIS and NATO in the fight against terrorism and counter-terrorism strategies development; c) Republic of Moldova in front of international terrorism threat. Also, in the study is analyzed how the phenomena of terrorism is perceived by Moldovans and are highlighted some recommendations of what kind of measures Republic of Moldova should undertake in order to secure itself from possible terrorist actions.*

**Keywords:** *Terrorism; Cooperation; Threat; Islamic State; Republic of Moldova*

Terrorism is a contemporary global issue, and it is a generally acknowledged fact. Disparate actions of some particular countries and organizations are insufficient for an effective fight against this international phenomenon. The fight against international terrorism requires the participation of all countries and the elaboration of unique solutions for fighting it. The Republic of Moldova is a full member of the world community, and in conditions of globalization, economic and political unity of the world community it cannot remain passive towards the problem of combating terrorism, including the international terrorism. This problem is also related to the fact that "Moldova has increasingly become a matter of interest for different terrorist organizations".

The first law in domain of suppression of terrorism was adopted by the Moldovan Parliament on 12 October 2001 ("Law on Combating Terrorism") followed by the "Law on Countering Extremism Activity" on 21 February 2003 and the "Law on the Prevention and Combating of Terrorism" on 23 June 2017. The

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\* Associate Professor, PhD., Faculty of International Relations, Political and Administrative Sciences, Moldova State University

\*\* Lecturer, PhD., Faculty of International Relations, Political and Administrative Sciences, Moldova State University

majority of international conventions on the fight against terrorism and organized crime were also ratified: Convention on Offences and Certain Other Acts Committed On Board Aircraft (6.03.1996), Convention for the Suppression of Unlawful Seizure of Aircraft (6.03.1996), Convention on the Marking of Plastic Explosives for the Purpose of Detection (6.03.1996), Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (16.07.1997), International Convention on the Suppression of the Financing of Terrorism (18.07.2002), International Convention for the Suppression of Terrorist Bombings (18.07.2002), International Convention against the Taking of Hostages (18.07.2002), United Nations Convention against Transnational Organized Crime (16.09.2005), International Convention against Recruitment, Use, Financing and Training of Mercenaries (28.02.2006), International Convention for Suppression of Acts of Nuclear Terrorism (18.04.2008), Treaty on Cooperation among CIS Member States on Combating Terrorism (27.07.2001). Also, we mention here the foundation of the Antiterrorist Center by member states of the Commonwealth of Independent States (01. 12. 2000).

The basic principles in the fight against terrorism in Moldova are determined by Article 1 of “Law on Combating Terrorism” (2001). This law for the first time in the history of our country set the system of measures to counter this threat from the legislative point of view. According to article 1 of the Law the legal basis of the fight against terrorism is comprised of the Constitution of the Republic of Moldova, the European Convention on the Suppression of Terrorism, generally recognized principles and norms of international law, international treaties that Moldova is a part of, the current legislation and other legal acts regulating the relations in this field.

The most important and responsible components of counter-terrorism activity are the following: discovering the causes and removing the conditions that generate terrorism, developing a state policy to counter terrorism as a socio-political phenomenon, coordinating the efforts of law enforcement and civil society, centralizing the management of preventive actions to combat terrorism, as well as the multilateral assurance of special military and ideological measures.

The state bears the main responsibility for countering terrorism, and it must initiate the necessary steps and take legal actions according to the proportion of the existing phenomena to defend the society. The interaction and coordination of all the active forces of society interested in solving the problem is vital. Thus, in accordance with the Law the authorities that realize the activity of fight against terrorism are as follows:

- The President of the Republic of Moldova – coordinates the entire activity of fight against the terrorism;
- Government of the Republic of Moldova – the main authority responsible for the organization of fight against the terrorism, as well as for the equipment with all necessary resources, forces and means.
- Intelligence and Security Service of the Republic of Moldova – fights against terrorism through actions of identification, prevention and suppression of the terrorist activities including those international through antiterrorist operations. The Service contributes to the protection of security of the institutions of the Republic of Moldova placed on the other states' territory and of employed citizens by these institutions and their families; collects data regarding the international terrorist organizations; takes, according to the Law, specific measures to prevent and fight terrorism.
- Antiterrorist Center of Security and Intelligence Service of the Republic of Moldova – is the body empowered to coordinate and implement the measures of fight against terrorism.

Authorities that are involved directly in the fight against terrorism in the limits of their empowerment are:

- Office of the Prosecutor General of the Republic of Moldova – develops the fight against terrorism through leading and carrying out criminal prosecution;
- Ministry of Internal Affairs of the Republic of Moldova – fight against terrorism through identification, prevention and suppression of the terrorist activities which seek material aims;
- Ministry of Defence of the Republic of Moldova – ensure the protection of weapons, munitions, explosives, military objects and protection of air space of the country in the case of antiterrorist operations;
- Border Police - fights against terrorism through protection of state borders, detaining of persons suspected to be involved in the organization of terrorist actions, forbidding the pass of state borders by the persons that present danger to the national security, order and public health or by the persons that are forbidden to enter the Republic of Moldova.
- Service of Civil Protection and Exceptional Situations – develops actions of civil protection, organizes activities of rescue and other measures to eliminate the consequences of terrorist acts.
- State Protection and Guard Service of the Republic of Moldova – ensure the security of physical persons and of watched objects; gathers, analyses and uses information

regarding the terrorist activity in order to prevent and suppress terrorist attempts.

- Customs Service of the Republic of Moldova – fights terrorism by prevention and suppression of attempts to cross state border of the Republic of Moldova of weapons, explosives, radioactive and toxic substances and of other objects that can be used for terrorist acts.
- Agency of Public Service – ensure the informational assistance of authorities that fight against terrorism by offering them informational resources, specialized technical assistance necessary for creation of data basis and informational networks;
- Department of Penitentiary Institutions of Ministry of Justice – gives the necessary support to the fight against terrorism by offering to the competent authorities its subdivision of special destination.
- Office for Prevention and Fight Against Money Laundering of National Anti-Corruption Center – ensure the prevention and fight against the financing terrorism in the limits established by the Law<sup>1</sup>.

A great significance for the Republic of Moldova has the Law of Prevention and Fight against Terrorism that, as it was mentioned above, was adopted on 24<sup>th</sup> June 2017. The Law determines in detail legal and organizational aspects of the fight against terrorism and its prevention in the Republic of Moldova, procedure for coordination of specialized units, activities of central and local administrative bodies, public organizations, decision-makers, as well as the rights, duties and guarantees of persons engaged in activities to combat and prevent terrorism. It should also be noted that the new law presents a different definition of terrorism. The previous law defined terrorism as an ideology of violence and the practice of making influence through violence on the decision making of public authorities or international organizations, combined with frightening the population and/or other illegal acts of violence, whereas the actual law defines terrorism as a phenomenon of high social danger that is characterized by a radical ideology of influence through violence. To develop a system of counter-terrorism measures it was necessary to determine the factors that can contribute to its spread in Moldova. These factors are subdivided into internal and external, objective and subjective.

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<sup>1</sup> *Legea Republicii Moldova nr. 539 din 12.10.2001 cu privire la combaterea terorismului* [Law of the Republic of Moldova regarding fight against terrorism], in *Monitorul Oficial al Republicii Moldova*, nr. 147 - 149, 6 decembrie 2001. p. 10 - 15, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=312844>, Accessed: September 17th, 2018.

It should be underlined that the Document establishes the judicial and organizational framework of fight against terrorism in the Republic of Moldova, the ways of coordination of special subdivisions for fight against terrorism, actions that are undertaken by central and local bodies of state power, by civil associations and organizations, by responsible persons. For the coordination and development of the antiterrorist operations will be founded the Antiterrorist Operative Command. The Law states: "Identification of terrorist activity will be realized through informational and counter-informational actions by collecting and analyzing data about the factors that may put under threat the state security." The document also stipulates the creation of territorial modules of fight against terrorism (Anti-terrorist territorial advice), which will consist of chairs of district counsels, representatives of Intelligence and Security Service, police collaborators and representatives of Civil Protection and Exceptional Situations Service. The Law contains new provisions regarding the check of air passengers. In order to ensure the measures of fight against terrorism, air companies that have flights to/out the Republic of Moldova must offer to Intelligence and Security Service no later than the take-off the list of passengers to be checked until the moment of border control of passengers at the destination.<sup>2</sup>

So, the cooperation of states in the fight against terrorism is a set of principles and rules governing the activities of public authorities in international cooperation to combat terrorism. Republic of Moldova in accordance with international treaties cooperates in the fight against terrorism with the law enforcement bodies and special services of other states, as well as with international organizations in this field. Guided by the interests of ensuring the security of the individual, society and state and in accordance with the laws of the Republic of Moldova, it pursues on its territory persons involved in terrorist activities.

The international legal basis for cooperation of the Republic of Moldova in the field of counter-terrorism includes: a) agreements between states: universal conventions, regional agreements, bilateral treaties on legal assistance in criminal matters; b) documents of international organizations.

Moldova is not regarded as a target for terrorist groups, but the intensification of negative processes on regional and international level requires the national authorities to boost the preventive

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<sup>2</sup> *Парламент Молдовы принял закон о предупреждении и борьбе с терроризмом* [Parliament of Moldova adopted the Law against terrorism], [http://www.noi.md/ru/news\\_id/230013](http://www.noi.md/ru/news_id/230013), Accessed: September 17th, 2018.

measures and early detection of possible risk to national security<sup>3</sup>. It should also be noted that the Republic of Moldova is closely cooperating with the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), the European Union and Commonwealth of Independent States (CIS) in the field of democratic reforms, the rule of law and the compliance of national law and practices in the field of human rights to the relevant international standards, as well as in the fight against terrorism.

In accordance to this, we consider that it is necessary to study institutional aspects of fight against terrorism in Europe. For decades Europe has suffered from various forms of terrorism. The formation of the legal framework for countering various manifestations of terrorism became more active in Europe immediately after the Second World War. By that time the political leaders of many countries had seen from their own experience the consequences of the surfactant attitude towards this problem. Thus, there began a more intensive process of the international legal framework formation in the fight against terrorism. Today the international organizations are also actively involved in the fight against terrorism. Here should be noted the efforts of the Council of Europe, the EU, the OSCE and the CIS in the field of combating and preventing terrorism. First of all, they have adopted a number of regional international legal instruments that define the parameters of states' cooperation in the fight against international terrorism.

The Council of Europe started working in this direction among the first ones. The European Convention on the Suppression of Terrorism was adopted on 10 November 1976 , opened for signature on 27 January 1977 in the framework of the Council of Europe (the Republic of Moldova ratified the European Convention on 18 June 1999.)

The events on 11 September 2001 in New York and Washington, DC, as well as the attacks in Madrid in 2004 and in London in 2005, terroristic attacks in European countries during 2015-2017 pushed the member-states of the Council of Europe to revise the legal framework of the fight against terrorism. The Council of Europe adopted the Protocol of Amendments to the Convention on the Suppression of Terrorism (2003), the Council of Europe Convention on the Prevention of Terrorism (2005), the Additional Protocol to the Council of Europe Convention on the Prevention of

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<sup>3</sup> *Combaterea terorismului – una din sarcinile majore ale SIS* [Fight against terrorism – one of the main objectives of ISS], <http://www.antiteror.sis.md/content/combaterea-terorismului-una-din-sarcinile-majore-ale-sis>, Accessed: March 21<sup>st</sup> 2016.

Terrorism (2015), Action Plan on the Fight Against Violent Extremism and Radicalization Leading to Terrorism (2015).

Republic of Moldova ratified European Convention on the Suppression of Terrorism on 18 June 1999 and Council of Europe Convention on the Prevention of Terrorism on 13 May 2008. Moldova also joined and recently ratified Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (23.02.2017). The Protocol to the Council of Europe Convention on the Prevention of Terrorism makes a number of acts, including taking part in an association or group for the purpose of terrorism, receiving terrorist training, travelling abroad for the purposes of terrorism and financing or organizing travel for this purpose, a criminal offence. The Protocol also provides for a network of 24-hour-a-day national contact points facilitating the rapid exchange of information.

It should be noted that there are several specialized structures in the Council of Europe that carry out the fight against terrorism. Among them are the Committee of Experts on Terrorism (CODEXTER) and the Committee on Foreign Terrorist Fighters and Related Issues (COD - CTE). Committee of Experts on Terrorism (CODEXTER) follows the implementation part of the Council of Europe legal instruments against terrorism and coordinates the Council of Europe insider activities in combating terrorism.

In recent years the CODEXTER was focusing on: the preparation of country profiles counter-terrorism capacity; exchanges of information and best practice on compensation and insurance schemes for the victims of terrorism; identifying gaps in international law and action against terrorism with a view to proposing ways and means to fill them; monitoring the signatures and ratifications and promoting the effective implementation of the Council of Europe conventions applicable to the fight against terrorism, in particular the Council of Europe Convention on the Prevention of Terrorism.

For 2016-2017 CODEXTER established three main priorities: terrorism and the Internet; links between terrorism and organized crime; assessment of possible gaps in the legal framework provided to the Council of Europe by international legal instruments in the area of terrorism prevention and suppression, including those from International Humanitarian Law, and also the problem of a common definition of "terrorism" in the international law, which is still absent.

The Anti-Terrorist Center alongside the Intelligence and Security Service of Republic of Moldova permanent cooperate with CODEXTER in domain of combating terrorism.

The Committee on Foreign Terrorist Fighters and Related Issues (COD-CTE) was established on 21 January 2015 by the

Committee of Ministers of the Council of Europe to prepare a draft Additional Protocol supplementing the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196). The COD-CTE, composed of experts from Member and Observer States of the Council of Europe, as well as from other relevant international organizations, and working under the authority of the CODEXTER, is mandated to examine the criminalization of the following acts: being recruited for terrorism; receiving training for terrorism; traveling to another state for the purpose of perpetration or preparation of terrorist acts; providing or collecting funds for such travels; organizing and facilitating such travels.

The efforts of the Council of Europe are aimed at strengthening legal measures against terrorism and are based on the principle that it is possible and necessary to fight against terrorism, while supporting the human rights, fundamental freedoms and the rule of law.

So, neither the advanced countries, nor the developing countries are immune to outbreaks of terrorism. Today the European Community cannot feel satisfied by the efforts made in the fight against international terrorism. In 2015 and 2016 was recorded a considerable worsening of the security background due to the increasing terrorist threats in most of the countries. The 2015 began and ended up with tragic shots in Paris. In January happened the attack on the satirical magazine “Charly Hebdo” and on a Jewish supermarket, where 17 people were killed. In November 2015 the Islamists killed 130 people in Paris and the suburbs of the French capital. On 22 March 2016 three coordinated nail bombings occurred in Belgium: two at Brussels Airport in Zaventem, and one at Maalbeek metro station in Brussels. As a result, 35 people, including three suicide bombers, were killed and over 300 others were injured. On 14 of July 2016, 19 tonne cargo truck was deliberately driven into crowds celebrating Bastille Day on the Promenade des Anglais in Nice. The driver was Mohamed Lahouaiej-Bouhlel, a Tunisian resident of France. The attack ended following an exchange of gunfire, during which Lahouaiej-Bouhlel was shot and killed by police. As a result 86 people were killed and 434 were injured. During one week in July 2016, 10 people had been killed and dozens more injured in separate gun, bomb, axe and machete attacks in Germany. Three were in Bavaria and one in Baden-Wuerttemberg. On Monday December 19 a terrorist in a lorry drove through crowds at a Christmas market in central Berlin. ISIS has claimed one of its “soldiers” was responsible for the terror attack which killed 12 innocent victims and injured nearly 50 others. Terroristic attacks described above demonstrate that European



security system wasn't well prepared for adequate responded to this vulnerability.

Currently, the international terrorism seriously destabilizes the situation not only in some countries and regions, but also worldwide. In these circumstances the international community poses the problem of consolidating the coordination of actions and international measures against terrorism as a socio-political phenomenon. The member states of the Commonwealth of Independent States (CIS) are also developing international legal instruments to combat terrorism and, particularly, international terrorism. In a broader socio-economic context the cooperation between CIS countries narrows the possibilities of international terrorism manifestation in the post-Soviet space. The efficient organization of international cooperation in combating terrorism is a priority in the agenda of the Commonwealth of Independent States. In this context, all theoretical and practical aspects of improving counter-terrorism activities at the global and regional levels refer directly to the neighboring CIS countries. However, there are specific features of the relations between the CIS countries that affect their cooperation in counter-terrorism activities.

Terrorism has spread widely in CIS countries. Russian scholar V. Petrishev notes that lately, considering the fact that the globalization of terrorism's phenomenon goes easily beyond national borders, there are more often taken measures to develop a unique approach to the assessment of terrorism in general. Accordingly, the faster this circumstance will be perceived worldwide, the more productive will be the joint efforts to fight terrorism on the global scale. This scholar also points out that the fight against terrorism on the territories of the CIS is complicated due to several factors. In this way, after the collapse of the USSR politicians of a number of CIS countries "distanced themselves from their old co-citizens, looking for new friends and partners in the developed countries of Europe and America", thereby, contributing to "the spread of separatist processes, worsening of relations between nations, growth of social tensions, emergence of extremist social movements that are political, nationalistic and clerical in nature, expansion of the criminal groups' influence on social life, and amplification of disintegration processes. The ambience that appeared in CIS countries, according to the same author, can facilitate the emergence of terrorist organizations that arise during revolutions and crises<sup>4</sup>.

In this region there has been formed an entire complex of political, social, national, ideological and psychological premises that encourages the growth of terrorism. These are the following: the

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<sup>4</sup> Petrishev V. *Заметки о терроризме* [Thesis about terrorism], Москва: УРСС, 2001, p. 117-118.

collapse of USSR and, respectively, its law enforcement system, paralysis of power, socio-economic crisis, sharp drop in living standards of population, emergence of social strata of rich people who did not always accumulate their capital in honest way, danger of unemployment, instability of whole system of social relations and structures, breakdown of traditional concepts, deepening of diverse social, political, national and religious contradictions, discharge of people's aggressive potential, general decay of morals, triumph of cynicism, nihilism, legalizing prostitution, and crime surge.

The CIS made a number of positive steps in the fight against international terrorism and other threats to the security of the Commonwealth. The result of the cooperation is the development and signing of the Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism (4 June 1999), as well as the establishment of the Anti-Terrorist Center of the CIS Member States on 1 December 2000. Other achievements of the CIS is the adoption of the Regulation on the Procedure for Organizing and Conducting Joint Anti-Terrorist Operations on the Territory of Member States (7<sup>th</sup> October 2002) and the Concept of Cooperation among the CIS Member States in the Fight Against Terrorism and Other Violent Manifestations of Extremism (2005), which states that modern terrorism and extremism directly threaten the interests of the CIS members, as well as the world community. One of the most recent results is the development of the Concept of Counter-Terrorism Activities in Rail Transport of the CIS Members signed on 31 May 2013. In 2013, also, within the CIS Program for Cooperation of the CIS Member States in the Fight against Terrorism and Other Violent Manifestations of Extremism,<sup>42</sup> for 2014-2016 was developed.

The joint anti-terrorist activities of the Commonwealth member states are carried out in accordance with the CIS Cooperation Program for Combating Terrorism and Other Violent Manifestations of Extremism, approved by the CIS State once every three years.

The CIS Anti-Terrorist Center continuously monitors the operational situation in the fight against international terrorism and other manifestations of extremism, identifies and predicts tendencies of its development, creates specialized data bank on the basis of which it makes recommendations to the competent bodies of the CIS countries on the issues of the fight against terrorism. The center collects and extends the existing positive experience of combating terrorism and extremism through the competent bodies of the CIS states. It participates on a scheduled basis in the organization and training of employees of special divisions of the CIS states, takes part in the preparation of teaching materials and international scientific conferences and seminars, supports and develops working

contacts with international centers and organizations involved in the fight against terrorism<sup>5</sup>.

The CIS Anti-Terrorist Center is unique in its kind and rightfully occupies a leading position among regional and sub-regional anti-terrorist structures that are recognized by the international anti-terrorist community. The center is authorized by the Counter-Terrorism Committee of the UN Security Council to conduct the counter-terrorism activities pursuant to UN Security Council Resolution 1373 (2001) on the territory of the CIS member states. Today the priority tasks of the Center are the following:

- the improvement of the system of coordination between the competent bodies of the CIS member states in the fight against international terrorism and other manifestations of extremism;

- the accumulation, generalization and analysis of information on the state, dynamics and trends of international terrorism and other manifestations of extremism in the CIS member states and other countries;

- the participation in the preparation and carrying out of anti-terrorist tactical exercises organized on the basis of the decision of the heads of the CIS countries, the development of models of antiterrorist operations and the assistance in their implementation;

- the development of proposals to the Council of the Commonwealth of Independent States, and other bodies of the CIS on the directions of development of cooperation of CIS member states in the fight against international terrorism and other manifestations of extremism;

- the participation in the preparation of laws, regulations and international agreements concerning the fight against international terrorism and other manifestations of extremism<sup>6</sup>.

The Center is conducted by the Council of Heads of National Security Enforcement Agencies and Special Services of the CIS. In its activity collaborates with Ministers of Internal Affairs Council, the CIS Ministers of Defense Council and the CIS Border Troops Commanders Council, the Coordinating Council of Prosecutors General of the member states of the CIS, their working bodies, as well as with the Office for the Coordination of the Fight Against Organized Crime and Other dangerous crimes in the territory of the CIS member states.

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<sup>5</sup> *Антитеррористический центр СНГ* [Anti-terrorist Centre of CIS], [http://www.agentura.ru/dossier/\\_sng/atc/](http://www.agentura.ru/dossier/_sng/atc/), Accessed: February 21st 2016.

<sup>6</sup> А. Новиков *Становление и развитие Антитеррористического центра государств, участников СНГ, как координационного штаба по противодействию международному терроризму* [Establishment and development of Anti-Terrorist Center of CIS as coordinator center of fight against international terrorism], [http://www.geraldika.org/06\\_2007\\_08.htm](http://www.geraldika.org/06_2007_08.htm), Accessed: July 12<sup>th</sup> 2015.

Head of the Centre is appointed by decision of the Commonwealth of Independent States Council of Heads of State on presentation by the Chairman of the Council of the Heads of the CIS security agencies and special services.

Since the end of 2002 the Centre conducted research work with the active assistance of the Scientific Advisory Council of the CIS Anti-Terrorist Center.

The main document defining the range of tasks for CIS ATC, is the Concept of Cooperation among the CIS Member States in the Fight Against Terrorism and Other Violent Manifestations of Extremism.

The main objectives of the cooperation according to the Concept are:

- protection of the CIS member states against any attempt of terrorism and extremism;
- eliminate the causes and conditions of extremism and terrorism;
- the development of strategies and collaborative approaches to combat these phenomena in the CIS.

At the present stage the cooperation of the CIS Member States in the fight against terrorism and violent manifestations of extremism is based on the following principles:

- strict compliance with the universally recognized principles and norms of international law;
- opposition to the use of 'double standards' practice in the international efforts to combat terrorism and extremism;
- ensuring the inevitability of punishment, both for individuals and legal persons for participation in terrorist and extremist activities;
- a comprehensive approach to combating terrorism and extremism, using the whole arsenal of preventive, legal, political, socio-economic, propaganda and other measures, etc.

The CIS ATC also organizes and assists in the holding of international scientific conferences, workshops and round tables dedicated to the topical issues of combating terrorism and other violent manifestations of extremism.

It is important to mention that within the CIS, the multilateral and bilateral acts of judicial assistance were completed, and the normative basis for intelligence cooperation was developed. On 5 June 2003 the Parliament appointed the Security and Intelligence Service of the Republic of Moldova (SIS) as a competent organ for official relations with the CIS Anti-Terrorism Center. Within this organ operated a specialized subdivision for the fight against terrorism.

It was responsible for prior collection of intelligence information concerning concrete intentions or plans with terrorist nature of some individuals or groups, as well as for stopping these actions. On 17 November 2006 the Anti-Terrorist Center alongside the Intelligence and Security Service began to operate in Moldova. The formation of counter-terrorism Center is one of the objectives included in the National Program of Carrying out the EU-Moldova Action Plan, as well as the Individual Partnership Action Plan Moldova-NATO. The objectives of this Center are related to technical coordination of measures to prevent and combat terrorism; assessing risk factors and territorial threat to the national security of the Republic of Moldova; storing and analyzing information on the actual state, dynamics and trends in the spread of the phenomenon of terrorism and other extreme events; developing and implementing the national information system in the event of a terrorist threat; exchanging information with foreign and international bodies in charge of the work of prevention and combating terrorism, etc.

The SIS Anti-Terrorist Center is the body responsible for the technical coordination of measures to prevent and combat terrorism that are carried out by the competent public authorities. Through this Center the Service interacts with other state bodies in order to optimize preventive actions against terrorism within the country. The basic tasks are assessing terrorist threats to national security, accumulating and analyzing information about the status and trends of the expanding phenomenon, providing pertinent information exchange both at the national level and with the Service's partners abroad. The organizational structure of the Anti-Terrorist Centre within the Intelligence and Security Service includes: the Management Board of the Center, the Department of Monitoring and Analysis, the Department of Coordination, Planning and Estimation, the Department of Legal Assessment and the Department of Informational Resources.

In 2008 was launched the official web page of the Center [www.antiterror.sis.md](http://www.antiterror.sis.md), where in real time is shown the activity of the institution, presented international collaboration with foreign special structures and organizations, the information regarding legislative base and national policy in the domain of fight against terrorism etc. During five years since its foundation, the Center has succeed to establish the cooperation with special services of Belarus, Russian Federation, France, Romania, USA, Ukraine etc. and with international special organizations: Anti-terrorist Center of Commonwealth of Independent States, SECI GUAM, OSCE, UNDP (UN), NATO, CODEXTER<sup>7</sup>.

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<sup>7</sup> Marcel Benchici, *Combaterea terorismului contemporan și consolidarea sistemului de securitate internațională*. Teza de doctor în Științe politice. Chișinău, 2016, p. 132.

In this context we mention that the special information system “Border” was implemented in Moldova with the direct assistance and participation of the CIS Anti-Terrorism Center to combat the financing of terrorism, and it also supervises the potential movement of terrorists through our border. Since 2001 on the CIS countries territories have been held joint military exercises of special service detachments against terrorism. In 2001-2002 they were organized with the participation of special services from Kyrgyzstan, Tajikistan, Uzbekistan and Kazakhstan (“South – Anti-Terror”), in 2003 with the participation of Russia and the Ukraine (“Azov – Anti-Terror”), and on 28-30 June 2004 – “West – Anti-Terror” with the participation of special services from Belarus, Moldova, Russia and the Ukraine, followed by the exercises “Caspian – Anti-Terror” in 2005 (Republic of Kazakhstan), “Atom – Anti-Terror 2006” (Republic of Armenia), “Baikonur – Anti-Terror 2007” (Kazakhstan), “Bastion Anti-Terror 2008” (Belarus), “Donbass – Anti-Terror 2011” (Donetsk, the Ukraine), “Don – Anti-Terror 2012” (Kazakhstan), “Ala-Too – Anti-Terror 2013” (on the territories of the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Ukraine), “Zhetysu – Anti-Terror-2014” (Republic of Kazakhstan), “Cyber – Anti-terror-2016” (on the territories of the Republic of Armenia, Republic of Belarus, Republic of Kazakhstan, the Kyrgyz Republic and the Russian Federation).

We notice that among the possible directions of international cooperation that the Republic of Moldova could join in the context of cooperation with CIS countries to combat international terrorism can be distinguished the following: organizing joint exercises of special service detachments in the fight against terrorism; exchanging technologies and experience in carrying out anti-terrorist activities; developing and improving legislative basis and international judicial norms regarding cooperation in combating terrorism; recommending mechanism for extradition by state of own or foreign citizens found on its territory and charged with committing terrorist acts; defining role of mass media in shaping public opinion concerning non-tolerance for terrorism.

Among the main directions of international interaction that might also get Moldova involved, we can highlight the following:

- Conducting joint training of counter-terrorist subdivisions of secret services;
- Exchanging technologies and experiences on counter-terrorism measures;
- Developing and improving the legislative basis and the international legal norms regarding the counter-terrorist collaboration and the fight against terrorism;

- Developing a mechanism for extradition by the state of its citizens or foreign citizens accused of committing acts of terrorism;
- Determining the role of mass media in shaping the global public opinion concerning the non-tolerance of terrorism.

The events of 11 September 2001 in the US became the turning point in the integration of the EU's efforts in the fight against terrorism and prompted all the EU member states to take emergency measures not only nationally, but also on the European level. Thus, the European Council on 21 September 2001 adopted the Action Plan in the Fight Against Terrorism, which called for strengthening the police and judicial cooperation of Member States, development of the legal framework for anti-terrorist activities and prevention of terrorist organizations funding. By May 2001 the EU Council, in accordance with regulations against individuals and criminal groups in the fight against terrorism, had developed a list of terrorist organizations.

On December 2001 at the Laeken European Council Summit the EU countries formulated the common approaches towards the fight against terrorism. The document stipulated that the EU member states will seek to create within a single European defense and security policy the necessary capacity to deal with terrorist threats. In practical terms, the states reached a framework agreement on the introduction of a common European arrest warrant (at the initiative of Spain), suppression of the funding channels of extremist organizations and creation of the common list of terrorist organizations, whose activities should be banned in the EU.

Through close cooperation within the EU were established new specialized agencies for countering terrorist threats: *Europol*, *Eurojust*, *Police Working Group on Terrorism*, *Counter-Terrorism Coordinator of the European Union*. Besides that, the EU is trying to stimulate anti-terrorist activities by releasing new political and legal acts. The process of development of a common counter-terrorism policy became especially intensive after the terrorist attacks in Madrid in March 2004 and in London in July 2005. The EU adopted the Declaration on combating terrorism (2004), the European Union's Strategy on combating the financing of terrorism (2004) and EU Counter-Terrorism Strategy (2005).

Moreover, the efforts of the European countries in the creation of a strong legal base for the fight against terrorism are complemented by the legally binding acts and framework decisions

adopted by the EU Council<sup>8</sup>. Among them should be mentioned the decisions on the introduction of a common European arrest warrant (EAW), terrorist asset-freezing and terrorist organizations, freezing of assets, cooperation of law enforcement bodies of the European Union on the rapid exchange of information in the fight against terrorism (a special program to create a Legal Enforcement Network - LEN), the introduction of biometric data in the passport of all EU member states citizens. Particularly noteworthy is the activity of the SitCen – an organization, whose main task is to bring together experts of external and internal security services to analyze the terrorist threats in the EU and third countries, harmonization of strategies, coordination of the activities of border services, training the border guards and systematic assessment of the risks at the borders of the EU through the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX), officially opened in July 2005, *et al.*

The terrorist actions in Paris in January 2015 and the deaths of 17 people led to a wide number of demonstrations with millions of people across France and Europe to honor the victims. During the following weeks questions were raised about the motives of the perpetrators, their degree of association with jihadist groups in Europe and the Middle East and their relationship with previous attacks. Debates have followed about freedom of expression, Islamophobia, but also radicalization of counter-terrorism policies deployed by national and European authorities in order to respond to these and future terrorist attacks<sup>9</sup>.

The official reaction from the official institutions followed immediately. Starting with a Joint Statement signed in Paris on 11 January 2015 by Ministers of Interior and Justice of the Latvia, Germany, Austria, Belgium, Denmark, Spain, Italy, the Netherlands, Poland, the United Kingdom and Sweden was followed by an input from the EU Counter-Terrorism Coordinator (CTC) in preparation for the informal meeting of Justice and Home Affairs Ministers in Riga on 29 January, where member states' ministries formally adopted the so-called "Riga Joint Statement" that outlines a set of counter-terrorism policy priorities.

In January 2016 was launched the European Counter Terrorism Centre (ECTC), as it was foreseen in the European Agenda

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<sup>8</sup> N. Timofeev, *Международно-правовые вопросы борьбы с терроризмом в Евроатлантическом регионе* [International issues of fight against terrorism in Euro-Atlantic Region], Москва, 2009, p.9.

<sup>9</sup> D. Bigo and others *The EU Counter-Terrorism Policy Responses to the Attacks in Paris: Towards an EU Security and Liberty Agenda*, <https://www.ceps.eu/system/files/LSE81Counterterrorism.pdf>, Accessed: March 21<sup>st</sup> 2016.



on Security put forward by the European Commission. ECTC will focus on tackling the foreign fighters and sharing intelligence and expertise on terrorism financing, illegal arms trafficking, and online terrorist propaganda and extremism.

A milestone in the fight against terrorism spread of mass destruction weapons and illegal arms trade was the signing of the Moldova - European Union Action Plan (adopted by the Parliament on 22 April 2005). Paragraph 14 of the Plan highlights the importance of collaboration for strengthening the role of the UN in combating terrorism and the practical application of the UN Convention on Halting Terrorist Financing and Ensuring the Protection of Human Rights.

To achieve effective collaboration with the EU bodies the delegation of the Security and Intelligence Service of the Republic of Moldova attended the 4<sup>th</sup> plenary session of SEEIC (South-East European Intelligence Conference). As a result of this collaboration the Special Forces within the Ministry of Internal Affairs have begun to use the “Anti-Terror” program that accumulates information about people who are related to terrorist activity and terrorist financing both in the EU and CIS countries.

On contemporary stage a great role plays the National Action Plan for the Implementation of the Association Agreement Republic of Moldova - European Union for 2014-2016. Point 19 of the Plan stipulates a close collaboration in the domain of fight against the terrorism. EU and the Republic of Moldova have decided to cooperate in the field of prevention and suppression of terrorist acts in accordance with principles of state of law, international law of human rights, humanitarian law and law of refugees, as well as in accordance with UN Global Strategy of Fight against Terrorism adopted in 2006 and other administrative acts of the parties. These should act within the implementation of Resolutions 1267 (1999), 1373 (2001), 1540 (2004) and 1904 (2009) of the UN Security Council and other UN instruments in domain as well as of suitable international conventions and instruments. Priorities of foreign policy of the Republic of Moldova in field of fight against terrorism should base on the cooperation to deepen the international consensus regarding human rights based on fight against terrorism and promotion of the agreement on comprehensive Convention on International Terrorism and on improvement of legislative national framework in the field of fight against terrorism<sup>10</sup>.

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<sup>10</sup> *Acordul de Asociere Republica Moldova – Uniunea Europeană pentru anii 2014-2016* [Association Agreement Republic of Moldova – EU for 2014-2016], [http://mec.gov.md/sites/default/files/planul\\_national\\_de\\_actiuni\\_pentru\\_implementarea\\_aa\\_rm-ue\\_2014-2016.pdf](http://mec.gov.md/sites/default/files/planul_national_de_actiuni_pentru_implementarea_aa_rm-ue_2014-2016.pdf) Accessed: September 17th 2017.

At its turn, the Individual Partnership Action Plan Moldova – NATO (IPAP), approved by the Moldovan Government on 24 May 2006, also poses great significance to the Republic of Moldova. Paragraph 1.4.1. of this plan is dedicated to the fight against terrorism and organized crime, it provides the strengthening of Moldova’s potential in fighting terrorism, including the ability to manage crises caused by terrorist acts. IPAP provides for the establishment of the Anti-Terrorism Center alongside the Security and Intelligence Service of the Republic of Moldova, the improvement of national legislation and the interdepartmental collaboration regarding the fight against terrorism, as well as the “improvement of collaboration between military units and special anti-terrorist subdivisions, their preparation towards a possible participation in operations with NATO in accordance with relevant decisions of the Moldovan authorities”.

So, an effective counter-terrorist strategy in Moldova must meet the following measures: actions to prevent terrorism; presence of different patterns of anti-terrorist activity depending on objective of prevention or counteracting this activity; ensuring the anti-terrorist solidarity in actions of international, interstate or state proportions; uniting the efforts of the departments at all levels; differentiating the tasks of anti-terrorist activity in ordinary or extraordinary situations.

Already in the current Individual Plan of Actions of Partnership Republic of Moldova – NATO for 2014-2016 it is stipulated that Republic of Moldova will continue to implement in accordance with international norms and commitments programs and strategies of fight against terrorism, will consolidate the cooperation and coordination among its institutions and will develop cooperation with NATO, allies and partners of NATO. Moldova will consolidate its mechanisms of control on export of two-fold destination goods and will continue to fight against money laundering in order to improve the fight against terrorism, organized crime and human trafficking. In this context, Moldova will closely cooperate with UN, Council of Europe, OSCE, Interpol and other international organizations. Moldova will continue its efforts of consolidation of institutional capacities in the field of cyber defence and in the field of increasing of protection of strategic communication and information systems against cyber attacks. Moldova is interested to develop the cooperation with NATO in field of cyber defence and in the field of fight against new threats to the security<sup>11</sup>.

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<sup>11</sup> *Planul individual de Acțiuni al Parteneriatului Republica Moldova – NATO pentru anii 2014-2016* [Individual Action Plan of Partnership Republic of Moldova – NATO for 2014-2016], [http://www.mfa.gov.md/img/docs/2014-2016\\_ipap\\_ro.pdf](http://www.mfa.gov.md/img/docs/2014-2016_ipap_ro.pdf) Accessed: September 17th 2017.

For development of system of measures of fight against terrorism in the Republic of Moldova it is necessary to analyze factors that can contribute to its spread in Moldova. To the external factors that influence the spread of terrorism we can attach the following: 1) increasing number of terrorist events in neighboring and distant countries; 2) social and political instability in neighboring countries; 3) armed conflicts in particular countries; 4) strategic orientations of some foreign secret services and international organizations; 5) lack of secure control at entrance and exit from Moldova, border “transparency” existing until recently.

To the internal factors influencing terrorism we can attribute the following: 1) country’s splitting into parts and separatism that led to creation of anti-constitutional Transnistrian Republic; 2) presence of large market of illegal weapons (especially in Transnistria) and their relatively easy acquisition; 3) presence of large number of people who went through wars in “hot spots”: Transnistria, Abkhazia, Chechnya, Yugoslavia and Afghanistan; 4) unresolved Transnistrian conflict, lack of political and legal status of Eastern districts of country; 5) cohesion and hierarchy of criminal underworld; 6) loss of ideological and spiritual guidelines; 7) increasing feeling of defenselessness and social disruption for large part of population; 8) decreasing authority of law and power that provokes despair, increase of the people’s aggressiveness, loss of faith in tomorrow; 9) poor activity of law enforcement, state, social and public bodies that protect citizens’ rights; 10) low level of political and moral culture in society; 11) uncontrolled propaganda of violence and cruelty carried out by mass media.

The instability and military conflicts in the Middle East increases the risk of terrorism throughout the European continent, generating flows of refugees from the conflict zones. Regional security context places Moldova in a setting with the potential risk of terrorist activity<sup>12</sup>. In this context and regarding the fact that the terrorist organization “Islamic State” (IS) mentioned Moldova among 60 countries that it considers to be its enemies, the question of preventing terrorism on the territory of the Republic of Moldova and the international cooperation of our country in the fight against terrorism becomes increasingly relevant.

The probability of international terrorist attacks in Moldova is low, because the country is not directly involved in the struggle against the “Islamic State”, we do not have any religious

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<sup>12</sup> Infotag: *Interviu cu Mihai Balan, directorul Serviciului de Informații și Securitate al Republicii Moldova*. [Infotag: Interview with Mihai Balan, the director of Information and Security Service of the Republic of Moldova], <http://www.antiteror.sis.md/content/infotag-interviu-cu-mihai-balan-directorul-serviciului-de-informatii-si-securitate-al>, Accessed: March 1st 2016.

confrontations. The analysts believe that terrorism does not have enough space to spread in Moldova, and the country itself is of little interest for this kind of activity. Although Moldova for a long time has been taking in refugees, those seeking asylum in our country are very few compared to the situation in the EU countries, where the migration policy clearly multiplies the number of potential terrorist perpetrators. In the annual ranking of “Global Terrorism Index”, where was analyzed the situation in 160 countries, Moldova is placed on the 123<sup>rd</sup> place, i.e. among the safest countries. At the same time, the neighboring Ukraine is on the 12<sup>th</sup> place, and Russia – on the 23<sup>rd</sup>. The study measures the level of terrorist activity and shows which of the states and to which extent are facing these risks. The countries with the highest level of the terrorist attacks threat are considered to be Iraq, Afghanistan and Nigeria.

In order to combat international terrorism the Republic of Moldova improves the existing legal framework and institutional system, and will strengthen its inter-agency cooperation and coordination by establishing cooperative relations with the relevant units. In this regard it is worth noting the effective activity of the Moldovan secret services in the fight against terrorism. For instance, the Intelligence and Security Service of Moldova has busted a transit of terrorism related elements. The service has foiled the attempt of a group of foreigners, natives of the Russian Federation and Tajikistan, to cross the country in order to reach Syria as their possible final destination point. Meanwhile, the Intelligence and Security Service in collaboration with the Ministry of Internal Affairs undertook a complex of special antiterrorist activities that helped to identify and annihilate a terrorist cell composed of foreign nationals believed to be members of ISIS who also intended to travel to Syria<sup>13</sup>.

According to some experts on our territory can hide militants having been involved in some operations abroad or the wounded ones that came for treatment. Also, they can hide from justice in other countries. At the same time, the citizens of the USA, France, Germany and Russia or the staff of diplomatic missions of these countries could become the target of the terrorist acts on the territory of our country.

At the same time we should mention that during 2016-2017 the Officers of Anti-terrorist Center of Intelligence and Security Service have detained four persons, Moldovan and foreign citizens, who developed actions with impact on national security interests that are identified as risks and threats according to legal framework

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<sup>13</sup> *CAT al SIS: combaterea terorismului-problema mondială primordială* [ISS: fight against terrorism is the main global problem], <http://www.antiteror.sis.md/content/cat-al-sis-combaterea-terorismului-problema-mondiala-primordiala>, Accessed: April 21st 2016.

of fight against terrorism. The persons were identified in result of monitoring process and of a complex of informative-operative measures of Anti-terrorist Center of Intelligence and Security Service of the Republic of Moldova.

According to information provided by the Intelligence and Security Service of the Republic of Moldova, the men with age between 18 and 46 developed a fast process of auto-radicalization and joined ideology promoted by the terrorist organizations as Islamic State and Al-Qaida. They had a radical religious profile and promoted propaganda and public justification of terrorism in order to attract other persons of country to jihadist ideology. As result, two persons were condemned to imprisonment for three years in a closed type prison and have no right to develop certain activities for four years. The other two persons had to pay criminal fines according to the law in force and also were relieved of right to develop a certain activity during two years<sup>14</sup>.

Considering all the above mentioned, we believe that the control of entering the country and obtaining Moldovan citizenship should be tightened when in the country live citizens of the states where manifestations of terrorism are viewed as a form of political struggle. We must acknowledge that the problem of international terrorism not only exists but worsens annually and transforms into a generally human problem related to ensuring the national security of countries in general. And it must be resolved at the highest state level. The attacks of international terrorism bring irreparable harm to the international law. This circumstance requires the consolidation of efforts of a number of countries in the regions of global proportions. The contemporary international law has created a number of international agreements of a universal and regional aspect that are based on clear criteria to establish the subject of regulating the mutual cooperation of countries against international terrorism.

Terrorists and their actions should be viewed in accordance with legislation. It is a necessary achievement both in the national and international contexts. Countries must be prepared to respond promptly to those who practice terrorist violence, as well as the countries that support terrorism, and those who shelter terrorists. To pursue successful strategies against terrorism the Republic of Moldova should undertake the following activities: organizing actions of prevention; using existing models of anti-terrorist actions, depending on tasks of prevention or suppression of terrorist

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<sup>14</sup> 4 persoane identificate de către SIS pentru infracțiuni de justificare publică a terorismului [4 persons were identified by ISS for crimes of justifying terrorism], <http://www.antiteror.sis.md/content/4-persoane-identificate-de-catre-sis-pentru-infracțiuni-de-justificare-publica-terorismului>, Accessed: September 17th 2017.

activities; ensuring unity in international, interstate and national actions; reunifying efforts of state institutions at all levels; differentiating tasks for counter-terrorism activities in normal situations and emergencies. Considering the fact that it is possible that there are citizens of the countries where terrorist acts are considered as a form of political struggle who currently live in our country, it is necessary to tighten the control over the process of entering the country and obtaining the Moldovan citizenship. Thus, among the possible areas of international cooperation which the Republic of Moldova could join are the following: joint exercises of antiterrorist units of security services; exchange of technologies and experience in carrying out the anti-terrorist operations; development and improvement of legislation and international legal norms of cooperation in fight against terrorism; development of a mechanism of extradition by state of its citizens or foreign persons from their territory who are accused of terrorist acts.

We believe that anti-terrorist activity in Moldova must include permanent state measures and actions at national level concerning the social situation analysis, forecasting, prevention of possible terrorist actions that may threaten the national security of the state and its constitutional arrangement.

Uniting the efforts of civil society to solve this problem is one of the main objectives. This is possible only with the educational and ideological influence on the population. It is necessary to reflect these problems in the program of fight against terrorism. The basic objective should be the ideological influence on the groups of people who may potentially become the object of terrorist propaganda. Their education should be guided by clear purpose, determined towards the perception and knowledge of the terrorism phenomenon itself.

In the fight against terrorism some prophylactic measures are expected to be taken in the legislation. In this case we need to discuss measures aimed at preventing terrorist activity, including the prevention of social conflicts that can be followed by terrorist manifestations, and prevention of terrorist crimes. The methodology of prevention measures to avert and combat terrorism should take into account the types of contemporary terrorism, its causes, the social base, the individuals that support it, as well as the peculiarity of preparation form and conduct of terrorist operations. Such a method can be developed only on the inter-departmental basis. It should include such directions as the influence on the main phenomena and processes in society with a nature that might incite terror. It is necessary to develop methods of revealing and preventing terrorism. This requires detecting the subjects and objects of terrorism, its organizers, causes, means and other circumstances. One of the required components of the methodology are methods to

coordinate the actions of international organizations specialized in combating terrorism.

In the case of nationalist, religious or separatist terrorism, it is necessary to take into account its support or lack of support from the surroundings. If a terrorist group is autonomous, and the support from the surroundings is missing, in such cases the harsh repressive tactical measures are justified. If there is a support, tough measures, such as, in particular, the death sentence of the offenders or imprisonment under extremely severe circumstances, can cause even a greater opposition and lead to the organization of new extremist groups and/or completion of the existing ones. In these conditions a better solution would be policy changes, taking non-standard political decisions, setting the negotiation process and seeking a compromise, stimulating the revulsion at terrorism, along with discrediting the image of heroism around it, and in some cases, respectively, decreasing its attractiveness, discrediting the leaders and their slogans, and, certainly, all these being done not in the eyes of the civilized world, but within the environment that fuels this crime.

The main component of the counter-terrorism activity is exposing and liquidating the sources of terrorists' financing. The US State Department report "Pattern of Global Terrorism 2000" states, that it is a priority for the US to deprive terrorists of financing and block their capabilities of using the means already under their control. It is obvious that without counteracting the formation and operation of the system that finances terrorist movements, it is not possible to fight terrorism entirely. This will, first of all, exclude the possibility of attracting mercenaries, because in such a case the remuneration for their "work" is missing. Secondly, it will decrease the possibilities of purchasing weapons, ammunition, equipment and technical material.

The system of measures may include several directions:

- Detection and liquidation of financing sources, including sources of terrorists' income from inside the country, both legitimate and criminal;
- Detection and liquidation of terrorists' financing sources from outside the country and the legal basis under the International Convention for Suppression of Financing Terrorism.
- The implementation of the International Convention for Suppression of Financing Terrorism offers the possibility of making arrests, realizing legal prosecution of the persons involved in financing terrorists and taking preventive measures to detect and liquidate the income sources of

terrorists and to limit the flow of these sources outside state borders.

Prophylactic legislative measures must also be taken in the fight against terrorism. In this case we need to discuss measures aimed at preventing terrorist activity, including prevention of social conflicts that can be followed by terrorist manifestations, and prevention of terrorist crimes.

In conclusion, we believe that to achieve an efficient anti-terrorist activity in the Republic of Moldova the following objectives need to be addressed:

1. Developing the methodology for detection and removal of factors and conditions that facilitate the development of extremist and terrorist movements in respect of each type of contemporary terrorism and way of conducting terrorist operations;
2. Developing and taking effective measures to minimize the social base of terrorism by emphasizing political, informational and social efforts;
3. Estimating the development of terrorism and detecting social origins and causes of its growth;
4. Detecting and liquidating financing sources of terrorists, both internal and external, legal or illegal;
5. Isolating terrorists from sources of arms and financial sources;
6. Controlling the production, import and sale of weapons



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# FROM THE EUROPEAN DREAM TO THE PROTEST OF THE YELLOW VESTS

Lucian Sacălean\*

## **Abstract**

*The European Union has undergone important stages in the creation of a federal state. The rejection of the Constitution has not brought a viable solution to pursue this process. The attempt to create a structure functioning on “multiple speeds” has created the discontentment of the central, south-eastern European states. The over-nationalization of the issue of immigration, the superficiality of the European discourse, the lack of effective solutions, the double discourse that characterizes the leaders of the great European powers have not only deepened the crisis in which Europe is, but they have also caused the solutions to be radically different from those thought by the current generation of politicians.*

**Keywords:** *European Crisis; Migration, Interracial Tensions; European Union; European Political Strategy; European Integration; Political Correctness; Corruption*

The idea of a political construction covering the European territory does not belong exclusively to the 20<sup>th</sup> century<sup>1</sup> (irrespective of whether we talk about Plato’s solutions for achieving peace by organizing a confederation or about ulterior more or less theoretical projects), but the great advantage of the current construction was its founding the implicit promise of prosperity for all European citizens, a prosperity built under the sign of political and economic liberalism. Creating a union meant a close model of the political and economic competition, sharing common values, but also the ambition to build in a medium interval a globally competitive political economic product capable of becoming an important player in the contemporary world.

The reality of a bipolar world, the cold war tensions, sometimes played the role of a catalyst, but only after the fall of the Iron Curtain and of the Central and Eastern European communist regimes, the European construction seemed to have truly found its vocation. The initial enthusiasm, the end of existence of the Warsaw Treaty, of the C.A.E.R., the profound crisis which U.R.S.S. was experiencing, and later, after its collapse – a legally confirmed act on

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\* Lecturer, PhD., University of Medicine, Pharmacy, Sciences and Technology of Tîrgu Mureş, Tîrgu Mureş, Romania

<sup>1</sup> See also Adrian Liviu Ivan, *Under the Sign of the United States of America*, CA Publishing, Cluj Napoca, 2009.

26<sup>th</sup> December 1991<sup>2</sup>, the economic crisis in Russia; it gave a chance to the Central Eastern European states to search for alternatives that would exclude Russia from any sort of arrangement.

The recrudescence of nationalist movements, the conflict in the former Yugoslavia or the one in Transnistria, complicated the equation of power in this region. If countries such as Poland, Hungary, the Czech Republic and Slovakia (Czechoslovakia in 1990) benefited from a better collaboration with the Western states, Romania and Bulgaria underwent a profound economic crisis in the 1990s, doubled by the maneuvers of a political class which was at the least immature and indecisive about the direction to follow. The roots of the European Union are found in the European Coal and Steel Community (1951), in the Euroatom (1958), being formally established on 1<sup>st</sup> November 1993 (the European Community and the enforcement of the Maastricht Treaty – which also introduces the Euro currency). The successive waves of joining the European Union will bring all these actors inside the organization, not before assuming obligations that are considered to be fundamental to its proper functioning.

Adopted by consensus by the European Convention on 13<sup>th</sup> June/10<sup>th</sup> July 2003, the Treaty establishing a Constitution for Europe united the three treaties existing at that time (***the Treaty concerning the European Union, the Treaty establishing the European Economic Community and the Treaty establishing the European Atomic Energy Community***) into a single document, including ***the Charter of Fundamental Rights of the European Union***. The European Union was choosing a new path, that of European federalism, proposing a multi-step road, capable of providing a genuine European state<sup>3</sup>. Although the Constitution was signed in Rome on 29<sup>th</sup> October 2004 by the 25 member states existing at that moment, there was subsequently a resolution of 500 votes for, 137 against, 40 absents (12<sup>th</sup> January 2005), it failed to pass the important test of the national referendums<sup>4</sup>. The failure in

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<sup>2</sup> Declaration № 142-H of the Soviet of the Republics of the Supreme Soviet of the Soviet Union, formally establishing the dissolution of the Soviet Union as a state and subject of international law.

<sup>3</sup> What The Eu Constitution Does A 14-Point Critical Summary, <http://www.europarl.europa.eu/inddem/docs/papers/14%20point%20summary.pdf>

<sup>4</sup> **Spain** – 20th february 2005, 76,73% votes for, 17,24% against, 6,03% white votes, presence in the polls being 42,32%; **France – 29th May 2005**, 54,68% against, 45,32% for, the presence in the polls being 69,34%; **Olanda – 1st June 2005**, 61,54% against, 38,46% for, the presence in the polls being 63,3%; **Luxembourg** - 10th July 2005, 56,52% for, 43,48% against, the presence in the polls being 87,77%. **The Constitution** was paralelly ratified by the national parliaments of Lithuania, Hungary, Slovenia, Italy, Austria, Greece, Malta, Cyprus, Latvia, Belgium, Estonia,

countries such as France or the Netherlands (founding countries) led to a “reflection period” and the emergence of the Treaty of Lisbon, signed on 13<sup>th</sup> December 2007. **Solutions failed to appear while crises succeeded each other and the Brussel’s elite response was not convincing enough for the citizens of the Union.**

**The financial and economic crisis, propagated from the United States across the globe, demonstrated the vicious circle of relations between major financial corporations and the political elite. Even though, apparently, most of the European countries suffered, there are actors who were more successful mid-term compared to countries such as Greece, states who paid dearly both the internal incompetence as well as the geostrategical power play.** The EU's annual budget represents below 1% of EU GDP, and contributions from countries such as Germany or the UK, although seemingly high at first analysis, do not reflect the real gain these countries derive from their EU membership. In the case of Germany, the contribution to the EU budget was € 23.7 billion in 2017 (19.6 billion national contribution, 4.1 billion tax collected by Germany on its territory on behalf of the EU). The amount received back was of 10.9 billion euros, so the net contribution was 12.8 billion euros, respectively 0.9% of the consolidated budget expenditures in Germany. However, the gain or loss of a Member State is not reduced to how much it contributes and how much it gets back. In the case of Germany, the gain on exports of goods and services in the EU area was 116.9 billion euros, the lack of customs barriers having a major contribution here; 20.7 billion euros income from direct investment in EU member states (free movement of capital). Germany loses 4.7 billion from employees’ pay, respectively 12.7 billion in the case of secondary incomes (a major part of this being the remittances of foreign workers). This results in a net benefit of 107.4 billion euros. By comparison, Romania gained 6.35 billion euros and lost 9.2 billion euros, a situation also encountered in other Eastern states<sup>5</sup>. In terms of investment income, Eurostat data show us six Member States with a positive balance (2008-2017 - Germany 559.6 billion, France 182.7 billion, Denmark 68.5 billion, The Netherlands 66.6 billion, Sweden 59.7 billion , Finland 6.7 billion, UK-does not publish these data). In the same period, countries like Spain (-156.7 billion), the Czech Republic (-102 billion), Italy (-82.8 billion), Hungary (-74.3 billion), Portugal (-61.6 billion), Greece (-47.6

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Slovakia, Germany and Finland, from 11th November 2004 to 5th December 2006. The vote in Sweden didn’t take place.

<sup>5</sup> How much Germany gains from being a member of the community space, Economic Analysis, <http://www.analizeeconomice.ro/2018/11/cat-castiga-germania-de-pe-urma.html>

billion), Romania (-43.4 billion), turned a loss on this chapter<sup>6</sup>. However, with respect to net contributors and net beneficiaries for the 2007-2016 Community budget, statistical data shows that Germany (132 billion), France (68.8 billion), Italy (49.9 billion) were the countries with the highest net contributions, and Poland (87 billion), Greece (46.7 billion), Hungary (34.1 billion) are the main net beneficiaries. Romania (27.6 md) is ranked five immediately after Portugal from the perspective of the net benefit of the contribution to the Community budget. The largest beneficiary of the access to the common market is not Germany, but the Netherlands with a trade surplus of 177.3 billion euros<sup>7</sup>.

For the citizens of the Central Southeastern European states, it was not only the reference to values and manifestations that seemed to be lost with the installation of the Iron Curtain that mattered, (freedom of speech, of the assemblies, political plurality, etc.) but also the prosperity uncovered during the communist regime through Western films and advertisements for various products broadcast by Western European television channels. Undoubtedly, today's living standards are higher than in 1990, the real purchasing power has increased, but the reporting is not made to the situation from two decades ago, but to the richer Europeans of the present day.

The humanitarian crises near the European borders, the armed conflicts, the desire for a higher standard of living than the local one, have made Europe a preferred target of migration. An analysis conducted in 1994 by West European Politics identified six key trends regarding migration: 1) a surprising complexity in European public opinion regarding immigration; 2) the conflation of political asylumseeking with immigration; 3) the transformation of immigrant-sending countries into immigrantreceivers; 4) the growing supranationalization of immigration policy at the EU level; 5) the wide variation and growing convergence in national models of immigrant incorporation; and 6) the role immigration played in party politics, including the far right's rise<sup>8</sup>. The assuming of a supranational regulation of the migration issue has displeased a

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<sup>6</sup> How many billions are milked by foreign companies in eastern and southern Europe, Economic Analysis, <http://www.analizeeconomice.ro/2018/09/cate-miliarde-mulg-companiile-straine.html>.

<sup>7</sup> How much they have contributed to the EU budget and how much EU countries have received back in the last decade, Economic Analysis, <http://www.analizeeconomice.ro/2017/10/cat-au-contribuit-la-bugetul-comunitar.html>.

<sup>8</sup> Adam Luedtke, "Crisis" and Reality in European Immigration Policy, *Curent History*, March 2015, [https://www.academia.edu/16013666/\\_Crisis\\_and\\_Reality\\_in\\_European\\_Immigrati\\_on\\_Policy](https://www.academia.edu/16013666/_Crisis_and_Reality_in_European_Immigrati_on_Policy).

number of states, especially regarding the mandatory quota of migrants to be received by each state. On the other hand, the migrant entry countries, Greece, Italy, Spain, have experienced significant difficulties in managing this situation. The predilect migrant targets are at present the states capable of providing the greatest material benefits, but the rise in living standards in the Central Southeastern European Countries could make them, on a medium and long term, preferred by migrants.

The crisis of migrants, whose visibility has grown after German Chancellor Angela Merkel's pro-immigration statements, has produced a new fallacy between countries wishing to undertake such policies and those who want to reduce the terrorist risk, the potential for inter-religious conflict or who fear the possibility of creating "no gone zones" on their national territory, areas that are not controlled by the authorities and where the secular law is replaced by Sharia. There is a great symbolic distance in this way of interpreting the reality and the Europe of diversity, plurality, tolerance and solidarity in which the states that have become members of the EU wanted to integrate, respectively the political and economic construction towards which the states of the Central and Southeastern continent looked with the hope of the revival of democratic values and welfare. The European existence has always assumed a reality of the majority versus the minority (whether we refer to the Christian groups considered to be dangerous by the dominant Catholicism, or if we are talking about the Mosaic or Muslim cult followers, or of linguistic majorities and minorities), but the majority of the European culture was built on the foundation of the Greek-Roman heritage, respectively Christianity. Unfortunately, as with other cultures, this foundation was not enough to prevent the affirmation and action of fascism, Nazism, or Stalinism. The creation of a (new) European identity, of a civilization based on universal values seemed to be the promise that politics could transcend the legacy of nationalism, fascism or genocide<sup>9</sup>. The engineering of creating the "new man" is extremely complex (in Europe, neither the communist nor the fascist regimes have succeeded), but it seemed to be successful, as long as the values of Western civilization were embraced by all those who wanted to become members of the European Union.

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<sup>9</sup> Can Yildiz, Nicholas De Genova, Yolande Jansen, Laia Soto Bermant, Aila Spathopoulou, Maurice Stierl + Zakeera Suffee, Europe/Crisis: New Keywords of "the Crisis" in and of "Europe" NEW KEYWORDS COLLECTIVE (THE CRISIS OF) "EUROPEAN VALUES", in EUROPE AT A CROSSROADS : MANAGED INHOSPITALITY, [https://www.academia.edu/22945862/\\_The\\_Crisis\\_of\\_European\\_Values\\_2016\\_](https://www.academia.edu/22945862/_The_Crisis_of_European_Values_2016_).

Violent incidents, terrorist attacks, sexual assaults, generally presented by the mainstream media as isolated incidents, contributed to creating the view that state institutions are either unable or unwilling to protect the citizens, giving rise to theories of conspiracy regarding the real intentions of the political and economic elite that is leading Europe. The transformation of Muslim migrants into enemies of Christian Europe was the logical step that followed in the collective mind<sup>10</sup>. Despite of the fact that the official media has dealt with these subjects, the terrain has long been prepared, given the fact that the same press has portrayed East Europeans such as the Poles, the Romanians or the Bulgarians as attempting to the Western way of life, contributing in time to the appearance and the manifestation of the mechanisms of hatred and social exclusion, mechanisms also backed at the communicative level by a number of politicians from Western European countries. This reality has increased the growth of the influence of populism/nationalism and its exponents in political vote, both in Western countries such as Italy as well as in the Eastern ones, such as Poland or Hungary.

Regarding migration, Eurostat data shows us that between 2000 and 2016 Spain was the country with the highest net migration (4.93 million people), Germany (4.77 million) becoming a favorite destination in recent years, Italy (4, 42 million), UK (4.13 million). The European state most affected by net migration between 2000 and 2016 is Romania (-2 million), with significant losses also in Bulgaria (-415 thousand), Latvia (-270 thousand), Poland (-221 thousand)<sup>11</sup>. This data does not include illegal migration. Even though the migration trend has declined in 2017, concerns about its medium and long term effects, expressed at the political level especially by Central European countries, are not likely to contribute to a compromise between the states acting as supporters of immigration, respectively those who are reserved or opposed. On one hand, Germany and France through Merkel and Macron seem to be ready to lead the union together, but this kind of leadership is being increasingly challenged by countries such as Italy, Poland or Hungary. It would be inaccurate though to call this situation a conflict between the advocates of globalism and those of nationalism, even if the statements of the Prime Minister of Hungary, pronouncing against immigration and globalist tendencies, speak of a new iron curtain and the existence of two European civilizations, one “building its future on a mixed Islamic and

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<sup>10</sup> *Ibidem*.

<sup>11</sup> How much did migration affect the population of European countries between 2000 and 2017, Economic Analysis, <http://www.analizeeconomice.ro/2018/01/cat-afectat-migratia-numarul-populatiei.html>.



Christian coexistence”, the other in Central Europe, which will be only Christian, statements that need to be put in the context of internal electoral communication<sup>12</sup>.

The concern is real and, despite careful media coverage, it is also present in the case of Western society. Pascal Bruckner denounces, for example, the hypocritical ecumenism of the elites affirming their option for “the historical superiority of the nations” in the moment when “careful not to stir up any racial sensitivities, the progressive politicians do not seem at all impressed by the fate of their own peoples while publicly deploring the drama (real, in many cases) of the poor immigrants”<sup>13</sup>. Bruckner denounces the political correctness and the dangers that come with this concept, embraced by some of the politicians who are currently leading the European Union, “a very powerful concept on North American campuses ... a regression of the spirit. It’s the intellectual equivalent of the Khmer Rouge in Cambodia”<sup>14</sup>. A political decision does not necessarily equate to the solution to a problem, the “disappearance of the race as an expression voted in the French Parliament” during Hollande’s mandate created the paradox of the continued presence in the public discourse of the racism<sup>15</sup>. University professors, psychologists, journalists, writers, essayists denounced political correctness as a model for peaceful integration, analyzed behavioral patterns, civilization differences or religious determinisms, expressed views that contradicted those officially assumed<sup>16</sup>, or drew attention to the negative impacts on communities as a result of political decisions at European level. On the other hand, the Central-Eastern European countries, having escaped from the terror of Stalinist rule, do not wish to repeat the experiment, with a human face this time, but with different masters. Moreover, they do not feel responsible for the colonial past and the dramas created by colonial rule, being hard to

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<sup>12</sup> Orban warns immigration will divide EU ahead of parliamentary elections, EuroNews, <https://www.euronews.com/2019/01/10/hungarian-pm-orban-there-will-be-two-eu-civilisations>

The man who thinks Europe has been invaded, BBC, [https://www.bbc.co.uk/news/resources/idx-sh/Viktor\\_Orban](https://www.bbc.co.uk/news/resources/idx-sh/Viktor_Orban)

Full speech of V. Orbán : Will Europe belong to Europeans?, <https://visegradpost.com/en/2017/07/24/full-speech-of-v-orban-will-europe-belong-to-europeans/> Orbán claims Hungary is last bastion against 'Islamisation' of Europe, The Guardian, <https://www.theguardian.com/world/2018/feb/18/orban-claims-hungary-is-last-bastion-against-islamisation-of-europe>

<sup>13</sup> See Pascal Bruckner, *The Tyranny of Guilt: An Essay on Western masochism*, Princeton University Press, 2010

<sup>14</sup> Pascal Bruckner to RFI Romania: Understanding a religion does not mean tolerating crimes committed in its name, RFI, <https://www.rfi.ro/emisiunile-rfi-ro-103442-pascal-bruckner-romania-intelegere-religie-inseamna-tolera>.

<sup>15</sup> See Pascal Bruckner, *An imaginary racism*, ed. Trei, 2008.

<sup>16</sup> See Hans-Dieter Schwind, Andreas Zick, Éric Zemmour, Steven Emerson, Yves Mamou, Renaud Camus, Michel Houellebecq.

believe that they can be persuaded into long-term solidarity in the name of the corrections of these historical mistakes, as long as the perception is that they were not the ones who benefited from this process. The fall of the communist regimes meant for these countries the regaining of the capacity for real public debate, of the expression of agreement or disagreement, regardless of the issuer of an idea or the arguments behind it. The pressure of addressing certain types of expressions, as a model of integration, the internal pressure in certain states, even if of a different kind (Hungary), represents a major danger to the democratic functioning of these societies.

In the interview with *Le Figaro*, French conservative thinker Jean Sévillia deplors the lack of real debate, the existence of “intellectual terrorism” attacks on certain intellectuals, or the fact that the debate of ideas in a democratic society is supposed to be free, but everything happens as if certain ideas would be forbidden, some themes would be taboo, and some voices less legitimate than others because they are contrary to the thinking of the political, media and cultural elites<sup>17</sup>. In other words, we are witnessing a struggle for political power, and in the absence of the proletariat (of the abandoning of the class struggle), the chance of winning it for the adherents of neo-Marxism is the projection of a progressive, egalitarian society and the use of minorities (sexual<sup>18</sup>, racial, etc) as a decisive element in this battle<sup>19</sup>. The fear which characterizes a part of the European society seems to be justified if we consider the study by Robert D. Putnam<sup>20</sup> on Diversity and trust within communities, a study involving over 40 communities and 3000 respondents. Putnam was criticized for the fact that, although he published the data from the field study, there was a significant gap between the initial study and the publication of the article<sup>21</sup> generated by the interpretation of these data, since he had to “elaborate proposals to offset the negative effects of diversity”<sup>22</sup>. The

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<sup>17</sup> Jean Sévillia, « Malgré l'effondrement de notre société, une France tient encore debout, *Le Figaro*, <http://www.lefigaro.fr/vox/histoire/2016/09/23/31005-20160923ARTFIG00300-jean-sevillia-malgre-l-effondrement-de-notre-societe-une-france-tient-encore-debout.php>

<sup>18</sup> See also Herbert Marcuse, *Eros and Civilization A philosophical research on Freud*, Ed. Trei, 2015.

<sup>19</sup> See also The Frankfurt School and the birth of cultural Marxism.

<sup>20</sup> Robert D. Putnam, *E Pluribus Unum: Diversity and Community in the Twenty-first Century*

<https://www.puttingourdifferencetowork.com/pdf/j.1467-9477.2007.00176%20Putnam%20Diversity.pdf>

<sup>21</sup> John Leo, *Bowling with our own, Robert Putnam's sobering new diversity research scares its author*, <https://www.city-journal.org/html/bowling-our-own-10265.html>.

<sup>22</sup> Lloyd, John "Study paints bleak picture of ethnic diversity". *The Financial Times*, <https://www.ft.com/content/>.

raw data obtained suggests the fact that the more ethnically and racially diverse a community, the lower the level of trust, the volunteering or the donations to the community, and an even lower vote participation, respectively a higher degree of mistrust in community leaders. The solution found by Putnam is that of education and integration programs to overcome the negative effects of diversity. This would mean, at least in the case of Europe, the renunciation of the national defining, in favor of a “more comprehensive identity”, a matter that is probably hard to accept today for a large part of the European population. On the other hand, the actual legal construction itself raises major problems, both from the point of view of public perception, but also from the perspective of its functionality. Among these we can enumerate: European Union constituent documents do not show a clearly defined purpose; constituent documents do not establish EU institutions with the qualities and powers of a conventional federal government; EU treaties reveal that European citizens have little to say in the decision making within EU<sup>23</sup>.

In fact, the European Union could not be bypassed by the crises that characterize politics at national level: legitimacy (increasing discrepancy between the expectations of the citizens and the answers of the political institutions to these expectations), credibility (the erosion of trust in political institutions and organizations), effectiveness (the difficulty of fulfilling the tasks of managing the collective life - ensuring social peace, guaranteeing the individual's security, protecting the community), moral (the amplification of corruption, cynicism, political machiavelism, etc.)<sup>24</sup>. All these are felt both at national and EU level, with a double speech regarding the behavior of various actors, members of the union. The refusal to publish the EU **Anti-Corruption Report**, an important report assessing the corruption in the 28 European countries, established by a 2011 decision, published in 2014<sup>25</sup>, but abandoned<sup>26</sup>, raises serious questions as to the equal treatment that all member countries should enjoy, regardless of the corruption situation in Germany, France, the Netherlands, Italy or in Bulgaria,

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<sup>23</sup> Arben Kola, European Union is in crisis, Constituent Documents of the European Union jeopardize its future, [http://www.academia.edu/37177657/European\\_Union\\_is\\_In\\_Crisis](http://www.academia.edu/37177657/European_Union_is_In_Crisis)

<sup>24</sup> Vasile Boari, Current Policy Crisis, Political Studies, vol. II, UBB, University Press, Cluj Napoca, 2007, pp.30-32.

<sup>25</sup> Anti-Corruption report, European Commission [https://ec.europa.eu/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption/anti-corruption-report_en)

<sup>26</sup> Why won't Brussels release report on EU-wide corruption?, <https://www.euronews.com/2017/06/28/why-won-t-brussels-release-report-on-eu-wide-corruption>.

Poland, Romania, Hungary. If, according to the European Commission spokeswoman, Margaritis Schinas “*For the Commission, the fight against corruption is by no means an attempt to intervene or to offer value judgements in the political life of a member state*”, in the week when they refused to publish the report on corruption in the European Union, two senior European officials gave a joint statement in which they were concerned about the evolution of the anti-corruption fight in Romania<sup>27</sup>. Cases such as the one in which ING accepted a fine of 775 million euros to close an investigation in the Netherlands in a money-laundering case<sup>28</sup>, the manipulation of LIBOR<sup>29</sup> by the UBS and Citigroup<sup>30</sup>, or the Danske Bank<sup>31</sup> Danish Bank money-laundering scandal, finalized with the forgiveness of the actors in exchange for fines, alongside with the work of the strong lobby groups, exposes the symptomatology of the crisis through which Europe passes (morality, legitimacy, effectiveness).

Driven by the assumption that a speeding Europe is the solution to rescuing the European Union, Germany and France propose, through the Aachen Treaty, an approach in which the smallest states of Europe can find themselves at the most as deciding minors. Failure to adopt a European constitution made the present approach anchored, for pragmatic reasons, to issues that can be acceptable. Given the fact that the leaders of the two countries are facing a legitimacy crisis in their own countries, proposing a model in which decisions have been taken unilaterally is likely to further frustrate politicians and citizens in a number of EU Member States, which are considered to be among the less powerful states. The intention of France and Germany can be a positive one, designed to boost the integration mechanism, to shape it according to the priorities and needs of the fast-changing global scene. Unfortunately, this manner of communication awakens the suspicion of some states that have been in a position to accept the

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<sup>27</sup> Dan Andronic, Editorial, About the Arrogance and Corruption of the European Union. Why Romania deserves to be treated with more respect, <https://evz.ro/coruptie-aroganta-romania.html?v=347635&page=1>.

<sup>28</sup> ING to pay €775m in money laundering case, Financial Times, <https://www.ft.com/content/f3e64e3e-b02b-11e8-99ca-68cf89602132>.

<sup>29</sup>U.S. Libor probe includes BofA, Citi, UBS, The Wall Street Journal, <https://www.wsj.com/articles/SB10001424052748703818204576205991698548286>

<sup>30</sup> Citigroup fined \$ 425m for rate-rigging violations, Financial Times, <https://www.ft.com/content/f6b57fea-227a-11e6-aa98-db1e01fab0c>.

<sup>31</sup> Danske: anatomy of a money laundering scandal, Financial Times, <https://www.ft.com/content/519ad6ae-bcd8-11e8-94b2-17176fbf93f5>.

Is money-laundering scandal at Danske bank the largest in history? Scale of fiasco highlights for stricter regulation and cross-border force in Europe, The Guardian, <https://www.theguardian.com/business/2018/sep/21/is-money-laundering-scandal-at-danske-bank-the-largest-in-history>.

political-economic models of the dominant powers before, and also confronting the fear that such action is nothing but the political expression of the European neocolonialism of the great powers. On the other hand, Germany's joint projects with Russia, especially in the field of energy infrastructure, the collaboration between former senior German dignitaries and Russian energy companies, awaken unease in Central and Eastern Europe, especially in countries such as Poland or Romania. The recent scandal of the different standards<sup>32</sup> regarding some products marketed by large companies in Eastern and Western Europe<sup>33</sup>, strengthens the popular perception of these countries about colonialist behavior and double measure concerning the great western states (including the attitudes towards corruption and lobbying, budget deficit, social distribution mechanisms, inflation, indebtedness, etc.) compared to the smaller or newly entered states in the EU.

If Europe is in a crisis, the current European leaders seem to be unaware of the causes or of the possible consequences. Some being at the end of their career, others strongly contested within their national borders, along with a bureaucratic apparatus generated by Brussels politicians, they propose an agenda different from the immediate needs of the European citizens. If, at the time of the creation of the European Union, the politicians were able to generate a vision with enough seduction force, today that vision is definitely missing. In fact, the current political class, regardless of physical age, is not capable of generating such a vision in the form of a concrete and coherent program that will have the acceptance of the majority of the citizens. The protests of the "yellow vests" in France are not an isolated event, although they reflect the dissatisfaction of a social layer that feels betrayed by the economic neo-liberalism favorable only to the great economic actors, by the social-democracy mimicked by the traditional left-wing parties. The pressure of globalization, the impact of non-Christian migration (in the absence of real and effective mechanisms of integration, understanding and acceptance of the principles that ensure the functioning of democratic states), the dogmas of political correctness and cultural neo-marxism imposed in a relatively short time as quasi-official norms, create the alienation of vast communities. Their response, for the time being, is the protest and the support of

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<sup>32</sup> EU intervenes in dual product quality scandal; New unit created to check food products, manufacturing plants across the EU, Business Revue, <http://business-review.eu/news/eu-intervenues-in-dual-quality-of-products-scandal-new-unit-created-to-check-food-products-controls-to-be-made-in-manufacturing-plants-across-the-eu-182744>.

<sup>33</sup> East Europeans decry "double standards" for food, seek change to EU law, Reuters, <https://www.reuters.com/article/centraleurope-food/east-europeans-decry-double-standards-for-food-see-change-to-eu-law-idUSL5N1GD4N4>.

populism and nationalism as a protection measure. A potential confiscation of these movements by imposing some communicative leaders, subsequently transformed into “political people” close to current power centers, will not have the desired effect.

If Europe is in crisis (and it is in crisis), its deep causes must be understood. The economic crisis that led to the deepening of social inequities, the increased interference of multinational corporations in strategic decisions, the lack of efficiency of integration mechanisms for migrants (some of them preferring to rebuild models of the societies they have left from), the seizure of political discourse and decision by the big actors against the states with less power, the ignoring of the public agenda, the lack of real solidarity, the double discourse, the assumption by some states of only the advantages of EU membership in relation to third parties, created the current socio-political picture.

Europe needs solutions, and these are likely to be radical and different from the way the current European political class understands the European path. As long as the welfare speech is selfish, it can not be accepted by those left out. Europe can not become a model as long as all of the above can not be solved. Europe must take advantage of the existence of NATO in order to strengthen its internal well-being. The assuming of its own military capability is welcome and necessary in the medium and long term, but it cannot be an absolute priority today, at least not in the formula where it would replace NATO in the short term. The existence of the euro currency can not rely on fiscal systems and bureaucratic decisions in the long-term. Assuming a common foreign policy has so far hit the reality of some Member States’ often different interests. Apparently, today there are more obstacles than opportunities in the face of accomplishing the European project. What can be done?

There are several levels of action, requiring different implementation times. It is certain that EU membership has brought many benefits, both for ordinary citizens and Member States of the EU itself, benefits that are now considered a gained right and are often ignored. From the free movement of people to the elimination of roaming within the EU, there are many advantages that cover all aspects of social life. Unfortunately, the economic growth enjoyed by states, including those in Central and Eastern Europe, has not been reflected proportionally in the pockets of the citizens.

The crisis of credibility is perhaps the one that needs the quickest solution. Although the political elite of Brussels have set its own agenda, it does not reflect much of the real needs of Union citizens at the moment. The political class has to understand that some political theories are meant to remain at the stage of theory; their practical application not only disturbing society but also

threatening the very ideas underlying this construction. Perhaps the most serious of all risk factors is the lack of a dialogue centered on real issues, trying to remove from the area of communication the uncomfortable topics or those proving the lack of managerial performance at the level of European society, respectively of the member states.

The growing gap between citizens' needs and politicians' actions has the capacity to cause a fatal crisis. The selfish behavior of some states, when it comes to commercial or energetical advantages, to the detriment of other members of the union, the inability of current European leaders to overcome the internal populist discourse are also threats with medium and long-term effects. The incapacity to generate real migrant integration mechanisms, the identity crises or the crises of a different nature that second and third generation migrants must go through, with negative effects on the security of society, the reduced capacity of control over areas inhabited predominantly by migrants, represent other risks to which the current political leaders have no response, although imposing the law and respecting it, regardless of the addressee, is the fastest and most urgent answer. The secular state can survive only if its rules are respected by everybody, without exception, because the secular law can not be challenged in favor of the religious one.

The increasing of the percentage of those at risk of poverty and exclusion, the impoverishment of some segments of the population as a result of financial and economic crises, the rise of an economy based exclusively on the pressure of financial results in the absence of redistribution mechanisms closer to citizens' needs. Therefore, establishing a community civic model is absolutely necessary. The accumulation excesses must be adjusted by overtaxation, the guaranteed minimum income must be preserved, but it must also be conditioned by the community civic performance. A correct reporting cannot be accomplished referring only to Europe's wealthy citizens. Regarding the state-multinational relationship, a formula, taking into account the number of employees and their level of training versus the profit allocated according to the training and qualification of the staff for each economic branch, would be more accurate.

The reality of limited resources leads to the hypothesis that the liberal / capitalist model can no longer function in the medium and long term, without negatively affecting the social structure, the environment, the biological diversity, etc. The existence of planning mechanisms to create efficiency in each area of economic action without reaching the area of the planned communist model (with all its inefficiencies) can become the winning variant in replacing the efficiency regulation model by competition, a model that does not

have the capacity to generate prosperity and social peace. A single currency is needed, implemented in all member states; a currency based on a unique union-wide fiscal policy, social distribution mechanisms of the same type.

Europe must urgently choose between being a federation of communities with real and direct representation in a European Parliament, where each community holds a vote (by community, meaning an administrative-territorial unit that can be a region or even a country); a vote that is being negotiated locally before it becomes a federal decision, or being a model that includes a federal government but which cannot decide policies but only apply the measures ordered by the federal parliament. The current national level institutions (president, prime minister, government, parliament) must disappear, being replaced by more supple mechanisms at the Euroregional level. In the case of committees made up of MPs, there must be a fixed number of members who will compete strictly on the basis of their expertise in the respective field. These committees will have the task of drawing up an EU development plan, approved by vote. It is also possible to take into account the variant of a strictly technocratic EU government, but which applies the program established by a parliament resulting from a political vote. However, it remains to be decided how and if we can make a differentiation between civically responsible citizens, understanding the functioning of these mechanisms and those with a low political culture, who are the main target of manipulation campaigns.

The reforming of the European Union means the survival and prosperity of this initiative, unique in the world up to now, but this reform is not possible without renouncing national interests, often petty, masked in community ideologies. Either the European Union becomes the real home of the European nations, and only then can we begin to build a real common identity, minimizing external influences and taking into account the complex realities of the continent, or the current construction is doomed to failure and the return to tribal politics will follow.



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## REVIEWS

### RECENZII ȘI NOTE DE LECTURĂ

Mihaela Daciana Natea (Boloș), *Mărcile și indicațiile geografice în sistemul relațiilor internaționale*, București, Editura Universul Juridic, 2013, 208 pp.

Societatea contemporană cunoaște o amplă dezvoltare a relațiilor economice și sociale, competiția dintre actorii economici a provocat legiuitorii să adopte reguli în vederea respectării drepturilor de proprietate intelectuală.

Lucrarea, ***Mărcile și indicațiile geografice*** se constituie într-un efort doctrinar de laudat prin care autorul analizează una din fețele dreptului de proprietate intelectuală. Volumul este apărut la prestigioasa editură Universul Juridic în cursul anului 2013, este structurată pe trei părți respectiv Partea I Privire de ansamblu asupra mărcilor și indicațiilor geografice; partea a II-a. Sistemul internațional al mărcilor și indicațiilor geografice; partea a III-a. Conflicte internaționale – potențator al evoluției sistemului.

Prima parte, se constituie într-o analiză atentă a evoluției mărcilor și indicațiilor geografice, urmată de recunoașterea lor la nivelul actelor juridice internaționale și implicit dezvoltarea legislației internaționale sau stadiul doctrinar actual.

În cea de a doua parte a lucrării autorul abordează problematica definirii doctrinei a materiei și relevarea importanței sale din perspectiva relațiilor internaționale. Un element de originalitate deosebit, care diferențiază lucrarea de altele similare, este analiza din perspectiva elementelor teoretice ale relațiilor internaționale, utilizându-se abordările sistemice, sub sistemice și individuale postulate de K Waltz. Astfel lucrarea individualizează actorii implicați în sistemul internațional de proprietate intelectuală, modul în care aceștia intervin în sistem și mai ales modul în care ei îl influențează în mod pozitiv sau negativ.

Cea de a treia parte este dedicată tratării câtorva spețe relevante în domeniu, cazuri care au provocat sistemele legale ale statelor naționale sau practicilor internaționale, și care au dus la o revizuire a sistemului internațional, regional sau național.

Relațiile internaționale guvernate de regulile juridice prestabilite dar și de interese politice-economice ale participanților la economia globală au impus recunoașterea dreptului de proprietate intelectuală ca o ramură a științelor juridice fiind rodul unor preocupări la nivel internațional care au avut ca rezultat includerea aspectelor privind proprietatea intelectuală în practica

internațională, în tratate internaționale care creează baza și, mai târziu, fundamentează apariția OMPI.

O societate nu poate avansa fără protecția invențiilor, desenelor care în mod evident au ca primă urmare încurajarea cercetărilor în diverse domenii științifice; fără protecția creațiilor artistice și a operelor literare, care nu fac altceva decât să catalizeze dezvoltarea socială și intelectuală a societății sau a protejării mărcilor și indicațiilor geografice care apără atât pe producător, titular al mărcii respective, cât și pe consumator care are astfel garanția calității produsului cumpărat.

Sabău Pop Aurelian Olimpiu  
Associate Professor, UMFST Tîrgu Mureș

Valentin Naumescu (coord.), *România, Marile Puteri și Ordinea Europeană. 1918-2018*, Iași, Ed. Polirom, 2018, 435 pp.

The centenary of the Romanian unification was celebrated through a variety of events, many of them had as objective the editing of books that evoked events or the evolution of the state, of some regions or localities in the course of 100 years. In this context, there have been many editorial approaches that enjoyed more or less attention, but few have managed to rise to the value of the volume coordinated by the professor Valentin Naumescu, who gives a broad picture of Romania's evolution in the context of international relations, especially in the European space.

In the attempt to present the international relations in the past 100 years and how Romania has adjusted its policy towards the Great Powers in the context of the metamorphoses that have taken place in European politics, the volume gathered the contribution of 25 authors - historians, diplomats, sociologists, journalists, economists - of who we mention: Ioan Aurel Pop, Lucian Leuștean, Nicolae Paun, Emil Hurezeanu, Ioan Stanomir, Radu Carp.

The book is structured on two parts, the first follows the timeframe from 1918 until the fall of Communism, and the second addresses the post-Cold War period, a period of internal social and political shifts, EU and NATO accession, finally a period of adaptation and change to new political realities and to new international developments. Each chapter dissects a stage in the evolution of international relations and the impact that the political decisions have had on Romania's evolution.

Summarizing, the book addresses a number of important topics such as Romania's foreign policy towards the Great Powers,

the Romania adaptation to the dynamics and evolution of power politics at European level, internal policy issues and the transition to democracy.

In the 100 years of European history, maybe the biggest dilemma of the newly formed states was to ensure security, or how Valentin Naumescu says to look for security "guarantees". The reality of the post-Versailles era was dominated by the dilemmas of territorial sovereignty and claims, the issue of minorities and changes in the dynamics of international power. In this context, the volume presents in this first part important topics such as the unification of Romania in the geopolitical context generated by the end of the First World War and the power games during the Paris Peace Conference. Achieving national goals through the Peace Conference political policy was a first step, but guaranteeing integrity in the inter-war turmoil involved peace alliances, security, mutual aid, international legal formulas that betrayed an insecurity, perhaps justified, of the newly formed states. Thus, the volume follows the main political alliances in which Romania participated, the state's reaction to certain international crises, such as the Czechoslovakia one, as well as international, regional or bilateral relations, all of which provide an insight into the diplomatic issues that Romania has encountered.

The Second World War and the Cold War brought new security dilemmas and consequently the need of repositioning its foreign policy. In this context, diplomatic relations with Russia and the United States become extremely important, importance which, due to the international dynamics and the inevitable neighborhood, preserves its actuality after the fall of the Iron Curtain. The work emphasizes this evolution, starting from the Peace Conferences that mark the end of the war, the vision of the Great Powers over Romania, and the diplomatic course of this state in the context of the dichotomy that enveloped the world.

The post-Cold War world was marked by the reorientation towards Western values, their assimilation and the foundations of a renewed society that embraces the values of the rule of law, human rights, liberty and the capitalist economic paradigm. Romania has inevitably stepped on this path, marking a transition that raises substantial economic, social and administrative issues. Successive, sometimes endless, reforms have marked the society and the state, generating changes, questionable in some cases, and pushing the state towards a necessary international path, but maybe sometimes poorly embodied in the internal arrangements. The second part draws the attention towards the evolution of the diplomatic relations of the period, to the achievement of the objectives of joining the European Union and NATO. Important aspects of Romania's role in

this European context are presented, from multiple perspectives, including aspects of democracy and rule of law, economic ones and, also, important matters of internal and external political discourse, as found in the public area or mass media.

Building on historical aspects, the present volume proposes an analysis of the current situation, of the great debates present in the public space such as the euro area, the status of Romania in the EU and Russia's soft power policy or the role of the media in addressing the main policy issues internal and external.

Mihaela Daciana Natea  
Lecturer, UMFST, Tîrgu Mureș