

Ph.D. Thesis
Romania's Administrative Structure during 1859-1918

- *Summary* -

Ph.D. Candidate: Ghițulescu Mihai

The issue of the administrative structure of the Romanian State in the period between the Principalities' Unification and the Great Unification is of a great interest, not only from a historiographical point of view, but also from the perspective of the present times, many of the aspects and debates from that period being present nowadays.

In this paper, I tried to sketch a general presentation of the state structure both at central and local levels, with a deep analysis, by comparing it to the administrative structures of other European states from the same period of time. I also tried to identify the models and sources of inspiration of the Romanian reforms, as well as to explain the originality elements. The paper is structured into four chapters: I. *Local Experience and Modern European Ideas*; II. *Attempts to Reform the Public Administration during 1856-1866*; III. *Public Central Administration during 1866-1918*; IV. *Public Local Administration during 1866-1918*.

The first chapter is made up of two distinct parts, dedicated to the two aspects that represented the grounds of the evolution of the administrative structure during 1859-1918: *The Administrative Structure of the Romanian States before 1859* and *The Appearance of the Modern European Thinking regarding Public Administration*. I considered that any research as far as the issue of the administrative phenomenon in the Romanian space in the Modern and Contemporary Ages requires at least a quick view on the ancient structure of the Romanian States. Only thus can there be emphasized the continuity and discontinuity elements of the historical transformation and the way in which the present reality and the ancient traditions affected the functioning of the modern

institutions „borrowed” from the Western World. It is beyond doubt the fact that, in order to have a clear picture of the meaning of the administrative issue of the period after the States’ Unification, one must permanently consider both western political ideas that came into our space, as well as the heritage of the local past, that acted as counterparty to the former. Both in the first chapter, as well as throughout the entire paper, a special attention was given to the French and Belgian administrative models. Their importance is both general, as they launched and materialized new ideas, that marked all continental administrative structures, as well as particular, as they were direct sources of inspiration, embraced by the Romanians in the Modern Era.

The second chapter, dedicated to the *Attempts to Reform the Public Administration during 1856-1866*, deals, in its first part, to the way in which the administrative issue was approached during the *ad hoc* Gatherings as well as the gatherings of the European Commission, Paris Convention (August 7/19, 1858), as well as the administration of the Romanian States in the period before the Unification of 1859. For this period, the conclusion is that there is little progress from the equality regime. This can be explained through the fact that, beyond the conflicts among the guarantor powers, the western political regimes were not advanced either, judging from a contemporary point of view. The states could not be any more „liberal” in their structure as the powers that decided it. As far as the Paris Convention, we share the opinion of the famous historian Dan Berindei, that it was a „prototype of heterogenous document”, which „comprised both advanced as well as retrograde decisions”, but which proved to be extremely important for the States’ further evolution as far as the perspectives it created.

The largest part of the second chapter is dedicated to the reign of Alexandru Ioan Cuza. For its presentation, we used the classical historical periods, with main trademarks as follows: double election, permanent unification, coup d’état and abdication. As far as the approached issues, we

named the three periods starting from the formulae launched by Constantin C. Giurescu, through the instruments of the reforms during those years: *The Administrative Papers Age* (January 1859-January 1862), *The Legislative Papers Age* (January 1862-May 1864), *The Age of the Decree-Laws* (May 1864-February 1866).

The first of the three was marked by an emphasized Government instability, considering the fact that not only did the prince keep his promise to be a „constitutional ruler”, but he also went even further, respecting the democratic principle of political responsibility of the executive towards the legislative, even if he had no such legal obligation. He thus initiated a constitutional habit that lasted all during the Parliamentary Monarchy. For the central state administration, it was extremely useful to get accustomed to the position of President of Council of Ministers, which meant cohesion for the group of ministers, turning it into a modern type of executive entity. The ministry tasks were extremely well defined, each minister having to counter-sign the ruler’s documents from its area of interest, thus being accountable for them. Although the Governments of the two States remained apart, a first step was taken towards bringing the administrations together by transfer of bilateral relations from the Ministry of Foreign Affairs to the Ministry of Internal Affairs. Numerous measures of sectorial unification regarding public services such as post, telegraph, customs, sanitary system, a.s.o., were added to this.

Regarding the local administration, it can be said that, as a whole, during the first years of Cuza’s reign, the reform did not manage to change the ancient structures, set up by Organic regulations.

The counties and regions remained administrative entities with no legal status, submitted to a more strict control by the central authority, through representatives named after the French *prefects*. Their attributions grew larger and more rigorous and, in 1861, the institution of the county hall director was

created. In 1861, *Village counties* were created in the villages. These institutions carried local administrative tasks.

A trademark for this period was the fact that all reform measures appeared in the shape of administrative documents (regulations) and not legal documents – because of the complicated procedure stated by the convention and because of the hostile majority in the Parliament – which often led to serious accusations of not being constitutional.

Beyond the actual achievements, a series of legal projects were initiated, with no direct impact, but that proved to be important as they proved people were concerned about the administrative issue and knew the Western ideas, as they were important for preparing the reforms in the following years.

The second stage of the *legislative papers* was carried out under the complete unification of the administrative institutions of the two Regions. When the sole Government was formed (January 1862), ministry departments functioned in Moldavia for a few months. These were led by directors and reported to the Ministerial Institutions in Bucharest. They were dissolved as soon as the central Government was able to take over the entire country administration.

The laws that appeared between 1862-1864 represented the complete passage of the Regions to a modern kind of administration. Of extreme importance to our theme are *The Law to Set up the Court of Accounts*, *The Law to Set up the State Council*, (an institution that functioned for two years only, its activity ended in 1866) and especially the two local laws of 1864: *Communal Law* and *County Councils Law* that stood at the basis of the administrative and territorial set up until 1918.

The period 1864-1866 was marked by the developing status of the Paris Convention, initiated by Cuza, an act with strong administrative implications, but with no long term consequences, considering the fact that it was abolished in 1866. Taking advantage of a precaution introduced by himself in the Status,

Cuza took the most important reforming measures through laws that passed by the Parliament institution.

The third chapter deals with the organization of the *Public central Administration during 1866-1918*. The starting point is represented by the analysis of the 1866 Constitution regarding administration, followed by a general presentation of the French and Romanian doctrine in the 19th Century.

The Romanian Constitution was the result of a double agreement, on the one side between the political parts and on the other side between the national Representation and Monarch. It was the „institutional grounds” (Dan Berindei) of the functioning and development of the Romanian state for more than half a-century, with very few modifications (1879, 1884, 1917). Its liberal trademark, judged by comparison to the constitutional models of the time, is beyond any doubt, so we can speak of the „«permanent triumph» of the governing system in the Romanian modern state” (Dan Berindei).

As far as the doctrine is concerned, we can easily note the tendency of many French as well as Romanian jurists (Paul Negulescu, C.G. Dissescu) to separate, on a theoretical level, the *governing activity* from the *administrative activity*, considering the fact that there is a functional difference between them, having distinct missions: direction on the one hand, effective application on the other. The same jurists admitted that these activities could easily be mistaken for one another in practice, as they were submitted to the same institutions. Although distinct in theory, they easily become one and it becomes difficult to understand one since the other is ignored.

Following these theoretical-legal considerations, the administrative institutions are presented, starting with the Ruler/ King, that represented the „supreme administrative authority”. We considered general aspects of the Monarchy, as well as its attributions and concrete acts as far as administration is concerned. A special attention was given to the way in which the inviolability of the Monarch and the main principle of the Constitutional Monarchy were

reflected in the Romanian context. These were all brought together under the principle „The King rules but does not Govern”. The conclusion in that all during the period we are concerned with, the Ruler [King, n. M.G] remained the axis of power”, as the great jurist of that time, Paul Negulescu, appreciated. We must not conclude that the Ruler overstepped his constitutional boundaries; on the contrary, all its acts were meant to maintain stability and set the Romanian people towards the liberal Constitution spirit.

The Ministry Institution – ministers being „agents of the general administration” – is presented under its numerous aspects. First of all we are talking about the Council of Ministers (also called Government or Cabinet) as it managed to be seen in the modern era as a supreme administrative institution. A special attention was given to the Council president (prime minister) who, although formally had only a *primus inter pares* status, was seen as a chief of the executive and main cohesion factor, being considered a true „cabinet personification”, a living proof that its resignation or dismissal meant the entire group’s activity to cease. An important part in the chapter structure is the ministry responsibility, as well as the individual legal one (criminal and civil), stated by a special law in 1879 (that stated before special crimes and the procedure towards lawsuit) and the collective political one created on a customary basis, as it can be noted during the government changes.

In the end of the chapter, we presented the attributions and internal structure of each ministry (Internal Affairs, Foreign Affairs, Finance, War, Culture and Public Education, Public Work, Agriculture, Industry, Commerce and Domains [created in 1883], Agriculture and Domains and Industry and Commerce [created in 1909]) based on regulations and/or special functioning laws. With these general perspective, we can appreciate that the internal organization of the departments was marked by a serious lack of uniformity and numerous terminologic inconsistency. The causes of this situation were the facts that there was no law of the ministry structure and that the laws that organized

various ministries, when they existed, they were not harmonized, often finding things that did not match inside the same law.

The last chapter deals with the organization of the *Public Local Administration during 1866-1918*, the first part being dedicated to the *principles* that led to this (*descentralization, deconcentration, hierarchy, attribution separation and functional duality*), following the way in which they were reflected in theoretical approaches as well as debates of that time. As a whole, it can be said that if decentralization was the idea of the political people of the time, deconcentration was the the effective way for the Romanian public administration to function in the modern period. Also, both jurists and political people and historians of the time agreed that, despite the permanent proclamation of the need to decentralize, the administrative display of the Romanian state was characterized by a deep centralism that grew deeper in time.

Starting from the two laws in 1864 (*Law for Urban Communes* and *Law for County Councils*), that gave counties and coomunes legal personality and modern administrative institutions, a general presentation of these entities was achieved, and, following the large variety of laws that followed (county laws in 1872, 1883, 1886, 1894, 1903, 1905, 1912, 1913 and communal laws in 1874, 1882, 1887, 1904, 1908, 1910) we sketched their evolution both numerical and structural and functional.

The most important part is represented, without doubt, the one dedicated to the *administrative institutions of counties and communes*. In both cases, both colegial deliberative and unipersonal executive institutions were created. The former category comprised county and commune councils and the latter prefects and mayors (also sub-prefects, plot leadres – intermediate administrative circumscriptions with no legal status). At the county level, an important part was the one of the permanent Commitee (since 1894, Permanent delegation).

In the presentation of the deliberating institutions, we followed the way in which the administrative structure was set up, organized, functioned, as well as

its attributions and means of achievement (approval, dismissal, paper cancellation by superior authorities).

Regarding prefects and mayors, because of their duality, the main concern was to distinguish their attributions done, in their behalf, by county/commune agents of the central administration from the ones they had as local executive institutions.

The final part of the chapter, and of the paper, deals with the administrative display of Dobrogea, a territory that became part of Romania in 1878. Through the special organization law in 1880 – also known as *Dobrogea Constitution* – two new counties were set up (Constanța and Tulcea) with a special administrative status, characterized by a stronger control from the central authorities. In 1914, when the Southern part of Dobrogea became a Romanian territory (Cadrilater), two new counties (Durostor și Caliacra) were created and gained the same status.

The conclusion of the paper is that in the period between the Principalities' Unification and the Great Unification, Romania made huge progress, coming from an archaic, strongly personalized system to a modern, institutional one, similar to the ones from the Western states at that time. Beyond this, there were minor problems. At the central level, we are talking about the weak formation of some institutions and their functioning on a habitual basis, leaving room to ambiguities. On a local level, there lacks a clear model, thus the frequent legal modifications that caused confusion and disturbed the administrative activity. On a general level, there is a huge difference between what was desired and what was accomplished to repair malfunctions. The best example is the permanent need of decentralization, widely acclaimed, accompanied by a centralized legislation.