

**SCHWERPUNKT**  
**“EXPERIMENTING WITH THE STATE?**  
**POST-HABSBURG STATE-BUILDING AND**  
**LOCAL/REGIONAL SOCIETIES”**

**Fallen between Two Stools? Imperial Legacies, State-Society  
Relationships and the Limits of Building a Nation-State in  
Romania after the First World War**

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In Bucharest, 4 June 1927 was a curious and somewhat odd day at the Supreme Court of Cassation. A court chamber of seven members announced its verdict in a case that three public notaries from Arad had initiated: Traian Șincai, Eugen Beleş (on behalf of his Hungarian-speaking client, Jenő Béles) and Liviu Pascuțiu. The three notaries – representatives of the Chamber of Public Notaries in Timișoara (Temesvár, Temeswar) – contested the creation of a new public notary post in Arad and the minister of justice’s installation of Virgil Bogdan in the post in 1926. The judges found that the ministry’s action had violated the law on public notaries – a law passed by the Hungarian parliament in 1874 – because the legislation stipulated that for any new position to be established, the respective Chamber of Public Notaries should be consulted. Furthermore, the chamber could veto both the creation of new posts and nominations to those posts. For Bogdan, the verdict was a heavy blow. As he noted in a memorandum submitted to the Ministry of Justice, he had lost his livelihood after only a year in the post and had no income at an old age.<sup>1</sup> But the verdict was not just a nuisance for the ministry that had happily created new posts all over the country in 1926, at least in part to reward the faithful political allies of the governing party. Thus, the ministry and the government itself now faced the prospect of further litigation and anger born out of the loss of income, which was hardly a good omen for politicians seeking popularity from the electorate.

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<sup>1</sup> Arhivele Naționale Istorice Centrale (hereafter ANIC) București, Ministerul Justiției Direcția Judiciară, inventar 1117, dosar 175/1919, fol. 208–11.

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The court's verdict, made public on the anniversary of the signing of the Trianon Peace Treaty, was more than just the somewhat surprising outcome of very concrete material concerns and grievances. Indeed, the litigants feared a decline in their own income if they had to share the market oligopoly with a new participant. Rather, the verdict demonstrated a peculiar aspect of the legal transition from Austria-Hungary to Greater Romania. The court's verdict annoyed the ministry both in its broad interpretation of a Hungarian law and in granting it precedence over the legal or administrative acts based on legislation promulgated in the Old Kingdom. Nor was the decision against the ministry an isolated event: just a few years earlier, a coalition of public notaries from the new provinces (Transylvania, Bukovina and Bessarabia) had thwarted the government's attempt to abolish the institution as such, replacing it with judges of local courts. Thus, it was more than mere material grievance couched in litigation; it signalled an important moment in the long process of legal and administrative transition in Greater Romania. More importantly, the verdict demonstrated that despite all the political battles waged over regionalism in the new state, local and regional actors and interest groups could continue to influence the make-up of Greater Romania.<sup>2</sup>

In this article, however, I will use the example of public notaries and voluntary firefighters – two institutions non-existent in the Old Kingdom – in Greater Romania, to clearly distinguish state-society dynamics within the new provinces annexed to the state after the collapse of Habsburg central authority. These two types of state-society interpenetration were involved in conflicts over the boundaries of state jurisdiction, which therefore makes their case more representative of the phenomenon as a whole. Thus, my aim in this article is to demonstrate how these groups salvaged the inherited model of interpenetration, and what this model meant for the shape of the new nation-state. I will argue that the state's compromise with these social actors did not alter Greater Romania's normative narrative of statehood, or how the state defined its core constituents and built up its legitimacy. Despite regional challenges, it remained a nation-state that was supposed to enhance the fate of one titular nation, the Romanians. Its functional statehood – i.e. state practices relating to how it related to society, operated and managed its functions in the concrete context of interwar regional societies, as well as the visible differences in state practices within the

<sup>2</sup> For the regionalist struggles, see Irina LIVEZEANU, *Cultural Politics in Greater Romania. Regionalism, Nation Building, and Ethnic Struggle, 1918–1930*. Ithaca/NY 1995; Florian KÜHRER-WIELACH, *Siebenbürgen ohne Siebenbürger? Zentralstaatliche Integration und politischer Regionalismus nach dem Ersten Weltkrieg*. München 2014 (*Südosteuropäische Arbeiten*, 153); IDEM, *Siebenbürgen als administrative Einheit und diskursives Konzept*, in: Oliver Jens SCHMITT / Michael METZELTIN (Eds.), *Das Südosteuropa der Regionen*. Wien 2015 (*Österreichische Akademie der Wissenschaften. Philosophisch-historische Klasse: Sitzungsberichte*, 858), 349–411.

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overall framework of the unitary state – resulted from the imperial administrative legacy of Austria-Hungary. This also demonstrates the viability of these developments beyond the existence of the empire itself. Furthermore, the divide between normative and functional statehood, combined with the process of transition from imperial arrangements to a nation-state, fostered conditions for the strengthening of informality as a means of bridging and glossing over the contradictions of the transition.

The article is based on new material from the archives of the central government and county archives in Romania. The specific quality of such documents is that they cover seemingly insignificant matters and provide a good grasp of motives and intentions, as well as of the local actors' argumentative strategies, together depicting how these people acted and reacted. While individual cases are sometimes not covered in much detail, only superficially on occasion, public notaries and voluntary firefighters left a thicker than usual trace in the archives. Their archival presence highlights their complex situations and entanglement with local and national politics, private and professional interests, and particular social milieus.

### Interpenetration and State-Society Relations in Late Austria-Hungary

The case of the public notaries was thus not a fleeting, momentary incident, but rather another flare-up in the long tug of war played over the nature of the new Romanian nation-state and its administrative, social and political legacies carried over from Austria-Hungary. It was not the only issue that emerged from or persisted in this conflict. Taken together, it also manifested the issue of the adaptability of the state and society, with their pretences and customs. Since these issues all pertained to the broader problem of the state-society relationship, the topic offers insights into how the developing interpenetration of state and society in the late Habsburg Monarchy affected state-building processes in its successor states.<sup>3</sup>

While works in political and legal history like to emphasise the discontinuities<sup>4</sup>

<sup>3</sup> Peter BECKER, The Administrative Apparatus under Reconstruction, in: Franz ADLGASER / Fredrik LINDSTRÖM (Eds.), *The Habsburg Civil Service and Beyond. Bureaucracy and Civil Servants from the Vormärz to the Inter-war Years*. Wien 2019 (Österreichische Akademie der Wissenschaften. Philosophisch-historische Klasse: Sitzungsberichte, 892), 233–57.

<sup>4</sup> Nándor BÁRDI / Csilla FEDINEC / László SZARKA (Eds.) *Minority Hungarian Communities in the Twentieth Century*. Boulder/CO 2011; Béni L. BALOGH, *Románia és az erdélyi kérdés 1918–1920-ban*. Dokumentumok. Budapest 2020; Ignác ROMSICS, *Erdély elvesztése 1918–1947*. Budapest 2019; Gheorghe IANCU, *The Ruling Council. The Integration of Transylvania into Romania, 1918–1920*. Cluj-Napoca 1995; Ioan BOLOVAN / Ioana-Mihaela BONDA / Ioan-Aurel POP / Teodor Laurențiu POPESCU, Ana Victoria SIMA (Eds.), *Construind Unirea cea Mare*. 8 Vols. Cluj-Napoca 2018, especially Vols. 3, 4, 7 and 8.

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between Austria-Hungary and Romania, the lawsuit of the public notaries shows that not even the legal framework was recast radically enough to eliminate the influence of Hungarian or Cisleithanian law. As for the question of how the state and society managed their relationship following the collapse of an imperial entity and the establishment of a nation-state, other aspects of statehood – specifically how the state was engaged with society – are important to consider.<sup>5</sup> A recent wave of studies on the Habsburg state and its administrative apparatus has shifted the focus from struggles over state structure and the containment of centrifugal socio-political forces towards the sources of social and societal acceptance of Viennese rule in the empire.<sup>6</sup> Gary Cohen has pointed out how political reforms, the broadening of associational life and the establishment of corporate institutions served as channels of influence for a broader society, which he interpreted as a form of democratisation. More recently, Peter Becker analysed this phenomenon from a different angle, emphasising the interpenetration of state and society during the late Habsburg period, an occurrence that emerged from an interplay of various processes. Political participation was broadened, and mass political parties began to hold greater sway over administrative appointments, in turn rewarding their members with these posts. Expertise became more valuable, but legal aspects of administration kept their precedence, while interest groups and local societies gained organised access to decision-makers and involvement in decision-making, not least through corporatist structures like professional chambers.<sup>7</sup>

Whereas Cohen focused on how social actors and new social segments became integrated into politics as broadly understood, Becker devoted attention to how these processes reshaped the state. From this perspective, the processes were manifold – not only democratisation, but phenomena like cronyism, corporatism and clientelism are included – as all of them occurred in the ongoing state-society inter-

<sup>5</sup> Gábor EGRY, *Negotiating Post-imperial Transitions. Local Societies and Nationalizing States in East Central Europe*, in: Paul MILLER / Claire MORELON (Eds.), *Embers of Empire. Continuity and Rupture in the Habsburg Successor States after 1918*. New York, Oxford 2019 (*Austrian and Habsburg Studies*, 22), 15–42; IDEM, *Regional Elites, Nationalist Politics, Local Accommodations. Center – Periphery Struggles in Late Dualist Hungary*, in: Bernhard BACHINGER / Wolfram DORNIK / Stephan LEHNSTAEDT (Eds.), *Österreich-Ungarns imperiale Herausforderungen. Nationalismen und Rivalitäten im Habsburgerreich um 1900*. Göttingen 2015 (*Schriften aus der Max Weber Stiftung*, 2), 333–53.

<sup>6</sup> John DEAK, *Forging a Multinational State. State Making in Imperial Austria from the Enlightenment to the First World War*. Stanford/CA 2015 (*Stanford Studies on Central and Eastern Europe*); IDEM, *After “Bureaucratic Absolutism”. A Search for New Paradigms in late Imperial Habsburg History*, in: ADLGASSER / LINDSTRÖM (Eds.), *The Habsburg Civil Service and Beyond*, 259–73; BECKER, *The Administrative Apparatus*, 233–57; Pieter M. JUDSON, *The Habsburg Empire. A New History*. Cambridge/MA, London 2016.

<sup>7</sup> BECKER, *The Administrative Apparatus*, 237–8.

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action with the help of new institutions and practices. While some of these changes were informal, even those elements contributed to a way of administrating that was usually predictable, guided by norms that found acceptance in society,<sup>8</sup> not least because this way of administrating was based on the interpenetration, or the influence, of society on the working of the state. The jurisdiction of the state, and what was understood as the realm of civil society, defined this relationship just as much as the bureaucrats who had both access and the means to exercise decision-making power.<sup>9</sup> Obviously, the process did not end in 1918, although its framework and framing changed substantially. Hitherto the legitimacy of the state hinged upon the progress of the titular nation, and it created an environment prone to tacit or even open discrimination against minorities. But the main issues remained the same: how to control and direct society, how to gain autonomy in the face of a state that was actively expanding, and how to influence not just governmental formations, but more minute decisions that had a significant influence on people's lives.

From this perspective, it is clear how much the legal and institutional transition from imperial Austria-Hungary to its nation-state successors consisted of more than a linear development of new legal unifying acts, harmonisations or institutional and legislative expansions of inherited structures. The problem the new administrations often faced was generated by different, interpenetrating systems. In other words, the boundary of the state's responsibilities – outside which lay those activities entirely or mostly provided by an autonomous civic society – and access to decision-making power was different. However, it was very much based on existing forms of state-society interpenetration that were sanctioned by (albeit formally embedded) informality, social norms and practices.<sup>10</sup> A series of crucial, existential issues existed at this interface. Questions were raised over, for example, who would manage and who would finance the schools that provided compulsory education, who would establish street names and erect statues, who would set the tax rates, who would provide social assistance to the needy, and who would defend (and at whose and what cost) private property from natural disasters and fire. These were key ways in which the interpenetration of the state and society were manifest.

While sometimes this interpenetration seemingly only concerned the outer reaches of the state, the issues raised frequently came down to interactions within the state – some formal and formalised, others informal, yet all dealing with the

<sup>8</sup> See Barbara MISZTAL, *Configurations of Informality and Formality in Contemporary Society*, in: Adriana MICA / Jan WINCZOREK / Rafał WIŚNIEWSKI (Eds.), *Sociologies of Formality and Informality*. Frankfurt/M. 2015 (Studies in Social Sciences, Philosophy and History of Ideas, 12), 105–26, 123.

<sup>9</sup> DEAK, *Forging a Multinational State*, 257–8; IDEM, *After "Bureaucratic Absolutism"*, 266–73.

<sup>10</sup> MISZTAL, *Configurations of Informality and Formality*, *passim*.

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workings of the state. During the transition away from the Habsburg imperial framework, new centres contested the status quo, but – as this article attempts to demonstrate – such contestation was rarely a straightforward process. Facing resistance from all sorts of social groups, what emerged resulted from a process of negotiation, sometimes through litigation, as the case of the public notaries shows. Therefore, a study of institutions at the intersection of, or within the intermediary zone between, the state and society offers insights into how different types of state-society interpenetration came into contact with each other and adjusted to ideas of (nation-)statehood and social reality. Such an analysis not only reveals conflicting conceptions of how the state and society were bound together, as reflected in practices and customs, but also helps map the process of local and regional adjustment to new orders. It also helps grasp more fine-grained interpretations of the outcomes of these processes of transition. Personalities, legal systems, cultural spheres, institutional continuities and discontinuity, formality and informality are all key concepts that help us understand the phenomenon of transition in the case of state-society interpenetration.

In this article, I will use the examples of two institutions that did not exist in the Old Kingdom to clearly distinguish state-society dynamics within the new provinces annexed to the state after the collapse of Habsburg central authority. The two cases – public notaries and voluntary firefighter associations – are distinct enough as regards the varieties of state-society interpenetration they represent. Voluntary firefighter associations usually grew through the participation of local citizen volunteers in society; public notaries, on the contrary, were members of a broadly conceived public administration and held their office by virtue of executive appointment through official state channels. However, the quasi-monopoly on crafting certain legal documents within their district, and the corporatist organisation of the professional body into chambers, made public notaries a small but influential professional group among legal practitioners. Their position was much envied and challenged in their role after 1918.

I must make one further caveat. While my analysis is based on examples from a territory that belonged to dualist Hungary before 1918, the usual distinction made between Hungary as a nationalising state and Cisleithenia as a composite entity within the monarchy does not apply. First, state-society relationships and interpenetrations were general phenomena, examples of which can be subsumed under this category irrespective of the circumstances. Second, Hungary was more imperial than has been previously interpreted in the historiography: differentiated rule and the co-optation of local elites existed in this case and was a widespread practice of imperial governments.<sup>11</sup> These factors were, however, of great significance for the modes of

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<sup>11</sup> EGRY, *Regional Elites, Nationalist Politics, Local Accommodations*, 333–53.

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state-society interpenetration, while the imperial aspects of Hungarian statehood make it possible to use these cases as proxies for the whole monarchy.

### The Framework: Local Administration and Politics

Local administration and politics in dualist Hungary was a realm under the purview of a small group because of the qualifications required to be one of the administrative personnel (a *matura* exam along with university degrees), and the electoral census that reduced the number of voters electing the constitution of political bodies at the local level. This, in turn, tied the elected representatives to the highest taxpayers (and therefore the highest earners), a group called the *virilizmus*. The county and city administrations were simultaneously both self-governing entities and the arms of the central administration that enacted most of its policies through these local officials. Political control over administrative offices was in the hands of the elected bodies, under the supervision of the minister of the interior and their representative, the lord-lieutenant (prefect).

Hungarian politics around the turn of the twentieth century was dominated by an ever-more-intense struggle between the defenders of the 1867 Compromise and nationalist parties striving for a more independent Hungary (in the form of a personal union). Parties were not always institutionalised at the local level, and if they happened to exist in a locality or county, they were often nothing more than a small group of people who sought advantage by temporary affiliation with one party or the other.<sup>12</sup> Thus, various political configurations represented different levels of engagement with national politics and often highlighted the differentiated rule of the government.<sup>13</sup> True, there were municipalities where the national-level political conflict was the main motivation for politics, which often resulted in emotional clashes.<sup>14</sup> But somewhat farther from these often central locations (e.g. Kolozsvár / Cluj or Marosvásárhely / Târgu Mures) those conflicts subsided and lost most of their significance. Political parties were not present apart from in their electoral campaigns, and local elites often tried to seal off their communities from party influence by establishing local, i.e. city parties that housed members of all political stripes. In places like Brassó / Kronstadt / Braşov, Máramarosziget / Sighet / Sighetul Marmăriei,

<sup>12</sup> András CIEGER, *Érdekek és stratégiák. A helyi politikai elit érdekérvényesítési lehetőségei a kárpátaljai régió vármegyéiben a dualizmus időszakában*, *Korall* 13 (2003), 87–106; Judit PÁL, *Főispánok és prefektusok 1918–1919-ben. A közigazgatási átmenet kérdése Erdélyben*, *Századok* 152 (2018), No. 6, 1179–1214.

<sup>13</sup> EGRY, *Regional Elites, Nationalist Politics, Local Accommodations*, 333–53.

<sup>14</sup> Ignác ROMCSIS, Istvan Bethlen. *A Great Conservative Statesman of Hungary, 1874–1946*. Boulder / CO, Highland Lakes / NJ, New York 1995 (*East European Monographs*, 424), 64–68; Miklós BÁNFFY, *They Were Counted. The Transylvania Trilogy*, Vol. 1. London, New York 2013.



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or Karánsebes / Karansebesch / Caransebeș, demonstrative unity was also the basis of a compromise with the government, enabling local elites to gain relative autonomy and influence over the state.<sup>15</sup>

Whereas the introduction of universal male suffrage and the abolishment of virilism at the national level after 1919 entailed a break with the extremely limited political involvement of the civic populace and a quick transition to mass politics, the structural features of local politics changed much less than expected in the same period. The administration, even with the unification of Romania in 1924–1925,<sup>16</sup> retained its dual nature, with county and local officials enacting the functions and orders of the central government and simultaneously exercising local autonomy. Party politics at the local level became more intense and party organisations ever more present and active, not least because permanent mass mobilisation – such as demonstrations in large cities and in the countryside, repetitions of the mass assembly of 1 December 1918 and violent campaign events etc. – acted as a substitute for elections.<sup>17</sup>

Furthermore, local elections were postponed until 1926, so local areas were governed by appointed bodies and co-opted officials. Even after local elections were held, the county prefects had the right to disband local councils and install “interim commissions” to conduct administrative business. Choosing some or most of their members from their local party adherents therefore became a widespread practice of all governments in interwar Romania. Thus, involvement in local politics was actually extended to new social groups, but the elitist traits of political practice were mostly preserved. However, its most important actors – Hungarian nationalists who had apparently good connections in Budapest – were replaced with Romanian nationalists who could boast of important relations in Bucharest. In this sense, the asymmetric relationship was not altered, but – as we will see – this did not entail

<sup>15</sup> EGRY, Brassói Egységes Magyar Párt, in: István VIDA (Ed.), *Magyországi politikai pártok lexikona, 1846–2010*. Budapest 2011, 42–43; EGRY, *Regional Elites, Nationalist Politics, Local Accommodations*, 333–53.

<sup>16</sup> Florin Andrei SORA, *Servir l'état Roumain. Le corps préfectoral, 1866–1944*. Bucharest 2012, 82–91.

<sup>17</sup> Hans-Christian MANER, *Parlamentarismus in Rumänien (1930–1940)*. Demokratie im autoritären Umfeld. Zwischen Demokratie und autoritärem Regime. München 1997 (*Südosteuropäische Arbeiten*, 101); Gábor EGRY, *Suspicious Beyond Imagination. Constructs of Ethnicity and the Rural World in Interwar Transylvania*, in: Sorin RADU / Oliver Jens SCHMITT (Eds.), *Politics and Peasants in Interwar Romania. Personalities, Mentalities, Propaganda*. Newcastle upon Tyne 2017, 387–407; IDEM, *Armed Peasants, Violent Intellectuals and Political Guards. Trajectories of Violence in a Failing Nation State, 1918–1940*, *Střed. Časopis pro mezioborová studia Střední Evropy 19. a 20. století* 9 (2017), No. 1, 34–54; Ovidiu BURUIANA, *The National Liberal Party and the Peasant Assembly of Alba Iulia (May 1928)*, *Revista Arhivelor* 84 (2007), No. 1, 203–23.



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the complete subordination of local elites and administrations to Bucharest, as illustrated by the fate of the voluntary firefighter association in Caransebeș.

**Secrets from the Firefighter's Storeroom. Civic Associationism,  
Local Society and Centralisation**

In 1924, the military inspectors who visited the voluntary firefighter storerooms in Caransebeș certainly did not expect to find a 2.75-metre-tall bronze statue hidden behind the fire suppression tools.<sup>18</sup> Not to speak of the fact that it was a larger-than-life figure of the deceased Habsburg emperor, Francis Joseph, first erected in 1906 amid protests by Romanian peasants from the surrounding villages,<sup>19</sup> and removed from its pedestal soon after the Romanian administration had settled in the city hall after November 1918. Even though the statue's initial dismantling generated protests locally, its fate was unknown until the officers entered the storeroom.<sup>20</sup> The subsequent decade-long struggle between Romanian and German city leaders was centred on a core contention: whether to preserve the statue as it was or to melt it down and use the same material to produce a bronze figure of King Ferdinand I, the unifier of Greater Romania. The statue of Ferdinand would have been erected on the same pedestal, but the struggle continued until 1943 and the pedestal remained empty.<sup>21</sup> Such a contentious episode in the local politics of Caransebeș testified to something more than the voluntary firefighters' persisting devotion to the military traditions of their community – the city was the former seat of a border regiment – and loyalty to the emperor. The fact that they used the storerooms of the local voluntary firefighter association to confidentially safeguard the precious object, together with the effort the city made to defend the association when Bucharest attempted to disband it, illustrates the trust they placed in this organisation and the intimacy present between the city and its citizen-firefighters.

Indeed, the very discovery of a “problematic” statue (at least problematic for Bucharest, as it seems) arose from a conflict between Bucharest and the local admin-

<sup>18</sup> Arhivele Naționale Secția Județeană Caraș-Severin (hereafter ANSJ CS), Fond Primăria Orașului Caransebeș, dosar 17/1924–1929, fol. 1.

<sup>19</sup> Egy még föl nem állított szobor, *Pesti Hírlap*, Vol. 27, No. 251, 10 September 1905, p. 32–34; *Városok Lapja*, Vol. 1. No. 7, 15 October 1906, p. 8. Alexandru Vaida Voevod's report to Franz Ferdinand from December 1908, in Keith HITCHINS, *The Nationality Problem in Austria-Hungary. The Reports of Alexandru Vaida to Archduke Franz Ferdinand's Chancellery*. Leiden 1974 (Studies in East European History, 18), 45.

<sup>20</sup> ANIC, Direcția Generală a Poliției, dosar 8/1919, fol. 240.

<sup>21</sup> The fascinating material on their delay-and-confuse tactics is found in the ANSJ CS, fond Primăria Orașului Caransebeș, dosar 14/1924–1929. See also *Ellenzék*, Vol. 45, No. 242, 25 October 1924, p. 4.

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istrations over the fate of such associations in the newly acquired former-Hungarian territories. The clash was initiated by a circular of the High Command of the Army from May 1923, in which all firefighter associations were denounced as nests of Hungarian irredentism and as such immediately disbanded.<sup>22</sup> The conflict manifested a deep division within the new Romanian nation-state regarding how local societies conceived of their civic associations and their role within the associational life of a city, town or village.

First, it should be noted that the suppression of fire and the mitigation of damage caused by other natural disasters was managed differently in the Old Kingdom than in Transylvania. While separate firefighter departments existed only in a few large cities (most notably in Bucharest and Iași), local units were under military command. Thus, it is not surprising that Romanian officers saw the mushrooming of firefighter associations in the former Austro-Hungarian provinces as a real threat to the country – from their point of view, these were akin to military instalments. However, as is reflected in the phrasing of the disbanding order (see below), they did not grasp the fact that across the border they were confronted with broad-based civic activism rather than a utilitarian public service as part of the state's functional edifice.

True, some Hungarian counties employed a core group of professional firefighters (in 1920, their overall number within territories annexed to Romania was 41), and they mostly served as professionals whose presence, supervision and command made the deployment of voluntary firefighters safer and more effective.<sup>23</sup> Only in Bihor County did the 24 firefighters on the county or municipal payroll suggest that, at least in some of the larger cities, the service was a professional one integrated into the city administration. In other places, officers were employed by the local administration, and sometimes firefighters also enjoyed a remuneration or salary, but the broad base of activities stemmed from the associationism and voluntary engagement of locals, mostly lower-middle-class craftsmen or merchants.<sup>24</sup>

Thus, firefighter associations, just as in other parts of Central Europe, were deeply embedded in civic engagement (*Bürgerlichkeit*) and the process of *Verbürgerlichung*.<sup>25</sup> The associations were a manifestation of a different model of social

<sup>22</sup> Arhivele Naționale Secția Județeană Timiș (hereafter ANSJ TM), fond 223 Prefectură Județului Severin, dosar 24/1924, fol. 172–3.

<sup>23</sup> See Ion ENESCU / Iuliu ENESCU, *Ardealul, Banatul, Crișana și Maramureșul din punct de vedere agricol, cultural și economic*. București 1920, 122–3.

<sup>24</sup> See Primăria comunei urbane Sighetul Marmăției. *Bugetul general de veniturile și cheltuielile orașului Sighetul-Marmăției pe exercitiul 1925*. Sighet 1925; Ábrahám BARNÁ / Gábor EGRY (Eds.), *Összeomlás, uralomváltás, nemzetállam-építés*. Budapest 2019, document 114, 396–400.

<sup>25</sup> Bianka PIETROW-ENNKER, *Wirtschaftsbürger und Bürgerlichkeit im Königreich Polen. Das Beispiel von Lodz, dem "Manchester des Ostens"*, *Geschichte und Gesellschaft* 31 (2005), No. 2, 169–202, 198–9; Frank BÖSCH, *Militante Geselligkeit. Formierungsformen der bürgerlichen*

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engagement par excellence, prevalent across Germany just as in Cernăuți and in Caransebeș. Membership in these organisations conveyed prestige and status by fulfilling an altruistic responsibility in the community, in this sense a rather traditional and conservative source of heightened social standing in a hierarchical community. Furthermore, the firefighter associations existed not merely to safeguard lives and property. They were part of everyday life, with their exercises, festivities, choirs and music bands, or the use of their flags in public manifestations.<sup>26</sup>

Given the restricted political rights of the social composition of the firefighter associations, it is hardly surprising that many of these associations developed a symbiotic relationship with the local administration. Dignitaries held honorary or real leading public positions, the local councils subsidised their activities and their investment in newer, better equipment, and as mentioned above, sometimes also paid key employees.<sup>27</sup> As nodes of civic and altruistic activity, these formations were ethnically or nationally indifferent: membership was granted on the basis of social standing, and even though language of command had become a matter of political conflict by the end of the nineteenth century, most associations proudly presented their interethnic composition publicly.<sup>28</sup>

One can even speculate that such intimate ties between the local administration and voluntary firefighters annoyed Bucharest and the military, and the executive order that created the clash over the fate of these formations clearly reflects a fundamental difference between the national and local states. First, the military argued that these associations were almost exclusively the domain of minorities, in this case Hungarians and Germans. Second, as they fulfilled a role connected with the military in the Old Kingdom, their activity was therefore not simply perceived as the usual

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Vereinswelt zwischen Revolution und Nationalsozialismus, *Geschichte und Gesellschaft. Sonderheft* 21 (2005), 151–82.

<sup>26</sup> Elena MANNOVÁ, Identitätsbildung der Deutschen in Pressburg/Bratislava im 19. Jahrhundert, *Halbasien. Zeitschrift für deutsche Literatur und Kultur Südosteuropas* 5 (1995), No. 2, 60–76, 71–72; Augustin MUREȘAN, Steagul Formației de Pompieri Voluntari din Șiria, județul Arad (1886). Administrație românească arădeană. Arad 2013 (Studii și comunicări din Banat-Crișana, 7), 209–15.

<sup>27</sup> Aus dem Stadthause, *Lugoscher Zeitung*, 11 July 1917, p. 1–2; Die Vorführung u. Ausprobierung der neuerkauften Benzinmotorspritze, *Lugoscher Zeitung*, 8 August 1917, p. 1–2; Auszeichnungen im Roten Kreuz, *Lugoscher Zeitung*, 15 December 1917; *Máramarosi Független Újság*, 16 March 1918, p. 2; ANSJ TM, fond 223 Prefectură Județului Severin, dosar 24/1924, fol. 180. See also Constantin BRĂTESCU, Contribuții la cunoașterea activității formațiunilor de pompieri voluntari din sudul Banatului (1870–1940), in: Mircea CÂMPEANU (Ed.), *Pagini din istoria pompierilor. Culegere de comunicări prezentate în cadrul primului Simpozion al Muzeului Pompierilor. București 1978*, 198–205, 201–2.

<sup>28</sup> MANNOVÁ, Identitätsbildung der Deutschen, 71–72; MUREȘAN, Steagul Formației, 214.

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“irredentism”<sup>29</sup> – which was almost expected of everyone who was not Romanian – but an enhanced form of it: paramilitarism. Thus, the order used terms to describe them as such, including assertions that during the centuries-long “Hungarian occupation” their role had been to distribute Hungarian propaganda, and Romanians had been excluded from their ranks. Third, without proper instruments, they were useless in the villages, where incendiary disasters were usually suppressed by engaging the whole village.<sup>30</sup>

The reactions, however, certainly surprised the Bucharest government, most notably the Ministry of the Interior that transmitted the military decree to the county prefects and was usually met with deference from subordinated organs. It is true that, at least in the county of Caraș-Severin, the prefect omitted a crucial part of the original order, one that spoke of the irredentist phenomenon as typical for the north-western border zone of Satmar, thus making local dignitaries feel even more aggrieved by the military’s tone. There was not one response that did not contest the assertions or that failed to praise the firefighters, listing the numerous reasons why they were useful, indispensable and could not be irredentists. Most responses emphasised how significant a role Romanians played within these formations.<sup>31</sup> But the eight-page-long letter that the mayor of Caransebeș, Friedrich Pauck (a Banat Swabian), sent to the county prefect shows the deepest indignation and revolt. It not only refutes the military’s claims, but also presents a eulogy for the firefighters as the most altruistic, most patriotic institution. He concluded the letter with a proclamation: “All true patriots ought to be voluntary firefighters!”<sup>32</sup>

But this is the document that proves how far local dignitaries – not only Pauck, but also his fellow Romanian city leaders – were willing to go to convince their superiors to salvage the firefighters. The text deployed the usual arguments, pointing out that the association was established at a time when the city was still a stronghold of Romanians and Germans, and that Hungarian was never a language of command, nor were Hungarians allowed to become members. To substantiate the last claim, the mayor also prepared a register of actual members indicating nationality, and “miraculously” only Romanians and Germans figured on the list.<sup>33</sup>

However, at least in the case of platoon commander Andras Domby, whose nationality is German on this list, there is evidence – in the form of the register of former Austro-Hungarian officers compiled by the Romanian military, which indicated

<sup>29</sup> EGRY, The World between Us. State Security and the Negotiation of Social Categories in Interwar Romania, *East Central Europe* 44 (2017), No. 1, 17–46.

<sup>30</sup> ANSJ TM, fond 223 Prefectură Județului Severin, dosar 24/1294, fol. 172–3.

<sup>31</sup> ANSJ TM, fond 223 Prefectură Județului Severin, dosar 24/1924, fol. 178–92.

<sup>32</sup> Ibidem, fol. 191–2.

<sup>33</sup> ANSJ CS, fond Primăria Orașului Caransebeș, dosar 17/1924–1929, fol. 9–10.

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nationality – that he was of Hungarian nationality.<sup>34</sup> Furthermore, one key figure in the association, György (Gheorghe) Inándy, who was deputy commander since at least 1917, was also Hungarian and acknowledged as such by the population.<sup>35</sup>

The episode, which involved the deliberate falsification of a register that never surfaced, suggests how important the association was for the city and explains why the city leadership trusted it to preserve the statute. As the resistance was not a lone voice, and most of the local administration in Transylvania objected to the military decree, the Ministry of the Interior withdrew it. This enabled the operation of firefighter associations if the prefect took responsibility for their activities – albeit without notifying the military of this change.<sup>36</sup> The idea of establishing a regular military inspection of the firefighters grew out of this concession, and during the first inspection of the firefighters' storerooms the military thus discovered the statue of Francis Joseph in Caransebeș, an accident that initiated a long struggle between the locality and Bucharest. However, the status of voluntary firefighter associations was preserved in the wake of this new struggle.<sup>37</sup>

From that point onwards, these voluntary firefighter formations were not threatened by dissolution, and claims of their irredentist nature were rarely raised;<sup>38</sup> however, their continued operation provided the pretext for their denunciation throughout the interwar years. The most common complaint directed towards the firefighters centred on their frequent use of Hungarian- and German-language commands among members in action. These cases usually revealed that, contrary to what most local dignitaries claimed in 1923, voluntary firefighter associations – including those integrated into local administrations – preserved their multi-ethnic character until the early 1940s. As a case in point, among the 12 members of Brașov's municipal firefighter formation, five were Hungarian and three were German – including an ethnic German commander in 1940.<sup>39</sup> The fact that the voluntary firefighters

<sup>34</sup> Ibidem, dosar 36/1920, fol. 28–29.

<sup>35</sup> Die Vorführung u. Ausprobierung der neuerkauften Benzinmotorspritze, p. 1–2; ANSJ TM, fond 223 Prefectură Județului Severin, dosar 40/1932, fol. 3.

<sup>36</sup> ANSJ TM, fond 223 Prefectură Județului Severin, dosar 24/1924, fol. 182, 196; ANSJ CS, fond Primăria Orașului Caransebeș, 4/1923, fol. 8.

<sup>37</sup> ANSJ CS, Fond Primăria Orașului Caransebeș, dosar 14/1924–1929, fol. 1.

<sup>38</sup> A curious exception is Josif Rednic, a public prosecutor in Maramureș who denounced all minority associations as irredentist at a public trial of the voluntary firefighters of Câmpulung la Tisa (Hun: Hosszúmező). But according to the press report on the trial, his remark was laughed at by the Romanians. See Minden kisebbségi egyesület és intézmény irredenta, *Erdélyi Lapok* No. 75, 21 April 1934, p. 8. This is unsurprising given the strange world of Maramureș. See Gábor EGRY, Unruly Borderlands. Border-making, Peripheralization and Layered Regionalism in Post-First World War Maramureș and the Banat, *European Review of History* 27 (2020), No. 6, 709–31, at <doi: 10.1080/13507486.2020.1747403>, 11. 12. 2020; IDEM, The World between Us, 17–46.

<sup>39</sup> Pompieri din Sighet, *Gazeta Maramureșană* 4, 9 November 1923, p. 4; ANSJ TM, fond 223 Prefectură Județului Severin, dosar 40/1932, fol. 3., dosar 41/1934, fol. 1; fond 193, inventar

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were the only section of the city administration in which minorities constituted the majority of employees after half a decade of Romanianizing, including the two years of the king's dictatorship, manifests how resilient voluntary firefighters were to nationalising.

But the preservation of the institution was not the only issue at stake during the early process of state-building in Romania. As the very existence of these associations demonstrated, the new provinces represented a different model of state-society interpenetration, a true interpenetration in which civil society and the state cooperated in thwarting natural disasters, both exempting the state from this responsibility and limiting its jurisdiction in this regard. However, at least by the turn of the twentieth century it was not civil society alone that bore these burdens, and the manifold interlocking between the local administration and voluntary firefighters hid the reality of a shift from associational activity towards a more bureaucratised administrative existence.

In the southern Banat, in former-Hungarian territory, visibly marked by its past as military border, the symbiotic relationship between voluntary firefighter associations and local administration drove this process towards greater administrative roles for civic associations. However, this in fact privatised a part of the state's jurisdiction and safeguarded it from centralisation, a factor deeply embedded in the Romanian nation- and state-building process. One such example was how the firefighter association lobbied the Caransebeș city council on incendiary taxes, a levy on all private and corporate real estate used to finance the firefighters.<sup>40</sup> As the association was tightly bound to the city administration (through figures like Inándy, who was the head of the city's tax department), it found a sympathetic ear, and the council duly assigned the new levy to the functioning of the association, arguing that it was actually keeping private property safe.

A more ambitious project was the county federation of firefighter associations. How it came into being well demonstrates the interpenetration of the local administration and local society. In early 1928, the county prefect came up with the idea of organising a service mitigating against natural disasters in rural areas. The mayor of Caransebeș jumped on this bandwagon immediately.<sup>41</sup> He recommended that the founding assembly take place on 20 May 1928, with Caransebeș as its ceremonial location. It was the fiftieth anniversary of the founding of the Caransebeș voluntary firefighter association, which was commemorated with much fanfare. But it was also Pauck, as the chairman of the association, who worked intensively on the draft

828, *Legiunea jandarmilor Severin*, dosar 2/1935, fol. 22; *Arhivele Naționale Secția Județeană Brașov* (further ANSJ BV), *Prefectură Județului Brașov, Serviciul Administrativ*, dosar 551/1940. fol. 125–6.

<sup>40</sup> ANSJ CS, *fond Primăria Orașului Caransebeș*, dosar 50/1920–1928.

<sup>41</sup> ANSJ CS, *fond Pirmaria Orașului Caransebeș*, dosar 49/1928, fol. 1–4.

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statutes of the federation. The primary aim of the statutes was not just to coordinate the activities of the firefighters, but also to exercise the administrative and consultative competencies of the state with regard to defence against natural catastrophes and prevention of human-made disasters, including the regulation of construction activities.<sup>42</sup> The statutes also stipulated how the state should promote the firefighter association's activities, and with this solution it probably sought to safeguard their existence too.

Therefore, the statutes went beyond the usual practice of regulating the organisation's internal affairs. The assembly of the federation – composed of three delegates from Lugoj / Lugos / Lugosch, two each from Caransebeș and Orșova / Orsova / Orschowa, and one each from other associations or local councils if no association existed – was to elect a county inspector and district inspectors. The county inspector was the actual head of an organised system of natural disaster prevention who exercised further administrative powers with the help of the district inspectors. All inspectors were *ex officio* members of the board of the federation, whose chairperson was supposed to be the county prefect. Although the inspectors were named “technical specialists” in the statutes, Pauck recommended himself for county inspector, Inándy for district inspector, and originally the wealthy merchant and mayor of Lugoj at the time, Ioan Harambașa, for district inspector too. Even if the final list differed somewhat (Hamarmbașa was missing), Pauck's idea seemed to give control over the federation's administrative role to the existing city associations, which in turn became a guiding principle for the election of the inspectors.<sup>43</sup>

The result was the extension of the operation of organised firefighters to all localities in the county, but also a new configuration of the state-society relationship. The federation was nominally a private association that exercised administrative functions under the guidance of a government representative, the county prefect. The mayor of Caransebeș became the most important administrative figure and exercised countywide jurisdiction through being elected by a private association, while local elites gained new powers through the local administration, but again as leaders of private associations. In this sense, the otherwise shaky foundations of local autonomies were undergirded, but not in a formal way, rather by creating an informal bond that delegated state authority to local private associations – an uncommon development in centralising Greater Romania.

<sup>42</sup> ANSJ CS, fond Primăria Orașului Caransebeș, dosar 49/1928, fol. 10–21.

<sup>43</sup> *Ibidem*.



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**“Romanian So Corrupted That Such Idioms Haven’t Even Been  
Heard at a Village Market”. Corporatism, Private Interests and  
Legal Unification: the Case of Public Notaries**

The three public notaries who sued the Ministry of Justice in 1926 were relatively new in their positions. Pascuțiu and Șincai had taken over posts in Arad between 1919 and 1921, as part of a first wave of putting Romanian lawyers in these sinecures that all belonged to the Chamber of Public Notaries in Timișoara. Beleş joined them somewhat later, as part of a natural rotation of the personnel, some looking for more prosperous districts for themselves, or switching to new jobs. The number of public notaries were small, with 29 in the area from Aiud/Nagynyed/Strassburg and Alba Iulia/Gyulafehérvár/Karlsburg to Hațeg/Hátszeg, Orșova, Sânnicolau Mare/Nagyszentmiklós, Chișinău Criș/Köröskisjenő, and Baia de Criș/Körösbánya, with another 53 posts in the other regions annexed from Hungary to Romania. Thus, the groups that held sway over the institution through the corporate autonomy of their chambers were not large or electorally influential. Being a public notary was hardly an exciting job: many of the clients were semi-literate peasants, blue-collar workers, servants, low-level public employees or small merchants.

The main goal of the institution was to provide people with accessible legal services for relatively simple civil law situations, like the creation and notarisation of sale and purchase contracts, donations, bankruptcy or drawing up wills and legal proceedings for the distribution of inheritance. But the low number of public notaries and their quasi-monopoly in their assigned districts, where they could craft the legal documents at a fixed rate, made it a comfortable and profitable enterprise, one that did not offer excellence and fame, but also did not require permanent effort in following the changes of law and having a tiring presence in influential circles. For some people, it was a real sinecure, as in the case of Pachomius Avramescu, the holder of the post in Alibunar, who had been a pro-government Romanian member of the Hungarian parliament, and who sought refuge from political oblivion in the post after the electoral breakthrough of Romanian nationalists in the southern Banat in 1905–1906.<sup>44</sup> It was much easier, as the minister of justice had the power to install all public notaries, opening a wide door for political influence.

Similar institutions existed in Bukovina and Bessarabia. The latter, however, set lower formal educational requirements for prospective candidates, while in the Old Kingdom, appointed judges at district courts fulfilled the role of public notaries. It was obviously not only the institution that differed, but also the laws they applied (i.e. from the respective Austrian, Hungarian and Russian bodies of law), the el-

<sup>44</sup> Ovidiu Emil IUDEAN, *From Budapest to Bucharest. The Parliamentary Elite of the Banat before and after the Great War*, *Banatica* 25 (2015), 375–89; EGRY, *Unruly Borderlands*, 709–31.

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ements of the civic and commercial codes, and sometimes a kind of common law that we could call “popular custom”. As Șincai’s and Pascuțiu’s acquisition of a post rightly suggests, the first concern of those holding these posts at the end of 1918 was to engage in Romanianization. However, it was less abrupt than many feared, although a clear shift of power from the actual elites of the chambers to a new, Romanian elite was palpable. Especially in the case of the oath of allegiance taken for the new state by everyone who once had to swear allegiance to Hungary, a requirement set by the new administration for further practice became problematic, although public notaries were among the last groups to take it. Those in the state administration had faced the dilemma from the end of 1918, before the signing of the peace treaty, which therefore also posed a moral dilemma. Public notaries were obliged to take the oath in 1920 when such moral issues were less challenging and a return to Hungary was illusory.<sup>45</sup>

There is a visible difference in terms of how the actual members of the chambers attempted to navigate these challenges. The leaders of the Cluj chamber – the largest among those annexed to Romania – tried to avert all initiatives of the state to replace them, and they sabotaged the oath. The result was a series of arbitrary relocations, from Cluj to Dumbrăveni / Erzsébetváros / Armenierstadt, from Sibiu / Nagyszeben / Hermannstadt to Sfântu Gheorge / Sepsiszentgyörgy / Sankt Georgen, from Bistrița / Beszterce / Bistritz to Huedin / Bánffyhunyard, that is, from larger cities to smaller, peripheral cities with lower income levels.<sup>46</sup>

As Hungarian regulations did not permit such removals and relocations unless requested by the respective public notary, those concerned submitted a complaint to the Ministry of Justice. Furthermore, the authorities harassed public notaries because the chamber had collectively failed to take the oath of allegiance, although the members claimed this had been a misunderstanding.<sup>47</sup> Even though the chamber leadership appealed to the minister of justice, and sought to constitute a mixed, Hungarian – Romanian leadership with a Hungarian majority,<sup>48</sup> they were soon forced to leave their posts and were replaced by Romanian applicants. The ministry simply

<sup>45</sup> Public notaries in the Banat had to take the oath to the hands of Antoniu Fehér, a judge carried over from dualist Hungary. As government commissioner, he was tasked with the reconstruction of the chamber. Fehér invited the public notaries who had not produced an oath earlier to be sworn in, and he installed all of them with retroactive validity so as not to create a legal vacuum in which thousands of legal documents would have lost their legal force. See ANSJ TM, fond Camera notarilor publici, dosar 2/1921, fol. 85–88 and 103–8.

<sup>46</sup> ANIC, Ministerul Justiției Direcția Judiciară, inventar 1117, dosar 145/1920, fol. 9–10.

<sup>47</sup> Ibidem.

<sup>48</sup> ANIC, Ministerul Justiției Direcția Personală, dosar 15/1920, fol. 136 (I am thankful to Francesco Magno, who generously let me use this source from his collection).

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annulled their election to the chamber leadership in 1921, for admitted nationalist political reasons.<sup>49</sup>

The members of the Chamber of Timișoara and Arad proceeded more tactfully, although the rule was that more prosperous posts were soon taken over by self-appointed Romanians in Caransebeș, Lugoj or Orșova.<sup>50</sup> But curiously, the former chairman, Miklós (Nikolaus) Plausich saved his desirable office in Timișoara; Hungarian public notaries were relocated at worst, neither evicted nor forced to leave the country. The method was simple. As early as in 1919, a new chairman was appointed, a lawyer named Dimitrie Chiroiu from Zrenjanin / Nagybecskerek / Becicerechu Mare / Grossbetschkerek, a city with a thriving multi-ethnic and multilingual society, annexed to the South Slav state. As expected, Chiroiu served as a living defensive facilitator. He did not object to the slow changes taking place within the chamber – that is, Romanians gradually taking over posts – but he visibly tried to preserve the new balance that had been established around 1920. Moreover, he was very generous with the application of new legal requirements, like the obligatory use of Romanian in the office, and lenient to any requests from his Hungarian colleagues.

While Hungarian lawyers continued to drop out of the service, their presence as public notaries remained much higher here than in Cluj throughout the 1920s. There were internal tensions too, mostly over the distribution of posts. Károly Susich for example, who held the post in Caransebeș in 1918, was first arbitrarily removed by the new prefect of the county, and while he first applied for the post in the port of Orșova on the Danube, he finally had to settle for a post in Buziaș/Buziasfürdő. This location was less lucrative than the busy port city, but extremely close to Timișoara, a thriving urban centre. He was also evicted from his flat in Caransebeș and was confronted with housing shortages while resettling.<sup>51</sup> Virgil Bejan, who conquered Lugoj immediately after the Romanian administration became established there, complained about the taxes levied on his office by the local council, which were 30 times higher than the year before. We can infer that, previously, he was able to defer tax payments with Plausich's help.<sup>52</sup> Plausich himself faced removal from the metropolitan Timișoara and was reassigned to the industrial backwater of Hunedoara / Vajdahunyad / Eisenmarkt. Finally, he and his peers appealed to force the ministry to rescind his relocation.<sup>53</sup>

But despite all the internal tensions, issues like the use of the Romanian language and the ministry's repeated attempts to eliminate the institution of public notaries

<sup>49</sup> Ibidem, fol. 234–5 (I am thankful to Francesco Magno, who generously let me use this source from his collection); ANSJ TM, fond Camera notarilor publici, dosar 12/1925, fol. 1–3.

<sup>50</sup> ANSJ TM, fond Camera notarilor publici, dosar 2/1921, fol. 190–200.

<sup>51</sup> Ibidem.

<sup>52</sup> ANSJ TM, fond Camera notarilor publici, dosar 2/1921, fol. 67–68.

<sup>53</sup> ÁBRAHÁM / EGRY (Eds.), Összeomlás, uralomváltás, document 97, 346–52.

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and transfer its competences to district court judges, as had been the case in the Old Kingdom, demonstrated the existence of a trans-ethnic professional solidarity in the face of a danger equally threatening for everyone. Regarding the obligatory use of the Romanian, it was tricky in a region where people – including non-Hungarian speakers – were accustomed to having legal documents drafted in Hungarian. Data on the language of documents prepared by Șincai or Ioan Beleş, both active in districts with large Romanian populations, shows that an overwhelming majority of the documents were prepared in Hungarian as opposed to Romanian after 1918: 425 to 146 in Șincai's case, 292 to 1 in Beleş' case in 1920.<sup>54</sup> It is also telling that by 1925 almost every Romanian public notary of the Timișoara and Cluj chambers employed minority deputy public notaries who were entitled to prepare the documentation itself. Only the notarisation of these documents was kept exclusively for the public notaries themselves, a practice that again suggests the widespread verbal and written use of minority languages in these district offices.<sup>55</sup>

Nevertheless, everyone was required to possess all other documents in Romanian, and to provide Romanian translations of minority-language documents too. But some of the Hungarian notaries, including Plausich, did not have sufficient language skills to do as requested. After he was denounced for this failing, an extraordinary inspection was ordered, and the report highlighted serious deficiencies. First, there was the fact that Plausich's Romanian was "so corrupted that such idioms hadn't been heard even at a village market". Consequently, the inspection concluded that his whole administration was faulty and in tatters.<sup>56</sup> Nevertheless when a few months later an obligatory inspection of his bureau took place – an inspection that also proved his language skills – Plausich passed with flying colours. It is worth noting that the investigative committee was composed of three fellow public notaries who were members of the same chamber as Plausich.<sup>57</sup>

But it was not the first time that the members took a common stand. The Ministry of Justice had repeatedly attempted to eliminate the institution of public notaries in all the newly annexed provinces. Predictably, resistance arose everywhere, and memoranda flooded the ministry presenting various arguments about why the institution was indispensable. Most of these put forward elaborate and complex arguments, palpably tailored to an understanding of what Greater Romania meant in terms of democratisation and nationalisation.

<sup>54</sup> ANSJ TM, fond Camera notarilor publici, dosar 2/1921, fol. 33–34, 302–3.

<sup>55</sup> ANSJ TM, fond Camera notarilor publici, dosar 12/1925 fol. 1–3.

<sup>56</sup> ANSJ TM, fond Camera notarilor publici, dosar 12/1925, fol. 325–6. Published in Hungarian in BARNÁ / EGRY (Eds.), *Összeomlás, uralomváltás*, document 117, 405–9.

<sup>57</sup> ANSJ TM, fond Camera notarilor publici, dosar 12/1925 fol. 24–25.

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The Timișoara chamber prepared a very elaborate memorandum,<sup>58</sup> one that presented all possible arguments. It began with the French origins of the institution of the notary itself (in the Code Napoléon) – a not-so-refined reference to Greater Romania’s apparent Francophile inclinations – and highlighted how inappropriate it is for a civilised nation not to have public notaries. It pointedly mentioned that the institution had even been introduced in Tsarist Russia. Most of the arguments focused on the practical benefits of public notaries for the people and the state. Notaries exercised the jurisdiction of the state, but with lower costs and more flexibility, thus not burdening the rest of the Romanian state with the public employees’ claims, such as widows’ pensions. The legal documents prepared by public notaries preempted lengthy litigation, as they could often be carried out directly. In this way, the public notaries exercised state roles, as a pre-emptive form of judicial remedy, with courts playing the retributive role.<sup>59</sup> The logical conclusion would not be the elimination of the notary system, but rather its extension into the Old Kingdom, and even the extension of their jurisdiction to all legal matters that do not fall within the jurisdiction of the courts.

More importantly, public notaries were an institution available and affordable for ordinary people. Lawyers were too expensive, while the courts – which were supposed to take over the role of public notaries – were inflexible and often inaccessible due to their rigid working hours and high caseloads. Had they added a notarial function, courts across Greater Romania would have been overburdened for decades to come and incapable of resolving all issues in an acceptable timeframe. The memorandum pointedly asked whether it was conceivable for a judge to travel many hours in all kinds of inclement weather to a distant village just to prepare a legal document that public notaries were perfectly capable of preparing themselves.

Thus, the whole issue was not about the rights of public notaries, but rather about the rights of citizens for easy and accessible judicial services and remedies. The peasant who devoted their body and work to the country and who fed the non-productive classes, ought to have the right to easy and accessible judicial services at any time. This argument was not novel, and its acceptance – at least among Transylvanian Romanians – was demonstrated by cases in which it was proposed that public notaries be left at their post despite them refusing to take the oath: Kamill Horváth from Deva was one such example. Nominally, he should have been fired immediately, but the official who was supposed to administer Horváth’s oath wrote to his superiors: “[...] regarding the public notary, because of his role, especially concerning wills and contracts, it is absolutely important and necessary for the

<sup>58</sup> ANSJ TM, fond Camera notarilor publici, dosar 2/1921, fol. 472–85.

<sup>59</sup> ANIC, Ministerul Justiției, inventar 2386, dosar 171/1919, fol. 218–9.

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peasants. Please nominate his successor or allow him to continue his practice until his replacement”.<sup>60</sup>

The documentation that survived as part of the Timișoara chamber’s archival material also reveals that Romanian and non-Romanian members cooperated actively in this case too.<sup>61</sup> There are several Romanian copies of the memorandum cited above and one Hungarian copy preserved among the documents of the Timișoara Chamber of Public Notaries. The quality of the Hungarian one, in both its eloquence and writing, is much better than one would expect from a translation of a Romanian original made for the practical reason of informing Hungarian chamber members. The use of metaphors and phrases in particular suggests that the Hungarian version was actually the original of the two texts. For example, at one point (fol. 475), the Hungarian text addresses the minister as High Excellency (*Nagyméltóságod*), a form of address missing from the Romanian versions, possibly because of the different customs of formal references. In another passage (fol. 480), both texts use the example of the Hungarian petty nobility (*kurtanemes*) as a metaphoric illustration of the fate of ordinary people in a society without public notaries, if they had to seek legal advice from dubious figures – i.e. they would engage in lengthy litigation and lose the last parcel of their lands in the process, much like this Hungarian social group had. Finally, the text refers to the litigious national character of “our people” (fol. 475), an auto-stereotype usually ascribed to Hungarians and not to Romanians. All these metaphors pervaded the political discourse of dualist Hungary, making them specific and particular to that context. The members of the Romanian chamber’s acceptance of these turns of phrase manifests how much their mindset was affected by their pre-1918 socialisation. In the end, the notaries’ concerted efforts prevailed, and the government refrained from further eliminating the role of public notaries.

However, the ministry did have leverage over public notaries whose service fees and rates were fixed by a ministerial order and only infrequently adjusted to inflation. Thus, it was commonplace for the ministry to receive another type of memorandum, one that pleaded for higher fees. This was especially the case in Bessarabia, where these rates were last regulated by Russian legislation passed well before the First World War.<sup>62</sup>

Obviously, higher fees led to discontented masses, worse electoral results, local upheaval and everything the central state detested. But public notary posts were, on the other hand, sought after by influential figures, important clients of the parties who were lured to this job by its relative comfort and safety. The attraction of the

<sup>60</sup> Gheorghe IANCU, *Justiția Românească în Transilvania* (1919). Cluj-Napoca 2006, document 35, 154.

<sup>61</sup> ANSJ TM, fond Camera Notarilor Publici, dosar 2/1921, fol. 472–85.

<sup>62</sup> ANIC, Ministerul Justiției, inventar 2386, dosar 171/1919, see for example fol. 83–4 from 1925, fol. 109 from 1922, fol. 117 from 1919.

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institution derived not only from its relative lucrateness. Public notaries were at least nominally irremovable, unable to be deprived of their title and entitlement for another post even if their current post was abolished,<sup>63</sup> and they were hardly exposed to any control except for the chamber's supervision. Furthermore, they enjoyed a high social status locally; the more important that locality, the higher their status. Nationally, too. As Ioan Cosma, the head of the Cluj chamber wrote in his memorandum to the minister of justice:

Public notaries are predominantly men of a respected past in public, in the judiciary, state administration, former counsellors of the court of cassation, general prosecutors, counsellors of the court, former county prefects etc. This circumstance explains the absolute trust in the solidity and sanctity/reliability of these institutions, to which even the minorities, who do not believe [in Romania?], entrust their family treasures.<sup>64</sup>

But it was a fragile status, and their prestige – apart from trust gained throughout public services, something that was not necessarily given, and that could even hurt the standing of the public notaries because of cronyism<sup>65</sup> – hinged on the income gained from the posts, and therefore pressure on the ministry to make adjustments was persistent. It was also part of a broader development of the state that made such requests harder to refuse. Greater Romania's efforts to provide a nascent welfare safety-net were tilted towards reinforcing an emerging urban, ethnically conscious Romanian middle class as the most important social sector in nation-building, and if necessary at the cost of the peasantry.<sup>66</sup> In a peculiar way, the public notary posts distributed among Romanians could have served the same purpose, that is, establishing Romanian intellectuals of proven nationalist credentials at positions of higher

<sup>63</sup> Ibidem, fol. 218–9.

<sup>64</sup> Ibidem, fol. 219

<sup>65</sup> ANIC, Ministerul Justiției, Direcția Judiciară, inventar 1117, dosar 175/1919, fol. 180–2. Ioan Demian, a public notary from Sinnicolau Mare, recommended to a ministry of the new national peasant government in 1929 the elimination of the institution, making the following arguments: it was already a nest of cronyism in dualist Hungary, when the Hungarian governments used posts as sinecures in exchange for political services. Thus, most of the public notaries were still Hungarians and clients of the Hungarian governments, and the others were cronies of Romanian liberals who continued the well-proven Hungarian praxis and established new posts to reward their loyal followers. Thus, the institution declined to the level of a village notary. It was neither necessary nor advantageous to keep it intact. While obviously not entirely in line with the ethnic composition of the body of public notaries, Demian's memorandum illustrates an existing trend within the ranges of perception of public notaries.

<sup>66</sup> Sergiu DELCEA, Pro-Urban Welfare in an Agricultural Country? Economic Nationalism and Welfare Regime Problems of Fit. Lessons from Interwar Romania, in: Stefan BERGER / Thomas FETZER (Eds.), Nationalism and the Economy. Explorations into a Neglected Relationship. New York, Budapest 2019, 139–62.



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respect and social visibility, with the added value of seeming independence from the state. This was a crucial symbolic element of civic status (*Bürgerlichkeit*), and obviously harder to attain if employed by the state and claiming welfare benefits.

Therefore, a compromise emerged that was disturbed by cases such as those of Șincai and his companions. The ministry made adjustments to their fees, and the chambers did not object to limited new posts, especially if they were created in more remote, less profitable and therefore less desirable areas. Even the Timișoara Chamber consented to the creation of new posts in the southern Banat alongside its appeal against a new post in developed, urban Arad.<sup>67</sup> The number of minority notaries, who had fewer chances of acquiring a more-lucrative urban position, gradually declined throughout the 1920s – although it remained customary to employ deputies from their ranks. But the leap from deputy to tenured notary was hard to make, and even harder for minority applicants.

Nevertheless, the case of the public notaries again demonstrated that the model of interpenetration inherited from Austria-Hungary had a lasting effect on Greater Romania. Once again, the public notary was born out of a division of responsibilities between state and society. This time, however, the beneficiary of the investment with state powers was not an association, but individuals whose corporatist organisation had a legally stipulated influence over key acts of government. They were offering more accessible, cheaper legal services and therefore expertise that guaranteed the acknowledgement of legal acts by the state. In this form, their organisation resembled a guild-like mentality, a narrow group safeguarding their material interests in the form of a commonly held monopoly. Thus, their goal was not to wrench elements of power from the state for private organisations – which is in essence what the County Federation of Firefighters did – but rather to secure the given division against state attempts to rescind a compromise it had inherited from its predecessors.

It is noteworthy, however, that the institution was abolished in Bessarabia in 1927, demonstrating the weaker capacity of the group in the former Russian province to safeguard its interests. This probably occurred not independently of the fact that in Bessarabia public notaries did not have to obtain law degrees to practice. In this way, the survival of public notaries in Transylvania and Bukovina and their elimination in Bessarabia shows how important their local social positions and capital had been in influencing the decisions of the central government.

<sup>67</sup> ANIC, Ministerul Justiției, Direcția Judiciară, inventar 1117, dosar 175/1919, fol. 218–9.

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### Lessons from Romania for Aspiring Nation-States

The challenge of legal unification was common to all the successor states of the Habsburg Empire, except Hungary and the new Austrian Republic. But it soon became clear that it was an almost insurmountable task and that only parts of a unitary legal framework were established, mainly in education, administration and social assistance. It was, however, not just the volume of the existing legislation that slowed down the creation of unitary states, but more profound and often subtle social differences that were manifest through political regionalism.<sup>68</sup> Beyond such aspects to politics, there were also various patterns of state-society interpenetration that reflected the internal diversity of these states, and often these proved to be the most resilient legacies of Austria-Hungary to overcome.

Obviously, the new provinces did not confront the intervention by the new centres helplessly, and their reaction was not limited to politics or strong criticism of centralisation on the pages of the newspapers. Several actors from these provinces, representing diverse groups and their interests, but also their habits and practices, engaged with the representatives of the state. The primary precondition of success was categorisation and classification practices aimed at including as many new inhabitants as possible. In cases in which they were included, however reluctantly in the new states, and contrary to Alsace-Lorraine, this was the case in all Habsburg successor states:<sup>69</sup> their aim was to influence what came to be Greater Romania. One of the several “front lines” of this encounter ran within the broader sphere of the state and social institutions that emerged because of the interpenetration of state and society in late imperial Austria-Hungary.

As demonstrated through the cases of the voluntary firefighters and the public notaries, if they acted tactfully, and distanced and disentangled their goals from high profile politics, reaching a local compromise was not a hopeless aim, even with the most ardently centralising Romanian governments.<sup>70</sup> But both cases show more than just the cunning, perseverance and plain luck of certain – local or regional – social and professional groups when it came to safeguarding their interests and valuable parts of their local world. If we understand such examples as cases exemplifying how the established models of state-society interpenetration were challenged

<sup>68</sup> Irina LIVEZEANU / Petru NEGURA, Borderlands, Provinces, Regionalisms, and Culture in East-Central Europe, in: Xosé M. NÚÑEZ SEIXAS / Eric STORM (Eds.), *Regionalism and Modern Europe Identity Construction and Movements from 1890 to the Present Day*. London 2018, 251–70.

<sup>69</sup> Tara ZAHRA, The “Minority Problem” and National Classification in the French and Czechoslovak Borderlands, *Contemporary European History* 17 (2008), No. 2, 137–65.

<sup>70</sup> See also EGRY, *Unruly Borderlands*, 709–31.

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and recast during the transition from Austria-Hungary to Romania, they potentially reveal much more than the success or failure of specific individuals.

The institution of the voluntary firefighter associations was already changing in the early twentieth century. Initially based only on civic activism and sacrifice, technological advance and scientific knowledge made disaster relief more expensive and less effective without a professional firefighting core. The investment of local councils in new equipment and instruments and the appearance of a small core team of commanders and specialists on the payroll of some localities demonstrates how – even if gradually – the seeds of a professionalised disaster prevention service were planted. Furthermore, professionalisation and scientific knowledge brought about an extension of policing society through disaster prevention as a new state responsibility. But human effort was still provided through voluntary activism, and the broader role of these associations within local societies extended well beyond their actions in times of catastrophe. Civic associationism constituted a core part of their activities in the form of brass bands, balls, leisure entertainment or public exercises.

Thus, it was not just a new form of statehood or localism, or centralising nation-state elites who were entangled with firefighter activism and associations, but rather these broader shifts. While resistance to the former was broad – coming from everywhere in Transylvania and surprisingly successful – and quickly forced the government to make an about-turn, the latter was dealt with in a more ad hoc manner, probably depending on specific but not always interrelated circumstances and the mobilisation of informality. In the case of Caransebeș, the traditions of the local firefighter's association – and the stability of the local elite after 1918 – helped its efforts to use an initiative of the prefect (i.e. the state) to realign the state and society.

The significance of such local and regional variations is very much visible in the case of the public notaries. While the resistance against sweeping changes to the institution was broad – embroiling people beyond Transylvania – when it came to the new compromise between the members of a small but guarded professional notary chamber and the state, local considerations mattered. It is not a coincidence that the challenge to the ministry's augmenting of posts came from the Banat, whose society was marked by its more nuanced societal relations. The Cluj chamber of notaries, on the other hand, was quick to reassure the ministry that – after the verdict of 4 June 1927 – they would not request the elimination of the new post established in Turda.<sup>71</sup> In contrast to Timișoara, the nationalisation of the Cluj chamber prevailed over the careful balancing of public notaries in the Banat.

<sup>71</sup> ANIC, Ministerul Justiției, Direcția Judiciară, inventar 2386, dosar 175/1919, fol. 219.

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The differences in these examples are clear: voluntary firefighters were a broad social movement, public notaries an exceedingly small group (less than two hundred even if we include the deputies and interns). The firefighters – in terms of their status and competences – were always caught between state and private concerns; public notaries, on the contrary, were exponents of the state in their jurisdictions and exercised competences acquired through the state. But the corporatist self-management of the public agent notaries and the beginning of the inclusion of civic firefighters in local budgets demonstrate that these local cases were also models of state-society interpenetration that were meaningful beyond the limits of the respective localities. Indeed, their history after 1918 had one more thing in common: both institutions shifted towards informality.

However, if we compare the two institutions, the firefighters moved in the opposite direction – at least in terms of where they wound up. The Caransebeş firefighters provided the symbolic capital for the city leaders to acquire new resources from the state for a private association and its officials. The city mayor occupied the position of county firefighter inspector, which in turn embedded civic informality in official formality. Thus, they appropriated state resources for their own local uses. But the reason for their success was rather a combination of their informal position and the trust they enjoyed from a prefect who was from the same county elite. The persistence of this solution depended on the continued existence of this trust. Public notaries, by slight contrast, formally defended their legal status and position with success, but had to accept a practice of clientelism and cronyism that sometimes violated the letter of the law. Ultimately, the notaries were still dependent – even after the success of Şincai and company's appeals – on the goodwill of the ministry, thus "informalising" the formality.<sup>72</sup>

This shift towards informality was part of broader tendencies in Greater Romania and as a structural development it differed significantly from the palpable frequent use of informal relations among former high-imperial bureaucrats to further the goals of their new states.<sup>73</sup> The tension between its normative narrative of statehood – i.e. the promise of a thorough Romanianization of society – and the necessity of running a relatively efficient state that was capable of communicating with its inhabitants led to many informal solutions, like the widespread verbal use of minority languages.<sup>74</sup> This was one of the reasons why minority officials and employees were many within the state at the middle and lower levels of the administration, covered by professional solidarity within this professional body. When a new wave

<sup>72</sup> MICA / WINCZOREK / WIŚNIEWSKI, *Sociologies of Formality and Informality*, 9–16.

<sup>73</sup> Irina VUSHKO, *Strangers among Friends. Leon Biliński between Imperial Austria and New Poland*, in: MILLER / MORELON (Eds.), *Embers of Empire*, 64–89.

<sup>74</sup> Gábor EGRY, *Posztbirodalmi átmenetek*, in: BARNA / EGRY (Eds.), *Összeomlás, uralomváltás*, 13–44.

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of nationalising started in the mid-1930s, and the notaries were threatened with their disposal, their Romanian superiors intervened and defended many of them via informality. However, it is precisely the use of such methods that demonstrated how even within the state bureaucracy, informality not only gained a foothold, but it also turned out to be one of its important cohesive bonds.<sup>75</sup> While it also provided flexibility – differentiated rule – it visibly contradicted the legitimization of the state as a centralised nation-state. The result was predictable: a loss of trust in the state, and the erosion of a previously existent civic cooperative spirit.<sup>76</sup>

It is hard to tell how much voluntary firefighters and public notaries prefigured this shift within the state. Their realignment with the new realities only tangentially tackled the processes within the state itself, and the readjustment still belonged to the sphere of state-society interpenetration. It is also noteworthy that during the transition period it was probably unavoidable to extend informality at the expense of formal rules.<sup>77</sup> This was done in order to relax the rigidity of the new statehood vis-à-vis local societies, and to enhance control of the centre as well.<sup>78</sup> It was, however, better to place interpersonal trust over trust in the institution in order to make the state operable. Taken together with what happened within the state in this period, these developments probably enhanced the more significant trend within Greater Romania towards informality within the bureaucracy. In turn, this new pattern of informality had grown out of the contrast between the national legitimacy of the state and its social realities, while during the transition in the 1920s informality offered respite and even leverage, and unless the state itself changed, it was deemed to be only temporary.

<sup>75</sup> IDEM, *Unholy Alliances? Language Exams, Loyalty, and Identification in Interwar Romania*, *Slavic Review* 76 (2017), No. 4, 959–82.

<sup>76</sup> The flexible exercising of power can undermine trust, which tends to “develop informally in the cracks and crevices of bureaucracies as people learn on whom they can depend” Richard Sennett, cited by Barbara MISZTAL, *Informality. Social Theory and Contemporary Practice*. London 2002, 6. A political manifestation of this tendency was the emergence of radical political movements, like the Iron Guard, and the legitimization of radical, violent methods of politics throughout the 1930s.

<sup>77</sup> The phenomenon of widespread complaint regarding unfulfilled national promises and the retaining of imperial personnel in all of the successor states signal that this tension led to similar solutions everywhere. Claire MORELON, *State Legitimacy and Continuity between the Habsburg Empire and Czechoslovakia. The 1918 Transition in Prague*, in: MILLER / MORELON (Eds.), *Embers of Empire*, 43–63.

<sup>78</sup> MISZTAL, *Configurations of Informality and Formality*, 107, 110.

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## ABSTRACT

The late Habsburg Empire was a state in which an interpenetration of a bureaucratic state and a democratising society characterised almost all levels of social and political life. On the one hand this process included the enhanced influence of political parties on the composition of the administration, and the informal or formal involvement of significant figures, interest groups, experts or stakeholders in decision-making. On the other hand, the boundary between state and society remained blurred, especially in terms of who provided services that were part of a broadly understood responsibility of the administration and the state. Such services included the provision of fire safety or of relatively cheap legal documents attesting property rights or procedures such as the execution of wills.

After the dissolution of Austria-Hungary, most of its territories were incorporated into successor states developed out of a different core state that often set these boundaries differently. This led to a conflict over the extent of the state and its understanding of the state-society relationship. As the existing status quo tackled vested interest (like public notaries) but also often societal culture (voluntary firefighter associations) the issue of whether and how they can transition into the new nation-state mobilised a broad range of actors at the local and regional level. The ensuing conflicts, the aims of participants and how the different actors tried to handle the situation not only revealed these sometimes-obvious differences, it was rather that precisely these in-between institutions and the resolution of the conflicts demonstrated the limits of state-building and the leverage that certain interest groups or local elites could gain over the new centres, and also demonstrate the significance of regional differences for societies.

In this article I argue, based on the examples of public notaries and voluntary firefighter associations in Romania, that local societies had the means to achieve a compromise with the heavily centralising new states and to move the boundary between state and society to their own advantage – in a way often contrary to the ethnic logic of nationalising. The examples, however, confirm the importance of such institutions for the social balance of local societies retrospectively, including for the period before the First World War, and it interprets these institutions as central for these societies.