

ASPECTS REGARDING POWERS SEPARATION REFLECTED IN A ROMANIAN PROJECT: PROJECT OF CONFEDERATIVE CONSPIRACY (1839)

Elena-Roxana DOBRIȚOIU

Lecturer, Ph.D.

Faculty of International Relations, Law and Administrative Sciences, “Constantin
Brâncuși” University of Tg-Jiu, Romania

ABSTRACT

THIS STUDY ANALYZES SUCCINCTLY ONE OF THE PROJECTS DRAWN UP BEFORE THE ROMANIAN REVOLUTION OF 1848, WHICH SOUGHT TO SEPARATE THE POWER IN THE STATE ALLOCATION OF SEPARATE STATE BODIES, RESULTING FROM ITS PROVISIONS A SEPARATION OF POWERS.

AFTER THE ENFORCEMENT OF THE ORGANIC REGULATIONS AND THE ESTABLISHMENT OF THE STATUTORY REIGNS IN 1834 A PERIOD OF APPARENT RELAXATION FOLLOWED FOR THE CLAIMING ACTIVITY WHICH HAD A NATIONAL AND SOCIAL COVERAGE AND SIGNIFICANCE. DURING THE FOUR YEARS OF REIGNING (1834-1838) OF STATUTORY VOIVODES, LEGISLATIVE AMENDMENTS WERE MADE IN BOTH COUNTRIES AND SEVERAL MEMOIRS WERE ADDRESSED TO DIGNITARIES FROM VARIOUS CATEGORIES OF THE TSARIST EMPIRE, ONLY ONE WAS ADDRESSED TO THE OTTOMAN EMPIRE AND ONE TO AN INTERNAL BODY (THE VOIVODE OF THE ROMANIAN COUNTRY) MEMOIRS DUE EITHER TO THE NOBILITY MEMBERS, OR TO THE DANUBIAN PRINCIPALITIES VOIVODES, MOST OF THEM TO THE MOLDAVIAN NOBILITY AND TO MOLDAVIA VOIVODE MIHAIL STURDZA. SOME OF THE MEMOIRS REFERRED TO THE METHOD AND EFFECTS OF ENFORCING THE FUNDAMENTAL LAW IN VARIOUS AREAS OF THE ADMINISTRATION [1]; OTHERS WERE CAUSED BY THE CONTROVERSY BETWEEN MIHAIL STURDZA AND THE MOLDAVIAN NOBILITY, WHO ACCUSED EACH OTHER, THE BOYARS ACCUSED THE VOIVODES OF TYRANNY, ABUSES AND GREEDINESS, THE VOIVODE ACCUSED THE BOYARS FOR THEIR LACK OF OBEDIENCE, INTRIGUES AND HOSTILITY TOWARDS THE CENTRAL AUTHORITY.

THIS ARTICLE WILL DESCRIBE ONE IMPORTANT PROJECT BEFORE THE REVOLUTION FROM 1848, THE CONFEDERATIVE CONSPIRACY PROJECT(1839).

KEY WORDS: *THE CONFEDERATIVE CONSPIRACY PROJECT, POWERS SEPARATION, THE EXECUTIVE POWER, THE LEGISLATIVE POWER, JURIDICAL POWER.*

1. Introduction

The statutory period, marked by powerful contradictions and contrasts, was individualized in the Romanian modern history, through a powerful conflict between the old and the new in all fields of activity. At political and social level, this conflict

materialized in peasants and cities populations’ movements in the political fight against the Former Regime [2].

According to A. D. Xenopol, the enforcement of the Organic Regulations and the laws that completed them later, meant the “first transformation of the Romanian society from the chaotic state of oriental life towards the one managed by the civilizing West”, introducing for the first time the idea of state in its modern conception in the Romanian Principalities, as a way of living of a whole based on people’s regulations, meaning on laws”[3].

Mihail Sturdza, Moldavia’s voivode, developed its activity within the framework of a systematic and continuous opposition [4], started by the requirements of modern Romanian society, in opposition to the obstacles established by the statutory regime, with protecting power consul’s interference in the domestic affairs of the country.

During the statutory age, the opposition against the voivode, regime and foreign interference had a central place within social and political disturbances. Denouncing the abuses committed by voivode Mihail Sturdza, the opposition acted immediately after the appointment of the voivode through memoirs addressed to the Sankt-Petersburg Court and to the Russian ambassador from Constantinople. Despite the fact that in Moldavia, the vote of the additional article faced no resistance, a state of restlessness was maintained in the Assembly [5]. The opposition, in its multiple and various forms of action, was just a part of the social and national movement that concerned the entire society. From the point of view of its effects on the society, the opposition movement and the revolutionary movement as well as political actions were in a relation of interdependence which did not allow a separation [6]. Therefore, as it has been previously said, we cannot draw a separating line between the Confederative conspiracy from 1839, the action of the “Philanthropic Society” or the direct actions of the Fraternity from 1845 and 1846[7]. Referring to this Conspiracy, historian Gheorghe Platon says that the name of confederative was given to the conspiracy not for the political reasons of the programme (which had the objective of establishing a confederation) but for its social ones: “It was called confederative because the conspiracy was born from all states: boyars, traders, doctors, priests”[8].

2. A succinct approach regarding The Project of the Confederative Conspiracy and powers separation (1839)

The Project of the Confederative Conspiracy, an action of conspiracy action goals, was initiated by the equerry Leonte Radu in Moldova, in 1839. Organized according to the pattern of a secret society, Leonte Radu’s movement was especially significant, in comparison to the “political scenario of the national party” from Muntenia through the “moderation of their state architecture and their societal project” [9].

The resemblance with the 1822 „cărvunari”, noticed by A. D. Xenopol [10] can be proved if the reforming principles were included in a pattern that kept the aristocracy’s monopole of decision, removing nobility’s domination. We are in the present of nobility’s government aspiration, of Polish inspiration introduced in Moldavia: “In 1839, Moldavia’s government identified a complot which tended to subvert the state of things, and which could have had significant consequences if it had not been removed at birth. A boyar from the lower steps, equerry Leonte Radu contrived this movement, together with other 80 people among whom we find names of great boyars, Sandulache Miculescu, Beizadea Costache Sturdza, Ștefănică Ruset(...) listed without titles of boyars, but who were boyars

by name. Many of the conspirators were small boyars like sword bearers, cup bearers, equeries, stewards, which was even stranger because the new government attempted, just like the Constitution from 1822 to hit in the great nobility for the advantage of the small one [11].

This project had a mixed character [12] resulted from the inclusion in the project of small nobility's goals and ideals along with other provisions. In the document we notice various intellectual trends that marked the societal pattern, hence its relative heterogeneity: from Polish type nobility government to Joseph goal of church control exerted by the state [13]. According to the provisions of this project, the Russian protectorate was replaced by a collective guarantee regime of Great Powers, among which the Ottoman Empire as well, considered a possible ally: “the Russian protection which, in order to reach her goal from more than a century, to win this principality under its reign, tried on one had to praise the influence the Ottoman Empire and on the other hand to establish its influence in the interior. To ask the courts of England, Austria and Russia to protect this country[14]. Therefore, Russian exclusive protection was to be replaced by the collective guarantee of England, France, Austria and Prussia. At the same time, the voivode of the future state had to be recruited from a reigning European family [15], leading a federation that was able to regroup the Muntenians, Moldavians, and Serbians reunited into a structure according to the model of Germany [16].

This project also provided the principle of powers separation in the state.

The executive power was entrusted to the voivode elected by the representatives of all categories of boyars and other inhabitants. In its activity, the head of the state was supported by a council consisting of five senators elected by it from the senate or of five high officials.

The legislative power was exerted by the General Assembly consisting of 32 deputies with ages of at least 30 years and with an income of 3000 ducats [17], elected every five years by the electors joined together in the capital city, where the ballot was organized under the control of the Senate [18], with majority of votes and who cannot be given functions or rewards by the voivode during their mandate and of the Senate consisting of 12 members elected by the nobility and ruled by the voivode. The Senate received large prerogatives, from the settlement of juridical matters to the administration of Church fortune [19]. It also provided: ministers' appointment by the voivode, responsible for the actions of the state leader in front of the General Assembly and justice; administrative board replacement with a senate presided by the voivode, consisting of 12 members; high officials appointment by the voivode with the approval of the Senate, from any social category; interdiction for dignitaries and public officials to handle speculations or take part in auctions of certain public incomes fields, under the penalty of being deprived of their function and fortune; public officials' liability for abuses and oppressions towards inhabitants and the participation of members elected from all the social categories as assistant of sub-prefects in counties management and judges during the exercise of justice; incorporation of an office for servants and workers at any sub-prefect's office [20]; granting nobility titles to the boyars; making a prince council, consisting of five senators elected by the voivode, from the Senate or from the great dignitaries of the state; ministers' appointment by the voivode, responsibility for the voivode's actions in front of the General Assembly [21].

As far as the **juridical power** is concerned, it provided the establishment of a Prosecutor's office consisting of a group of prosecutors and sub-prosecutors ruled by a

general prosecutor that would monitor the compliance with the law and report the voivode and to the minister of justice on all the violations of the law that could occur in the country and without its verification no juridical decision will be “enforceable” [22].

3. Conclusions

Although both Câmpineanu’s movement(1838) and Leonte Radu’s movement(1839) were repressed, around the revolution from 1848, the national union had become the political belief of Romanian patriots from the country and of the ones studying abroad. ”Our target – said Bălcescu – cannot be other than the national union of Romanians. A union of ideas and feelings able to bring political union in time”. Starting from these national desires, a national and social emancipation programme was announced – required by the development of the Romanian society itself – that gathered around the Romanian revolutionaries from 1848 the social forces hoping for progress and bourgeois-democratic reforms and that will give the revolution from 1848 common features in all the three Romanian countries.

REFERENCES

- [1]. Vlad Georgescu, *Mémoires et projets, 1831-1848*, Bucharest, Romanian Academy Press, 1972. p. 17-21, 37-107.
- [2]. *Romanians’ History*, VII/I, p. 124.
- [3]. A. D. Xenopol, *Romanians’ History in Traian’s Dacia*, 11, Bucharest, 1930, p. 100.
- [4]. *Romanians’ History*, VII/I, p. 124.
- [5]. *Ibidem*.
- [6]. *Romanians’ History*, VII/I, p. 126-127.
- [7]. *Ibidem*.
- [8]. Gheorghe Platon, “*Confederative Conspiracy*” from 1839. A new approach perspective, in Gheorghe Platon, *From the establishment of the nation to the Great Union. Studies of Modern History*, vol. III, Iași, University Press „Alexandru Ioan Cuza”, 2000, p.112.
- [9]. I. Stanomir, *Language and law in the Principalities before 1866*, Bucharest, Editura Nemira, 2004, p. 160.
- [10]. A.D. Xenopol, *History of political parties in Romania, from the beginning to 1866*, Bucharest, 1910, p. 193-194; L. M. Trocan, *The evolution of human rights in Romania*, Dny práva – 2010 – Days of Law, 1. ed. Brno : Masaryk University, 2010
[http://www.law.muni.cz/content/cs/proceedings/\(https://www.law.muni.cz/sborniky/dny_prava_2010/files/prispevky/11_evropa/LAURA%20MAGDALENA_TROCAN_%284718%29.pdf\)](http://www.law.muni.cz/content/cs/proceedings/(https://www.law.muni.cz/sborniky/dny_prava_2010/files/prispevky/11_evropa/LAURA%20MAGDALENA_TROCAN_%284718%29.pdf))
- [11]. *Ibidem*.
- [12]. V. Șotropa, *Constitution projects, reform programmes and rights petitions in the Romanian Countries during the 18th century and the first half of the nineteenth century*, Bucharest, Academy Press, 1976, p. 106.
- [13]. Emanuel Turczynski, *From Illuminism to Early Liberalism*, Bucharest, Romanian Cultural Foundation Press, 2000, p. 179.
- [14]. I. C. Filitti, *Romanian reigns under the Organic Regulations 1834-1848*, Bucharest. 1834-1848, p. 507-509.
- [15]. A. D. Xenopol, *History of political parties in Romania, from the beginning to 1866*, p. 195.
- [16]. Valerian Popovici, *New data on the confederative conspiracy from 1839*, in “Studies and scientific researches”, Iași, I (1950), p. 456.
- [17]. *Romanian History*, vol. III, p. 999.
- [18]. *Ibidem*.
- [19]. V. Șotropa, *op. cit.*, p. 107.
- [20]. Valeriu Șotropa, *op.cit.*, p. 106-108.

- [21]. I.Stanomir, *Language and law in the Principalities before 1866*, p. 163.
[22]. Valeriu Șotropa, *op.cit.*, p. 108.