

New Europe College *Ștefan Odobleja* Program Yearbook 2008-2009



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New Europe College
Ștefan Odobleja Program
Yearbook 2008-2009

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NEW EUROPE FOUNDATION NEW EUROPE COLLEGE

Institute for Advanced Study

New Europe College (NEC) is an independent Romanian institute for advanced study in the humanities and social sciences founded in 1994 by Professor Andrei Pleșu (philosopher, art historian, writer, Romanian Minister of Culture, 1990–1991, Romanian Minister of Foreign Affairs, 1997–1999) within the framework of the *New Europe Foundation*, established in 1994 as a private foundation subject to Romanian law.

Its impetus was the *New Europe Prize for Higher Education and Research*, awarded in 1993 to Professor Pleșu by a group of six institutes for advanced study (the Center for Advanced Study in the Behavioral Sciences, Stanford, the Institute for Advanced Study, Princeton, the National Humanities Center, Research Triangle Park, the Netherlands Institute for Advanced Study in Humanities and Social Sciences, Wassenaar, the Swedish Collegium for Advanced Study in the Social Sciences, Uppsala, and the Wissenschaftskolleg zu Berlin).

Since 1994, the NEC community of fellows and *alumni* has enlarged to over 500 members. In 1998 the New Europe College was awarded the prestigious *Hannah Arendt Prize* for its achievements in setting new standards in research and higher education. New Europe College is officially recognized by the Romanian Ministry of Education, Research and Innovation as an institutional structure for postgraduate studies in the humanities and social sciences, at the level of advanced studies.

Focused primarily on research at an advanced level, NEC strives to create an institutional framework with strong international links that offers to the young scholars and academics in the fields of humanities and social sciences from Romania, and to the foreign scholars invited as

fellows working conditions similar to those in the West, and provides a stimulating environment for interdisciplinary dialogue and critical debates. The academic programs NEC coordinates and the events it organizes aim at promoting contacts between Romanian scholars and their peers worldwide, at cultivating the receptivity of academics and researchers in Romania for fields and methods as yet not firmly established here, thus contributing to the development of a core of gifted young academics and scholars, expected to play a significant role in the renewal of research and higher education in Romania.

Academic programs currently organized and coordinated by NEC:

- ***NEC Fellowships (since 1994)***

Each year, up to ten NEC Fellowships for outstanding young Romanian scholars in the humanities and social sciences are publicly announced. The Fellows are chosen by the NEC international Academic Advisory Board for the duration of one academic year (October through July). They gather for weekly seminars to discuss the progress of their research, and participate in all the scientific events organized by NEC. The Fellows receive a monthly stipend for the duration of nine months, and are given the opportunity of a one-month research trip abroad, at a university or research institute of their choice. At the end of the academic year, the Fellows submit papers representing the results of their research, which are published in the New Europe College Yearbooks. This program also includes a number of international fellowships.

- ***Ștefan Odobleja Fellowships (since October 2008)***

The fellowships given in this program are supported by the National Council of Scientific Research in Higher Education, and are meant to complement and enlarge the core fellowship program. The definition of these fellowships is identical with those in the NEC Program, in which the Odobleja Fellows are integrated.

- ***The GE-NEC III Fellowships Program (since October 2009)***

A new program supported by the Getty Foundation started this academic year. It proposes a research on, and a reassessment of Romanian art during the interval 1945 – 2000, that is, since the onset of the Communist regime in Romania up to recent times, through contributions coming from young scholars attached to the New Europe College as Fellows. As in the previous programs supported by the Getty Foundation at the NEC, this program will also include a number of invited guest lecturers, whose presence is meant to ensure a comparative dimension of the program, and to strengthen the methodological underpinnings of the research conducted by the Fellows.

- ***The Black Sea Link (starting in October 2010)***

This Fellowship Program, sponsored by the VolkswagenStiftung, invites young researchers from Moldova, Ukraine, Georgia, Armenia and Azerbaijan, as well as from other countries within the Black Sea region, for a stay of one or two terms at the New Europe College, during which they will have the opportunity to work on projects of their choice. The program welcomes a wide variety of disciplines in the fields of humanities and social sciences. Besides hosting a number of Fellows, the College will organize within this program workshops and symposia on topics relevant to the history, present, and prospects of this region.

Other fellowship programs organized since the founding of New Europe College:

- ***RELINK Fellowships (1996–2002)***

The RELINK Program targeted highly qualified young Romanian scholars returning from studies or research stays abroad. Ten RELINK Fellows were selected each year through an open competition; in order to facilitate their reintegration in the local scholarly milieu and to improve their working conditions, a support lasting three years was offered, consisting of: funds for acquiring scholarly literature, an annual allowance enabling the recipients to make a one-month research trip

to a foreign institute of their choice in order to sustain existing scholarly contacts and forge new ones, and the use of a laptop computer and printer. Besides their individual research projects, the RELINK fellows of the last series were also required to organize outreach activities involving their universities, for which they received a monthly stipend. NEC published several volumes comprising individual or group research works of the RELINK Fellows.

- ***The NEC–LINK Program (2003 - 2009)***

Drawing on the experience of its NEC and RELINK Programs in connecting with the Romanian academic milieu, NEC initiated in 2003, with support from HESP, a program that aimed to contribute more consistently to the advancement of higher education in major Romanian academic centers (Bucharest, Cluj–Napoca, Iași, Timișoara). Teams consisting of two academics from different universities in Romania, assisted by a PhD student, offered joint courses for the duration of one semester in a discipline within the fields of humanities and social sciences. The program supported innovative courses, conceived so as to meet the needs of the host universities. The grantees participating in the Program received monthly stipends, a substantial support for ordering literature relevant to their courses, as well as funding for inviting guest lecturers from abroad and for organizing local scientific events.

- ***The GE–NEC I and II Programs (2000 – 2004, and 2004 – 2007)***

New Europe College organized and coordinated two cycles in a program financially supported by the Getty Foundation. Its aim was to strengthen research and education in fields related to visual culture, by inviting leading specialists from all over the world to give lectures and hold seminars for the benefit of Romanian undergraduate and graduate students, young academics and researchers. This program also included 10-month fellowships for Romanian scholars, chosen through the same selection procedures as the NEC Fellows (see above). The GE–NEC Fellows were fully integrated in the life of the College, received a monthly stipend, and were given the opportunity of spending one month abroad on a research trip. At the end of the academic year the Fellows submitted papers representing the results of their research, to be published in the GE–NEC Yearbooks series.

- ***NEC Regional Fellowships (2001 - 2006)***

In 2001 New Europe College introduced a regional dimension to its programs (hitherto dedicated solely to Romanian scholars), by offering fellowships to academics and researchers from South–Eastern Europe (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, The Former Yugoslav Republic of Macedonia, the Republic of Moldova, Montenegro, Serbia, Slovenia, and Turkey). This program aimed at integrating into the international academic network scholars from a region whose scientific resources are as yet insufficiently known, and to stimulate and strengthen the intellectual dialogue at a regional level. Regional Fellows received a monthly stipend and were given the opportunity of a one–month research trip abroad. At the end of the grant period, the Fellows were expected to submit papers representing the results of their research, published in the NEC Regional Program Yearbooks series.

- ***The Britannia–NEC Fellowship (2004 - 2007)***

This fellowship (1 opening per academic year) was offered by a private anonymous donor from the U.K. It was in all respects identical to a NEC Fellowship. The contributions of Fellows in this program were included in the NEC Yearbooks.

- ***The Petre Țuțea Fellowships (2006 – 2008, 2009 - 2010)***

In 2006 NEC was offered the opportunity of opening a fellowships program financed the Romanian Government through its Department for Relations with the Romanians Living Abroad. Fellowships are granted to researchers of Romanian descent based abroad, as well as to Romanian researchers, to work on projects that address the cultural heritage of the Romanian *diaspora*. Fellows in this program are fully integrated in the College's community. At the end of the year they submit papers representing the results of their research, to be published in the bilingual series of the *Petre Țuțea* Program publications.

- **Europa Fellowships (2006 - 2010)**

This fellowship program, financed by the VolkswagenStiftung, proposes to respond, at a different level, to some of the concerns that had inspired our *Regional Program*. Under the general title *Traditions of the New Europe. A Prehistory of European Integration in South-Eastern Europe*, Fellows work on case studies that attempt to recapture the earlier history of the European integration, as it has been taking shape over the centuries in South–Eastern Europe, thus offering the communitarian Europe some valuable vestiges of its less known past.

- **Robert Bosch Fellowships (2007 - 2009)**

This fellowship program, funded by the Robert Bosch Foundation, supported young scholars and academics from Western Balkan countries, offering them the opportunity to spend a term at the New Europe College and devote to their research work. Fellows in this program received a monthly stipend, and funds for a one-month study trip to a university/research center in Germany.

New Europe College has been hosting over the years an ongoing series of lectures given by prominent foreign and Romanian scholars, for the benefit of academics, researchers and students, as well as a wider public. The College also organizes international and national events (seminars, workshops, colloquia, symposia, book launches, etc.).

An important component of NEC is its library, consisting of reference works, books and periodicals in the humanities, social and economic sciences. The library holds, in addition, several thousands of books and documents resulting from private donations. It is first and foremost destined to service the fellows, but it is also open to students, academics and researchers from Bucharest and from outside it.

Beside the above–described programs, New Europe Foundation and the College expanded their activities over the last years by administering, or by being involved in the following major projects:

In the past:

- ***The Ludwig Boltzmann Institute for Religious Studies towards the EU Integration (2001–2005)***

Funding from the Austrian Ludwig Boltzmann Gesellschaft enabled us to select during this interval a number of associate researchers, whose work focused on the sensitive issue of religion related problems in the Balkans, approached from the viewpoint of the EU integration. Through its activities the institute fostered the dialogue between distinct religious cultures (Christianity, Islam, Judaism), and between different confessions within the same religion, attempting to investigate the sources of antagonisms and to work towards a common ground of tolerance and cooperation. The institute hosted international scholarly events, issued a number of publications, and enlarged its library with publications meant to facilitate informed and up-to-date approaches in this field.

- ***The Septuagint Translation Project (since 2002)***

This project aims at achieving a scientifically reliable translation of the Septuagint into Romanian by a group of very gifted, mostly young, Romanian scholars, attached to the NEC. The financial support is granted by the Romanian foundation *Anonimul*. Seven of the planned nine volumes have already been published by the Polirom Publishing House in Iași.

- ***The Excellency Network Germany – South–Eastern Europe Program (2005 - 2008)***

The aim of this program, financed by the Hertie Foundation, has been to establish and foster contacts between scholars and academics, as well as higher education entities from Germany and South–Eastern Europe, in view of developing a regional scholarly network; it focused preeminently on questions touching upon European integration, such as transnational governance and citizenship. The main activities of the program consisted of hosting at the New Europe College scholars coming from Germany, invited to give lectures at the College and at universities throughout Romania, and organizing international scientific events with German participation.

- ***The ethnoArc Project–Linked European Archives for Ethnomusicological Research***

An European Research Project in the 6th Framework Programme: Information Society Technologies–Access to and Preservation of Cultural and Scientific Resources (2006-2008)

The goal of the *ethnoArc* project (which started in 2005 under the title *From Wax Cylinder to Digital Storage* with funding from the Ernst von Siemens Music Foundation and the Federal Ministry for Education and Research in Germany) was to contribute to the preservation, accessibility, connectedness and exploitation of some of the most prestigious ethno-musicological archives in Europe (Bucharest, Budapest, Berlin, and Geneva), by providing a linked archive for field collections from different sources, thus enabling access to cultural content for various application and research purposes. The project was run by an international network, which included: the “Constantin Brăiloiu” Institute for Ethnography and Folklore, Bucharest; Archives Internationales de Musique Populaire, Geneva; the Ethno-musicological Department of the Ethnologic Museum Berlin (Phonogramm Archiv), Berlin; the Institute of Musicology of the Hungarian Academy of Sciences, Budapest; Wissenschaftskolleg zu Berlin (Coordinator), Berlin; New Europe College, Bucharest; FOKUS Fraunhofer Institute for Open Communication Systems, Berlin.

Ongoing projects:

The Medicine of the Mind and Natural Philosophy in Early Modern England: A new Interpretation of Francis Bacon (A project under the aegis of the European Research Council (ERC) Starting Grants Scheme) – In cooperation with the Warburg Institute, School of Advanced Study, London (since December 2009)

Business Elites in Romania: Their Social and Educational Determinants and their Impact on Economic Performances. This is the Romanian contribution to a joint project with the University of Sankt Gallen, entitled ***Markets for Executives and Non-Executives in Western and eastern Europe***, and financed by the National Swiss Fund for the Development of Scientific Research (SCOPES) (since December 2009)

Civilization. Identity. Globalism. Social and Human Studies in the Context of European Development (A project in the Development of Human Resources, under the aegis of the National Council of Scientific Research) – in cooperation with the Romanian Academy (starting October 2010)

The EURIAS Fellowship Programme, a project initiated by NetIAS (Network of European Institutes for Advanced Study), coordinated by the RFIEA (Network of French Institutes for Advanced Study), and co-sponsored by the European Commission's 7th Framework Programme - COFUND action. It is an international researcher mobility programme in collaboration with 14 participating Institutes of Advanced Study in Berlin, Bologna, Brussels, Bucharest, Budapest, Cambridge, Helsinki, Jerusalem, Lyons, Nantes, Paris, Uppsala, Vienna, Wassenaar. The programme will issue its first call in the nearest future.

DOCSOC, Excellency, Innovation and Interdisciplinarity in doctoral and postdoctoral studies in sociology (A project in the Development of Human Resources, under the aegis of the National Council of Scientific Research) – in cooperation with the University of Bucharest (starting July 2010)

Other projects are in the making, often as a result of initiatives coming from fellows and *alumni* of the NEC.

Present Financial Support

The State Secretariat for Education and Research of Switzerland
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Articles in the field of migration, ethnicity and nationalism, informal economy

ROMANIA AT ITS BORDERS. MAPPING OUT CROSSING-BORDER PRACTICES

Introduction

Research on societal transformations after the collapse of the socialist regimes in Eastern Europe showed the role crossing-border practices played in sustaining the people's livelihood. During state socialism, Eastern European countries were seen as "large scale prisons" where people's mobility was very much restricted; international mobility, such as tourism (to Western Europe and North America especially), migration, or even crossing-border practices, were considered detrimental to the "social order" of the totalitarian state (see Horváth 2008). Nevertheless, after the collapse of the communist regimes, international mobility, migration and also informal trade became alternatives to impoverishment and economic risks. In this paper, I explore how different forms of international mobility developed after 1989. My research is carried out in the region of Bukovina (Suceava county – the Northeastern side of Romania bordering Ukraine), where different types of border crossing practices are described. I conclude by arguing that these practices should not be seen only in terms of interaction practices developing between Romania and Ukraine, but also as everyday practices, a sort of „dispositional transnationalism“, including various amounts of petty trade, border crossing practices and weak institutional cooperation.

Theoretical framework

This research incorporates two different issues of theoretical inquiry: research on border regions and on transnationalism. Research on border regions in Spain (Häkli 2002, Sahlins 1991), Italy and Croatia (Caplan 2002) shows how borders cannot always sever border crossing ties

although they separate politically distinct territories (Hettne 2003). Such research shows how people in border regions share much similarity despite living in different countries. Some other researches (Sahlins 1991) however, show how the drawing of borders followed social differentiation and social conflicts, as it was the case in the valley of Cervanya on the Spanish-France border in the Pyrenees. But most often, regional identities do not fade away once national states impose new borders. Alternatively, borders can also be drawn socially (see Barth 1969) as it is the case of Russian petty traders at the Russian-Turkish border. The opening of borders after the collapse of state socialism in Eastern Europe enhanced petty trade in the region; the presence of Russians in the bazaar in Turkey generated strong stereotypes among local Turks who were regarding Russians' presence as disturbing the local social order (Hann and Hann 1992).

In the Romanian context Chelcea (2002) investigates the role of trade in Romania's border regions during state socialism, where consumption goods were traded in the region bordering Hungary. Additionally, Radu (2009) analyzed the oil traffic to Yugoslavia during the oil embargo. He explored how the embargo was broken by local people trading oil informally and how this endeavour was undertaken with the tacit acquiescence of the state (which he titles called "predatory state").

In Romania, there is first a lack of research on borders and border crossing practices although during the past twenty years the country had significant changes in its border regulations. For almost 4 decades of state socialism Romanian borders were highly controlled, but after 1990 the border regime liberalized and informal trade flourished. A significant change happened after 2007, when, as a new EU country, Romania changed its crossing regulations towards all non-EU countries, while, at the same time, the Western border to Hungary decreased its controlling function significantly. Hence, the impact of Romanian EU accession on border-crossing mobility is underresearched.

Yet my interest is to research the economic practices in the border regions in relation to the changing economies of the Eastern Europe. In most of these countries border trade became after 1990 the one and only way to sustain livelihood for many people. Petty trade became a flourishing economic activity pattern that developed in the whole former communist world after 1989 (Humphrey 2002, Konstantinov 1996, 1998, Wallace 1999). It was related to the changing economies of the Eastern Europe, and also to trade relations. It was not only an economic opportunity, since it also enhanced social relations and made them develop across borders.

Accordingly, some researches (Wallace 2003) emphasize the role of social capital and of networks as they were specifically used by traders to minimize the risks involved by their informal activities.

Secondly, crossing-border practices could also be analyzed in relation to the growing literature on transnationalism and globalization. The transnational connections (or, “globalization from below”¹) are tied to the changes of capital and to the creation of new economic niches.² Such a perspective argues that, in contrast with the nationally based fordist economy, globalization entails a qualitative shift towards the development of flexible accumulation (Burawoy 2000) that creates new opportunities, often open to transnational economic activities. In a world seeing an increased role of transnational networks and transnational connections, the relationship between states and transnational actors is particularly interesting. According to Castells (1997, 1999) there is growing importance of global and transnational networks, and, simultaneously, a lowering of state control on border crossing social and economic relations. States are no longer seen as the ‘territorial containers’ of societies (Wimmer and Glick-Schiller 2002). States are challenged by the growing multiplicity and complexity of the transnational ties and practices. At the “top”, global networks manage the world’s finance and challenge the role of the national states. At the “bottom”, in a world of increasing variety of migrations and of growing number of migrants,³ states are challenged by the difficulty to control the chains and the new forms of migration, and in general the very different forms of transnational dynamics. However, studies on transnationalism explicitly focus on migrants’ practices, networks and their ties established between their origin and reception societies. Authors even speak about transnational social spaces (Faist 1999, Pries 1999) as denser sets of practices where networks and organizations of migrants and non-migrants develop. But the transnationalism agenda did not pay much attention on the transnational practices established in the border regions, and it is in this area that I situate my research

Changing Border Regimes between Romania and Ukraine. An Overview

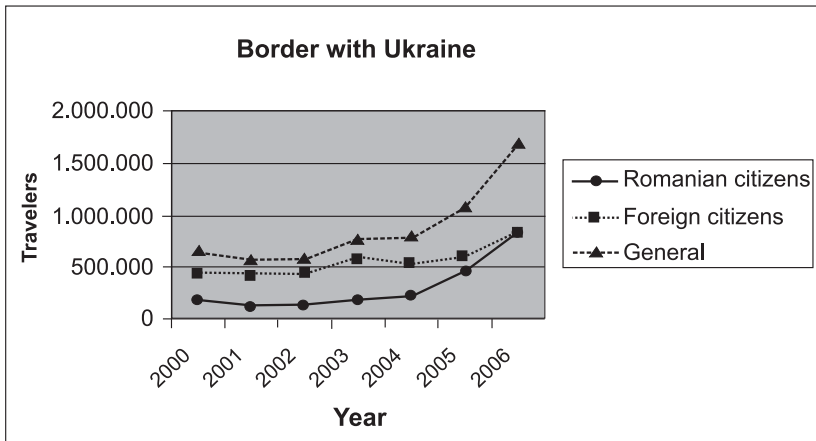
As a new EU country (2007), Romania has one of the largest landline EU external borders. The largest part of the Romanian Eastern border is shared with Ukraine towards the north and southeast, and with the Republic of

Moldova towards the east. This research was undertaken in the region of Suceava in the northeastern side of Romania. The fieldwork was carried out in a few localities in the vicinity of the border: Suceava, the major city in the county, Rădăuți, a smaller town, and Siret, which is the most important border crossing point between Romania and Ukraine.

During the 19th century Bukovina was part of the Austro-Hungarian Empire. After 1918 was part of Romania. Before the separation of Bukovina in two parts in 1940, the population in the region was ethnically mixed: Jews and Germans made the majority of the urban population, whereas Romanians and Ukrainians made the majority of the rural population. The capital city of the region, Czernowitz (in German, Cernăuți in Romanian or Chernivtsi in Ukrainian), was known for its multicultural outlook. After the separation from Romania in 1940, there was no ethnic cleansing in the Romanian Bukovina. Both parts incorporated ethnic minorities. Ethnic Germans moved after 1940 to Poland and later to Germany (Castellan 1971), while Jews were exterminated during the Second World War and the rest emigrated afterwards on (Gold 1962). But multiethnicity is still present in the region: there are Romanians and Russians living in the northern part, and Ukrainians and Roma in the south. Today the Suceava County in Romania – known as southern Bukovina - has about 700,000 inhabitants, of which 8,000 declare themselves Ukrainians. Representatives of the Ukrainian associations claimed a much higher number, of about 100,000 people having Ukrainian origin, many of them allegedly having knowledge of the Ukrainian dialect in the region. Conversely, in the Chernivtsi region, the last Ukrainian census accounted for about 920,000 inhabitants, of which 200,000 Romanian speakers (Romanians and Moldovans). This large number of ethnic minorities on both sides of the border created the premises for border crossing practices between the two countries. On both sides of the border, the majority do not speak the language from the other side. In this sense, the members of ethnic minority groups could enhance communication in the border-crossing activities.

In the last twenty years the border regime changed, including agreements and treaties signed by the neighboring states. During state socialism international mobility was severely restricted for Romanian citizens (Diminescu 2003). After 1990 a series of agreements were reached between the two countries. Thus, diplomatic relations were established between the two states on the 1st of January 1992,⁴ after Ukraine declared its independence. A convention concerning the simplified access of citizens living close to the border was signed in 1996.⁵ This act opened

up increasing opportunities for petty traders and those traveling between the two countries. A treaty for cooperation and good neighborhood⁶ and a convention in 2000 concerning common cooperation for custom followed.⁷ Consequently, the border treaty was signed on the 17th of June 2003.⁸ Afterwards another two treaties were signed in 2003 and 2006. The first regulated the travel of Romanian and Ukrainian citizens,⁹ while the second regulated the functioning of the border crossing points.¹⁰ During the 1990s, access of Romanian and Ukrainian citizens in the neighboring country was fairly free. However, after 2004 Romania set up a system of visas for the Ukrainian citizens as a condition for the country's accession to the EU. In turn, the Ukrainian government imposed visa requirements for the Romanian traveling to Ukraine. Between 2004 and 2008 citizens' traveling between the two ex-communist countries was established on a visa-based mutual system. This was established on the 16th of July 2004 by the Ukrainian side and in the same year by the Romania side. In 2008 Ukraine had to comply to the contract signed to the EU concerning the free access of the EU citizens in Ukraine. Consequently, Romanians were exempted from visa requirements. Such structural changes influenced border crossing patterns: border crossing is free for Romanians but restrictive for Ukrainians. This current situation occurs in a context of increasing border crossing between Romania and Ukraine. As the data below shows, between 2000 and 2006 there was an increasing number of travelers crossing the border between Romania and Ukraine. In the last years, rising prices in Romania made trading profitable, so that more and more people tended to cross the border for economic purposes.

Table 1: Number of crossings at the Romanian-Ukrainian border, 2000 - 2006¹¹

As noted elsewhere (Kaiser 2005, Bruns 2009), people in the Eastern Europe often used the borders as resources. Literature on the societal transformations in the region showed that the deregulations of the state and the emerging markets were accompanied by a flourishing informal economy, in which people attempted to sustain their livelihood during the unregulated transition process (Burawoy and Verdery 1999). Research undertaken in different parts of Romania (Chelcea and Mateescu 2005, Crăciun *et al.* 2002, Stănculescu *et. al* 2007) showed how informal economy was fueled by de-industrialization (Burawoy 1996). In the County of Suceava, the former socialist industry collapsed, and consequently, border-crossing economic activities and later international migration were essential to sustain households' economy. Therefore, this research explores how petty trade was practiced over the years, while also attempting to understand the new forms of cooperation that came into existence since Romania became a EU member.

Petty Trade in Romania's Border Region

During state socialism Romanian citizens were rarely allowed to travel to see relatives living in the Soviet Union. During these years though, an agreement was reached between the Romanian and Soviet authorities allowing, in principle, the crossings for people living on both sides of the border between Romania and the former USSR. De facto, Romanians and Ukrainians were crossing the border rarely.

At that time though, more Poles were crossing it more regularly, during their holiday travel to the Black Sea. Hence, they were the first informal traders in the area, carrying goods to Romania that was already facing deep shortage. Usually, they brought food, and sold it in Romania, in order to buy other products that they would then take back to Poland. Some of the people I interviewed recall Poles' trading abilities and that „they were able to make good business before we even started to think of it“.

Poles came here with small cars. They traveled farther through the country to sell their goods, only a handful stopped here, selling high quality products: clothes and food (Ciprian).¹²

Not even spare parts for the Romanian cars were available on the Romanian market; you always had to improvise something. They brought everything you needed: thermometers, ironing machines and electronics. They purchased here tomato sauce, small boxes, whatever was available here at that time. They were great traders, the Poles, and there were many of them coming here before 1989 (Marin).

According to my informants, many Poles spent their holidays at the Black Sea in Romania or Bulgaria, while also doing a little trade on the side in order to cut the excursions' costs.

Later on, state socialism collapsed throughout the Eastern Europe and the scarcity of goods in the region started to be compensated by the emerging entrepreneurs. Small trade extended to Turkey, Poland, and Ukraine, as people witnessed the first years of new capitalism.

In 1991-1992 petty trade flourished here. Immediately after the Revolution of 1989 you could travel freely to Poland, Ukraine, and Czechoslovakia. For smart people, this was a time of action; one needed only courage and enough information about what to do. Some were able to take risks as they had no family responsibilities. They could win. I saw people trading

from Poland. They were quite unsophisticated at the beginning but after going there ten or fifteen times I saw them changing. Indeed, trade changed these people. One could be “the last in his/hers village”, but after going to Poland or Ukraine, he or she knew how to make money. And those who stayed employed in state institutions had no idea what this was all about (Maria).

After 1989, much of the former socialist industry was still in place but unable to engage in commercial transactions with the other socialist states in the same manner as before when trade was organized and directed by the state. And so, people took initiatives. From the city of Siret for instance, they bought carpets produced in the local factory, and sold them afterwards in improvised markets in Poland. It was a profitable business at that time, since prices in Romania were a few times lower than those in Poland. People traded other goods also, but when the textile industry collapsed in the region, such trading opportunities slowly disappeared.

In Poland we could sell glasses, vodka, toys for kids, fish conserves, these were really good in Romania. And we could bring here USD and DM, hard currency that was missing here (Nicu).

In the mid 1990s informal trade started to be practiced mostly between Romania and Ukraine and trade related traveling to Poland became less frequent. After 1995-1996, Ukrainians started to trade goods too. Furthermore, although their economy entered a process of dramatic restructuring, barter was practiced in large extents. Companies had difficulties to pay their employees, and, instead, people received products their companies produced:

Ukrainians received products instead of salaries. They received underwear, textiles, whatever their factories produced. What would these people do? They came here to sell their products and receive money (Maria).

The permeability of borders after 1990 made possible informal trading activities between northern Romania, western Ukraine and eastern Poland. It allowed people in the region to travel to the neighboring states whenever they encountered economic difficulties. In the 1980s, Poles traveled overwhelmingly, while in the 1990s, Romanians traded in Ukraine and Poland. Ukrainians also moved constantly after 1990. Their mobility to

Romania became restricted in 2004, due to Romania's accession to the EU, but Romanians continue to engage in border-crossing border economic activities. Trading was highly facilitated by the relatively small distances in the region: only 80 kilometers from Suceava to Chernivtsi, and about 450 km between Suceava and the closest cities in eastern Poland.

In Romania petty trade developed by and large as a kind of individualized practice, with people improving their income by undertaking small trading activities. However, some specialized networks developed over the years, through "professional" traders selling goods from Ukraine in the small markets of Romania's border region, looking for new customers and using retail networks. Of a great importance was the development of the Bazaar in Chernivtsi, Ukraine, the largest city in the region.

Picture 1: The Bazaar in Chernivtsi



The Bazaar is a hub for trade in the whole region, where goods from Poland, Ukraine, or Turkey were traded in large quantities. It has a few thousand small shops selling all sorts of goods: food, clothes, electronics, household equipments, and so on. It is well organized in sections in accordance with the offered goods. Sellers are in general Ukrainians, but when somebody speaks Romanian, traders try to overcome language barriers. The language knowledge of the members of ethnic minority groups – be they Romanian speakers in Ukraine or Ukrainian speakers from Romania, represents a social facilitator of trading activities. People appreciate Ukrainian goods. As some customers consider, “Ukrainian goods are very good, as they still produced their own goods and do not import everything from abroad as Romanians do (Tudor)”. Highly appreciated for its quality, food is often purchased by Romanians: “fish is better in Ukraine, much better than that from Suceava, you can grill it better. And it is not always cheaper, but it is for sure better (Maria).”

They have good food: [meat, eggs, conserves, vegetables], everything you need. I bought once a fish conserve, it was written in Ukrainian. For example, if you have grains of a good quality, and a mill, you can obtain your own wheat. Once I bought 30 kg of wheat from there. They didn't destroy their food factories and their agriculture to the same extent as we did (Gabriel).

Any juice from there is very good. And you can also find consumption goods as in Romania, for instance all kinds of Procter and Gamble products, exactly as they are in Romania. These are similar, only they are written in Russian and much cheaper as they are here. If you go there, instead of 3-400 RON as it would be in Romania, you could pay only 150-200 RON. It is more profitable (Liviu).

During the last year¹³ prices in Ukraine were about half in comparison with Romanian prices, and consequently trading activity was very intense. But since prices in Ukraine increased steadily, trading profits decreased for unorganized traders: “the Bazaar in Chernivtsi was full with Romanians last year, today they come less”. But even when the price difference is not that big, customers still prefer the Ukrainian goods they are accustomed with.

Picture 2: Sweets and candies in the Bazaar,
praised by Romanian customers for their quality



In Romania petty trade is practiced in Suceava and in small improvised markets in the cities of Siret and Rădăuți, but also in the weekly markets throughout the villages in the region. In such markets there are “Russians’ tables” where goods are sold such as candy, clothes and also household utilities: hammers, tongs, water hoses, small engines, nails, and so on. Some sellers deliver their goods steadily; they rent flats where goods are stored, travel in the region in order to reach their customers. In the last year, prices in Ukraine increased, but traders reduce their profits and kept their goods at a lower price to maintain their customers interested. Over the years people got acquainted with these products so that they want and appreciate them. Even when similar products are available in Romania they still buy “Russian” goods. Customers are town dwellers but especially people living in the villages close to Rădăuți and Siret, having smaller income.

About eighty percent of the people living in the region buy something from the Bazaar (Ana).

And, as Liviu contends,

Customers are village dwellers mostly. People come to Rădăuți from all these villages: Marginea, Putna, and Vicov. In Rădăuți people started also to buy from supermarkets opened in Suceava. But those coming from villages are faithful customers of “Russian” products. My mother is such a person. She likes plastic flowers, kitschy stuff. With little money you are able to buy many things: cheap chemicals, juices, cheap plastic clothes, all sorts of cheap goods. Cigarettes also are Russian brands such as St. George or so. Here there is this poor and alcoholic working class. There are many of them here, and they buy these cheap cigarettes and cheap drinks.

Among the most traded goods, cigarettes and oil are particularly appealing since price differences were really high between Romania and Ukraine. Although the trading of goods decreased, cigarettes and oil remained a very profitable activity despite the restrictions imposed by authorities. Romania’s accession to the European Union brought difficulties to the Ukrainian citizens coming to Romania, who depend on the visa requirements imposed by Romanians.

Now it is increasingly difficult for Ukrainians to get to Romania, they were deeply affected by the changes in border regulations. Before 2004 eighty percent of sellers were Ukrainians, or Romanians selling their goods. In the meanwhile half of them went back to Ukraine. And after 2007 this trading decreased very much (Olga)... Then, some limitations were imposed on imports, since Romania entered the EU. It was easier before when Romania was not a EU country (Liviu).

Research on petty trade in the Balkans shows how people carried out such practices in uncertain contexts. In such cases people rely on networks and social ties (Konstantinov 1996, Wallace 2003) to conduct their economic activities. But in this case, the role of networks is smaller, and one’s own individual actions are decisive. Furthermore, the relatively unclear prices’ development in Romania and Ukraine decreased the likelihood of much standardization. In the past years, whenever price differences grew, trading intensified. When price differences lowered, trading decreased. Trading was used as a strategy in contexts of economic

difficulties. Petty trade was practiced in Romania, Poland, and Ukraine but tended to become a regional practice over the years, goods being traded between Chernivtsi and southern Bukovina.

Shopping in Ukraine

A second type of border-crossing activity is shopping in the Bazaar of Chernivtsi. Shopping is usually undertaken by dwellers of border cities and villages. Between these localities and Chernivtsi there are only 60 km, in comparison to 40 km, which is the distance to Suceava. Thus, it really makes no difference whether one goes shopping into a city or into the other.

I know many people who go shopping in Chernivtsi at the Bazaar. They go there as if they went to the mall in Romania. The distance is of about 60 km. They load their cars with goods and come back later. You cross the border and you have to bribe the custom officers and the border control. It is called “the tradition”, amounting to five Hryvnia¹⁴ for each of them. They buy food, fuel and cigarettes. Some even go there weekly with a lorry and load them with fuel. Afterwards, they have sufficient for their own use (Liviu).

In the following I will describe how shopping in Ukraine was once undertaken.

A day at the Bazaar

We went in the morning to buy some 50 kg of sugar for Nicu’s bees. He said that going to the Bazaar is more profitable than buying the sugar from a normal shop in Romania. The trip to the border was very short. At the Ukrainian side the crossing was easy and “standardized”. To get to the other side, about 10 Grivne (about 1 Euro) were informally requested from each passenger. We crossed the border and headed to the Bazaar in Chernivtsi.

The Bazaar is very large as it comprises goods of all sorts and clustered in different sectors. After finding sellers of sugar negotiation was quick and easy. The price was just half the price in Romania. The Bazaar is very big so that we had further opportunity to go shopping. We walked and suddenly

Nicu saw a sawing machine. "It is good for me, I may need one home". "In the 1990s, Russians had products of poor quality", he said, "but now they are able to produce machines with the same quality as in Romania". Only the price is half. We went further to the food section. Candy was quite different from those in Romania, so that we tried some. Their quality made people buy more. We headed to the instruments section, where Ion needed some small drills for his drilling machine. Before leaving the Bazaar Nicu stopped to buy three cartons of Ukrainian cigarettes. We then returned to Romania. Close to the border Nicu bought fuel for the car, much cheaper than in Romania. The trip was profitable for Nicu and Ion and Ion planned to buy a sawing machine at the following trip to Chernivtsi. The cost of the trip was covered by the savings realized from cigarettes only.

Shopping in Ukraine is an individual practice and does not necessitate the use of social networks, or social capital. It is undertaken by people in accordance to price differences in Ukraine and Romania. My interviewees considered that it decreased from the previous year, when "the whole village was in the Bazaar every weekend". Different from petty trade, undertaken for business purposes, shopping in Ukraine was undertaken by people in order to lower households' costs or to buy some goods usually harder to find in Romania. People valued Ukrainian goods. "Different from Romanians, Ukrainians still have their own products," they say. They value more these goods than those existing in the Romanian supermarkets, although they consider that, in the end, they all have the same quality. On the other hand, others said that it is mostly older or poorer people that bought these Ukrainian goods. For them, they are kitsch and have a poor quality, but their price made them attractive. A main change in this border crossing individual trade process was the imposition of entry visa requirements for Ukrainian citizens. Consequently, their border crossing decreased. If initially people on both sides of the border were involved in this process, today the crossing of Romanian citizens prevails.

Regional Migration

I presented so far two activities, petty trade and shopping in Ukraine, in order to introduce the main economic border-crossing activities. Both had a lot of variation over the years, generally affected by economic opportunities and people's access to the other country. Petty trade for instance boomed at the beginning of the '90s but slowed down afterwards to a constant

level. A third type of border crossing practice, but having long-standing effects, is migration. In the last seven years, Romania became one of the main source countries for international migration in Europe. Its experience to regulate or control migration is very limited and its migration policy is only incipient. After 1990 we saw quite a *laissez-faire* and lack of clarity concerning border-crossing control. Until 2004 there was unrestricted access of Ukrainian citizens to Romania and of Romanian citizens to Ukraine. But Romania's migration policy changed afterwards under the influence of European Union integration. One of the main conditions for the country's accession to the EU, Romania had to strengthen border control and limit the irregular migration transiting the country.

Migration theory waives between demand and supply explanations. On the one hand, supply explanations stress that there are causes in migrants' origin contexts that made people leave. Such factors could be wars, impoverishment, natural disasters, ethnic or racial conflicts, and so on. This view focuses on the fact that migration is organized by migrants' networks. These networks develop until they reach maturation and are able to perpetuate migration disregarding the changing structures of opportunities that migrants encounter (Massey 1998, Faist 2000). On the other hand, the demand-driven explanations stress that it is precisely the labor demand in the reception countries that cause and maintain migration. An alternative explanation to the dominant network-based approach, but not excluding the use of migrant networks entirely, is one emphasizing the fact that institutions and brokers of migration facilitate migration to a large extent (Krissman 2005). States are important actors that drive and control migration. They facilitate migrants' mobility, allowing or restricting migrants' access into the country, as well as access to rights and benefits.

Romania's migration policy was created, but it was mostly limited to the issues of EU's border control. Two specific tasks related to this policy were the fight against irregular migration through controlling irregular entries and the development of an asylum seekers policy. No real public discussions or parliamentary debates were devoted to this issue, and the legislation was adopted through government regulations. The Romanian Migration Office was created, a government body created to manage migration issues in Romania. Legislation for third country nationals was adopted and infrastructure developed, such as the erection of several camps for asylum seekers in Timișoara, Bucharest, Șomcuta Mare and Rădăuți. However, the funds backing the policy were scarce even for the small number of asylum seekers at stake. For Ukrainian citizens, the

adoption of the migration legislation had direct consequences, by making entry into Romania more difficult.

In Suceava county alone records show about 1,000 migrants, most of them coming from the Republic of Moldova. Migration from Ukraine was weak, although it may potentially develop in the future. Nevertheless, throughout time, migration to Romania developed. Hence, there is migration of ethnic Romanians¹⁵ from the Chernivtsi region who chose to come to Romania after 1990 and there is marriage migration of Ukrainians, mostly women, coming to Romania. As this fieldwork revealed, migration is not a mass phenomenon, since the number of immigrants is small.

The reasons for Ukrainian migration varied over the years. As my interviewees recall, Romania was in a worse economical situation than Ukraine in the first years after 1990. The country was experiencing a period of drastic shortages and decreasing living standards. But, in the late 1990s, Ukraine's economy went into a very deep crisis. After 1996-1997, it often happened that people hadn't received their meager wages. In the Chernivtsi region, salaries of 40 to 50 Euros were standard payments at that time. Ethnic Romanians came first to study in Romania and then extended their stay, taking positions in the local labor markets. Some interviewees came from some Romanian villages that are close to the border and their family ties were not severed by migration as they pay regular visits to their relatives in Ukraine. They saw migration as fairly easy, although not without difficulties:

Those who arrived here were called "Russians". The adaptation here was difficult, some went back. Those who came here as students, went to high schools and universities. They adapted better here and you cannot distinguish them on the street (Alexandru).

After coming to Romania, they decided to stay inasmuch their professional careers could be better in Romania. They brought their families with them.

The marriage migrants I interviewed, arrived as petty traders and afterwards moved permanently to Romania. Ana is one of them. She comes from the northern part of the Chernivtsi region. She graduated university and started teaching in school. She has a child but her earnings were not enough to cover their living expenses. She then started trading between Ukraine and Romania.

I never thought of coming here when I was a student. But at the school I worked in, I received no money so that I was forced to start trading. I already had a child. I first sold goods here (to Romania, n.a.) and afterwards I bought a table here in the market. I had a child and I had to earn money. Afterwards, I met my future husband, who is a Romanian. We got acquainted to each other, and then we married. I got two other kids with him. Initially I spoke no Romanian, but I learned it afterwards. Now I have a place here in this market. With what I earn I am able to raise my children; I earn pretty well today (Ana).

Ana resells goods purchased from the distributors' shops in the Bazaar of Chernivtsi. She does not shuttle between Romania and Ukraine, but only receives these goods from other Ukrainian resellers. She does not hold Romanian citizenship but feels well integrated. She argues that cultural differences are insignificant in the region, between people living in the northern and the southern part of the border. For her, migration was easy; she had Romanian friends and she was also able to keep her ties to Ukraine.

The second case is Olga. She is also engaged with trading goods in the market, but in a different city than Ana. She is married to Ioan, a Romanian Ukrainian. She received graduate education in Ukraine but was forced to start trading because of the lack of economic opportunities in Ukraine. Olga's knowledge of Romanian is poor as she can communicate to Ioan in Ukrainian. Similarly to Ana's case, Olga considers her migration project easy and social integration unproblematic. Other ethnic Ukrainians from Romanian villages close to the border married women from Ukraine; also, there are marriages of students coming to Romania. However, as my interviewees consider, there are also some cases of Romanian citizens moving to Ukraine where their spouses could have better economic or social position. Ethnicity plays a special role in migration as it facilitates the formation of new social ties across the border and encourages kinship ties to develop. Marriage migration did not require initial knowledge of Romanian for potential migrants, but it rather assumed its subsequent acquisition. Furthermore, ethnic Ukrainians have some special rights in Romania, as they are members of a recognized national minority. There are schools and churches in the Ukrainian language, newspapers and ethnic associations. Furthermore, there is a sizeable Ukrainian community in the region and the presence of newcomers is not negatively typified by population.

There is no labor migration at the moment although there are significant wage differences between Romania and Ukraine. Moreover, there is strong migration towards Western Europe and in Suceava scarcity of labor increased in the past years. A few years ago there was a tiny temporary labor migration of Ukrainians in agriculture but, after 2004, after the coming into existence of the visa agreement between Romania and Ukraine, migration ceased: "There were cases when Ukrainians arrived for agricultural works. This was when we needed people to harvest the potatoes. They were also coming with sowing machines. Afterwards they ceased coming, because they needed visas".

Today migration from the northern Bukovina is directed towards Western Europe where access is still very difficult and also towards Russia (especially Moscow). In this context, if wages' difference will grow between Romania and Ukraine regional labor migration may emerge especially in agriculture, where, at least in Romania, labor scarcity deepens.

Briefly, migration is weak between Ukraine and Romania and consists of marriage migration and the movement of Romanian ethnic migrants from Ukraine. There are no networks of migration. Some marriage migrants were first petty traders selling Ukrainian goods in Romania, some others came to Romania for better professional careers. However, stronger migration is unlikely to develop unless wages in Romania increase and visa requirements for the Ukrainian citizens become less strict.

Developing Institutional Ties.

The New EU Neighborhood Policy and Some of Its Effects

So far, I presented the transnational practices developed by individuals in Romania's border region to Ukraine. Most of them were practices "from below" that people sustained in order to adapt to the changing economies of their countries. In the case of migration too, economic factors were important, but there were also some non-economic factors, such as marriage. But after Romania's accession to the EU there was a set of institutional cooperation enhanced by the EU policy "from above" towards the EU neighboring countries. Accordingly, within the framework of EU neighboring policy, funds are provided to enhance partnership between institutions in the EU bordering regions. The EU framework aims at enhancing cultural and economic activities, but not all institutional

cross-border cooperation can receive such funds. In the region where I conducted my fieldwork, there were already partnerships, such as school cooperation, school visits and school exchanges, cultural activities such as meetings of Bukovinians, and religious pilgrimages. However, the EU's policy is strictly directed towards enhancing economic activities. In the following I present two such funded projects.

Cooperation in tourism in the region received funds as this could potentially have long-lasting economic effects. Funds are provided to entities from the EU countries only, but they have to cooperate with organizations and companies from the neighboring non-EU countries. All funds should be spent on the territory of the EU, in this case in Romania. This actually makes the participation of the non-EU organizations everything but very profitable. Their main gain is the participation in such projects, and eventually the acquiring of new customers for companies.

Only the Romanian partner can undertake financial activities in these projects, this is what EU wants. The Ukrainian partner institution cannot receive funds, Ukrainians cannot be paid. They received only training, access to know-how on project management, travel to Romania and participation in such projects (Radu).

A major obstacle is language. Romanians do not speak Ukrainian and Ukrainians do not speak Romanian, so translation is often needed. This task is realized through the participation of ethnic minorities (especially Romanians from Ukraine) in such projects or through hiring professional translators. Such projects realized through top-down fund allocations are at the moment in initiation phase and although money was received their effects are very small.

Effects are small, now we mainly build networks and partnerships. But in these crossing-border partnerships we could make some money. We did a first step, to establish personal communication, to break the stereotypes from both sides and to get to know each other. Indeed, we benefited more than Ukrainians did. But there is a potential in such projects, and we communicate well as cultural differences are very small (Radu).

One of these projects project aims at promoting ecological tourism in protected areas of the Carpathians. It first defined four areas in the Suceava County (Romania) and tries to develop the infrastructure and services

necessary in order to receive foreign tourists interested in animal watching, Nordic walk and ecological tourism. The project is organized by the University of Suceava and has the indirect support of World Wildlife Fund, one of the world's largest NGOs involved in environment conservation, with over 90 offices and activities run in 40 countries. In Romania and Ukraine, WWF promotes the preservation of biodiversity in the Carpathian region, running projects in protected areas and preserving wildlife in the Carpathian region, housing the largest population of brown bears, wolves, chamois and lynxes in Europe. As they are the richest area of biodiversity in Europe, Carpathians became a priority of the organization.

The project managers defined four tourist parks in Romania. The project aims to develop activities and tourist lanes in these four protected areas in the Suceava County, involving NGOs, activists, and mountain rangers. As these projects have economic outcomes, they try to sell the tourist packages to tourists from the Western Europe and Romania. Packages contain ecotourism and cultural tourism activities, showing the potential tourists the popular culture and trips to the medieval monasteries from the region. Having developed a diversified and attractive offer, promoters seek to develop alternative solutions of local development where tourism is not detrimental to biodiversity, preservation of forests and wildlife. It is not aimed to be not a mass tourism, however the resources gained from such activities would offer jobs in the region.

WWF trainers provide information to the personnel involved in the project on the management of similar projects. Ukrainian partners are involved in trainings only. They themselves will be able to apply to funds offered by the EU, but at the moment such funding schemes are functional for Romanians only.

The second project I looked at tries to develop cultural tourism in Romania and in Ukraine, in both parts of Bukovina. Both regions have a tourist offer and they are visited by a large number of tourists. Southern Bukovina has a large mountain area including the tourist resorts in Vatra Dornei and the Moldavian medieval monasteries, included in the UNESCO world cultural heritage. Northern Bukovina has a mountain area with tourist resorts and ski facilities, as well as the city of Chernivtsi, known for its former multicultural life. The usual offers of the touring companies in Romania include mainly visits to the medieval monasteries, whereas those in Ukraine include visits to Chernivtsi and the Carpathian mountains. Promoters of this project try to extend the tourist offer of both parts to include tours in the other part, thus enriching the offers of the touring

operators in both Romania and Ukraine. The project aims to develop this concept with tourist activities related to the traditional culture of the area. Different from the first project, where most activities were realized in Romania, in this project activities are carried out in both countries. No major investment is needed, as the project uses the existing facilities and companies on both sides. Funds are spent in Romania to undertake the organization and the run of the project. However, if successful, the project would equally help Romanians and Ukrainians. Both projects are at their initiation phase and their results are still unclear. Their results, if positive, could involve a limited number of persons. A major difficulty of running these projects is the language barrier, to which one can add the visa requirements for the Ukrainian citizens traveling to Romania – a potentially stronger barrier.

Both projects are run in Romania and most results are to be expected here so that Ukrainians benefit less from them. They cannot be paid, as Romanians can. Their benefits are to get a Romanian visa and be part of some projects that would eventually work. The institutional framework set up by the EU does not provide a new structure of opportunities to develop solid steady institutional crossing-border relations. And it does not create equal partners on both sides of the border since Ukrainians are structurally disadvantaged in comparison to Romanians. But if successful, these projects may continue working over time, potentially leading to deeper collaboration.

Discussion and Conclusions

This study had the aim to map out and discuss the border-crossing practices between Romania and Ukraine, in the region of Suceava (Romania) – Chernivtsi (Ukraine). On the Romanian side, these practices include petty trade, shopping, weak but emerging migration, and an array of cross-border partnerships supported by the EU. The creation of EU financial schemes for cooperation in the border areas, the imposition of visa requirements to the Ukrainian citizens and the elaboration of a migration policy in Romania upon European model leads to the emergence of formal border-crossing practices and are detrimental to informal practices. However, informal petty trade and shopping play a much more important role in comparison to the formal activities in a context in which the EU funded projects have weak effects.

Petty trade was widely used in the region in order to overcome economic difficulties and the downward spiraling of regional economy. It was intensively practiced during the 1990s between Romania, Poland and Ukraine and then continued mostly in Bukovina. Intensity of informal trade varied as the prices of goods in the two countries changed over time. Currently, food, oil and cigarettes are traded or bought by people from the Bazaar in Chernivtsi. They later sell these goods in Romania, or use them for their household needs. Romania's accession to the EU imposed visa restrictions for the Ukrainian citizens thus limiting the number of those involved in informal trade. Shopping in Ukraine is widely spread among Romanian citizens, as it is very profitable for people in the border region.

The economic situation in Romania improved and offers better living opportunities than in Ukraine. Furthermore, the country's accession to the EU opened up new opportunities for economical advance in the region and there is potentially growing migration. Currently, migration policy regards mainly asylum seekers and there is no massive ethnic, or labor migration in Romania. It deals with securing the borders and limiting the entry of transiting irregular migrants. The current research showed the easy integration of migrants from Ukraine in Romania and the ways in which these migrants maintain their social ties in their origin country.

Finally, EU funded projects are seen as developing institutional bridges between Romania and Ukraine, although they are in a nascent phase. They may evolve over the years, since the EU's neighboring policy towards Ukraine is likely to continue. There is indeed an economic potential in developing tourism in the region, and people on both sides of the border can benefit from it.

In conclusion, the paper unfolds the weak development of transnational practices, the random use of networks' ties involved in these practices and the strong role of top-down national and EU regulations imposed on them. In contrast to the relevant literature on economic globalization and transnationalism, stressing the often decreasing role of the state in regulating transnational flows, this study shows the important role that states and EU structures effect on crossing-border practices. Petty trade boomed when states were weak and passed through the economic restructuring of the 1990s. It helped people to overcome economic difficulties. But petty trade tended to decrease as the border control strengthens and economies recovered.

NOTES

- ¹ The term is used by Portes (Portes, 1996) to describe the transnational economic enterprise that use the niches created by transmigrants. He considers the emergence of these enterprises tied with the logic of capital development in the global era. In his view, this is a new for of economic activity and these enterprises act as globalizing actors, but “from below.” In the same perspective can be regarded the transmigrants that maintain strong ties with their home societies.
- ² See for instance Portes (Portes, 1996).
- ³ At the moment there are about one hundred million migrants throughout the world. See Lucassen and Lucassen (Lucassen and Lucassen, 1997).
- ⁴ <http://www.mae.ro/index.php?unde=doc&id=5750>.
- ⁵ Convenția între Guvernul României și Guvernul Ucrainei privind trecerea simplificată a frontierei de stat comune de către cetățenii care domiciliază în județele și raioanele de frontieră (Ismail, 29 martie 1996).
- ⁶ Tratat cu privire la relațiile de bună vecinătate și cooperare între România și Ucraina (Constanța, 2 iunie 1997).
- ⁷ Acord între Guvernul României și Cabinetul de Miniștri al Ucrainei privind asistența reciprocă în domeniul vamal (București, 19 iunie 2000), www.mae.ro.
- ⁸ Tratat, între România și Ucraina privind regimul frontierei de stat româno-ucrainene, colaborarea și asistența mutuală în problemele de frontieră.
- ⁹ Acord între Guvernul României și Cabinetul de Miniștri al Ucrainei cu privire la condițiile călătoriilor reciproce ale cetățenilor (Kiev, 19 decembrie 2003).
- ¹⁰ Acord între Guvernul României și Cabinetul de Miniștri al Ucrainei cu privire la punctele de trecere a frontierei de stat româno-ucrainene (Kiev, 2 februarie 2006). In Romania this has enforced by the HOTĂRÂRE nr.675 din 24 mai 2006. http://www.cdep.ro/pls/legis/legis_pck.http_act_text?id=73188, downloaded at 16.12.2007, 15:17.
- ¹¹ See Kindler and Matejko 2009
- ¹² In this text I use false names of my interviewees.
- ¹³ 2008.
- ¹⁴ About 40 Eurocents
- ¹⁵ See Brubaker (1998) for a larger theoretical inquiry.

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ARCHITECTURE ET IDEOLOGIES

La réception des immeubles sociaux collectifs bucarestois d'avant et d'après la Seconde Guerre mondiale : Histoire et mémoire collective

Dans cette recherche nous reprendrons l'approche de Maurice Halbwachs¹ et de ses héritiers quant à la relation entre les objets matériels et un groupe social qui vit dans une partie de l'espace². D'après lui, le bâti influence la pensée des individus et les pratiques du groupe lorsque son cadre de vie est adapté à ses besoins et lorsqu'un fort lien s'établit dans le temps entre « les pierres et les hommes »³. Mais que se passe-t-il lorsqu'un bâti est imposé aux habitants, qui sont contraints d'y vivre et de se l'approprier par la suite ? Peuvent-ils justement se l'approprier ? Et de quelle façon ?

Pour répondre à ces questions nous avons choisi comme terrain de recherche les immeubles de logements sociaux construits à Bucarest autour de la deuxième guerre mondiale. Domaine d'intervention du secteur public dans la construction, ces immeubles sont un enjeu architectural au même titre que politique. L'architecture des cités, comme expression d'une production paternaliste, constitue d'abord le cadre matériel imaginé par ses promoteurs, avant de devenir un espace de sociabilité. Nous proposons donc de déchiffrer le rapport entre les visées idéologiques d'origine et la manière dont ce niveau de contenu a été transmis dans le temps à travers l'architecture.

Notre recherche porte alors sur la question de l'appropriation de l'héritage bâti bucarestois du XX^{ème} siècle dans la conscience collective. Les représentations que l'on se fait du passé de l'espace matériel de la ville mettent en question le potentiel symbolique de l'architecture. *L'architecture-métaphore* transmettrait ainsi des significations au-delà du visible, de la même manière que l'écriture. Si cette signification tient à la relation entre l'architecture et l'idéologie du régime qui l'a produite, nous

pouvons nous demander quels sont les mécanismes de transmission de ce contenu et comment fonctionnent ces mécanismes dans le temps ?

Pour répondre à ces questions, nous allons croiser différents registres de discours pour mettre en évidence la pluralité de représentations contradictoires que l'on se fait de l'héritage bâti. D'un côté nous présenterons les quelques points de vue provenant de l'histoire savante, de la littérature, des mémoires d'architectes, et d'autres ouvrages écrits qui donnent des interprétations critiques sur l'histoire de l'espace bâti. De l'autre côté nous essaierons de déchiffrer les mécanismes par lesquelles « l'architecture comme symbole » agit sur la conscience collective des habitants et par lesquelles ce message se transmet à travers le temps et les générations.

Nous opèrerons à partir de l'observation des lieux, de l'analyse de discussions informelles et d'entretiens semi directifs⁴ avec les habitants. Ceux-ci nous fournissent des informations sur la manière dont ces derniers parlent de leur espace de vie et du passé de celui-ci. Nous intéressent plus particulièrement les éléments de l'histoire qu'ils évoquent et le rôle de l'espace matériel dans ces récits. L'analyse thématique des discours nous aide à déchiffrer et à grouper les thèmes récurrents abordés et à analyser la manière dont ces idées apparaissent.

Mais, avant tout, il est nécessaire de reconstruire brièvement l'histoire de l'architecture des immeubles sociaux collectifs en Roumanie avant et après la Seconde Guerre mondiale. Le choix de cette période est motivé par le fait que le discours contemporain associe l'architecture de la période communiste principalement à la destruction de l'héritage, des savoirs, des traditions et des normes antérieurs. Pour notre propos, l'analyse du rapport entre bâti et idéologie pour les moments d'avant et d'après l'instauration du régime communiste, nous semble alors significative, car les deux étapes jalonnent la période de passage entre deux régimes et « deux architectures ».

Dans la première partie nous donnerons un aperçu des principales visées idéologiques qui ont dominé la réflexion sur les projets de logements au cours de la période étudiée. Ensuite nous présenterons les différents points de vues critiques sur l'histoire, retrouvés dans les écrits des historiens, des historiens de l'architecture et dans la littérature. Nous avons regroupé en trois catégories les différentes approches retrouvées dans les débats savants sur l'appropriation de l'héritage des régimes totalitaires et plus particulièrement de l'habitat social de l'époque communiste.

Enfin, nous terminerons par des considérations sur les mécanismes de transmission de la relation entre architecture et idéologie par le biais de la mémoire collective.

A partir de l'analyse de plusieurs immeubles, nous avons retenu deux études de cas, qui datent d'avant et d'après la Seconde Guerre Mondiale. Les paroles des habitants des deux immeubles seront mises en parallèle avec une analyse architecturale des plans retrouvés aux archives, et ce, pour pouvoir repérer et comprendre dans les récits des habitants les éléments qui ont des correspondances ou qui font référence à l'espace matériel et à sa structure.

Histoire du logement social avant et après la Seconde Guerre mondiale

Dans notre travail nous employons le terme de *logement social* pour désigner la production de l'habitat initiée par l'Etat et par les institutions publiques pour assurer le logement à une partie de la population. En Europe, il est difficile de distinguer nettement les projets initiés par l'Etat ou par la Commune, notamment après la Première Guerre mondiale, de ceux menés au 19^{ème} siècle par des institutions philanthropiques et charitables, visant les plus démunis et la classe ouvrière. Les deux catégories - projets issus de l'initiative publique et privée - rêvent de créer un « ordre idéal » pour la communauté visée, mais aussi éduquer la population, en l'induisant aux valeurs morales. Influencé par les débats européens antérieurs, le discours sur le logement social en Roumanie d'avant la Seconde Guerre mondiale, associe ainsi de même toujours un modèle d'organisation avec des valeurs morales et une orientation politique⁵.

Le terme de *logement social* renvoie également aux caractéristiques des habitations ainsi créés. Cependant nous mettons en question ces significations du terme, car elles ne s'avèreront pas toujours implicites pour le cas roumain. Tout d'abord, il peut renvoyer à un statut d'occupation dévalorisant : conçus pour les plus démunis, les logements sociaux sont voués à la location qui fait de leurs occupants des personnes qui n'ont pas accédé au statut de propriétaire, équivalent souvent à celui de citoyen⁶. Ensuite, le terme « social » suggère une approche égalitaire et communautaire du logement : une même catégorie sociale, liée habituellement à un même milieu de travail, avec le même niveau de

revenus, est censée donner une identité spécifique à un cadre de vie conçu exprès pour elle. Par opposition avec les immeubles issus de la promotion privée et loués dans le cadre du marché libre, le logement social viserait d'avantage à organiser la vie de l'individu et du groupe pour lequel il est conçu, car ses destinataires auraient des caractéristiques particulières. Dans le cadre matériel ainsi normé, la manière de vivre devrait développer par la suite une sociabilité spécifique. Enfin, *logement social* suggère une orientation socialiste dans la politique du logement, sous-entendue par l'idée même d'intervention du financement public dans le marché immobilier.

Nous avons choisi de regarder uniquement des projets qui proposent comme mode d'organisation l'habitat social en immeuble collectif, parce que celui-ci est un type d'habitat nouveau au début du siècle à Bucarest. En conséquence, la relation entre les intentions du projet social et l'appropriation de l'espace bâti devrait ressortir d'une manière plus évidente.

Les démarches législatives qui soutiennent la construction du logement social en Roumanie dans l'entre-deux-guerres sont intégrées à une politique plus générale, de consolidation institutionnelle et de développement d'une classe urbaine moyenne d'origine roumaine dans la Grande Roumanie. Dans cette perspective idéologique, le discours sur les logements sociaux s'intègre au processus considéré naturel et légitime d'afflux vers la ville de la population rurale : le paysan roumain, devenu « symbole de la nation et allié de l'État, est encouragé à s'instruire, à pénétrer dans la classe moyenne, à s'installer en ville, devenir fonctionnaire, faire un travail industriel ou, plus fréquemment, commercial.⁷ » Ceci constitue le profil du bénéficiaire de la politique du logement d'avant guerre.

Dès les premières initiatives publiques dans la construction de logements, qui datent de 1910, quand est créée une Société Communale de construction d'habitations à bon marché, le dilemme sur le type de construction à entreprendre – le pavillon dans la périphérie ou l'immeuble collectif en centre ville – est une constante des débats. Au nom de la tradition et de l'idéal de construction de l'Etat nation sur des principes sains, le pavillon avec ses dérivés plus économiques (les maisons groupées ou en bande) est toujours privilégié dans les discours et dans la pratique.

L'idée de grouper des appartements en hauteur, bien que plus rationnelle du point de vue économique suscite alors de vifs débats. Notamment pour

les immeubles construits par les institutions publiques l'opposition est forte. Tout immeuble collectif est appelé « caserne » et est identifié aux modèles théoriques de l'habitat communautaire. L'origine de cette phobie de la « grande caserne » est française. Elle renvoie au modèle théorique du Phalanstère, associé au manifeste de réforme sociale de Charles Fourier⁸. Par conséquent, le logement collectif de promotion publique est *a priori* considéré comme socialiste, ainsi que le principe de la location par opposition à la propriété privée individuelle⁹. Puisque traditionnellement les intellectuels et les politiques roumains du début du XX^{ème} siècle sont anti socialistes, mais aussi à cause du nationalisme qui a dominé la politique de l'entre-deux-guerres et de la Seconde Guerre mondiale, le modèle du collectif est constamment rejeté dans les débats avant 1944¹⁰.

Cependant dès 1925, quelques projets d'immeubles pour les employés, conçus comme des immeubles collectifs en location commencent à voir le jour. Un premier est construit par la Banque Nationale de Roumanie¹¹, et, la même année, un autre projet est publié dans la revue *Arhitectura* [en roumain], cette fois pour un immeuble destiné aux employés de la Manufacture d'Allumettes Filaret¹². Ce deuxième ne sera pas réalisé.

Les deux projets comprennent non seulement des logements, mais aussi des espaces communs : au moins une salle de réunions et de festivités, cuisines et salle à manger collectives. Quant à leur forme extérieure et à leur nom (« Palais des fonctionnaires de la Banque Nationale de Roumanie »), ils gardent un caractère institutionnel, qui transmet le prestige de leurs institutions de patronage respectives.

Les immeubles construits par la suite entre 1926 – 1929, dont notre première étude de cas, abandonnent cette idée d'externaliser certaines fonctions et de créer des espaces de rassemblement qui rappellent le fouriérisme. Ils proposent en revanche des bâtiments similaires aux immeubles de la promotion privée¹³, tout en gardant un caractère institutionnel dans l'apparence qui rappelle les bâtiments publics. Le style architectural employé est en général le « style national ». Le nom de « palais » et également remplacé, par celui plus simple de « maison à appartements » [en roumain : « casa cu apartamente »¹⁴] ou « immeuble ». Enfin, pour répondre au manque de confiance vis-à-vis de tels entreprises, ils essayent de convaincre par leur modernité, en se présentant comme des vraies réalisations en matière de confort.

Si pendant les années 1930 la construction publique de logements s'oriente presque en exclusivité vers le modèle individuel, l'orientation

change après la guerre en faveur du collectif. Entre la fin de la guerre et l'installation au pouvoir des communistes en 1947 s'interpose une période assez riche en recherches architecturales, en concours et en débats quand l'immeuble collectif et l'architecture moderne sont acceptés comme nouvelle voie à poursuivre¹⁵.

L'installation du régime de « démocratie populaire » en 1947 bouleverse complètement les repères qui venaient d'être acquis, tout d'abord car des nouvelles normes d'habiter « égalitaires » inspirées du modèle soviétique sont imposés à l'habitat de toute la population : maximum une chambre pour une personne seule ou un couple sans enfants, et une chambre supplémentaire pour un à trois enfants de moins de 11 ans, pour les malades etc. Des pièces supplémentaires sont accordées notamment pour la nomenclature du parti et pour « l'élite culturelle » du régime¹⁶.

Désormais l'organisation de la pratique architecturale et la manière de concevoir le projet doivent se conformer aux prescriptions de l'architecture stalinienne. Les principes de la nouvelle voie se retrouvent dans le syntagme « réalisme socialiste » et « le principe staliniste du soin pour l'homme ». Mais toutes les indications demeurent très opaques, employant la langue de bois : les constructions doivent être « la réflexion multilatérale et profonde de la réalité de la République Populaire Roumaine », elles doivent « aider à la formation de l'homme nouveau », et mettre en place « le génial enseignement stalinien de la culture socialiste en contenu et nationale en forme »¹⁷.

Les contraintes plus explicites sont tout d'abord esthétiques. Elles imposent aux architectes de « supprimer les influences du cosmopolitisme et du formalisme », c'est à dire de renoncer à l'architecture moderne internationale qui venait d'être largement accepté à Bucarest, pour utiliser « des nouvelles formes, élaborées à travers la transformation créatrice de l'héritage de l'architecture classique, des grandes réalisations et de l'expérience de l'architecture soviétique et des meilleures traditions artistiques du peuple roumain »¹⁸. Ensuite le modèle propose un autre type de morphologie urbaine, contraire lui aussi à l'urbanisme fonctionnaliste des barres et de tours. Ce modèle urbanistique avait été avancé lors du Plan de Moscou de 1935. Il définissait le « kvartaly » [en russe] comme le composant de base de la ville soviétique, l'élément premier de sa morphologie, qui engendrerait, avec le réseau de voies monumentales appelés « magistraly » [en russe] une nouvelle image de rue corridor identifiée comme « la nouvelle rue soviétique »¹⁹.

L'architecture comme symbole : l'esthétique

La question de la transmission de l'idéologie par le biais de l'architecture est notamment significative pour les projets des régimes totalitaires. Pendant ces périodes, dans une approche toujours paternaliste, la matérialité de la construction est conçue comme outil idéologique qui doit engendrer une nouvelle société, par la création de *l'homme nouveau*. Ainsi l'architecture devient un instrument de propagande privilégié²⁰ en vue de transmettre un message à travers le symbole, et ce, parce que l'on considérait à l'époque que les formes architecturales sont capables de transmettre des idées et des valeurs et, par la suite, d'influencer les individus et leur pensée. Ceci dépasse d'ailleurs le cadre des régimes totalitaires, l'acte d'aménager l'espace urbain relevant souvent de la volonté de changer ou de préserver l'ordre social existant²¹.

Nous avons organisé les différentes interprétations critiques portant sur le rôle symbolique de l'architecture en trois catégories que nous présenterons par la suite. Une première approche met en cause le discours idéologique des régimes totalitaires qui promulgue l'existence d'une relation implicite entre les qualités esthétiques d'une architecture – formes, proportions, style – et les valeurs avancées par le régime qui l'a produite.

Dans sa recherche sur l'architecture des pays des « démocraties populaires » de l'Europe de l'Est pendant la période stalinienne, Anders Åman montre que la forme esthétique et le contenu idéologique de l'architecture ne sont pas liés pour toujours, car cette liaison est construite dans des circonstances historiques bien spécifiques. Et c'est précisément ce contexte qui lui assure son système de significations et sa survie. Le fait qu'un même style architectural fut employé par des régimes politiques différents et associé à des discours politiques contradictoires en est la preuve²².

La période d'influence stalinienne d'après la Seconde Guerre mondiale est perçue par les architectes roumains actifs dans les années 1950 comme une fracture et un retour en arrière brutal et absurde. C'est une approche qui relie histoire de l'architecture, histoire du métier, du groupe des architectes et de la société roumaine en général. Ainsi, pour ses contemporains, l'architecture du « réalisme socialiste » fut une expérience détestable. Premièrement du fait que le nouveau « style », vu comme académique et rétrograde, fut imposé pendant une période où la voie naturelle de l'architecture roumaine menait vers l'architecture moderne²³. Deuxièmement, parce qu'elle rappelle la répression de la liberté d'expression, d'innovation en architecture, des débats et des

concours. Pour ces raisons, la production de l'époque est considérée en bloc comme dépourvue de toute valeur²⁴.

Pour élargir le cadre des débats sur la réception de l'architecture des régimes totalitaires en dehors du cas roumain, nous devons faire référence au débat sur la réception de l'architecture stalinienne, de la fin des années 1970 en France, notamment dans les pages de la revue *l'Architecture d'Aujourd'hui*. Selon la même position que celle mentionnée auparavant, Anatole Kopp considérait que l'architecture ne peut être détachée de son contexte politique et social, et qu'une reconnaissance de sa valeur signifierait « réhabiliter un *contexte* dont on sait aujourd'hui ce qu'il a coûté en souffrances et en vies humaines ». Ainsi, il voit cette « architecture de la prétention, du faux-semblant et de l'absurde » comme un « échec global »²⁵.

De manière contradictoire, en regardant les qualités esthétiques de l'architecture *en tant que telle*, séparée de son contexte d'apparition par le passage du temps, Bernard Huet s'interrogeait : « Pourquoi un régime *criminel* ne produirait-il que de *mauvaises* architectures ? ». Ainsi Huet considérait que l'impossibilité de dissocier l'architecture du politique réside dans la compréhension purement formelle de l'architecture qui la réduit à une question de style²⁶.

Le dernier propos est un point de vue partagé par la nouvelle génération d'architectes roumains qui n'associent plus l'image des bâtiments de cette époque à un trauma personnel. Ainsi, Ștefan Ghenciulescu considère que les ensembles des années 1950, bien que construits « dans la période la plus sombre de l'histoire roumaine » sont pour Bucarest, même si cela peut paraître paradoxal, « les meilleures insertions d'après guerre dans un tissu existant », grâce à leur échelle réduite, aux techniques traditionnelles de construction employées, à leurs « formes inspirées par l'urbanisme classique et à leur esthétique ornementale et populiste »²⁷.

Cette première catégorie d'approches, qui privilégient l'esthétique, considère notamment les édifices publics comme représentatifs pour la relation entre architecture et idéologie des régimes totalitaires. D'ailleurs, certains historiens de l'architecture considèrent que le logement social, tout comme les projets urbanistiques et les bâtiments industriels de ces périodes, ne se prêtent pas à une interprétation en fonction du discours idéologique officiel. En analysant la production architecturale du régime nazi, Barbara Miller Lane affirme que le contrôle du système sur cette architecture a été beaucoup moins efficace qu'on le pense en général²⁸.

Un autre argument réside dans le fait que, pour le régime communiste en Roumanie, le logement était un projet de « seconde main » en termes d'importance, et qu'en conséquence, son rôle d'instrument de propagande a été limité²⁹.

L'architecture comme symbole : la structure de l'espace

Dans notre deuxième catégorie de classement d'analyse de l'idéologie dans l'espace architectural totalitaire, les projets mineurs, comme la création de l'habitat, sont considérés comme significatifs au même titre que les bâtiments icones du pouvoir en place. Pour expliquer cette approche, il faut faire appel à la théorie de Michel Foucault sur l'espace disciplinaire³⁰. D'après Foucault, la signification de l'espace bâti se retrouve dans la logique du système qui superpose un group social à une configuration particulière de l'espace. Ainsi l'environnement organisé devient significatif globalement, car il témoigne des mécanismes du pouvoir disséminés dans la totalité de l'espace social. Dans cette perspective qui fait référence à la « construction » dans un sens vaste, c'est la totalité de l'espace structuré qui devient significative, pas seulement les « lieux de pouvoir ».

Ce deuxième niveau de signification de l'architecture découle des normes transcrites en organisation spatiale. Une métaphore qui apparaît très tôt dans les discours et qui se perpétuera tout au long de la période communiste et après cette période, c'est la métaphore de « la cellule »³¹. Elle a été associée à la politique du logement qui visait à uniformiser l'habitat de toute la population à un niveau très rudimentaire :

En Roumanie, l'habitat a déjà souffert à partir des premières années du communisme, d'une distorsion fondamentale dédaignant *a priori* tout succès. Par l'idée d'imposer en exclusivité le logement appelé social, en figeant avec une rigueur absolue les normes de surface par personne, le nombre de pièces et les types d'appartements par famille, l'habitat fut dépourvu de toute autre fonction – bibliothèque, bureau du professeur, dortoirs séparés pour les parents, chambres d'amis, pièce pour le jeu des enfants etc. – ainsi le régime communiste a imposé un seul type d'habitat. L'uniformisation s'est produite en réalité au niveau le plus bas, ce qui a créé le logement de type ghetto³².

L'immeuble communiste, comme *entassement de cellules habitées*, devenu un des symboles du régime a, lui aussi, des connotations contradictoires pour des groupes et des générations différents. Les différences découlent des jugements portés à cette période, par l'histoire savante, d'une part, et par les habitants, de l'autre part. À cet égard la Roumanie n'est d'ailleurs pas un cas à part, par rapport aux autres pays postsocialistes, où il existe également une relativisation du caractère contraignant du système dans les mémoires de la population, par rapport au discours de l'histoire savante³³.

Les histoires récentes essayent d'intégrer cette relativisation, en reconnaissant certains effets positifs du régime pour le développement de la société roumaine. Adrian Cioroianu considère que, pour une grande partie de la population habitant à la campagne, qui se trouvait encore dans un état pré-moderne au milieu du XX^{ème} siècle, la mise en place du système socialiste de type soviétique a été un moment historique « valide, légitime et irréversible ». Installée en ville suit à « l'industrialisation du pays », cette population d'origine rurale peu exigeante réalise le saut optimal de son niveau de vie qu'il soit possible d'accomplir dans une vie humaine, par le confort relatif d'un logement dans un immeuble collectif, quelle qu'en soit la nature, et dans la facilité – également relative – de s'approvisionner dans un magasin sur le chemin du travail³⁴.

Nous trouvons également ce point de vue dans la littérature récente qui porte sur la mémoire de la période communiste. Pour les fils de paysans devenus ouvriers, le logement en immeuble collectif en ville, mis à leur disposition gratuitement par le Parti constitue un rêve devenu réalité, par rapport à la vie dure à la campagne. Cependant pour la génération suivante, la perspective de continuer à vivre dans de tels appartements signifie passer sa vie dans « une boîte d'allumettes avec vue sur un champ ou un cimetière »³⁵. « La boîte d'allumettes », comme la « cellule » est le symbole d'un espace très réduit et hostile, le résultat d'un *projet type*³⁶ sans identité, implanté dans un paysage non encore urbanisé.

L'architecture comme symbole : l'appropriation par la mémoire collective

Finalement une troisième approche s'attache au pouvoir symbolique de l'architecture qui se transmet par le biais des pratiques et des

représentations des habitants. Après avoir cité quelques points de vue sur ce sujet, nous présenterons notre approche qui met en parallèle architecture et significations de l'espace. Cette perspective fait référence à l'œuvre de Michel de Certeau qui met en évidence un discours sur la ville qui échappe à la structuration urbanistique, car il naît d'une relation entre pratiques spatiales et significations de l'espace³⁷.

Nous nous appuyons également sur l'approche anthropologique de Caroline Humphrey³⁸ qui analyse, pour le stalinisme, l'influence de l'idéologie transcrite dans l'espace matériel sur les comportements. En croisant principalement la littérature de fiction et la satire, avec les récits informels des habitants, l'auteur questionne la manière dont l'environnement bâti, qui matérialise des prescriptions idéologiques, réussit à façonner le monde de l'imagination, des concepts et des projections des individus. Ainsi elle montre que même si l'idéologie soviétique est transcrite dans les structures matérielles, le résultat n'est toutefois pas celui prévu au départ.

La structure matérielle n'a pas donné exactement forme aux valeurs socialistes espérées. La littérature de fiction et la satire ont montré que l'architecture a plutôt eu une fonction de prisme, déformant les idées d'une manière qui n'est pourtant pas totalement aléatoire.

En conclusion, les comportements, « les gestes » des individus ne suivent pas la logique de la propagande, bien qu'elles soient influencées par celle-ci.

Nous présenterons par la suite deux études de cas, dont l'analyse a été construite par le croisement des archives, de l'analyse architecturale des immeubles et des paroles d'habitants, et ce, afin de saisir la relation entre le projet d'origine et les représentations collectives sur le bâtiment et son passé. Nous mettrons ainsi en évidence la relation entre la mémoire et les éléments de l'espace matériel.

Nous appelons la mémoire partagée par un certain groupe habitant un immeuble ou un ensemble d'immeubles mémoire collective ou « mémoire populaire »³⁹. Nous faisons également une différence entre la « mémoire personnelle » des anciens habitants du bâtiment et la mémoire héritée par les nouveaux arrivés. Nous sommes conscients alors qu'en parlant d'une mémoire collective nous touchons en fait à *plusieurs* mémoires collectives sur un même lieu. Car, « lorsqu'une période cesse d'intéresser la période qui suit, ce n'est pas un même groupe qui oublie une partie de son passé : il y a

en réalité, deux groupes qui se succèdent »⁴⁰. Ainsi la mémoire collective est en général une mémoire héritée, faite d'échanges sociaux, labile, mouvante, car elle s'adapte avant tout aux situations de sa transmission. Un premier aspect qui la distingue de la mémoire individuelle est la présence de l'aspect mythique. Ainsi, elle relève du discours mythique autant et parfois plus que du discours historique et même si elle entretient une relation parfois intime avec l'histoire, elle n'a pas dans l'essence de visée de vérité. A la différence de l'histoire, la mémoire est sélective, retenant du passé uniquement « ce qui en est encore vivant ou capable de vivre dans la conscience du groupe qui l'entretient »⁴¹.

L'immeuble R.M.S. (C.A.M.) Place Lahovary

Notre première étude de cas est l'immeuble construit entre 1926 et 1929 par le Ministère des Finances, à travers la Régie des Monopoles de l'Etat (RMS) pour ses fonctionnaires⁴². Ce bâtiment de quatre étages et mansarde autour d'une cour fermée comprend sept escaliers principaux et sept escaliers de service desservant à l'origine les 70 appartements, mis en location, à la disposition des fonctionnaires et de leurs familles, et les 15 chambres dans les combles, pour le personnel de service⁴³. La position en centre-ville était motivée par la proximité de la Direction Générale de la RMS⁴⁴. Les logements disposaient de tout le confort moderne de l'époque, de chauffage central, ascenseurs, centrale téléphonique propre et de quelques garages en sous-sol.

Les habitants actuels nous ont donné leurs avis sur la raison de construire un tel immeuble à Bucarest, où l'on construisait à l'époque que des maisons individuelles : c'était l'intention de cette institution de l'Etat de créer une enclave. La raison pour cela est, selon certaines personnes, de grouper des fonctionnaires venus de Bessarabie, et selon d'autres, la volonté d'affirmer une identité institutionnelle et de créer un esprit communautaire liée à la loyauté envers le RMS.

Ce projet architectural se distingue des immeubles courants de la promotion privée de l'époque par le souci d'organiser d'une manière rationnelle des appartements de tailles et de distributions différentes. Ainsi les habitations sont de deux types : de grands appartements, qui suivent les prescriptions des habitations bourgeoises de l'époque⁴⁵ et des appartements économiques. Les derniers sont une nouveauté pour cette période.

Les appartements de 4 ou 5 pièces de 140 – 192m² (bureau, salle à manger, 2 ou 3 chambres avec salle de bain) sont organisés autour d'un grand espace central appelé « hall ». La cuisine et la chambre de domestique, qui se trouvent dans chacun de ces grands appartements, sont séparées de cette pièce centrale par un dégagement qui leur donne un accès direct vers l'escalier de service. Le « hall », séparé lui aussi de l'entrée par un vestibule, donne accès vers toutes, ou la majorité, des pièces principales – cette pièce est une caractéristique de l'appartement bourgeois de l'époque à Bucarest. Elle forme, avec la salle à manger et parfois avec la chambre ou le bureau qui s'ouvrent sur elle par de grandes portes vitrées, un ensemble de réception. Les appartements économiques, de 2-3 pièces, ne comprennent pas cet élément, ni la chambre de domestique⁴⁶, bien qu'ils soient toujours organisés autour d'un couloir central assez large, celui-ci donnant cependant directement sur la cage d'escaliers. Ce couloir est appelé « *sala* » [en Roumain] et emprunte le nom de la véranda de la maison paysanne. D'ailleurs les références à l'habitat traditionnel rural seront par la suite une constante des démarches pour définir les modèles d'appartements réduits pour l'habitat social.

Bien que le projet imagine une mixité sociale en regroupant des fonctionnaires des différents niveaux, l'organisation de l'ensemble est très hiérarchique et ségrégée. Les escaliers principaux regroupent toujours des appartements de même taille. Sur la petite cour fermée, dont l'accès est contrôlé par un concierge, donnent uniquement les cages d'escaliers principales et l'entrée vers le parking souterrain. Ainsi la cour devient un lieu de passage et un lieu emblématique. Les escaliers secondaires donnent uniquement sur les façades extérieures de l'enceinte.

L'événement qui marque le plus l'histoire racontée de l'immeuble est l'arrivée du communisme. Alors ces appartements sont parmi les premiers à être réattribués à des nouveaux locataires, car l'immeuble était la propriété de l'Etat. Déjà dans les années 1940 des ouvriers sans logement se voient attribuer une chambre de 9m² dans les combles, à la place des anciens domestiques. Les grands appartements sont partagés à partir de 1952 entre plusieurs familles qui les utilisent désormais comme des appartements communautaires d'après le modèle soviétique (en russe : *kommunal'nyé kvartiry*). Les habitants se rappellent de ces premières années du communisme quand « il fallait partager une salle de bain entre 17 locataires ». Par la suite, seulement deux ou trois familles sont restées à habiter dans un même appartement, qui fut souvent complètement divisé, d'une manière qui semble aujourd'hui aléatoire et brutale : « ils

ont carrément construit un mur sur le parquet ». L'immeuble est géré par un organisme de gestion des locaux appartenant à l'Etat (ICRAL) qui attribue les excédents de surface à divers locataires. L'on considère que dans cet immeuble, notamment les appartements plus grands ont toujours été attribués à des « directeurs », désormais des apparatchiks du Parti.

Après 1990 les appartements sont vendus par l'Etat aux locataires en place⁴⁷, d'une manière qui semble tout aussi aléatoire « il les ont vendus comme ils les ont trouvés », c'est à dire divisés entre plusieurs familles. La reconfiguration intérieure de l'immeuble continue alors d'une manière spontanée par la vente au marché libre des différentes parties des appartements partagés pendant la période communiste et par des réunifications. Certaines chambres en mansarde sont rachetées par un même propriétaire et transformées en appartements, d'autres sont toujours indépendantes avec toilettes en commun.

Les locataires actuels de l'immeuble sont extrêmement divers d'un point de vue socio-économique et leurs conditions de vie également. Quelques familles des anciens locataires d'avant la guerre y vivent toujours. Certains descendants des anciens fonctionnaires du « conseil directeur », habitent par exemple la moitié des anciens appartements, partagés en deux après la guerre.

De nos jours nous apprécions que l'immeuble subit une forme de *gentrification*, attirant une nouvelle population aisée, car nous retrouvons ici beaucoup d'étrangers et des employés du tertiaire. Mais ils ne s'intéressent pas à l'histoire de l'immeuble, ils jugent la position de l'immeuble en centre-ville comme un avantage et ils apprécient l'espace intérieur très généreux dans les grands appartements et les finitions de bonne qualité.

La hiérarchie d'origine du bâtiment est toujours présente dans l'esprit de certains habitants actuels. Ils parlent des escaliers « A » et « C » comme les escaliers des « directeurs généraux ». La structure du projet d'origine, qui fait que les parties de l'immeuble soit identifiées avec des catégories différentes d'habitants, est considérée comme une qualité, par rapport au morcellement chaotique communiste et la réorganisation d'après 1990.

Le « kvartal » Panduri

L'ensemble d'immeubles situé 60 rue Panduri à côté de l'Académie Militaire est surnommé, par les historiens de l'architecture « le *kvartal* des colonels ⁴⁸». Il a été construit en 1954 pour les cadres militaires en complément à des logements déjà existants dans l'Académie voisine⁴⁹. L'évolution du projet est significative de l'insertion du politique dans la pratique architecturale des années 1950.

Un premier projet est déposé en 1952 pour être approuvé par le CSC⁵⁰, qui prévoit des « logements de type blocs isolés » inspirés par les principes de l'urbanisme moderne. Le CSC rejette cette proposition le 24 avril 1952 et donne des indications pour une nouvelle proposition. Les recommandations sont vagues : « construire des blocs en longueur avec des façades *tranquilles* », « pour que l'ensemble soit unitaire », à l'aide des « éléments décoratifs de liaison », et avec un « aspect rangé ». Les indications visent l'architecture stalinienne qu'il faut copier, sans le dire de manière explicite. Le mot « kvartal » [en russe : *kvartaly*] qui renvoie au type de configuration urbanistique importé, n'apparaît pas dans les documents.

Quatre types différents d'appartements sont séparés dans des bâtiments différents, mais réunis par des arches décoratives dans un ensemble unifié autour d'une cour centrale. L'entrée dans tous les immeubles se fait à partir de cette cour. Un des immeubles est utilisé comme hôtel de l'Académie militaire, avec des chambres et salles de bain individuelles. Les trois autres comprennent des appartements, de deux pièces ou trois pièces. Chacun des quatre immeubles autour de la cour demeure assez homogène. Par exemple, un des habitants de l'ensemble nous a dessiné le plan de son appartement de deux pièces et 58m² et en est arrivé à expliquer comment sont configurés tous les appartements voisins, puisqu'ils sont tous similaires.

La composition des façades avec des amples loggias semble, de l'intérieur, superposé sur la structure de l'immeuble, et dans la cage d'escalier des larges portes se trouvent à une hauteur où elles ne sont pas accessibles, détail qui corrobore le fait que le projet initial fût vite « adapté » aux demandes esthétiques imposées par la nouvelle doctrine stalinienne. Pourtant ces étrangetés architecturales, notamment d'un point de vue fonctionnaliste, ne semblent pas étranges aux habitants. Ces derniers ressentent uniquement la différence dans le fait que seuls

certains appartements ont accès aux grandes loggias. A part cela, ils sont tous identiques les uns aux autres.

La cour centrale du « kvartal », appelée dans le modèle d'origine « *dvor* » [en russe] est un espace polyvalent et constitue à la fois un endroit actif de vie sociale et un espace de service. C'est la place pour le jeu des enfants, pour le repos des personnes âgées, mais c'est aussi là où se trouvent l'emplacement des poubelles et les places de parking⁵¹. A l'origine le « *dvor* » était conçu comme un espace protégé à l'intérieur de l'îlot : le troisième élément, avec les rues et les places, d'un système esthétique d'aménagement de la ville stalinienne. Cette enceinte intermédiaire entre l'espace public de la rue, dont elle est séparée, et la cage d'escalier, encore plus restrictive aux intrusions que la cour, était vouée à générer une vie communautaire entre le public et le privé – une certaine sociabilité entre voisins. L'aménagement et l'entretien de cette cour étaient présentés par la propagande soviétique comme des moments extrêmement importants pour la communauté. Tous avaient l'obligation d'y participer. Planter des arbres et des fleurs était une contribution obligatoire à la création d'un environnement sain et agréable et à l'embellissement de l'ensemble architectural.

Sans faire référence à cette pratique obligatoire, un des locataires d'origine nous raconte comment il a planté avec d'autres voisins les arbres au milieu de la cour. En bas de la colline, qu'il appelle par le nom de l'époque, *Tăcăliei*, il y avait un parc qui allait être remplacé par des immeubles, raconte-il. Ainsi, les locataires ont enlevé les arbres du parc à disparaître et les ont plantés dans la cour de l'ensemble.

Le caractère mythique

Bien que les habitants actuels des immeubles disent parfois ne pas connaître l'histoire du bâtiment qu'ils habitent, puisqu'ils y ont aménagé récemment, des aspects spectaculaires leur reviennent toujours à l'esprit. Ils tiennent, pour la plupart du temps, à la manière dont l'immeuble a été construit. Ainsi l'on dit que l'immeuble RMS a été bâti « avec des railles de chemins de fer », ou bien avec « des poutres de mine ». Ces éléments industriels sont des symboles pour exprimer la solidité avec laquelle on suppose que l'on construisait à l'époque. Cela a une importance particulière dans une ville comme Bucarest, dont plusieurs tremblements de terre violents

ont marqué l'histoire au XX^{ème} siècle. Les habitants rappellent toujours ces événements dans leurs récits, et les ingénieurs qui ont conçu l'immeuble ainsi que ceux qui ont fait les travaux de rénovation après le grand tremblement de terre de 1977 sont des personnages connus et respectés par les habitants au même titre que l'architecte. D'autres arguments pour la solidité de l'immeuble RMS en cas de séisme, relèvent toujours du caractère exceptionnel de la construction d'origine : sa forme de « citadelle » et un présumé équilibre de forces qui feraient que « le centre de gravitation du bâtiment [soit] situé exactement au centre de la cour intérieure ». Mais l'on assigne une symbolique particulière également aux transformations intérieures « individualistes » des appartements, après les années 1990, puisque l'on considère que ces changements ont affecté l'équilibre d'origine et qu'ils mettent en danger la structure en cas de séisme.

Pour le même immeuble, la présence d'éléments constructifs spectaculaires est mise en relation avec une mythologie industrielle. Puisqu'il a été bâti par une institution publique qui détenait une grande partie des entreprises industrielles de l'entre-deux-guerres, il semble normal « qu'ils [aient] utilisé ce qu'il y avait de mieux », notamment parce que c'est eux-mêmes (les directeurs et les fonctionnaires de l'institution) qui devaient y habiter. A ces considérations, on rajoute une autre explication contemporaine : « ce bâtiment a été construit pour que les fonctionnaires ne soit pas corrompus ».

Les faits et les explications les plus spectaculaires sont le plus souvent davantage retenus par la mémoire collective, bien qu'en général les faits historiques sont déformés. Ainsi les nouveaux habitants du « kvartal » rue Panduri croient que l'ensemble a été « construit par les russes ». Cependant les anciens locataires connaissent le nom de l'architecte en chef, roumain d'origine polonaise⁵², même si son nom n'est pas marqué sur la façade, comme c'était l'habitude pendant l'entre-deux-guerres.

Pareil que dans le cas de l'immeuble RMS, dans les années 1990 les appartements appartenant à l'Etat rue Panduri sont vendus aux locataires. Après des ventes et des locations successives, la composition sociale et professionnelle des habitants de l'ensemble change complètement. Un nombre restreint d'anciens habitants se connaissent toujours entre eux, mais ne connaissent que très peu leurs nouveaux voisins, qu'ils voient comme « extrêmement divers ».

Marques et traces

Pour les deux catégories de mémoire – individuelle et collective –, les inscriptions et les marquages sont d'une importance particulière pour la conservation et la transmission des informations sur le passé. Si les inscriptions s'adressent en premier lieu aux nouveaux venus et même aux visiteurs, les marques sont des signes laissés par les anciens habitants, que seuls les initiés savent reconnaître. Par exemple, une ancienne pompe à eau, installée pendant la Seconde Guerre mondiale sur le côté du bâtiment RMS par un des « directeurs », l'ancienne grille portant l'inscription de l'institution, sont des marquages du lieu pour ceux qui les ont créés en même temps que des traces du passé reconnus par une partie des nouveaux habitants.

A ce titre les arbres constituent des éléments de référence particuliers, dont les habitants parlent souvent. L'on montre dans la cour intérieure du « kvartal » les arbres plantés par les habitants d'origine, mais l'on parle aussi d'arbres qui existaient autrefois : l'immeuble RMS a été « bâti à la place d'un verger de cerisiers » et devant lui, à gauche, « pendant longtemps il y avait des grands peupliers ».

Les formes « semi-institutionnelles » de la mémoire collective

Un grand nombre de locataires, notamment des nouveaux habitants, ne s'intéressent pas au passé des lieux qu'ils habitent et la collectivité délègue à quelques personnes – le « président de l'association des locataires » ou bien l'administrateur de l'immeuble – la responsabilité de « garder la mémoire ». Parfois ces « gardiens de la mémoire » mettent en place une collection restreinte de vieux objets, dessins d'origine, plans, inscriptions etc. qu'ils conservent et qu'ils exposent. « L'administrateur » ou « le président », en tant que porte-paroles à l'intérieur du groupe des habitants et vers l'extérieur, sont d'habitude ceux qui transmettent des informations aux nouveaux venus et aux visiteurs.

Leur rôle peut être décrit comme une forme « semi-institutionnelle » de mémoire collective qui rend publiques les « représentations dominantes » du groupe. Pourtant ce n'est pas forcément par le critère de vérité que ces représentations s'imposent, car souvent elles sont « les plus idéologiques, les plus conformes aux stéréotypes aplaties du mythe »⁵³.

Mis à part « l'administrateur » ou « le président », une sorte « d'aristocratie », du point de vue de la mémoire de l'immeuble est reconnue par le group des habitants. Elle est constituée par les descendants des familles des « directeurs », de l'architecte, de l'ingénieur du bâtiment et par d'autres habitants anciens. Ces personnes ont souvent déménagé d'un appartement à l'autre toujours dans le même immeuble (en général ils ont laissé un grand appartement pour un plus petit) et ils gardent souvent entre eux des vieilles relations d'amitié et parfois de parrainage. A partir des récits de ceux-ci, les nouveaux venus construisent leurs propres interprétations du passé qu'ils retransmettent à leur tour.

Conclusions

A partir des deux études de cas, notre première conclusion est que les deux ensembles étudiés ne sont pas associés, ni l'un, ni l'autre, à une communauté qui garde une conscience collective du passé des lieux. La mémoire et l'attachement se retrouvent uniquement au niveau individuel et n'agissent pas comme lien pour le groupe et pour des actions communes de celui-ci. Au contraire, dans les deux cas, le moment de création de l'immeuble est perçu par les habitants comme une situation d'équilibre d'une ancienne communauté, détruite par les événements qui ont suivis. Pour le « kvartal » rue Panduri cet équilibre se retrouvait dans l'identité marquée autrefois du group des officiers, disparue de nos jours. Quant' à l'immeuble RMS, tout ce qui tient de la construction, de l'organisation et de la vie dans l'immeuble dans l'entre-deux-guerres est apprécié au superlative, lorsque l'évolution ultérieure est blâmée en totalité. Pour cette raison, les individus se sentent seuls dans leur appropriation du passé des lieux, car ils considèrent que seulement un nombre très réduit de leurs voisins partage leurs expériences, leurs mémoires et leur attachement.

Dès la création, les deux ensembles étudiés ont été conçus comme des groupements d'unités habitables en relation avec une institution de patronage situé dans le voisinage proche – respectivement le siège du RMS, et l'Académie Militaire. Dans l'immeuble RMS l'institution est représentée davantage dans la distribution intérieure du bâtiment, par la présence des appartements des « directeurs généraux » et des « membres du conseils d'administration ». Bien que les appartements qui leurs étaient destinés sont moindres que le reste (20% du nombre total) ce sont ceux-ci que les mémoires des habitants évoquent davantage.

A côté de ces premiers, deux autres catégories sociales sont juxtaposées dans le même immeuble : les fonctionnaires ordinaires et le personnel de service. Cependant l'espace est conçu pour décourager le contact entre ces personnes provenant des couches différentes de la société. Bien que le bâtiment, isolé par rapport aux bâtiments voisins et organisé autour d'une cour fermée, suggère l'idée de citadelle et de l'existence d'une communauté à part, les rassemblements sont exclus du projet, et la cour centrale n'encourage pas à s'arrêter. Comme nous l'avons déjà montré, le refus des espaces communautaires tient de la transcription en projet d'une conception manifestement antisocialiste et anti-collectiviste, qui a dominé l'idéologie de la période de l'entre-deux-guerres en Roumanie.

L'apparition d'une identité communautaire est par la suite sapée par les interventions du régime communiste qui remplace en partie les locataires d'origine par de nouveaux locataires et « densifie » l'occupation de l'immeuble. Son organisation sociale hiérarchisée est alors altérée par les divisions des appartements qui changent sa logique de fonctionnement. Cette politique fait apparaître des conflits entre les anciennes familles et les nouveaux venus, notamment dans le cas des grands appartements partagés désormais entre plusieurs ménages.

La structuration de l'espace de l'immeuble et la structure sociale changent de nouveau après 1990, quand la configuration produite pendant le communisme est reconnue comme légitime à travers la vente des locaux. Devenus propriétés privées, les diverses parties de l'immeuble (appartements, parties d'appartements, chambres, combles, laveries, groupes sanitaires etc.) changent de statut et évoluent au gré des nouveaux propriétaires. Le « groupe » des propriétaires et des locataires devient extrêmement hétérogène du point de vue des origines sociales, des niveaux de vie, des modes de vie et des attentes.

Dans le cas rue Panduri, les locataires d'origine font partie d'une même catégorie professionnelle. De plus, les pratiques imposées par le communisme de paire avec les initiatives privées d'aménagement et d'appropriation de l'espace ont agit comme facteurs de liaison pour la création d'une communauté. C'est suite au changement de régime en 1989, et à la vente des appartements aux locataires, qu'une population diversifiée s'installe au fur à mesure. Ceci a fait que le nombre réduit d'anciens habitants ne retrouve plus d'identité commune au groupe.

Enfin nous remarquons la rupture entre le « discours savant » sur l'histoire, d'une part, et les formes « semi-institutionnelles » de transmission

de la mémoire, et la mémoire individuelle des anciens habitants, d'autre part.

L'histoire de l'architecture s'attache toujours à une vision globale sur l'évolution du métier. De ce point de vue l'intrusion brutale du politique dans la pratique se trouve à la base des discours. Mais pour les anciens habitants, l'idéologie transcrite en espace construit est intégrée comme partie de leur vie. Ils se sentent attachés à leurs habitations d'une vie, tout comme aux espaces extérieurs familiers qui portent leur marque.

D'une autre part, l'histoire met en avant la perspective de l'évolution des styles et des courants en architecture et associe une période historique, un choix stylistique et une pensée urbanistique dans un ensemble présumé cohérent. Ainsi les jugements portés sur une des trois composantes se transmettent aux deux autres sans prendre en compte l'existence d'une logique propre à chacun des trois éléments. Bien que le discours totalitaire affirmait cette convergence, il nous paraît important de distinguer l'architecture, de l'urbanisme et de la pensée politique d'une période⁵⁴ afin de pouvoir juger l'architecture et les formes urbaines par rapport au temps, aux usages et à leur appropriation collective.

Ce que nous appelons l'esthétique : façades, décorations, formes stylistiques ne semblent pas être liés à des significations particulières pour les habitants, puisqu'ils n'en parlent jamais spontanément. Cependant d'autres éléments de la construction ont une signification particulière et font leur fierté : la solidité de la construction, les matériaux de construction précieux, les objets anciens qui portent la marque des habitants d'origine. C'est dans ces éléments matériels qu'ils reconnaissent le caractère d'exception du bâtiment.



Figure 1 :

En haut (de gauche à droite) : plans de deux grands appartements et de deux petits appartements de l'immeuble RMS, architecte Lucian Teodosiu, 1926

Source : Redessiné par A. Diaconu d'après le plan du Permis de construire, Archives de la Maire de Bucarest, Fond P.M.B. Dir. Techn., Dossier 662 / 1926.

En bas (de gauche à droite) : fragment de plan avec trois appartements autour d'une cage d'escaliers ; plans des deux types d'appartements du bâtiment D, ensemble rue Panduri, architectes Novitchi, Oculescu, Haker et Nichitovici. 1954

Source : Redessiné par A. Diaconu d'après le plan du Permis de construire, Archives de la Mairie de Bucarest, Fond S.A.S., Dossier 1089 / 1954.

- 1. Escalier principal; 2. Chambre; 3. Cuisine; 4. Salle de bain;
- 5. Garde-manger; 6. WC; 7. Escalier de service; 8. Salle à manger;
- 9. Pièce centrale appelé « hall »; 10. Couloir central appelé « sala »;
- 11. Bureau; 12. Chambre de domestique



**Figure 2 : Vue de la cour de l'immeuble RMS avec la rampe d'accès
vers le parking**

Photo : A. Diaconu, mai 2009



Figure 3 : Vue de la cour du « kvartal » rue Panduri

Photo : A. Diaconu, février 2008

NOTES

- ¹ HALBWACHS, M., *La mémoire collective*, Albin Michel, Paris, 1997 (1^{ère} éd. PUF, Paris, 1950), p.209.
- ² « Le lieu occupé par un groupe n'est pas comme un tableau noir sur lequel on écrit puis on efface des chiffres et des figures. (...) Mais le lieu a reçu l'empreinte du groupe, et réciproquement. Alors, toutes les démarches du groupe peuvent se traduire en termes spatiaux, et le lieu occupé par lui n'est que la réunion de tous les termes. Chaque aspect, chaque détail de ce lieu a lui-même un sens qui n'est intelligible que pour les membres du groupe (...). » HALBWACHS, M., *op.cit.*, p.193-196.
Le cadre matériel approprié avec les pratiques des habitants, deviennent équivalents à un marquage de l'espace et à sa mise en mémoire. VESCHAMBRE, V., *Traces et mémoires urbaines. Enjeux sociaux de la patrimonialisation et de la démolition*, Presses universitaires de Rennes, Rennes, 2008.
Ainsi la ville regroupe pour ses habitants une série de « traces » - pratiques et objets matériels – auxquelles se rapportent leurs « déclinaisons personnelles du passé ». RAUTENBERG, M., *La rupture patrimoniale*, A la croisée, Grenoble, 2003, p.18.
- ³ « Si, entre les maisons, les rues, et les groupes de leurs habitants, il n'y avait qu'une relation tout accidentelle et de courte durée, les hommes pourraient détruire leurs maisons, leur quartier, leur ville, en reconstruire, sur le même emplacement, une autre, suivant un plan différent ; mais si les pierres se laissent transporter, il n'est pas aussi facile de modifier les rapports qui se sont établis entre les pierres et les hommes. Lorsqu'un groupe humain vit longtemps en un emplacement adapté à ses habitudes, non seulement ses mouvements, mais ses pensées aussi se règlent sur la succession des images matérielles qui lui représentent les objets extérieurs ». HALBWACHS, M., *op.cit.*, p.200.
- ⁴ RAYMOND, H., *Paroles d'habitants. Une méthode d'analyse*, L'Harmattan, Paris, 2001.
- ⁵ Françoise Choay appelle *pré-urbanisme* les travaux du 19^{ème} siècle qui proposaient une organisation urbanistique intégrée à un manifeste politique, auquel celle-ci était subordonnée. Par la suite les visions urbanistiques se dissocient en général d'une option politique explicite. CHOAY, F., *L'urbanisme, utopies et réalités. Une anthologie*, Seuil, Paris, 1965.
- ⁶ En France, modèle premier pour la Roumanie à partir de la Révolution française jusqu'au début du 20^{ème} siècle, l'attitude de la classe possédante à l'égard de la classe ouvrière relève de la doctrine faisant du propriétaire, en qualité de représentant d'un nouvel ordre privilégié qui remplace l'aristocratie, le seul statut social légitime pour un citoyen. Les débuts du logement social, au 19^{ème} siècle sont marqués par cette doctrine. GUERRANT, R.-H., *Les origines du logement social en France*, Les éditions ouvrières, Paris, 1967, p. 17-18.

- ⁷ LIVEZEANU, I., *Cultură și naționalism în România Mare 1918-1930*, București, Humanitas, 1998 (*Regionalism, nation building and ethnic struggle, 1918-1930*, Cornell University Press, 1995), p.19-20.
- ⁸ FOURIER, C., *Théorie de l'Unité Universelle*, Paris, Les Presses du Réel, 2001 (1^{ère} éd. 1822).
- ⁹ A ce sujet voir notamment les chapitres sur le logement dans les études de Cincinat Sfințescu: SFINȚESCU, C., *Urbanistica Generală*, Editura Institutului Urbanistic al României, Bucarest, 1933 et *Urbanistica Specială*, Editura Institutului Urbanistic al României, Bucarest, 1935.
- ¹⁰ Nous donnons comme exemple un extrait du mémoire de l'économiste Vasile Turculescu adressé en 1942 à Mihai Antonescu, premier ministre du régime du général Ion Antonescu: « les socialistes collectivistes ont proposé la construction par les municipalités des logements qui ne doivent pas être vendus, mais seulement loués aux ouvriers. Ce système a été employé à Berne, Neuchâtel, Genève et Zürich en Suisse et dans des villes d'Angleterre. Mais ce phalanstère-isme n'est en accord avec nul principe d'harmonie sociale, qui affirme fortement le droit de la famille et de ses héritiers à être propriétaires du logement qu'ils détiennent. » Vasile Turculescu, « Finanțarea locuințelor țărănești » [Le financement des logements paysans], Bucarest, 1942, non publié, p.76 Arhives Nationales, Fond P.C.M., Inventaire n°299, Dos. 4/1942.
- ¹¹ L'immeuble par l'architecte Petre Antonescu est édifié au numéro 12, Chaussée Kiseleff.
- ¹² Ce projet de l'architecte Jean Pompilian, conçu à l'initiative de l'ingénieur I.Teodoru n'a pas été réalisé. ***, « Hotel pentru lucratori », *Arhitectura*, n° 1-2, 1920.
- ¹³ De cette deuxième étape des années 1926-1929 datent les immeubles construits par la Banque Roumaine, rue Epuri (1929), l'Agence Nationale des Chemins de Fer, rue Grivitei (1928), le Ministère de Finances, rue Cutitul de Argint (1927-1929) et place Lahovary (1926-1929).
- ¹⁴ CIORTAN, S., « Locuințe pentru funcționarii ministerului de finanțe », *Urbanismul*, n° 1-2, 1933, p.1-9.
- ¹⁵ Nous faisons référence notamment au concours pour des logements à Ferentari de 1946. « Concursul public între arhitecți pentru construirea de locuințe pe terenul Ferentari. Extrase din procesele verbale », *Buletinul Societății Arhitecților Români*, n°7 juin-juillet, 1946 et n°8, sept.-oct., 1946.
- ¹⁶ M.A.I. (Ministère de l'Intérieur), « Deciziunea Nr.55. Modul de repartizare de catre Oficiile de inchiriere a imobilelor si partilor de imobile libere », 2 fév. 1949, *Monitorul Oficial*, n° 29, 4 fév. 1949.
Ces normes sont transcrites par la suite en 1952 en mètres carrés. ***, « Decret Nr. 78 pentru normarea, repartizarea si folosirea suprafetei locative si reglementarea raporturilor dintre proprietari si chiriasi », *Buletinul oficial*, n° 17, 5 avril 1952

- 17 ***, « Hotarârea C.C. al P.M.R. si a C.M. al R.P.R. cu privire la constructia
si reconstructia socialista a oraselor, precum si la organizarea activitatii in
18 domeniul arhitecturii », 13 nov. 1952.
- 19 *Ibid.*
- COHEN, J.-L., « La forme urbaine du réalisme socialiste », in COHEN, J.-L.,
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/*URSS 1917-1978 : La città, l'architettura*, L'équerre / Officina Edizioni, Paris
/Roma, 1979, p.148 – 152.
- 20 Igor Golomstock considère que c'est à cause de son pouvoir symbolique, que
l'architecture occupe une position privilégiée dans les régimes totalitaires,
notamment dans les régimes nazi et stalinien. « L'image idéale du futur Etat
était celle d'un splendide édifice architectural destiné à durer des siècles » ;
l'idée même de construire était directement liée à la tâche, de « construire
scientifiquement une société progressiste et un homme nouveau » ; enfin
le dirigeant avait l'image de « l'architecte du pays ». GOLOMSTOCK, I.,
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Ltd., 1990), p.283.
- 21 BUSQUET, G., *Idéologie urbaine et pensée politique dans la France de*
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- 22 ÅMAN. A., *Architecture and Ideology in Eastern Europe during the Stalin*
Era. An Aspect of Cold War History, Architectural History Foundation and
the MIT, New York /Cambridge Mass./London, 1992, p.256-259.
- 23 ENESCU, I.M., *Arhitect sub comunism*, Paideia, Bucarest, 2007, p.219.
- 24 *Id.*, p.228.
- 25 KOPP, A., *L'architecture de la période stalinienne*, Presses Universitaires
de Grenoble, Grenoble, 1978, p.19-20.
- 26 HUET, B., « Formalisme – Realisme », extraits de *L'Architecture d'Aujourd'hui*,
n°190, avril 1977, dans HUET, B., *Anachroniques d'architecture*, Archives
d'architecture moderne, Bruxelles, 1981, p.67.
- 27 GHENCIULESCU, S., « Bucarest dans le contexte sud-est européen. Formes
et cultures urbaines », *New Europe College Yearbook 1999-2000*, Bucarest,
NEC, 2003, p.204.
- 28 Bien que la propagande officielle affirmait l'existence d'un contenu
idéologique, l'auteur met en évidence qu'en réalité les prescriptions pour
l'architecture sont « confuses et contradictoires », ce qui a produit plusieurs
directions différentes. MILLER LANE, B., *Architecture and politics in*
Germany 1918 – 1945, Harvard University Press, Cambridge/Massachusetts,
1968, p.9.
- 29 Augustin Ioan considère que l'attitude des autorités dans ces projets fut
plutôt celle de résoudre un problème de manière pragmatique, au-delà des
idéologies. IOAN, A., « Modern Architectural Discourse After the Death

- of Stalin », New Europe College Yearbook 1995-1996, Humanitas&NEC, Bucarest, 1999, p.147-148 et IOAN, A., « Critica relatiei dintre arhitectura si putere », *Khora. Teme si dificultati ale relatiei dintre filosofie si arhitectura*, Paideia, Bucarest, 1999.
- 30 FOUCAULT, M., *Security, Territory, Population. Lectures at the Collège de France 1977-1978*, Macmillan, New York, 2007 (éd. originelle Seuil/Gallimard, Paris 2004), p.44-45 et FOUCAULT, M., *A supraveghea și a pedepsi*, Paralela 45, Bucarest, 2005 (*Surveiller et punir. Naissance de la prison*, Gallimard, Paris, 1975), p.180-184.
- 31 Dans une séance du Conseil des Ministres de 1952 Petru Groza appelle « cage » un espace autorisé de 8m² par personne, en proposant que cette norme qui venait d'être instauré soit provisoire. La « Séance du Conseil des Ministres du 9 janvier 1952 », Archives Nationales, Fond C.M. Stenogramme 1944-1959, Inventaire no 2336, Dossier 1/1952.
- 32 ENESCU, I.M., « Locuința ca o pușcărie », *Cotidianul*, An III, n°82, jeudi 8 avril 1993, p.364.
- 33 ROWELL, J., *Le totalitarisme au concret. Les politiques du logement en RDA*, Economica, Paris, 2006, p.3.
- 34 CIOROIANU, A., *Pe umerii lui Marx. O introducere în istoria comunismului românesc*, Bucarest, Curtea Veche, 2005, p.77.
- 35 LUNGU, D., *Sînt o baba comunista!*, Polirom, Bucarest, 2007, p. 64-65.
- 36 Un *projet type* est un projet conçu pour être implanté sur plusieurs emplacements différents. La politique communiste impose l'emploi extensif d'un nombre réduit de *projets types* pour assurer la préfabrication industrielle de la plupart des éléments du bâtiment et pour réduire le coût de construction.
- 37 CERTEAU, M., De, *L'invention du quotidien. Arts de faire*, Union générale des éditions, Paris, 1980.
- 38 HUMPHREY, C., « Ideology in Infrastructure : Architecture and soviet imagination », *The Journal of the Royal Anthropological Institute*, vol. III, n°1, mars 2005, p.39.
- 39 Selon JOHNSON, R. et al., p.79., la « mémoire populaire » peut nous renseigner sur deux types de relations : la relation entre la mémoire dominante et les formes d'opposition (y compris ceux provenant du domaine académique) et la relation entre le discours public et sa perception contemporaine dans un sens du passé individuel, de la culture vécue. JOHNSON, R. et al. (eds.), « Popular Memory. Theory, politics, method », in PERKS, R., THOMPSON, A., *The Oral History Reader*, Routledge, London/ New York, 1998.
- 40 RAUTENBERG, M., *op.cit*, p. 19.
- 41 Pour Halbwachs « La mémoire individuelle est un point de vue sur la mémoire collective », qui, la dernière « enveloppe les mémoires individuelles mais ne se confond pas avec elles. Elle évolue suivant ses propres lois, et si

certains souvenirs individuels pénètrent aussi quelquefois dans la mémoire collective, ils changent de figure dès qu'ils sont replacés dans un ensemble qui n'est plus une conscience personnelle. » HALBWACHS, M., *op.cit.*, p.98-99.

Id., p.132.

42 Cette Régie (RMS) administrait avant la guerre une partie des entreprises de l'Etat comme « le tabac, le sel, les allumettes, les timbres ». L'immeuble est administré par la suite par le Caisse Autonome des Monopoles (CAM). Le projet est signé par l'architecte Lucian Teodosiu, employé dans le Service Technique du RMS.

43 Arhives Nationales, Fond M.L.P. C.T.S. N° Inventaire 1354, Dossiers : 1748/1942, 1749/1942.

44 CIORTAN, S., *loc.cit.*

45 A ce sujet voir SACHELARI, I et al., *Locuinta urbana. Directive in conceptie si realizare*, Tiparul Academic, Bucarest, 1935.

46 A Bucarest même la partie inférieure de la classe moyenne emploie au moins une personne comme domestique de manière permanente à l'époque, personne venant souvent du milieu rural. Les réglementations entre les années 1920-1940 essayent d'améliorer les conditions de vie de cette population très nombreuse en imposant l'existence d'une pièce individuelle pour domestique dans chaque appartement, ou de plusieurs pièces groupées pour plusieurs appartements.

47 Les lois sur la vente des logements construits par l'Etat à leurs locataires : « Decret-lege 61/1990 » et « Legea 85 /1992 privind vânzarea de locuinte si spatii construite din fondurile statului ».

48 CELAC, M., CARABELA, O., MARCU-LAPADAT, M., *Bucuresti arhitectura si modernitate. Un ghid annotat / Bucharest architecture and modernity. An annotated guide*, Simetria, Bucaresti, 2005, p.140.

49 Le bâtiment principal de l'ensemble de l'Académie, par l'architecte Duiliu Marcu, est construit en 1937. En 1939 lui sont rajoutés deux « blocs de logements » à l'usage de l'Ecole Supérieure de Guerre. Archives Nationales, Fond MLP Cons. Tehnic Sup., Nr. Inventaire 1354, Dossiers 1554/1939, 1555/1939.

50 C.S.A. (Comité d'Etat pour Constructions) transformé en 1952 en C.S.A.S. (Comité d'Etat pour Architecture et Constructions), c'est l'institution de l'Etat chargée de diriger et de contrôler toute les activités de construction.

51 HUMPHREY, C., *op.cit.*, p.51-52, 57.

52 Le collectif chargé du projet est composé de Novîţchi, Oculescu, Haker et Nichitovici.

53 JOHNSON, R. et al., *loc.cit.*, p.76.

54 « Confondre dans une réprobation uniforme architecture et urbanisme staliniens » n'aide pas à trouver les moyens de comprendre ces structures urbaines d'influence soviétique aujourd'hui. COHEN, J.-L., *loc.cit.*, p.140-142.

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LES POLITIQUES FAMILIALES DANS LE POSTCOMMUNISME ROUMAIN. UN REVELATEUR DE LA DISTANCE ENTRE LES NORMES EN VIGUEUR ET LES PRATIQUES SOCIALES

Les politiques familiales désignent un domaine particulièrement complexe vu, d'une part, la grande variété historique, politique et géographique des actions publiques visant la famille, et d'autre part la grande diversité actuelle des structures familiales. Si en général l'existence des mesures en faveur de la famille peut être repérée dès le XIXe siècle, les politiques familiales prennent explicitement forme dans la période d'après Guerre, période marquée par une transition démographique précoce (Damon 2006). Quelques décennies plus tard, à l'époque du *démariage* (Théry 1996), on observe partout dans les pays industrialisés, bien qu'à des degrés divers, des changements profonds dans la structure et la dynamique familiales (baisse de la fécondité et de la nuptialité, augmentation des divorces, des recompositions familiales et des cohabitations hors mariage, etc.). Les politiques familiales, à leur tour, se confrontent à de nouveaux défis politiques et sociaux et changent de façon significative depuis les années 1970 (Théry, Roussel 1988). Objet de « typologies incertaines » (Lévy 1998), les politiques familiales relèvent de toute une diversité de constructions nationales en la matière. En ce sens, quel que soit l'angle d'observation, deux tendances majeures marquent la littérature de spécialité. L'une privilégie l'hypothèse d'une *convergence* des politiques sociales des États membres de l'Union européenne – autrement dit, quoi qu'à des rythmes, des résistances ou des blocages différents, les pays membres de l'UE sont tous soumis à des mutations marquées par une direction identique. À l'inverse, l'autre privilégie l'idée de l'*hétérogénéité* des réponses face aux forces de la globalisation – et, dans cette perspective

la prégnance des variables culturelles distinguerait encore et toujours les pays (Esping-Andersen 2007, Gauthier 2002).

Cependant, partout dans l'Union Européenne les politiques mettent l'accent sur un respect accru des droits fondamentaux (des droits de valeur constitutionnelle à caractère général et hiérarchiquement supérieur) dont « l'égalité de traitement entre hommes et femmes ». En même temps, sans avoir de compétence directe dans le domaine des politiques familiales dans l'esprit du respect du principe de *subsidiarité*, l'Union Européenne manifeste un intérêt particulier en matière d'égalité de sexe et recoupe ainsi largement le domaine des politiques familiales. La Commission européenne recommande comme moyen de réaliser l'égalité de chance entre hommes et femmes dans le champ de la protection sociale la voie de *l'individualisation des droits sociaux*, dans le sens d'un passage des droits familialisés fondés sur la relation de famille, à des droits individualisés attribués à la personne (Lanquetin, Letablier 2003). De même, un autre aspect essentiel de l'affirmation du principe égalitaire est lié à la façon dont les politiques soutiennent aujourd'hui la *conciliation entre vie familiale et vie professionnelle*. Plus précisément, il s'agit des dispositions des politiques nationales de créer une nouvelle articulation entre la marchandisation de certaines activités domestiques (nounous, femmes de ménage, etc.) et les activités qui restent non marchandes.

Dans le paysage actuel des politiques familiales européennes, où peut-on placer le cas particulier de la Roumanie, pays nouveau membre de l'Union depuis 2007 ? En essayant d'éviter le risque majeur du *natio-centrisme*¹ (Martin 2003) on peut observer que les politiques familiales sont rarement envisagées dans les recherches portant sur les réformes de protection sociale des pays postcommunistes². Parmi elles les rapports de l'UNICEF soulignent que les politiques familiales à l'Est³ ont été redéfinies de fait, sans pour autant faire émerger des systèmes développés et explicités en tant que tels (Lefèvre 2003a). Ainsi, du point de vue des trois dispositifs de politique familiale (les allocations familiales, les services d'accueil des enfants en bas âge, les congés parentaux) il y a une forte hétérogénéité entre les pays de l'Europe de l'Est après 1990, même si tous privilégient les aides financières accordées aux familles (Rostgaard 2005).

Cette recherche portant sur la question des politiques familiales dans le postcommunisme roumain se propose de répondre à plusieurs questions. Est-ce qu'on peut vraiment parler d'une politique familiale en Roumanie

après les années 1990 ? Quels en seraient le périmètre, les moyens et les objectifs ? Derrière toutes les normes postsocialistes concernant la famille, s'agit-il d'un retour des valeurs familiales traditionnelles, d'une modernisation de l'idée de la « cellule de base de la société » ou bien d'une prise en compte des métamorphoses de la conjugalité contemporaine ? Et plus loin encore, dans le respect de l'esprit et de la lettre des directives européennes, est-ce que, dans l'élaboration des politiques familiales postcommunistes, on « emprunte » la perspective individualiste occidentale sur la famille, ou bien on y intègre la dimension relationnelle de la vie familiale et de couple ? Autrement dit, est-ce qu'on *adopte* telle quelle l'idéologie qui est à la base de l'élaboration des directives européennes, ou bien on essaie *d'adapter* ces directives au contexte social roumain ?

Nous nous proposons ainsi de montrer que l'hypothèse du manque de consensus caractéristique pour les politiques familiales dans l'Europe de l'Est (Lefèvre 2005b), bien que valable dans le cas de la Roumanie, ne suffit pas pour rendre compte des spécificités autochtones. En ce sens notre hypothèse est que les incohérences qui régissent le système roumain de protection familiale sont un révélateur des tensions actuelles entre, d'une part, les tendances vers les standards européens, et, de l'autre, le familialisme idéologique dominant concernant la vie familiale.

À partir d'une perspective théorique interdisciplinaire au sein de laquelle la démarche sociologique demeure dominante, nous avons dressé dans un premier temps une perspective d'ensemble sur le système de protection sociale en Roumanie. Cette perspective demeure indispensable vu l'impossibilité d'isoler les politiques familiales des métamorphoses radicales que le système politique et juridique subit aujourd'hui notamment en matière de droit social et civil. Ensuite nous avons consacré une partie importante de notre recherche à une analyse détaillée des principaux dispositifs des politiques familiales dans le postcommunisme roumain, à savoir – les aides financières, les congés parentaux, les services d'accueil et d'éducation des enfants en bas âge. Cette analyse de la législation en vigueur est confrontée aux réalités mouvantes de l'espace social, tel qu'elles apparaissent à travers les recherches et les données élaborées dans les plus récentes études autochtones.

Le contexte et les principes du système de protection sociale (1990 – 2000)

Après la chute du régime communiste le système politique et économique du pays, y compris le système de protection sociale, souffre des bouleversements profonds. Cependant les mesures politiques en direction des familles et leurs effets dans l'espace social ne font pas l'objet d'une analyse élaborée à l'échelle internationale, d'où, Ioana Cîrstocea (2004) souligne que :

À la différence de pays tels que la Russie, l'ex-Allemagne de l'Est, la Hongrie ou la Pologne, la Roumanie ne figure pas parmi les terrains de prédilection des recherches occidentales consacrées à l'« autre Europe ». Des références passagères, générales et parfois approximatives lui sont consacrées dans certaines études à prétention comparative, où elle figure, le plus souvent, en tant qu'exemple négatif. Quant au savoir indigène portant sur les problèmes du postcommunisme, il est maigre et rarement convaincant. La recherche menée à titre d'expertise et réalisée sur commande institutionnelle opère avec des grilles d'interprétation préformées et standardisées visant à mesurer la « pauvreté » ou le « développement communautaire », qui occultent la réalité sociale. Le sondage d'opinion et les statistiques électorales, qui mobilisent à leur tour beaucoup d'énergies, n'aboutissent pourtant pas à circonscrire l'ampleur des phénomènes de recomposition sociale.

La chute du régime communiste entraîna des bouleversements profonds dans le système de protection sociale en Roumanie. Mais il n'y a pas eu d'analyse élaborée à l'échelle internationale des répercussions en matière de politiques familiales. Encore faut-il nuancer cette affirmation en précisant que les savoirs disponibles en la matière sont pauvres. Certes l'Eurostat fournit des bases de données utiles à des analyses quantitatives comparatives au niveau de l'Union Européenne, mais la Roumanie n'y a adhéré qu'en 2007. Et, ces données fournies par les pays concernés manquent parfois de fiabilité (Fagnani et al 2009). Ensuite, une autre source possible pour entrevoir la structure de protection sociale roumaine en direction des familles serait la lecture transversale de la littérature touchant des systèmes connexes : la restitution de la propriété, la vie en milieu rural, l'enfance et le genre, etc. Mais cela nous entraînerait bien trop loin de notre objet de recherche. Enfin, il existe une littérature autochtone – juridique, mais aussi sociologique – sur le système de protection sociale en Roumanie postcommuniste. C'est bien elle qui retiendra notre attention⁴.

La Loi no. 19/2000⁵ marque deux étapes bien distinctes en matière de protection sociale dans le postcommunisme roumain. Pendant la première étape (1989-2000) l'ancienne Loi no. 3/1977, modifiée à maintes reprises⁶ coexiste avec la mise en oeuvre des principes de l'économie de marché et implicitement avec toute une série de réglementations concernant la réactualisation des montants des retraites. Par ailleurs c'est une période où en essence on garde les *mêmes* principes de l'ancien système de protection sociale : un système *centralisé* et fondé sur le principe de *l'universalité*. Quoi qu'il ne soit plus l'État paternaliste du régime communiste, l'État demeure pourtant la seule institution chargée du financement de la protection sociale. Autrement dit, il s'agit d'une part d'un système d'inspiration bismarckienne⁷ (Gîlcă 2006b) qui repose essentiellement sur une base professionnelle et sur des prestations contributives et non contributives ; d'autre part, c'est un système dont le principe de l'universalité est plutôt lié à l'idéologie soviétique (égalité absolue et indifférenciation des travailleurs) qu'à l'accès universel à la protection sociale dans les systèmes beveridgiens. En ce sens, il faut observer que, avant 1990 le principe de l'universalité et le plein emploi faisaient sens dans un contexte où l'accroissement de la main d'œuvre était un but politique déclaré. Après les années 1990 les taux du chômage commencent à augmenter considérablement⁸, d'où un problème majeur surgit : l'incohérence du système roumain de protection sociale.

Parallèlement, dans les conditions d'une hausse significative de l'inflation et des taux du chômage, le pouvoir d'achat diminue considérablement. À titre d'exemple, la moyenne du montant de la pension de retraite de 1997 ne représente plus que 50,3% de celle de l'année 1990. Un autre exemple qui affecte le ratio contribuables/ bénéficiaires des assurances sociales d'État : en 1990 on enregistre plus de 10,5 millions de contribuables pour une population active de presque 11,2 millions, alors qu'en 1997 le nombre de contribuables diminue à environ 5,8 millions pour une population active autour de 10,8 millions (Gîlcă 2006a)⁹.

Dans les conditions des années 1990 où toute l'attention se concentre autour du développement économique, la réforme de la protection sociale est considérée un aspect de la transition d'une moindre importance (Zamfir 1999). Le système d'aides en direction des familles existe déjà, le système médical et l'enseignement sont gratuits, d'où, on considère que le système de protection sociale hérité de la période communiste est suffisamment élaboré pour ne nécessiter que quelques ajustements à la « nouvelle » économie de marché. Autrement dit, on essaie d'adapter l'ancien système

de protection à un contexte social radicalement différent, d'où l'apparition inévitable des fissures et des incohérences inhérentes.

La précarité des services sociaux hérités du régime communiste demeure pourtant un problème majeur. Plusieurs réformes institutionnelles et législatives sont ainsi entamées. À côté de l'élaboration de nombreuses lois concernant le chômage (un phénomène « nouveau » en Roumanie), le législateur s'intéresse aussi aux relations de travail, aux syndicats, aux salaires, à l'enseignement, au système de santé, à la réglementation des aides en direction des familles, etc. Sans réformer le système déjà mis en place, on y apporte des modifications. On adopte ainsi des décisions gouvernementales concernant l'allongement du congé de maternité, l'universalisation du droit à l'allocation pour les enfants (dorénavant toute la population doit en bénéficier, non seulement les salariés des entreprises d'État, sans distinction selon les revenus ou bien selon le milieu d'origine), ainsi que la suppression de l'impôt pour les adultes sans enfants à charge. Pourtant, dans la période 1990-2000 « la réforme » vers la démocratie demeure inachevée : la crise du logement, l'assistance sociale et les services afférents ainsi que le système d'assurances (concernant les retraites) ne sont pas encore soumis à une réglementation cohérente et bien élaborée. Les mesures politiques en direction des familles sont loin de former un paquet législatif capable de répondre aux changements enregistrés dans l'espace social. Bien au contraire, les politiques familiales sont en quelque sorte avalées par la réforme dans le domaine des politiques sociales (Zamfir 2000) dont la caractéristique majeure est le ciblage sur la pauvreté. En ce sens, Ana Gherghel (2006) souligne :

Dans l'ensemble, les modifications législatives apportées expriment un retrait du droit, un refus de l'ingérence et de toute intervention dans les rapports familiaux et les comportements démographiques. Les mesures concernant différents aspects de la vie familiale s'inscrivent dans une optique d'opposition visant à se délimiter de l'interventionnisme du régime communiste, refusant toute interférence dans la vie privée. Les réformes législatives ne suivent pas un programme bien défini, elles sont plutôt mises en place en fonction de divers problèmes identifiés graduellement et inscrits sur l'agenda politique, étant conçues davantage comme des réponses à des problèmes précis et limités sans impliquer une vision d'ensemble, des objectifs précis et clairement affirmés.

Le contexte et les principes du système de protection sociale (2000 –)

Une dizaine d'années après la chute du régime communiste on adopte la Loi 19/2000 sur le système public de pensions et d'assurances sociales. La loi propose une réforme radicale et représente une des tentatives les plus notables de répondre aux changements politiques, économiques et idéologiques entamées au niveau global du pays. Dorénavant le système de protection sociale en Roumanie ne s'appuie plus exclusivement sur l'assurance obligatoire d'État, mais aussi sur des assurances professionnelles (des assurances sociales facultatives) ainsi que sur des assurances sociales privées, ce qui correspond à un effort d'alignement aux normes européennes¹⁰. Dans le contexte de la privatisation économique¹¹, la Loi 19/2000 élargit l'aire des contribuables à l'assurance obligatoire d'État. Autrement dit, tous les employeurs, mais également les employés, doivent en bénéficier et y contribuer, qu'ils travaillent dans le secteur d'État ou privé. De même, on change la formule de calcul du montant de la retraite afin qu'il soit proportionnel à la période de cotisation. Enfin, on crée une institution publique destinée à gérer les fonds des retraites ainsi qu'une juridiction spécialisée en matière de litiges concernant les droits d'assurance sociale¹².

Si en 2001 la Loi 19/2000 est déjà en vigueur¹³, pratiquement ce n'est qu'en 2007 que la Roumanie rejoint les autres pays européens du point de vue du système des retraites. Le nouveau système comprend dorénavant *la pension d'État obligatoire*, *la pension privée obligatoire* ainsi que *la pension privée facultative* et se propose d'assurer un montant de la retraite de presque 80% du dernier salaire net de l'assuré (soit 30% assurés par la pension d'État, 20% par la pension privée obligatoire et encore 30% par la pension privée facultative). Dorénavant l'État perd son monopole sur les pensions. En outre, les personnes ordinaires gagnent une marge de choix quant à l'investissement retraite. Par ailleurs, la liberté d'option en matière de pension est, au-delà des aspects techniques qui intéressent surtout dans une optique juridique, un aspect majeur du chemin que la Roumanie s'est proposée de suivre vers la démocratie. Pourtant, la situation en Roumanie en matière d'assurances demeure difficilement comparable avec celles des sociétés occidentales, où l'assurance vie par exemple représente une pratique largement utilisée. Elle demeure en même temps difficilement comparable avec d'autres pays de l'Europe d l'Est qui ont déjà une expérience de presque une dizaine d'années dans la matière

des pensions privées¹⁴. En outre, aussi pertinente que soit la législation afférente élaborée, la mise en œuvre d'un système nouveau nécessite du temps indispensable pour diminuer le plus possible la distance entre les normes et les pratiques sociales. En ce sens, la réforme du système des pensions est loin d'être uniquement un artifice financier au niveau macroéconomique. Au contraire, il s'agit d'un effort pour restituer aux personnes ce que leur appartenait avant que le régime communiste reprend et assume totalement à leur place : l'implication personnelle libre dans un domaine qui concerne non seulement l'assuré et sa famille mais la société en entier.

Depuis 2000 la réforme du système des retraites est accompagnée aussi par une diversification des formes de protection sociale et des mesures destinées à la vie familiale. Plus précisément, les politiques familiales dénotent dernièrement une combinaison des mesures universelles et sélectives. La majorité de ces prestations demeurent directement liées à l'activité professionnelle des concernés, ce qui oriente vers une sélectivité verticale. Par exemple, l'allocation maternelle (2006) ainsi que l'indemnité pour élever l'enfant en bas âge (2006) sont destinées aux femmes qui ont une activité professionnelle régulière, alors que les femmes qui n'ont pas un emploi enregistré n'en peuvent pas bénéficier.

Quant à l'impératif européen concernant la mise en place d'une réelle conciliation entre vie familiale - vie professionnelle, les mesures en direction de la famille en Roumanie indiquent une préoccupation relative, cet objectif n'étant pas explicitement affirmé (Gherghel 2006). Dans un contexte économique caractérisé par l'instabilité et par la baisse du niveau de vie des familles avec enfants, l'intérêt politique pour la vie familiale se manifeste surtout par l'intermédiaire des politiques sociales ciblées sur la pauvreté ainsi que par les politiques de genre. En ce sens, plusieurs institutions¹⁵ sont subordonnées au *Ministère du Travail, de la Famille et de la Protection sociale*¹⁶, leurs activités étant déroulées avant tout autour de quelques problématiques : l'égalité de sexe (surtout dans le champ professionnel du travail), la protection des personnes handicapées, l'enfance, ainsi que la prévention et le combat de la violence familiale. Par conséquent, en dépit de l'existence d'un département ministériel pour la famille, la vie familiale se trouve dans l'attention des autorités publiques uniquement sous l'aspect des « risques sociaux ». Dans cette optique, à part le cas des familles les plus démunies, la diversité même des formes familiales est souvent perçue uniquement par le prisme de la précarité (Gherghel 2006).

Enfin, les institutions internationales ainsi que les organisations non gouvernementales jouent un rôle notable dans le processus de mise en place des réformes et aussi dans l'émergence des pratiques d'intervention dans la sphère civile (en direction des enfants, des congés parentaux et aussi en direction de la violence conjugale). En ce sens les ONG dont les activités concernent plus ou moins directement la vie familiale en Roumanie rassemblent beaucoup, au moins apparemment, aux activités des ONG dans les autres pays de l'Est de l'Europe :

Les ONG s'intègrent harmonieusement dans la configuration transformée des acteurs de la politique familiale. Elles ont occupé une niche d'activités auprès des familles, activités qui ont été pour une partie délaissées par l'État et par les entreprises socialistes. Mais elles ont surtout participé à l'émergence d'interventions d'un ordre nouveau, ancrées dans la croyance selon laquelle, d'une part, l'aide doit aller aux catégories marginales et d'autre part, un individu normal ne peut se construire que dans le cadre d'une vie familiale [...] ¹⁷.

Sur le plan de la mise en pratique des plans et normes récemment élaborées, les structures institutionnelles déjà existantes présentent des carences notables, ne permettent pas une application correcte des normes en vigueur. En essayant de dessiner une vue d'ensemble sur les politiques familiales dans le postcommunisme roumain, Ana Gherghel (2006) souligne :

[...] l'infrastructure de l'assistance sociale comporte de nombreuses carences à la suite du financement insuffisant ; le personnel n'a pas toujours de formation adéquate ; les services dispensés ne répondent pas à tous les besoins de la population. Les centres d'hébergement, les centres d'accueil, les orphelinats, les garderies disponibles ne fournissent pas de services suffisants en nombre et en qualité. Un manque de coordination entre les diverses institutions (police, direction de la protection de l'enfant, école) mine le fonctionnement du système de protection sociale.

Les principaux dispositifs des politiques familiales dans le postcommunisme roumain

L'après 1989 roumain représente une période trop courte de temps pour permettre un attachement stricte à quelque périodisation. En même

temps la tendance d'engloutir les politiques familiales dans la sphère des politiques sociales est évidente. Une analyse détaillée du système des retraites, du système médical, de l'enseignement, des logements, dépasserait pourtant largement le cadre de notre analyse. Par ailleurs, sans procéder à quelconque décontextualisation, la meilleure façon d'appréhender les contours et les possibles directions des politiques familiales en Roumanie postcommuniste est de procéder à une analyse détaillée des trois principaux dispositifs largement utilisés en direction des familles dans la majorité des pays est-européens, avant et après la chute du communisme. Dans le contexte d'une quasi-absence de politique familiale développée et explicitée en tant que telle (Lefèvre 2005b) des pays postcommunistes, le cas particulier de la politique familiale roumaine semble s'y intégrer parfaitement, surtout du point de vue des trois principaux dispositifs des politiques familiales.

Après les années 1990 les lois concernant *les aides financières en direction des familles* sont modifiées et élargies à maintes reprises leur bout avoué étant celui de créer un équilibre entre les indemnités accordées et la dévaluation de la monnaie nationale. Dans le champ des *aides sociales* (définies comme les prestations en argent et en nature accordées aux familles les plus démunies ainsi qu'aux personnes handicapées) les *allocations familiales* sont des aides financières offertes aux parents pour éduquer et élever leurs enfants¹⁸. Ainsi il n'y a pas de délimitation claire entre les deux types d'aides financières. Si les aides sociales visent surtout les nécessiteux, les allocations familiales représentent des prestations financières destinées par définition aux enfants quel que soit leur statut ou leur situation financière. En ensemble, les allocations en direction des familles sont : « l'allocation d'État pour enfants à charge », « l'allocation pour les nourrissons », « l'allocation complémentaire », « l'allocation pour le soutien des familles monoparentales », « l'aide financière en début de vie familiale », « le soutien de la famille pour élever l'enfant en bas âge » et enfin « le trousseau du nouveau-né »¹⁹.

- D'abord, l'ancienne « allocation d'État pour enfants à charge »²⁰ continue d'être accordée jusqu'en 1994 en fonction du salaire du père de l'enfant (ou bien en fonction du salaire de la mère, dans le cas où l'enfant est uniquement à sa charge). Bien que modifiée à maintes reprises²¹, dans la période 1990 -1994 cette aide financière continue d'être accordée uniquement aux enfants dont les parents travaillent dans le système public, les enfants des employés dans le système privé ainsi que ceux des personnes sans emplois enregistrés

ne pouvant pas en bénéficier. À partir de 1994 la Loi no. 61/1993²² abroge la majorité des articles de l'ancien Décret 410/1985 et apporte des modifications majeures à l'égard de l'allocation d'État qui devient *la seule prestation à caractère universel* : c'est une prestation mensuelle, non imposable, dont tous les enfants jusqu'à 16 ans peuvent bénéficier sous condition de fréquentation scolaire, étant accordée aussi jusqu'à 18 ans dans le cas des élèves et des enfants handicapés. À partir du janvier 2008 l'allocation d'État n'est plus conditionnée par la fréquentation scolaire et est accordée à tous les enfants jusqu'à 18 ans²³.

- « L'allocation pour les nourrissons » est accordée en conformité avec l'art. 25 de la Loi 416/2001²⁴ concernant le revenu minimum garanti et avec l'article 44 de la décision gouvernementale H.G. no. 1010/2006²⁵. C'est une prestation accordée sur demande pour les 4 premiers nés-vivants, une seule fois pour chaque nouveau né, au cours des 12 mois qui suivent l'accouchement. Le financement de l'allocation est supporté par le budget du Ministère du travail, de la famille et de la protection sociale. En 2001 la loi prévoit un montant de 1.400.000 lei (soit 140 RON) et à partir du janvier 2009 le montant augmente à 230 RON (soit autour de 50 €).
- Les familles avec enfants mineurs à charge²⁶ dont les membres cohabitants réalisent des revenus nets individuels inférieurs au salaire minimum net per économie peuvent bénéficier d'une « allocation complémentaire » mensuelle. Selon la loi L. 416/2001, son montant augmente avec 25% dans le cas des familles qui touchent l'aide sociale.
- « L'allocation pour le soutien des familles monoparentales », réglementée toujours par l'O.U.G. 105 / 2003 modifiée par loi L. no. 236/2008 est accordée aux personnes sans conjoint qui ont des enfants mineurs à charge et dont les revenus mensuels calculés individuellement ne dépassent pas le montant du salaire minimum net per économie.
- « L'aide financière en début de vie familiale »²⁷ représente un montant de 200 € accordé aux couples dont les conjoints concluent leur premier mariage. La Roumanie est ainsi, probablement, le seul pays européen qui accorde des prestations financières en vue de la conclusion du mariage. À part les situations créées par son adoption (les médias ont signalés la célébration de beaucoup de mariages civils

des couples tziganes du troisième âge vivant depuis de décennies en union libre) cette loi montre d'une manière plus qu'évidente une réalité qui fait partie de la « normalité » quotidienne : le législateur encourage la conclusion des mariages.

- « Le soutien de la famille pour élever l'enfant en bas âge »²⁸ représente deux prestations – « l'indemnité pour élever l'enfant » et « le stimulent pour élever l'enfant » – introduites depuis janvier 2006 et qui s'adressent seulement aux personnes ayant un emploi enregistré, assurées au système public d'assurances sociales. De même, il s'agit de deux prestations mensuelles accordées au parent bénéficiaire du congé parental et jusqu'à l'âge de 2 ans de l'enfant (3 ans pour l'enfant handicapé). Si à partir du 1^{er} janvier 2007 le montant de l'indemnité accordé est de 600 RON, deux années plus tard le législateur y apporte des modifications : depuis janvier 2009 ce montant est de 85% de la moyenne des revenus obtenus les dix derniers mois qui précèdent l'accouchement, soit un minimum de 600 RON, mais pas plus de 4.000 RON. À son tour, le « stimulent »²⁹ représente une allocation mensuelle accordée au parent qui a le droit de bénéficier de l'indemnité pour élever l'enfant mais qui y renonce afin de reprendre le travail.
- Enfin, « le trousseau du nouveau-né »³⁰ est accordé à la naissance par l'autorité publique locale et représente l'équivalent d'un montant de 150 RON réactualisé chaque année en fonction des taux de l'inflation.

Malgré leur diversité, ces prestations financières en direction des familles demeurent souvent inefficaces en raison de leur dévalorisation au fil des années. Par exemple, le montant de « l'allocation d'État pour enfants à charge », considérée le plus important instrument de réduction de la pauvreté des familles avec enfants, diminue constamment : dans les années 1980 il représente 10% du salaire hebdomadaire moyen, pour n'atteindre que 3% du même salaire en 2000 (Gherghel 2006). Même si chaque année on augmente son montant par décision gouvernementale, en janvier 2009 cette allocation est de 42 RON, soit autour de 10 € accordés chaque mois pour tous les enfants entre 2 et 18 ans. Dans le même ordre d'idées, le « revenu minimum garanti » représente une aide financière mensuelle plutôt symbolique. C'est une prestation fondée sur le principe de la solidarité sociale, définie par la loi comme étant « une forme d'assistance sociale à laquelle tous les citoyens Roumains ont droit ».

Les allocations familiales connaissent ainsi des changements successifs dans une période très courte de temps. D'une année à l'autre le système des prestations essaie de suivre les directives et les recommandations européennes en direction de l'enfance, de la pauvreté et de l'égalité des sexes. Pourtant, dans le contexte économique marqué par l'inflation, les montants des allocations demeurent plutôt symboliques. D'autre part, leur diversité témoigne d'une affiliation concrète des politiques familiales en Roumanie à la tendance générale caractéristique pour l'Est de l'Europe, à savoir l'investissement croissant dans les aides financières au détriment de la création des institutions favorisant la conciliation vie familiale – vie professionnelle³¹. En ce sens quelques constants significatifs pour l'espace social en Roumanie attirent l'attention. Comme dans beaucoup d'autres pays, les hommes ont souvent des salaires nettement supérieurs que les salaires de leurs conjointes³² ce qui influence sans doute la décision de bénéficier de l'indemnité pour élever l'enfant en bas âge et du congé parental. Plus précisément, ce sont les mères qui en bénéficient dans la majorité des cas³³, « stimulées » aussi par voie gouvernementale à visée nataliste. Si le « stimulent pour élever l'enfant » (destiné aux mères qui décident de reprendre le travail avant l'âge de 2 ans de l'enfant) accordé à partir du 1^{er} janvier 2006 est de 300 RON, depuis le 1^{er} janvier 2007 il est réduit à 100 RON. Le système des prestations en direction des familles connaît ainsi un certain développement sur le papier, sans pourtant faire augmenter le niveau de vie des familles.

Tableau 1 : Le revenu minimum garanti³⁴

<i>L'année</i>	<i>La composition familiale (le no. des personnes)</i>					
	1 pers.	2 pers.	3 pers.	4 pers.	5 pers.	> 5 pers.*
2001 / ROL	630.000	1.134.000	1.575.000	1.953.000	2.331.000	157.500
2008 / RON	100	181	252	314	372	25
2009 / RON	108	196	272	339	402	27

* Le montant indiqué se multiplie par le nombre des personnes excédantes et s'ajoute au montant prévu pour les familles de 5 personnes.

Sources : la Loi n° 416/18.07. 2001, publiée dans *M. Of.* n° 401/20.07.2001 ; la décision gouvernementale H. n° 11/9.01.2008, publiée dans *M. Of.* n°27/14.01.2008 ; la décision gouvernementale H. G. n° 1664/10.12.2008, publiée dans *M. Of.* n° 847/16.12.2008.

Tableau 2 : La moyenne du salaire mensuel per économie***

Le salaire	L'année				
	1991	2001	2005*	2008	2009**
Brut	9.207	4.220.357	968	1.742	1.839
Net	7.460	3.019.424	746	1.282	1.358

*RON à partir de 2005.

** Le tableau contient les données provisoires calculées pour janvier 2009.

Source : Le site ministériel <http://www.mmuncii.ro/ro/statistici-55-view.html>, consulté en avril 2009.

*** le 11 avril 2005 1 € vaut 3.632 RON, soit 4.189 RON le 11 avril 2009, selon BNR : <http://cursbnr.ro/>, consulté en avril 2009.

Tableau 3 : La moyenne du salaire minimum brut per économie*

1991 au 1 ^{er} Mai	1992 au 1 ^{er} Mai	1999 au 1 ^{er} Mai	2003	2005	2008 Oct. – Déc.	2009
5.975 ROL**	11.200 ROL	450.000 ROL	250 RON	310 RON	540 RON	600 RON

* Source : Le site ministériel <http://www.mmuncii.ro/ro/statistici-55-view.html>, consulté en avril 2009.

**1 RON vaut 10.000 ROL.

Tableau 4 : Le montant de l'allocation familiale complémentaire

La taille de la famille :	2003	2008
1 enfant à charge	300.000 ROL	50 RON
2 enfants à charge	350.000 ROL	60 RON
3 enfants à charge	400.000 ROL	65 RON
4 enfants à charge	450.000 ROL	70 RON

*Source : L'O.U.G. n° 105/2003, publiée dans *M. Of.* n° 747/26.10. 2003 et la L. n° 236/2008, publiée dans *M. Of.* n° 746/04.11.2008.

Tableau 5 : Le montant de l'allocation pour le soutien des familles monoparentales

<i>La taille de la famille :</i>	2003	2008
1 enfant à charge	450.000 ROL	70 RON
2 enfants à charge	525.000 ROL	80 RON
3 enfants à charge	600.000 ROL	85 RON
4 enfants à charge	675.000 ROL	90 RON

**Source : L'O.U.G. n° 105/2003, publiée dans M. Of. n° 747/26.10. 2003 et la Loi n° 236/2008, publiée dans M. Of. n° 746/04.11.2008.*

À leur tour, les montants de « l'allocation complémentaire » et ceux de « l'allocation pour le soutien des familles monoparentales » sont évidemment très bas dans le contexte d'une forte inflation. En même temps, les seules données disponibles à l'égard de ces prestations, à savoir le nombre moyen des personnes qui en bénéficient chaque mois ainsi que les montants afférents, demeurent sans signification par rapport au niveau de vie, aux structures familiales en Roumanie ou bien par rapport à l'implication gouvernementale en matière de la qualité de la vie familiale. Plus précisément, le seul fait d'observer par exemple la baisse du nombre des bénéficiaires de l'allocation complémentaire ne permet pas de formuler des hypothèses concernant le niveau de la pauvreté.

Tableau 6 : Le nombre des bénéficiaires et les montants de l'allocation complémentaire et de l'allocation pour les familles monoparentales

	<i>Bénéficiaires 2008 (1^{er} janvier – 30 septembre)</i>			
	No. moyen mensuel de bénéficiaires	No. moyen mensuel par rapport à 2007	Payements RON	Payements RON par rapport à 2007
<i>Allocation complémentaire</i>	514.067	- 72.849	209.296.956	- 18.040.221
<i>Allocation famille monoparentale</i>	192.056	- 34.324	106.458.785	- 13.349.952

*Source : Buletinul statistic trimestrial în domeniul muncii și protecției sociale³⁵ n° 4 (64)/2008, disponible sur le site ministériel <http://www.mmuncii.ro/ro/statistici-55-view.html>, consulté en avril 2009.

Tableau 7 : Le nombre des bénéficiaires et les montants de l'allocation complémentaire et de l'allocation pour les familles monoparentales

	<i>Bénéficiaires 2004 (1^{er} janvier – 30 septembre)</i>	
	No. moyen mensuel de bénéficiaires	Payements (millions ROL)
<i>Allocation complémentaire</i>	611.371	1.994.447
<i>Allocation famille monoparentale</i>	194.251	844.951

*Source : Buletinul statistic trimestrial în domeniul muncii și protecției sociale n° 4 (48) /2004, disponible sur le site ministériel <http://www.mmuncii.ro/ro/314-view.html>, consulté en avril 2009.

Tableau 8 : L'indemnité et le stimulent pour élever l'enfant en bas âge

	L'indemnité pour élever l'enfant		Le stimulent pour élever l'enfant	
	Le no. moyen mensuel des bénéficiaires	Les paiements (total) RON	Le no. moyen mensuel des bénéficiaires	Les paiements (total) RON
2006 (1 ^{er} janvier – 30 septembre)	182.102	1.194.969.096	9.109	22.695.137
2007 (1 ^{er} janvier – 30 septembre)	192.036	1.098.148.444	16.138	18.382.205
2008 (1 ^{er} janvier – 30 septembre)	180.672	998.934.122	17.686	16.449.387

*Sources : Buletinul statistic trimestrial în domeniul muncii și protecției sociale n° 4 (64)/2008, 4(60)/2007 et 4 (56)/2006, disponibles sur le site ministériel <http://www.mmuncii.ro/ro/>, consultés en avril 2009.

Deuxièmement, du point de vue des *congés parentaux*, en Roumanie comme dans les autres pays postcommunistes il y a des normes explicites visant le congé de maternité, de paternité ainsi que aussi les congés parentaux. En ce sens, dans l'ensemble des pays de l'Est, la durée du congé de maternité varie entre deux modèles - de 16 à 18 semaines au total (en Lettonie, Pologne, Bulgarie, Estonie, Ukraine et Roumanie) et de 24 à 28 semaines (en République tchèque, Hongrie, Russie, Slovaquie) (Rostgaard 2005), les indemnités accordées étant très élevées - souvent 100% de l'ancien salaire³⁶. En Roumanie les femmes continuent de pouvoir bénéficier des 112 jours de congé de maternité jusqu'en 2001 lors de l'entrée en vigueur de la Loi 19/2000. Dorénavant la loi concernant « le système public de pensions et d'autres droits d'assurance sociale » prévoit 126 jours de congé de maternité³⁷ qui peut être divisé dans deux congés successifs anténatal et postnatal, selon les recommandations médicales et les options personnelles. Pendant le *congé de maternité* la future mère reçoit une indemnité de 85% de la moyenne des revenus mensuels réalisés les 6 derniers mois de travail. Ainsi, les femmes sans travail n'ont droit ni

à l'indemnité de maternité, ni à « l'indemnité pour élever l'enfant » offerte pendant le *congé parental*. Ce dernier a été réglementé par la loi juste après la chute de l'ancien régime. Le Décret-loi n° 31/1990³⁸ prévoit, à part les 112 jours de congé de maternité, un « congé pour élever l'enfant » jusqu'à la première anniversaire de l'enfant, période dans laquelle la mère reçoit une indemnité de 65% de l'ancien salaire. Quelques années plus tard, le Décret-loi est abrogé par la Loi 120/9.07.1997 qui augmente l'âge de l'enfant jusqu'à 2 ans, ainsi que le montant de l'indemnité d'État – 85% du salaire dans le cas des assurées du système d'assurances sociales d'État et des femmes militaires (art. 3, al. 1) ou 80% de la moyenne des revenus mensuels réalisés les derniers 6 mois assurés pour les femmes qui travaillent dans l'agriculture (art. 3, al. 2). En 2003 la Loi 120/1997 est de nouveau modifiée : l'OUG n° 9/27 fév.2003³⁹, modifiée par l'OUG n° 23/10.04.2003⁴⁰ apporte des modifications concernant le montant de l'indemnité pour élever l'enfant en bas âge, à partir de 2004 : ce montant ne représente plus 85% de la moyenne des revenus mensuels réalisés les 12 derniers mois avant l'accouchement, il représente à partir du 2004 85% du salaire moyen brut. Autrement dit, l'indemnité pour élever l'enfant n'est plus calculée en fonction du salaire personnel, mais son montant est rendu le même pour tout le monde. Enfin, en 2005 l'O.U.G. 148/2005 précise que un des deux parents, autrement dit y compris le père, peut bénéficier de l'indemnité et du congé pour élever l'enfant jusqu'à l'âge de 2 ans (3 ans pour les enfants handicapés). Ainsi, la durée du congé parental n'est plus modifiée ni en 2005 ni à partir du janvier 2009.

Enfin, comme dans la majorité des pays postcommunistes où les pères ont droit à environ 10 jours de *congé de paternité*, en Roumanie la Loi 210/1999 accorde aux pères entre 5 et 15 jours de congé de paternité les 8 premières semaines après la naissance de l'enfant. De même, dans le cas du décès de la mère de l'enfant pendant l'accouchement ou pendant le congé postnatal, le père peut en bénéficier, y compris les indemnités afférentes.

L'auteur d'une des rares études autochtones traitant de la question du congé parental (Ghețău 2007) souligne qu'aucune recherche scientifique n'a pas eu pour objet les mesures interventionnistes concernant le congé pour élever l'enfant en bas âge et les indemnités afférentes. Dans ces conditions, le nombre limité d'informations disponibles permet de saisir quelques changements dans la vie familiale. Dans l'intervalle 2003 – 2005 le nombre des naissances augmente, surtout dans le cas des femmes employées, dont 80% vivent dans le milieu urbain. Le taux de la fertilité augmente ainsi dans le milieu urbain et diminue dans le milieu rural ce

qui fait que, pour la première fois dans l'histoire démographique de la Roumanie le nombre des nouveaux nés dans l'urbain est supérieur à celui enregistré dans le rural. En outre, en 2003 la multiplication des naissances a pu être observée presque en exclusivité chez les femmes avec des études supérieures, l'indemnité pour élever l'enfant étant à l'époque proportionnelle avec le salaire mensuel. En 2004, lorsque l'indemnité a été uniformisée pour toutes les catégories des mères, on peut constater une augmentation des naissances chez les femmes avec des études moyennes et secondaires (le montant de l'indemnité accordée étant en général plus grand que les revenus des mères sans études supérieures), ainsi qu'une diminution des naissances chez les femmes ayant fait des études supérieures, qui continuent à baisser en 2005 aussi. De plus, si en 2003 et 2004 l'augmentation des taux de la natalité a pu être observée dans le cas des naissances de rang 1, en 2005 en revanche on a constaté une augmentation plus importante chez les enfants de rang 2. Au total, Vasile Ghețău (2007) conclut que :

Nous considérons qu'il s'agit de la situation singulière en Roumanie où, dans un contexte démocratique suivant le respect des droits de l'individu et son libre accès aux moyens de planification familiale (beaucoup plus que dans d'autres pays de l'UE), la femme (le couple) peut prendre une décision propre d'avoir un enfant ou de ne pas en avoir, étant encouragée par des mesures économiques consistantes offertes par l'État. L'analyse de la façon dont la population a réagi et réagit devant les mesures économiques stimulantes nous paraît essentielle afin de formuler et appliquer une véritable politique familiale nationale destinée à améliorer l'état inquiétant de la natalité en Roumanie et, implicitement, à ralentir le rythme de détérioration de l'architecture démographique en entier. *Malheureusement, les informations dont on dispose sur les caractéristiques des femmes qui ont bénéficié et qui bénéficient encore du congé et de l'indemnité pour élever l'enfant en bas âge sont limitées*, ce qui empêche d'appréhender des aspects extrêmement importants des effets de l'ordonnance [gouvernementale] [...]. *Nous ne savons pas combien de femmes salariées sont les bénéficiaires du congé et de l'indemnité pour élever l'enfant et, surtout on ne le sait que d'une manière très vague, qui sont ces femmes.*

Autrement dit, d'une part, il y a des femmes dont les revenus sont nettement inférieurs au montant de l'indemnité et qui décident ainsi d'avoir plus d'enfants, mais dont la situation financière peut être considérablement détériorée à la fin du congé parental. D'autre part,

les informations concernant le nombre des salariées qui bénéficient des indemnités, celui des salariées qui préfèrent reprendre le travail, les catégories sociales dont elles font partie, leurs conditions locatives et leurs environnements familiaux, etc., n'existent pas, n'étant pas l'objet des analyses des ministères ou des instituts de recherche.

Au total, la législation concernant les congés pour élever l'enfant en bas âge connaît ainsi un développement sans précédent. Les normes dévoilent une visée nataliste évidente ainsi que l'effort du législateur d'aligner les normes en matière d'enfance et d'égalité des sexes aux recommandations européennes. Pourtant, le cadre législatif en vigueur ne couvre pas la situation des mères sans travail⁴¹, ni le période qui suit la fin du congé parental, le montant de l'allocation universelle pour l'enfant étant très bas. En ce sens, les pratiques concernant ces congés demeurent directement liés à la rentabilité des revenus familiaux (au rapport salaires/indemnités) et non pas à une revendication sociale concernant l'égalité des sexes qui soit à la base d'un changement des mentalités. Étant donnée l'instabilité économique du contexte général dans lequel l'institution familiale et l'espace social en général subissent des métamorphoses profondes, on peut constater une certaine sensibilité aux mesures politiques en direction de la vie familiale. Pourtant, même si ces mesures dévoilent une attention particulière accordée aux tendances et recommandations européennes, les normes législatives en vigueur ne s'appuient pas sur des études scientifiques censées accroître leur efficacité.

Troisièmement, pour ce qui concerne *les services d'accueil et d'éducation pour la petite enfance*, la majorité des pays postcommunistes en Europe sont caractérisés par la tendance générale de chute de fréquentation de ces services. Il s'agit notamment d'une diminution importante des taux d'inscriptions en crèches (pour les moins de 3 ans) par rapport à une stabilisation récente de la diminution des taux d'inscriptions dans les jardins d'enfants (de 3 à 6 ans) (Rostgaard 2005).

Du point de vue des crèches d'abord, en Roumanie la législation afférente⁴² rattache ces institutions soit au Ministère de la santé (pendant la période communiste et jusqu'en 2002), soit sous au Ministère du travail et de la protection sociale (dès 2002 à présent). Plus précisément, si entre 1990 et 2002 les crèches étaient gérées par le Ministère de la santé, en 2002 le Ministère s'en est débarrassé, les crèches n'ayant plus d'identité formelle et de soutien gouvernemental étant depuis financées par les municipalités locales⁴³, alors que les jardins d'enfants sont financés par le Ministère de l'éducation. De même, avant 2007 la législation concernant

l'éducation précoce des enfants entre 0 – 3 ans visait surtout les soins accordés aux nourrissons et aux enfants en bas âge, ainsi que leur santé, leur nutrition et leur « protection spéciale » (accordée aux « cas sociaux » - les enfants abandonnés ou handicapés), sans que leur éducation soit réglementée par un acte législatif distinct. Autrement dit, ce n'est qu'en 2007 qu'un acte législatif concernant « la création, l'organisation et le fonctionnement des crèches » entre en vigueur. La Loi no. 263/2007 stipule ainsi dans son art. 8, alinéa 1 que les dépenses nécessaires en vue du fonctionnement et de l'organisation des crèches du système public doivent être supportées à la fois par les municipalités locales, par « quelques revenus » du budget de l'État, par les contributions mensuelles des parents et par d'autres sources (donations, financements privés, etc.). De même, la loi stipule que la responsabilité concernant la méthodologie utilisée dans ces institutions revient à la fois au Ministère du travail, de l'éducation et de la santé.

En dépit du vide législatif caractérisant la période postcommuniste, les crèches continuent à fonctionner. Cependant, très peu de recherches quantitatives et qualitatives s'y sont intéressées. Seulement quelques rapports de l'UNICEF et de l'INS⁴⁴ fournissent des données, sans qu'elles suffisent à dresser une vue d'ensemble sur leur évolution récente. Par exemple on précise que, au niveau global du pays, avant 1989 il y avait 902 crèches avec 90.000 enfants inscrits, alors qu'en 2004 on compte 287 crèches avec seulement 11.000 enfants inscrits. À cette même date, 42% du personnel qui travaille dans les crèches est sans qualification professionnelle et 50% ne suit aucun programme de formation continue⁴⁵. Quelques années plus tard, la Loi 263/2007 prévoit en son article 16 (al. 3) que les puéricultrices doivent être licenciées, de préférence dans une discipline socio-humaine, médicale ou économique. Pourtant, il n'y a toujours pas de système de formation pour le personnel qui travaille dans les crèches, ce qui pourrait expliquer le fait que les enfants inscrits bénéficient de services de garde et de soins médicaux primaires sans bénéficier de services éducatifs et psychologiques.

Ensuite, *la situation des jardins d'enfants* est relativement différente de celle des crèches. Comme dans la période communiste, les maternelles continuent d'être sous la tutelle du Ministère de l'enseignement. La loi de l'enseignement n° 84/1995 stipule que les enfants peuvent être inscrits dans les maternelles au plus tôt à l'âge de trois ans, alors que le congé parental est prévu jusqu'à plus tard à la deuxième anniversaire de l'enfant. Pourtant, à partir de 1995 les taux d'inscription dans les maternelles ont

connu une augmentation importante, surtout dans le milieu urbain. Les démographes roumains considèrent que cette différence entre le rural et l'urbain est due à plusieurs aspects : dans le milieu urbain les taux du travail rémunéré des parents est plus important que dans le milieu rural où le statut socio-économique des familles est souvent trop bas pour ne pas permettre financièrement l'inscription des enfants dans les maternelles. De même, les problèmes de l'infrastructure rurale empêchent souvent les enfants d'avoir accès aux institutions d'enseignement préscolaire. En outre, les taux d'inscription enregistrés chez les enfants entre 5 – 6 ans sont plus grands que ceux enregistrés chez les enfants entre 3 – 5 ans. Par exemple, en 2002 – 2003 seulement 43,8% des enfants de 3 ans étaient inscrits dans les maternelles par rapport à 82,9% des enfants de 5 ans ; pendant la même année scolaire seulement 5% des maternelles sont dotées avec des équipements pour les enfants handicapés⁴⁶.

Tableau 9 : Les taux d'inscription dans les maternelles par âge (2002 – 2003)

	Total %	3 ans %	4 ans %	5 ans %	6 ans et plus %
Total	71,1	43,8	67,0	82,9	91,2
Urbain	77,8	52,1	72,7	85,7	100,2
Rural	65,9	37,5	62,7	80,6	84,2

*Source: *Educația Timpurie în România*, 2004, disponible sur www.edu.ro/index.php?module=uploads&func=download&field=2416, consulté le 1^{er} juin 2009, p. 7.

Tableau 10 : Les taux d'inscription dans les maternelles (la population pré scolaire / pourcentages)

	1990/ 1991	1995/ 1996	1996/ 1997	1997/ 1998	1998/ 1999	1999/ 2000	2000/ 2001
Total	63,5	64,0	64,7	65,1	66,3	67,3	68,9
3- 6 ans	54,3	63,6	65,5	67,0	68,5	69,5	66,1
M	53,2	63,6	64,3	65,0	65,4	66,3	67,7
F	55,5	64,4	65,2	65,1	67,2	68,3	70,2

*Sources: *Anuarul statistic al României 1995*, INS, București, 1995, p. 267; *Anuarul statistic al României 2001*, INS, București, 2001, p. 200.

**Tableau 11 : Les taux d'inscription dans les maternelles
(la population pré scolaire / pourcentages)**

	2002/ 2003	2003- 2004	2004- 2005	2005- 2006	2006- 2007	2007- 2008
Total	72,9	74,2	74,9	76,0	77,3	79,7
3- 6 ans	76,5	81,0	81,6	80,4	80,9	81,8
M	71,2	72,5	73,2	74,1	75,3	77,2
F	74,6	75,9	76,6	78,0	79,5	82,3

*Source: *Anuarul statistic al României 2008*, INS, București, 2008, p. 392.

**Tableau 12 : L'évolution du nombre d'inscriptions dans l'enseignement
pré scolaire**

	2000/ 2001	2001/ 2002	2002/ 2003	2003/ 2004	2004/ 2005	2005/ 2006	2006/ 2007	2007/ 2008
Total	610817	615861	629703	636709	644911	648338	648862	650324
Urban	292182	293503	299936	300925	316817	320950	320682	332593
Rural	318635	322358	329767	335784	328094	327338	328180	317731

*Source: *Raport asupra stării sistemului național de învățământ 2008*, MECT, București, 2008, p. 57, disponible sur le site du Ministère de l'éducation www.edu.ro, consulté le 27 mai 2009.

**Tableau 13 : La population scolaire selon le niveau de l'éducation
(le cycle pré scolaire) selon l' ISCED 1997⁴⁷ / pourcentages**

	1989/ 1990	1990/ 1991	1994/ 1995	1995/ 1996	1996/ 1997	1997/ 1998	1998/ 1999	1999/ 2000	2000/ 2001
Total	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0	100,0
Prescolaire (preliminaire)	15,0	14,9	15,6	14,8	14,0	13,4	13,5	13,4	13,4

*Sources: *Anuarul statistic al României 1995*, INS, București, 1995, p. 266;
Anuarul statistic al României 2001, INS, București, 2001, p. 200.

Tableau 14 : La population scolaire selon le niveau de l'éducation (le cycle pré scolaire) selon l' ISCED 1997 / pourcentages⁴⁸

	2002/ 2003	2003- 2004	2004- 2005	2005- 2006	2006- 2007	2007- 2008
Total	100,0	100,0	100,0	100,0	100,0	100,0
Prescolaire (preliminaire)	13,9	14,0	14,3	14,5	14,5	14,2

*Source: *Anuarul statistic al României 2008*, INS, București, 2008, p. 391.

Cet accroissement est, dans la vision des spécialistes autochtones, d'abord l'effet de la croissance de la natalité enregistrée entre 2003 et 2006 du 9,7 ‰ à 10,2 ‰⁴⁹. Ainsi, en 2006 – 2007 par exemple⁵⁰, 98,4% des inscriptions ont été enregistrées dans des maternelles publiques, 74,2% des enfants suivant un programme normal (4 heures par jour, 5 jours par semaine), 24,9% un programme prolongé (entre 8 et 10 heures par jour) et 0,6% un programme hebdomadaire. De même, du total des enfants inscrits 18,6% avaient 3 ans, 24,5% 4 ans, 28,1% 5 ans et 28,8% 6 ans et plus. Enfin, en 2005-2006⁵¹, 95,8% du total des préscolaires qui ont suivi des cours pour apprendre des langues étrangères (l'anglais dans 96,3% des cas) ont été enregistrés dans le milieu urbain et seulement 4,2% dans le milieu rural.

En outre, même si on enregistre plus d'inscriptions dans les maternelles dans le milieu rural, du point de vue du personnel didactique les monitrices qui travaillent dans le milieu rural sont moins nombreuses que leurs collègues qui travaillent dans l'urbain.

Tableaux 15 et 16

	Le personnel didactique dans les maternelles (milles/pourcentages)			La proportion monitrices/ enfants selon les milieux rural/urbain	
2005/ 2006	U	20,0	55,9%	U	16 :1
	R	15,8	44,1%	R	21 :1
2006/ 2007	U	20,3	55,5%	U	16 :1
	R	16,3	44,5%	R	20 :1
2007/ 2008	U	21,1	56,6%	U	16 :1
	R	16,2	43,5%	R	20 :1

*Sources: compilation à partir de: *Starea socială și economică a României 2004 - 2005*, INS, București, 2007, p. 279; *Starea socială și economică a României 2005 - 2006*, INS, București, 2008, p. 271; *Starea socială și economică a României 2006 et 2007*, INS, București, 2009, p. 196.

Tableau 17: Le rapport monitrices/ nombre d'enfants

2000/2001	Total	18:1
	Urbain	16:1
	Rural	21:1
2001/2002	Total	18:1
	Urbain	15:1
	Rural	21:1
2002/2003	Total	18:1
	Urbain	16:1
	Rural	21:1
2003/2004	Total	18:1
	Urbain	16:1
	Rural	21:1
2004/2005	Total	18:1
	Urbain	16:1
	Rural	21:1
2005/2006	Total	18:1
	Urbain	16:1
	Rural	21:1
2006/2007	Total	18:1
	Urbain	16:1
	Rural	20:1
2007/2008	Total	17:1
	Urbain	16:1
	Rural	20:1

*Source: *Raport asupra stării sistemului național de învățământ 2008*, MECD, București, 2008, p. 55, disponible sur le site du Ministère de l'éducation www.edu.ro, consulté le 27 mai 2009.

Tableau 18 : Le rapport enfants per monitrices, données comparatives 2006

Rép. tchèque	Estonie	Hongrie	Lettonie	Lituanie	Pologne	Slovaquie
13,4:1	13,3:1	10,9:1	11,2:1	9,0:1	12,1:1	14,9:1
Slovénie	Bulgarie	Allemagne	Portugal	Italie	Irlande	Roumanie
12,9:1	12,9:1	17,2:1	7,0:1	10,7:1	16,9:1	14,7:1

**Source: Raport asupra stării sistemului național de învățământ 2008, MECT, București, 2008, p. 55, disponible sur le site du Ministère de l'éducation www.edu.ro, consulté le 27 mai 2009; l'étude reprend les données de *Progress Towards Lisbon Objectives in Education and Training, commission of the European Communities*, 2008.*

Les données disponibles montrent que la moyenne du rapport monitrice/enfants est proche de celles des pays européens. Mais, dans la pratique, chaque rentrée pose problème, surtout en ce qui concerne le nombre des places disponibles en milieu urbain. Il y a ainsi la tendance à l'augmentation du nombre d'enfants per monitrice de 20 jusqu'à 30, même 40 enfants, ce qui diminue la qualité des soins accordés. Les enfants dans leur majorité continuent pourtant d'être inscrits dans le système public d'enseignement (98,6% en 2006⁵²) même si le système privé connaît un développement important, tant du point de vue institutionnel que du point de vue des inscriptions. Cependant, à la différence des jardins d'enfants du système public, les jardins privés (dont 90,3% sont, en 2007/2008, enregistrés dans l'urbain⁵³) sont financièrement inaccessibles à la majorité des parents.

Enfin, 59,1% du personnel qui travaille dans le système public a entre 40 et 59 ans. Ce sont donc des personnes avec une importante expérience de travail avec les enfants mais qui se confrontent aux modifications majeures du système d'enseignement.

Tableau 19: Le nombre des jardins d'enfants, les enfants inscrits et le personnel didactique

	1980/ 1981	1985/ 1986	1990/ 1991	1995/ 1996	2000/ 2001	2005- 2006	2007- 2008
Jardins d'enfants	13 467	12 811	12 529	12 772	10 080	3 769	1 731
No. d'enfants inscrits	935 711	864 332	752 141	697 888	611 036	648 338	650 324
Personnel didactique	38 512	33 522	37 007	38 915	34 023	35 755	37 348

*Sources: *Anuarul statistic al României 1995*, INS, București, 1995, pp. 260-261; *Anuarul statistic al României 2001*, INS, București, 2001, p. 196; *Anuarul statistic al României 2008*, INS, București, 2008, p. 387.

Conclusions

Au total, quelques remarques attirent particulièrement l'attention. D'abord, la diversification quasi récente des allocations familiales est la réponse politique face aux difficultés financières des familles ordinaires dans une société marquée par des transformations profondes de l'économie. Cette diversification révèle en même temps d'un certain degré d'inefficacité et de complication poussée du système de protection en direction des familles, dans un contexte social mouvant par définition. Ensuite, même si la législation élaborée après les années 1990 concernant les congés parentaux semble traduire un réel alignement des normes autochtones aux impératifs européens, les réalités observées dans l'espace social révèlent d'importants décalages entre les normes concernées et les demandes effectives des familles elles-mêmes. Enfin, les carences très importantes en matière des services d'accueil des enfants en bas âge montrent à quel point la recommandation de la conciliation entre vie familiale et vie professionnelle, ainsi que la valeur même de l'égalité démocratique de sexe sont loin d'être intégrées dans le familialisme actuel en Roumanie.

Les politiques familiales dans le postcommunisme roumain s'inscrivent ainsi dans un système bismarckien fondé sur les cotisations des salariés. Le système roumain repose sur le principe de l'universalité, quoi qu'une

seule prestation soit universelle (l'allocation pour les enfants), le reste étant accordées suivant à la fois une sélectivité verticale et horizontale. En outre, même si le système est appuyé sur des droits dérivés, ce genre de droits est très loin d'avoir le même poids social que dans les sociétés occidentales. Pendant la période totalitaire le travail était idéologiquement au rang de socle de la société communiste, l'identité de *l'homo soviéticus* asexué étant définie d'abord en rapport direct au travail et à l'État (Kligman 1998). Tout le monde était censé travailler et recevoir des rémunérations et des prestations en vertu de la qualité de travailleur et après, si c'était le cas, en vertu du lien de parenté. En dépit des changements politiques et législatifs entamés après les années 1990, l'inertie du système s'est prolongée jusqu'en 2000 lorsqu'il a subi des modifications profondes. Pourtant, sans inclure la notion de « droits dérivés », notion qui d'ailleurs n'existe pas dans le droit social en Roumanie, la Loi 19/2000 reprend les mêmes principes de l'ancienne législation du point de vue de la « pension de successeur »⁵⁴. Celle-ci est pourtant loin d'être comparable avec la pension de réversion accordée dans les systèmes de protection sociale familiarisés (notamment celui français), ni du point de vue de l'imaginaire collectif et ni du point de vue des pratiques sociales, la « pensions de successeur » étant rarement valorisée dans une société avec un passé totalitaire récent.

Par ailleurs, en dépit des spécificités du système de protection sociale et familiale en Roumanie, parler de l'individualisation des droits sociaux dans un système qui repose essentiellement sur des droits propres n'a pas de sens. Les politiques familiales en Roumanie après 1990 révèlent ainsi d'une certaine continuité du décalage entre les normes et les pratiques sociales caractéristique pour la période communiste, le décalage actuel en la matière étant en grande partie hérité du passé totalitaire. Mais cette observation n'a pour l'instant qu'un statut purement hypothétique dont la validité mériterait l'attention dans des recherches à venir.

NOTES

- ¹ Par *natio-centrisme* Claude MARTIN (2003) désigne le risque de construire le champ de l'analyse en fonction de sa propre configuration nationale.
- ² Notre recherche centrée sur les politiques en direction des familles dans le postcommunisme roumain a été réalisée à la suite d'un travail préliminaire dans lequel nous avons tenté de bien contextualiser l'objet d'étude dans des champs temporel et géographiques plus vastes, notamment les politiques de population ainsi que les mesures européennes en matière familiale. Voir en ce sens DOHOTARIU, Anca : « Les enjeux politiques des rapports de sexe. La politique familiale roumaine en contexte européen », dans *Studia politica*, vol. VIII, n° 2, 2008.
- ³ Sans entrer dans le très vaste champ des débats contemporains concernant la *transition*, nous retenons le tournant politique des années 1990 sous l'angle de son importance chronologique, nous tenant à l'écart des débats idéologiques sur le communisme.
- ⁴ La forme et le contenu des travaux autochtones sur le sujet des politiques familiales présentent souvent des carences notables. Il s'agit de recherches plutôt descriptives, présentant souvent des jugements de valeur et réalisées à partir d'enquêtes quantitatives sur les opinions. Néanmoins les auteurs avancent parfois des idées très intéressantes et nous considérons qu'il est plus constructif de les retenir que de procéder à une déconstruction critique de l'ensemble de ces travaux. Une analyse critique en ce sens mériterait toute l'attention dans une autre recherche.
- ⁵ La Loi 19/2000 « concernant le système public de pensions et d'autres droits d'assurances sociales », publiée in *M. Of.* n° 140/ du 1^{er} avril 2000.
- ⁶ Costel GÎLCĂ (2006a) montre dans son article que la Loi 3/1977 « concernant les pensions d'assurances sociales d'État et l'assistance sociale » est modifiée par le Décret-loi n° 60/ 1990 (publié dans *M. Of.* n° 21 du 8.02.1990), le Décret-loi n° 70/1990 (publié in *M. Of.* n° 24 du 9 février 1990) ainsi que le Décret-loi n° 73/ 1991 (publié in *M. Of.* n° 251 du 16 décembre 1991), les trois actes normatifs visant la diminution du seuil d'âge pour partir à la retraite afin de favoriser l'emploi des jeunes ainsi que la diminution des taux du chômage. En outre, la Loi n° 49/1995 (publiée in *M. Of.* n° 106 du 20 mai 1995) est destinée à réactualiser les montants des pensions des militaires.
- ⁷ Outre l'observation du juriste roumain, nous voudrions souligner que le titre même de la Loi n° 3/1977 demeure très suggestif : c'est par essence une loi qui concerne les assurances sociales.
- ⁸ Si en janvier 2001 les taux du chômage total (c'est-à-dire le rapport entre le nombre total des chômeurs et la population civile active) étaient de 10,7%, en janvier 2005 ils étaient de 6,4% pour atteindre 4,9% et puis 5,3% en janvier et février 2009. Les données sont fournies par l'Agence Nationale

- pour l'Occupation de la Force de Travail, INS, et sont disponibles sur le site du Ministère du travail. www.mmuncii.ro (consulté en février 2009).
- ⁹ L'auteur cité ne précise pas la source de ces chiffres, mais quelle que soit leur véracité il est indubitable que le système d'assurances sociales de l'époque (appuyé sur une économie nationale fortement centralisée) se confrontait à d'importants problèmes d'ordre technique, administratif et financier.
- ¹⁰ Costel GÎLCĂ (2006a) rappelle que les normes européennes en matière de protection sociale stipulent l'existence de trois piliers assuranciers : l'assurance obligatoire, professionnelle et privée. D'ailleurs, la réforme du système des retraites a été une des conditions européennes en vue de l'adhésion à l'UE.
- ¹¹ Il faut tenir compte du fait que pendant le régime communiste l'économie (l'agriculture, l'industrie, etc.) était nationalisée ; selon nos connaissances, le secteur privé était pratiquement quasi inexistant.
- ¹² Il s'agit de la *Commission de Surveillance du Système des Pensions Privées* (C.S.S.P.P.). Autorité administrative autonome sous le contrôle du Parlement, elle a été créée par l'O.U.G. n° 50/09.06.2005 et a pour mission la réglementation, la coordination, la surveillance et le contrôle des activités du système des pensions privées.
- ¹³ Costel GÎLCĂ (2006a) considère que le nouveau système d'assurances sociales est par définition radicalement différent du système institué par le régime communiste et ressemble, par contre, au système mis en place dans la période de l'entre deux guerres.
- ¹⁴ Pour plus de détails concernant la réforme roumaine des assurances sociales dans le contexte de l'Europe de l'Est, voir l'étude *Pensions privées dans l'Europe Centrale et de l'Est*, disponible sur www.csspp.ro, consulté en avril 2009.
- ¹⁵ Parmi ces agences, celles dont l'activité concerne l'institution familiale sont : *l'Autorité nationale pour les personnes handicapées, l'Autorité nationale pour la protection des droits de l'enfant, l'Agence nationale pour la protection de la famille, l'Agence nationale pour l'égalité des chances entre les femmes et les hommes, l'Agence nationale pour les prestations sociales* ; à part ces institutions, différentes *Directions du travail, solidarité sociale et familiale* fonctionnent au niveau des municipalités.
- ¹⁶ La dénomination du Ministère demeure très significative pour le rapport entre les politiques nationales et les directives et recommandations européennes en matière de la vie privée. Après 1990 on crée un *Ministère du travail et de la protection sociale* qui, depuis, change le nom plusieurs fois: en 2000 il devient le *Ministère du travail et de la solidarité sociale*, en 2003 le *Ministère du travail, de la solidarité sociale et de la famille*, pour être ré-intitulé en 2007, avant l'adhésion à l'UE, le *Ministère du travail, de la famille et de l'égalité des chances*. En janvier 2009 il est de nouveau ré-intitulé : le *Ministère du travail, de la famille et de la protection sociale*.

- 17 Detelina TOCHEVA (2005) traite dans son article de dix pays est-européens intégrés dans l'UE en 2004. Pour plus de détails concernant la littérature indigène relative au rôle des ONG dans le postcommunisme roumain voir LAMBRU, Mihaela, MĂRGINEAN, Ioan, *Parteneriatul public- privat în furnizarea de servicii sociale*, București, Ed. Ziua, 2004, 218p.
- 18 <http://www.mmuncii.ro/ro/>, consulté le 5 mai 2009.
- 19 Compilation à partir du site du Ministère du travail, de la solidarité sociale et de la famille <http://www.mmuncii.ro> et du site du Parlement, www.cdep.ro: nous avons traduit dans le même ordre : « alocația de stat pentru copii », « alocația pentru copiii nou născuți », « alocația complementară », « alocația de susținere pentru familia monoparentală », « sprijin financiar la constituirea familiei », « susținerea familiei în vederea creșterii copilului », « trusou nou născuți ».
- 20 L'allocation est instituée par le Décret n° 410/ 26.12.1985, publié dans *Buletinul oficial* n° 7/ le 26.12.1985.
- 21 Il s'agit de plusieurs actes normatifs concernant les montants des retraites et des assurances sociales qui apportent des modifications mineures au texte de 1985 : le Décret-loi n° 53/1990, le Décret-loi n° 70/1990, ainsi que le Décret-loi n° 105/1990. Bien que radicalement modifiée à partir de 1993, le Décret 410/1985 est abrogé par la Loi n° 7/1998. Ces actes normatifs sont disponibles sur le site du Parlement www.cdep.ro.
- 22 Il s'agit de la Loi n° 61/le 22 septembre 1993 « concernant l'allocation d'État pour les enfants à charge », publiée dans *M. Of.* n° 233 / 28.09.1993 et republiée dans *M. Of.* n° 56/8.02.1999, dans *M. Of.* n° 145/28.02.2007 et dans *M. Of.* n° 300/7.05.2009.
- 23 L'O.U.G. n° 16/27.02.2008, publiée dans *M. Of.* n° 158/29.02.2008.
- 24 La Loi 416/le 18.07.2001 publiée dans *M. Of.* n° 401/20.07.2001.
- 25 H.G. n° 1010/9.08.2006, publiée dans *M. Of.* n° 690/11.08.2006.
- 26 L'allocation complémentaire est réglementée par l'O.U.G. 105/2003, publiée dans *M. Of.* n° 747/26.10.2003, modifiée par la Loi n° 236/2008, publiée dans *M. Of.* n° 746/4.11.2008. L'O.U.G. 105/2003 dans son article 1^{er} lie implicitement la famille au mariage et à la cohabitation.
- 27 La Loi n° 396/30.10.2006, publiée dans *M. Of.* n° 892/2.11.2006.
- 28 Réglementé par l'O.U.G. n° 148/3.11.2005, publiée dans *M. Of.* n° 1008/14.11.2005, modifiée par la Loi 257/2008, publiée dans *M. Of.* n° 746/4.11.2008.
- 29 Allocation réglementée par la H.G. n° 1.825/22.12.2005, publiée dans *M. Of.* n° 7/4.01.2006 ; cf. l' OUG n° 148/2005 le montant du « stimulent » est de 100 RON à partir du 1^{er} janvier 2007 au lieu de 300 RON accordés auparavant.
- 30 Institué par la Loi n° 482/19.12.2006, publiée dans *M. Of.* n° 1028/27.12.2006.
- 31 Cette idée est développée dans notre article cité auparavant.

- 32 *Femeile și bărbații. Parteneriat de muncă și de viață*, INS, București, 2008, pp. 69 – 74.
- 33 *Reconcilierea vieții profesionale cu cea familială*, INS, București, 2005, pp. 62-63 ; il s'agit de la seule publication disponible qui fournit des données en ce sens : 91,6% des 757.000 personnes qui ont eu le droit de bénéficier du congé parental en 2005 ont été des femmes.
- 34 Les textes de loi ne précisent pas comment le calcul des montants est effectué.
- 35 Les données pour 2003 ne sont pas disponibles ; les tableaux sont réalisés pour la période 2003 -2008 mais leur structure change d'une année à l'autre.
- 36 UNICEF, "Women in Transition", *Regional Monitoring Report*, n° 6, Florence, 1999.
- 37 Le texte de loi, dans sa version originale, ne contient pas l'expression «congé de maternité» mais celle du «congé anténatal et postnatal» («concediu de sarcină și lăuzie»).
- 38 Le Décret-loi n° 31/1990 publié dans *M. Of.* n° 12/19.01.1990.
- 39 L'OUG no 9/27.02.2003, publiée dans *M. Of.* n° 167/17.03.2003.
- 40 L'OUG n° 23/10.04.2003, publiée dans *M. Of.* n° 259/14.04.2003.
- 41 Vasile GHEȚĂU (2007) montre que les femmes salariées représentent 40% de la population en âge fertile, d'autres données plus précises concernant les mères sans travail n'étant pas disponibles.
- 42 La Loi n° 3/1978 « concernant la santé de la population » définissait dans ses articles 34 et 35 les notions de « crèche » et d'« orphelinat » ; après la chute du régime communiste le fonctionnement des crèches est réglementé par la décision gouvernementale H. n° 360/20.05.1991 intitulée « La décision concernant l'organisation des activités des crèches et des jardins d'enfants et le calcul de la contribution que les parents assurent en vue de l'entretien de leurs enfants », publiée dans *M. Of.* n° 119/31.05.1991. Enfin, ce n'est qu'en 2007 que la Loi n° 263/19.07.2007 « concernant la création, l'organisation et le fonctionnement des crèches », publiée dans *M. Of.* n° 507/30.07.2007 que la H n° 360/1991 est abrogée pour que les normes législatives puissent répondre aux nouvelles réalités de l'espace social.
- 43 *Strategie privind educația timpurie (ET) ca parte a Strategiei convergente privind dezvoltare timpurie a copilului*, p. 5, disponible sur <http://www.edu.ro/index.php/articles/c512>.
- 44 Il s'agit du rapport *Educația Timpurie în România*, 2004, réalisé en collaboration par l'UNICEF, le Centre pour l'Éducation et Développement Professionnel Step-by-Step et l'Institut pour la Protection de la Mère et de l'Enfant, disponible sur www.edu.ro/index.php?module=uploads&func=download&field=2416, consulté le 1^{er} juin 2009 ; quant aux données de l'INS relatives aux crèches, elles ne sont pas accessibles au public.
- 45 *Educația Timpurie în România*, op. cit., pp. 5-6.

⁴⁶ *Ibidem*, p. 7.

⁴⁷ Selon *International Standard Clasification of Education ISCED 97* (l'instrument de classification des niveaux de l'enseignement adopté par les pays UNESCO), l'enseignement préscolaire correspond au niveau 0, est destiné aux enfants entre 3-6 ans et comprend les jardins d'enfants avec un programme normal, prolongé, hebdomadaire et les maternelles „spéciales” (pour les enfants handicapés). En 2003 -2004 l'âge pour rentrer à l'école primaire a baissé de 7 à 6 ans.

⁴⁸ Le tableau montre que, par exemple en 2002-2003 13,9% du total des enfants qui fréquentent une institution d'enseignement sont inscrits dans une maternelle.

⁴⁹ *Sistemul educațional în România. Date sintetice*, INS, București, 2008, p. 6.

⁵⁰ *Ibidem* pour les données concernant l'année scolaire 2006 – 2007.

⁵¹ *Sistemul educațional în România. Date sintetice*, INS, București, 2007, p. 8.

⁵² *Sistemul educațional în România. Date sintetice*, INS, București, 2007, p. 37.

⁵³ *Starea socială și economică a României 2006 et 2007*, INS, București, 2009, p. 190.

⁵⁴ Il s'agit d'une pension de réversion attribuée aux enfants et au conjoint survivant qui a droit à une fraction de la pension de retraite dont bénéficiait ou aurait bénéficié l'assuré. De même, le conjoint survivant en âge de retraite peut opter soit pour la pension retraite personnelle, s'il en a droit, soit pour la « pension de successeur ».

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CONTESTING PASTS: PROPERTY NEGOTIATION AND LAND REFORM IN A ROMANIAN VILLAGE¹

One of the main tasks of the new postsocialist governments has been the restitution of land, forest areas, and assets to their pre-1948 owners or their legitimate heirs. Restitution is based on documents which prove the ownership of the claimant. This policy has triggered a 'war of memory' among villagers. In order to settle property claims, the past is called into the present as one of the main actors in this rather political procedure. This paper aims to point out that one of the main features of property in postsocialist societies is represented by negotiations among different actors which use local history as one of the most powerful instruments to prove their ownership. Moreover, the past itself is renegotiated among different actors. Ethnographical findings suggest that different owners have divergent understandings of the past. Family genealogy and the history of particular villages and regions become valuable tools in settling current conflicts concerning property rights. This paper suggests that property should not only be treated as a collection of rights and powers, or as a mere negotiation among different actors, but also an instrumentalization of the past for present claims.

The end of the year 1989 brought tremendous changes to the Romanian political system. The collapse of the Communist regime meant structural changes for the entire society. One of the first tasks of the new government was to manage changes in property rights. Beginning in the early 1990s, a debate concerning the restitution of land to its pre-1948 owners began to emerge (Cartwright 2001; Verdery 1995). Before collectivization, which was implemented in Romania in 1948, agriculture was organized around small private farms. These farms were the outcome of the land reforms of 1921² and 1945.

As scholars have pointed out, there were basically two policies through which the postsocialist state has passed natural resources, mainly land and forest areas, from the state's hands into private hands; one policy was concerned with 'historical justice' while the other was more concerned with the social equity of this process (Rabinowicz and Swinnen 1997). The Romanian government ensured the restitution of land and forest areas to their former owners and the distribution³ of land for those who had no rights to restitution. Restitution is a form of privatization which returns property rights to those recognized as its "legitimate" owners⁴ (Rabinowicz and Swinnen 1997). Law 18/1991 stipulated that every family should receive a maximum of ten hectares of land, regardless of how much of land they had before 1948. People who had no land before 1948 could also apply for at least 0.5 hectares of the village land reserve. Laws 167/1997 and 1/2000 stipulated that the maximum a family could receive was 50 hectares. In 1991, animals and the machines of former cooperatives were sold by the Land Commission to whoever wanted to buy, and farmers were given a certain amount of money as a compensation for their work in the cooperative farm.

Such legislation reflects the outcome of debates among parties with diverse interests and ideologies, but at the same time, also neglects certain social realities (Abrahams 1996). These laws reflect the ideologies of the parties who passed them through Parliament. Law 18 was passed by the former communist party under the banner of social democracy. They wanted to restrict the size of the plot to be restituted to ten hectares of land and one hectare of forest.⁵ The resulting law tried to enforce a sense of historical justice as the result of political pressure from the National Liberal Party and the Peasant National Party (Verdery 1996). One can say that the Romanian land reform laws are positioned at the interface of two major political strategies which governments in Central and Southeast European countries employed in the postsocialist era: historical justice, meaning land restitution to former owners, and social equity, meaning distribution on a per capita basis (Swinnen 1997).

Restitution is based on documents which prove the claimant's ownership. Claimants had to present a written request and provide documents to proving the historical rights to ownership within forty-five days after the law was passed. It is also a requirement that claimants must prove land ownership through any kind of document from the collective farm archives, the Agricultural registers⁶, the original applications for the collective farm, or any other evidence, including witness testimonies.

As one can easily imagine, the land reform laws have triggered a “war of memory” (Verdery 1999) among those claiming historical ownership of land. Each person or family who owned land, forest areas, or other assets which were confiscated by the communist state in the late 1940s have found themselves in competition with other potential owners for access to the past. Each potential owner has tried to impose their own narratives, memories, and stories about what happened at the end of the 1940s when the communist government nationalized forests and other assets and collectivized the all land used for agriculture.

This paper aims to point out that one of the main features of property in postsocialist societies is represented by the negotiations among different actors who use local history as an instrument to prove their ownership. Moreover, the past itself is renegotiated among different actors. Ethnographical findings suggest that different owners have different understandings of the past. Family genealogy and the history of villages and particular regions become valuable tools in present conflicts concerning property rights. This paper suggests that property should not only be defined as a “bundle of rights” (MacPherson 1978), a “bundle of powers” (Verdery 1999), or as a negotiation among different actors (Sikor, Stahl, Dorondel 2009), but should also be seen as an instrumentalization of the past for present claims. I use the word “past” to define the memories of people regarding local history. My understanding is similar to that of Kaneff’s (2004: 5) in that history can be used “as a ‘tool’ to position themselves [people, the village] with respect to the state centre.” In this case, I also describe how local memories are used as a tool to gain the upper hand in negotiations concerning property rights within the state structure. The paper proceeds as follows. The next section discusses the theoretical framework. The following section describes the setting of my case study and explores my ethnographical findings. Then, I briefly analyze my findings by demonstrating the links between two ethnographical accounts. In the last section of this paper, I conclude my arguments.

Using the Past for the Future: Postsocialist Competition for Property Rights

In their analyses of the dynamics of property rights in postsocialist countries, different authors have pointed out that property is more than a “bundle of rights,” as defined by MacPherson (1992 [1978]) or a “bundle of

rights and obligations” as defined by Bromley (1991). MacPherson argues that what distinguishes property from a simple momentary possession is that property is a claim that will be enforced by law (customary or formal), by society, or by the state. Verdery (1998) has pointed out that property is not only a matter of rights and obligations, but also a matter of powers exercised by the owner. In the postsocialist context, she argues, the owner has had insufficient power to exercise their rights. This is why she argues that we should understand property as a “bundle of powers” (Verdery 1999). In rural Transylvania, postsocialist property is seen as the negotiated outcome of “power arrangements” (Verdery 2004).

Some postsocialist policies concerning the restitution of land, forest areas, and other assets to their historical owners and through the concept of “historical justice” have emphasized the importance of local history. Romania is one such state. Such historically-based restitution policies have triggered a “war of memory and knowledge” (Verdery 1999). The restitution of the *same* land owned before collectivization inspired a competition between divergent narratives of the past. This “war of memory” has taken many forms. Verdery has pointed out that during collectivization (1948-1962), villagers hid land from authorities by officially declaring less land than they actually owned. This was possible because there were no cadastral maps. In 1991, many families claimed more land than inscribed in the official documents in the collective farms’ archives. This is what Verdery (1994) called “the elasticity of land.” Another reason for “the elasticity of land” was the shifting village perimeters (*ibidem*). The local land commission⁷ had to appoint members of the commission of village elders to sort out land restitution disputes. The village elders were asked to remember what plot belonged to whom in the period before collectivization. As a consequence, those families or groups of people able to impose their narratives of the past have succeeded in acquiring more land or land-related assets than other families in the same village (Dorondel 2005). In other parts of rural Romania, this process caused the elite class to re-emerge. Old social networks were also reinstated for the purpose of land restitution (Hirschhausen 1997).

The past still haunts the present in other postsocialist countries, too. As de Waal (2004) has pointed out, we cannot understand present agrarian relations in Albania without understanding the importance of *Kanun*, a customary law dating back to the fifteenth century. In Bulgaria, the land restitution forced villagers to re-examine their ties to their ancestors in a detailed way in order to determine the location and the amount of land

to which they were entitled (Kaneff 1998). Chris Hann (1996; 2007) has demonstrated that one cannot understand actual property relations in rural Hungary without analyzing the history of the particular village as well as the history of property rights before and during communism.

The “war of memory” was prompted by the law’s particular. The specific nature of land reform laws were produced by the outcome of a debate between different political parties who insisted on imposing their own individual ideologies (Abrahamas 1996), in the process reviving interest in the local past. Restitution laws pushed villagers to search through local and regional archives for dead relatives who owned land in order to prove their kinship. Actually, the state has treated the past as reversible (Giordano, Kostova 2002). Land restitution was meant to bring the country back to its pre-1948 state, before collectivization began. As Verdery (2003) has shown, land reform *did* reconstitute an old social landscape, albeit very different from the pre-1948 one.

The literature surveyed above highlights the importance of what Barbara Cellarius (2004) has called “historical memory” for the present competition for property rights. Historical memory implies “memories that view or recall the past through a lens of individual or community experience, memories that are socially constructed” (ibidem: 66). As I will demonstrate in the following sections, memories of the past play a major role in present negotiations or disputes surrounding property rights in postsocialist societies.

Land Restitution and the Struggle for the Past

This section presents ethnographical facts in a mountain village in Wallachia (Southern Romania). It describes the struggle for the past through some current events I observed during my four months of fieldwork there.

From the National Road linking Rucar to Brasov and Wallachia to Transylvania, one comes across narrow road is heading westward. This road continues for five kilometers through beautiful huge stone gates, and on its right, it is followed, a small river, the Dragova.⁸ The road ends in Dragova, a mountain commune of with three villages: Dragova (this is the administrative center of the village where the mayor’s office is located), Podu Damboviței, and Ciocănaș. A total of 1,100 people live in the commune. From an ethnic perspective, the commune is

comprised entirely of Romanians. The village of Dragova resembles the bottom of a bucket. It is surrounded by the Bucegi Mountains to the East and the Iezer-Papusa and Piatra Craiului Mountains to the West (see the map and picture). The village has an altitude of 840 meters and rests at approximately 1240 meters above sea level. Ciocănaș, the highest village in the commune, is located on the historical border between Wallachia and Transylvania. The climate is quite cold, and its average temperature is around four degrees Celsius.

I will present two accounts which ethnographically describe the struggle for the meaning of the past in the commune of Dragova. The first concerns a valuable plot of land next to a cave. The second account deals with an access road disputed by two neighbors.

In the middle of the Dragova, there is a cave which is quite famous throughout Romania and, as a result, attracts a lot of tourists to the village. Thus, the land next to the cave is an important spot in the village because, due to its prominent location, it is the best place to open a guesthouse or a restaurant. Ramona, a sixty-three year old woman, inherited a plot of land next to the cave. Her grandfather bought a small forest plot and the land next to the cave in 1911, and built a restaurant there in the same year.

Ramona's grandfather built a house with two rooms: one room served as a restaurant and the other room served as living quarters for himself, his wife, and their six children, among them Ramona's father. In 1939, her grandfather added more rooms to the restaurant. It is also worth noting that Ramona is a member of one of the oldest and richest families in the village. Her grandparents owned ten of hectares of land and forest. Yet the family's most interesting and lucrative business was this restaurant. The mountain wall behind the restaurant and its position facing the beautiful landscape surrounding a spring, the forest, and, on its right side, the entrance of the cave, made restaurant an excellent place for relaxation. In the interwar period, Ramona's grandfather set up a folk music band for cave visitors. Ramona emphasized that at the time, nobody paid to see the cave. The restaurant, however, was a good business where the family sold pastrami, smoked cheese, and lemonade to tourists.

In 1950s, the communist regime nationalized the restaurant and it was taken over by the Consumption Cooperative.⁹ Ramona notes that her family suffered a great deal because they were considered kulaks. While Ramona's father was merely retained as a waiter at his father's restaurant, Ramona herself worked as an accountant in the Cooperative for a short

period of time. During the last twenty years of the communist period, she kept animals and sold dairy and meat at the market.

In 1996, when the neo-liberal government came to the power, Ramona wanted to claim ownership of the restaurant. It is worth mentioning that she is the wife of the village priest who was both a member of the National Peasant Party and on the local council for the 1996-2000 term. In 2000, he was banned from running for political office (the Synod, the General Assembly of the Orthodox Church, decided that no priest should be involved in formal or informal politics) and Ramona's daughter was elected in his place as member of the Democratic Party.¹⁰ The fact that Ramon's husband was a council member, a representative of one of the coalition parties running the country, as well as the only priest in the village it made it easier for her to sue the Cooperative 1997 to retrieve her family's restaurant. In order to properly analyze this situation, we must consider Ramona's husband's former political position and his symbolic capital as a priest in the local community. Despite his inability to run for public office, he is still an important figure in the village and is highly respected member of the community. Fighting with a priest in an almost exclusively Romanian Orthodox village is not possible unless one is an important political figure, such as the mayor.

Ramona's story is still relevant to this day. Ramona had to fight against the mayor and the present vice-mayor to retrieve her restaurant and the land underneath it. There are several reasons for this land struggle. One reason is that the land next to the cave is the most expensive piece of land in the village due to the high influx of tourists. Before or after visiting the cave, most tourists stop at the restaurant, making the location perfect for a restaurant owner. The second reason for the high value of the land is that the restaurant competes heavily with the vice-mayor's restaurant, which is located at the entrance of the village. The mayor's office pressured the Environment Guard (*Garda de mediu*) to come and verify whether Ramona's restaurant was breaking any environmental laws. The Guard came and found that the mountain's wall was being used as the restaurant's fourth wall of. They wanted to fine Ramona, but she claimed that if the peak of the mountain belongs to her, then the mountain's walls also belong to her. Moreover, members of the Guard were not able to specify what kind of damages the mountain would suffer from such use. Eventually, they left without fining her but they threatened to return in the future.

The struggle between the Ramona, the mayor, and the vice mayor has its core in dispute surrounding that piece of land. Ramona emphasizes

the fact that her family has owned the land next to the cave for almost a century, arguing that it was her grandfather who built the restaurant in the first place. The mayor and the vice mayor argue that her grandfather did, indeed, own a small plot in that area, but rather on the top of the cave on the peak of the mountain. Ramona reiterated that since her grandfather owned the peak, the bottom of the hill was his as well.

The second ethnographic account concerns an access road whose ownership is contested by two families. Here, too, the past was used by both families in order to claim ownership of the land. The geography of the village makes the location of the land plot a very important, if not essential, factor in land value. This particular piece of land is located next to the main road and only several kilometers away from the village, making it worth much more money than land “in the mountain.” A plot located “in the mountain” is worth virtually nothing while a plot next to the main road is very valuable. Land located next to the main road could be sold to those who want to build a guesthouse if they have enough money to do so. Several villagers gained an important advantage by inheriting land next to the main road. Conversely, other villagers, who have homes and land at the edge of the village, have problems attracting people to their guesthouses. Since only the principal road is covered with asphalt, the other roads, especially those which go up to Ciocănaș village, are almost impossible to navigate with a regular city car.¹¹ Only good off-road cars are able to drive on these roads, especially when it rains. Thus, we have to imagine that in the rugged landscape of Dragova, road access represents an essential factor for in land value.

There are several land conflicts in the village caused by misunderstandings surrounding the access road. One or two generations ago, the village forefathers had made a verbal agreement concerning the use of the access road, and no conflicts had occurred until now. The present generation now ignores the previous agreement, resulting in a heated argument about access to the main road.

One day, I witnessed a conflict between two neighbors. One of them wanted to open a guesthouse and had simply blocked off their neighbors' access to the main road (which runs parallel to her backyard). The woman who lost access to her own home argued that there were no official papers which proved her neighbor's ownership of these few square meters of land. In fact, in the Agricultural Register proves that the road area is registered to the family who blocked the road. Her neighbor, however, referred to another, albeit unofficial document signed by two second-degree cousins.

She showed this paper to me and the vice-mayor, who was there to mitigate the conflict. Here, it is worth mentioning that the two families are closely related; their grandparents were brothers. The handwritten paper stipulated that the two cousins whose homes were next to one another had agreed upon the following: since the road was destroyed by the heavy rains in 1966, the cousin who owned the land through which the access road passed had agreed to give up that piece of land and build another access road. The cousin who had just gained the small piece of land helped him to build a new access road. In turn, the new “owner” of the small plot helped with the construction of the new road by carrying stones with his horse cart. At the end of the document, they stipulated that no member of either family (i.e. their heirs) should challenge this agreement. The document was signed and dated October 1973.

Moreover, disputed road is actually the outcome of the shared effort of two brothers who are the grandfathers to the two cousins who signed the agreement in 1973. The road in question was built in 1903. The present quarrel between the two families could be summarized as follows: one family wants to open a guesthouse and they have already invested fifty million lei (around 1,200 euro) to chamfer the road. The young woman from the family who wants to open the guesthouse argued: “we asked for PHARE funds and the commission laughed and asked us: how do you want to build a guesthouse with such a bad road? You need to repair it and to add some stones in order to make it look like a real road.” She also provided economic and juridical arguments: the cows of the neighboring family will destroy the road, no matter how much money she invests in it, and that ‘dung on the road’ is not an aesthetic vie.” Besides, she wants to “individualize her property” in order to make sure that whatever money she invests in the house and in the road is money invested in *her* land not “somebody else’s property.”

The current owners of either property represent two different generations and have two different stories which are the result of different personal backgrounds. One claimant, a young woman, is a law student and used juridical and economic arguments about private property to prove her right the land. Her opponent, an older woman, spoke of the past and the importance of a good relationship between neighbors, especially when neighbors are also members of the same family. She also mentioned that if her family built another road, the slope would be so steep that they would not even be able to bury her mother in the backyard when she dies (she was 90 years old in 2004). The old woman also emphasized the

“historical argument.” The original road had been built before the First World War and was thus an old road (*drum bătrânesc*) to be used jointly by both households. No one, the old woman argued, should gain more from the road than the other.

Again, the historical argument in claiming rights over land has been brought to the forefront as a central argument in the establishment of current property rights. The neighbors of the two families support the older woman’s claims. The neighbors I spoke to perceive the historical argument as being the most important proof of one’s property rights.

Contesting the Past, Negotiating the Present

This section is dedicated to the analysis of my empirical findings. It shows that even if the ethnographical accounts describe two different situations, we are, in fact, dealing with a single process: the contestation of the past as a powerful tool for negotiating present property relations in the village.

In the case pertaining to the land next to the cave and the restaurant, the historical owner has emphasized all kinds of historical details regarding her rights to the restaurant. The detailed account she gave me shows that her claims are based entirely on her historical rights to the restaurant and the plot of land. In addition to emphasizing her historical rights, she also calls attention to the fact that her family was one of the richest families in the village before the communist regime came to power. Moreover, she highlighted that her family worked hard to maintain the restaurant and the land. She indicated that she had inherited her ability to do “hard work” from grandparents (*gospodari*). She also emphasized hard times her family experienced during communism and the humiliation her family had faced for owning that restaurant.

Her opponents in this conflict, the mayor and the vice-mayor, emphasized that the ancient restaurant had been a hovel, and the Cooperative had put a lot of money into it. “This is actually a new restaurant,” they argued. Thus, they maintain that it should be privatized through market mechanisms rather than being returned to its former owners. “Whoever offers more money should gain ownership of the restaurant” the mayor said. By sending the Environment Guard to check on the restaurant, the mayor and the vice-mayor hoped to prove that the historical owner was not able to properly run it, simultaneously “showing

off” their political power on a local and regional level. Moreover, since the woman’s daughter is a member of the local council, the mayor tried to negotiate the matter with her. If she does not vote against his local wood business, he promised to leave her mother alone. Thus, through the contestation of the past, the mayor tried to negotiate the actual property relations in the village.

The second ethnographic account, regarding rights to the access road, also proves that history is an important argument in present property relations. The fact that the road was built by two brothers at the beginning of the twentieth century is the basis for prevailing economic and juridical arguments offered by the other family. By getting neighbors to support her argument, the older woman demonstrated that not just the economic importance, but the cultural meaning of the land has value in such a dispute. As one neighbor pointed out, “one should never break an ancient understanding within the family only to gain some money.” Negotiating the history of that small piece of land so important for both families, assigns cultural meaning to the land and exemplifies property’s importance in social and family relations aside from economic aspects. In order to be used in actual property negotiations, the past must be socially sanctioned. This means that in order to be useful, memories of the past must be socially accepted by most of the members of the community. The past is instrumentalized by different actors in order to legitimize their present claims on land.

Conclusions

This study focuses on one of the issues of property in postsocialism, namely negotiations surrounding land rights. In these negotiations, the local past is used as a powerful instrument to prove one’s ownership. Ethnographical findings suggest that “historical memory” is not only socially constructed, as Cellarius (2004) has pointed out, but that it is constructed to achieve a certain goal; it is used as a tool in actual property negotiation. Sometimes, as the ethnographic account regarding the access road has demonstrated, the past itself is negotiated among different actors. From this point of view, I can go even further in defining property. I understand property not only as an ongoing negotiation among different actors (Sikor, Stahl, Dorondel 2009) or simply as the negotiated outcome of power relations (Verdery 2004), but also as a social *process* linked to

legitimization, contestation, and negotiation. The legitimization of a claim is brought about by the negotiation of the past and the instrumentalization of memories of different places. The pre-socialist and socialist past are negotiated by different actors. This negotiation is a contest among different *pasts*. Everyone remembers the past and uses it to legitimate present property claim and, simultaneously contests others' interpretations of past. As I have demonstrated elsewhere (Dorondel 2005), those people or groups of people who are able to impose their narratives of the past are those who gain access to land and forest areas.

However, in this particular case, it is not simply about access to land but about imposing social actors' memories on land claimed as their property. In this case, if memories are socially supported by the community, or at least by the neighbors, they become an important way of regulating actual property relations. Thus, as these ethnographical accounts have shown, postsocialist property restitution is an ongoing process rather than a static procedure.

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Construction works in the center of Dragova



Construction works in the center of Dragova

NOTES

- ¹ This paper is a part of a larger project called *Rural Transformation, Social Differentiation and Land Use Change in Postsocialist Romania. The whole project will take the form of a book and will be submitted next year to the Berghahn Books.*
- ² At that moment the big land properties, over 50 hectares, dropped from 47,7% to 10,4% (Badescu 1981 quoted in Miftode 1984 : 48).
- ³ Distribution refers to agricultural land only. Forest has not been the subject of distribution.
- ⁴ The legitimate owners are only those land claimants who are able to demonstrate that they or their relatives had owned land before collectivization.
- ⁵ This is not the place to analyze how much Law 18/1991 is the outcome of the traditional parties and how much is it the outcome of the external pressures of donors as World Bank or IMF (Verdery 1996; 1999). The international evolution had an important role in changes in property rights regime in Romania. However, in the same period of time when Law 18 was passed through Parliament, the NSF (The National Salvation Front), the party which run the country at that time, had a strong political discourse against the danger of the 'return' of noblemen (*moșieri*) and the danger of 'bondage' revival.
- ⁶ The Agricultural registers are those books held by the mayor's offices in which all households are registered with the name, the members of the household, number and size of the buildings, numbers of animals and the land ownership of the household.
- ⁷ Law 18/1991 creates the organisms which administer and control the stipulations of the law regarding the land. First of all, it creates two commissions which deal with the decollectivization. The liquidation commission has established the way in which the assets of the collective farm (animals and the orchards) would be given to the former cooperative members. This commission also had to establish the liabilities of the former collective farms (the debts to the bank). A second commission has been constituted in order to establish the property rights within the commune. This is run by the mayor (art. 11). The local commission would function under the leadership of the regional land commission. This regional commission has the power to validate or invalidate the communal commission's decisions. The only way a land owner could change the regional commission's decision is through a court decision (art. 11).
- ⁸ The name of the river, as well as the name of the villages and of the commune, is a pseudonym.

- ⁹ The Consumption Cooperative was an institution which could be defined something like between a general store and a restaurant. Almost every commune in Romania, during socialism, had such an institution.
- ¹⁰ After 2000 the National Peasant Party was not elected anymore for the Parliament. That is why, probably, the daughter has run for a different party.
- ¹¹ There are big altitude differences in Dragova. While in front of the mayor's office, located in the middle of the village, on the main road, the altitude is 854 m, Ciocănaș village is situated at the altitude of 1154 m.

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“IRREGULARLY BUT FULL OF HOPE”

High culture and minority nation-building in the Hungarian theatre of Oradea during the 1980s

Some years ago, when my research on the 1980s local theatre censorship had been started, discussions on state-communism were overwhelmingly present in the national political and social agenda. The President of Romania officially condemned state-communism, student-made expositions were organized, and a pupil drawing-contest was launched in order to depict sufferings and injustices of Ceaușescu's Romania. All these practices lean on the mainstream representation of communism, regarded as a total type of control, a full repression capturing the whole personality. Meanwhile a mandatory repertoire of patriotic songs and poems on a powerful present and a more glorious future was provided to the citizen's mind in order to mitigate economy of shortage, the body was an object of custody-taking, too. It faced a series of restrictions beginning with the “rationalizing” of foodstuff ending up with its imprisonment within the state borders. Subsequently, when the Securitate archives became partly open to the Romanians, a series of well-known names were launched into the public sphere, all seriously deprecated for being too closely connected to the former state power.

My findings on the system of theatrical censorship as well as techniques of evading it are meant to complete and nuance such a black and white picture. During such a modest enterprise horrors and sufferings provided by Ceaușescu's Romania would never be contested, but beside grieves and sorrows the ways people faced and survived them are, too, revealed.

Communism and negotiation. Anthropological approaches

In taking hold on the ambiguous nature of totalitarian systems, a framework called “anthropology of communism”, having duplicity in

its core, was applied. Anthropology of socialism goes beyond official representations of the East European state-communisms, and regards them as fragile systems instead as powerful structures,¹ where politics of duplicity, a certain type of “opposition” is embedded in everyday life-practices;² East Europeans built up a state-conformable behaviour for official situations, and a “real” one kept in the private sphere. By doing so, citizens were either panders to the system, or, simultaneously parts of its resistance. Such a systemic fragility – providing an interlocked status of power and resistance, right and wrong – was displayed under a peculiar setting in case of the Romanian cultural elite under communism. On one hand, as every formal elite group, the cultural one was part of the system, too, therefore “making it work” was among its duties: to produce, to issue, to control, and to try to fit in systemic requirements in order to maintain its positions. Beside such internal resources, the elite groups usually needed also an external legitimation, credibility in the eyes of the masses, who rejected official practices. In order to achieve such dichotomous goals, the cultural elite invented alternative discourses³ on society, polity, culture, questioning their official representation. Many of such alternative representations on society and power were created through products of high culture: literature, theatre, newspaper articles. Practices of using works of art for expressing political purposes in state socialism were defined as cultural politics by Katherine Verdery.⁴ In grasping such a difficulty and complexity of elite positions, the notion of “ambivalent discourses” was proposed by József D. Lőrincz,⁵ as a term defining interplay between duplicity and complicity for elite positions.

In understanding such complexity, there is no need for discerning ethnic minority and majority elites as both were engaged in resistance through culture, both being affected by the nature of control in Ceaușescu’s Romania. However, mechanisms of controlling culture were alike, majority and minority intentions still differed: due to the ethno-centric character of the system, minority Hungarian society was more engaged in enforcing the Hungarianness, rebuilding minority borders. In the following chapters an examination of such minority nation-building follows. It starts with a stock-taking of controlling mechanisms and techniques of evading it, then a case-study analyzing minority resistance and its context comes up; the last part is dedicated to the investigation of minority resistance through a comparison with the majority cultural field in order to contextualize the ethnic elements in this process. In other words I shall try to go beyond the

victimizing character of minority narratives, in order to find out, whether the censorship was more permissive with the majorities or not.

Grasping the mechanisms of controlling culture in the '80s – a period of a severe control – in the local theatre from Oradea, a town close to the Hungarian border, has many reasons. Urban societies, settled far from the political centre were rare subject of anthropological studies on socialism. Analyzing theatre-activities may also convey certain “objectivity” to this research: the number of the audience – taken as cultural consumers – was registered in different statistics in the '80s (some made by theatre managers), thus few conclusion about reception of cultural politics can be followed. Moreover this site is my native town, where I had the opportunity to see the plays performed during the '80s. Last but not least, I thought, a common institutional setting would make an adequate form for comparing the ethnic side of censorship.

The system

Crucial for identifying some mechanism of controlling theatres was the setting-up of the repertoires. These collections of plays to be presented were first validated at the local level by members of theatre elite: manager, literary secretary, artistic manager of both sections (an assembly identical in some sources with COM-members, *Comitetul Oamenilor Muncii ai Teatrului*, Committee of Theatre Workers). After passing a first filter, the repertoire was validated by the local institution responsible for controlling culture, *Comitetul Judeţean de Cultură* (County Cultural Committee). After obtaining the Cultural Committee's consent, the repertoire was sent to Bucharest to be verified at a national level by the *Consiliul Culturii şi al Educaţiei Socialiste* (Committee for Socialist Culture and Education),⁶ where a special department (*Direcţia Teatrelor*, Department for Theatres) was assigned to turn the programme into a final form. In order to defend their initial aims, the local theatre elite made up certain documents, called *referat* (reference), in order to argue for the presentation of plays chosen for the repertoire. However, a well developed technique in writing references was elaborated, it could have been changed even after the validation for a play was obtained.⁷ When the repertoire was approved, the rehearsals began and ended up in a final process, called *vizionare* (viewing, presentation). First of this series was an internal one, held in the

presence of the Committee of Theatre Workers (COM), where usually the theatre director, literary secretaries, stage directors, actors were present. Such an internal verification was followed by a new one, in the presence of local and sometimes national party bureaucrats: usually one inspector from the local party branch (*Comitetul Județean de Partid*) was invited, accompanied by a secretary from the Cultural Committee, assigned with theatrical control, occasionally a member of the national Committee for Socialist Education and Culture came together with the above-mentioned COM members. Vigilance of the censors seemed to be determined not only by their background, education etc., but by the play itself. In case of a first set on the stage, an approval from the national level was required, meanwhile for a re-play (*reluare*) validation of the local party bureaucrats was enough.

Techniques of evading the control

As all works I had consulted on the Romanian censorship are based either on collecting documents, or on a less meticulous interpretation of them,⁸ my investigations are based on my own document-collection (found in local and national archives), interviews and memoirs with members of both Romanian and Hungarian cultural elite. During my research the following set of techniques were identified as sources of outwitting the control: dodging with the quotas, duplicity in the language of plays or scenography, personal arrangements, negotiations.

Dodging with the quotas was due to fragility within the system, and helped local Hungarian theatre elite in fulfilling their major aims: to promote minority culture in a socio-political context, that rejected to provide large public recognition to it. According to interviews and other sources, references were compiled according to different rules, among which “decency” of the writer was of utmost importance (contemporary or not, Romanian or not). Although, interviews present such requirements in different ways, one distinction remains constant: theatre plays set on in the ‘80s should have been 75 percent Romanians (written by Romanian authors), and 25 percent by non-Romanians. As the category of “Romanianness” was vaguely defined, the system provided good opportunity for the Transylvanian Hungarian elite to promote minority culture: a Romanian writer – according to the interviews – could be anyone, who was once born on the actual territory of Romania, therefore

some classical Hungarians born within the borders of present-day Romania could be included as “Romanian writers” in the quotas. Moreover there was another attempt of the minority theatre elite to include contemporary Hungarian writers (living in Hungary) in order to fill in the quotas reserved for “the non-Romanians”.⁹

The second of this series of techniques could be grasped in the language of references, documents wrote to second the argument of theatre elite for presenting a play. Such references were ambiguous as they tried to write all important information about the play to be performed (plot, characters, ideology) in a state-conform language, although these plays conveyed messages opposite to the official ones. Subsequently a reference on *War and Peace* sees Tolstoy’s work having “characters endowed with noble features, justifies our contribution to educate our audience in the spirit of friendship, peace and collaboration among people”.¹⁰ The language of the references was quite identical for minority and majority (Hungarian and Romanian) theatre sections. In order to prove it, Tolstoy is followed here by a reference on Pirandello, written by the Romanian literary secretary:

Written in 1921, the play *Six characters in a quest for an author* remains interesting even nowadays, after four and a half decades. A tragic conflict of the individual in the capitalist world, where adherence to moral rules is only “formally” required, the individual is in fact intentionally and even violently pushed to a fall [...] into a swamp of immorality – in a full concordance with the social structures, which shape it.¹¹

Convicting “capitalist behaviour” and praising simple minds in concordance with the official discourses, was only one in the set of techniques outwitting the control. Another strategy, occurred exclusively on the Hungarian section, was filling quotas up with never, or clandestinely presented plays (usually with strong ideological character) in order to “top in” the repertoire, and making room for plays more welcomed by the public. Such an ambivalent discourse provided a double source of legitimation for the elites: helped them to keep their systemic positions and – simultaneously – to gain recognition from the public.

It was easier for the Romanian section, as the director could gain some money from factories. For instance the theatre hall was let to Alumina (a local factory) for big money. We could not do so in lack of networks. Thus we set on more than those six plays from the repertoire. We had,

12-14 new plays per year, as the [New Year's Eve] Cabaret and actor's plays celebrating their jubilees were out of the quotas. And we put in the repertoire 4-5 Romanian playwrights, performances never played, and we could ask for more plays to be approved; musical ones, for instance, as it was demanded by the public. Studio plays could also be sold, as they were sort of a *reciclare* (professional trainings) for the actors. Therefore we could play more by topping in the quotas.¹²

It is quite debatable, how powerful the following technique was and how often could it have been used, still it should be mentioned among other forms of "outwitting". Members of the local theatre elite – or at least the Hungarian ones – were sometimes up to bring some rear consumer goods to the censors in Bucharest, in order to smooth their verdicts on the repertoire. Besides handling such precious goods, finding the weakest figure in the system was also important. Therefore local elite usually turned to those Committee members, who seemed to be eager to collaborate:

I remember the presentation of a play, had some arguing with the director, as he did not understand, why we should set it so early. Could not tell him, I was let known from Bucharest, from a nice guy in the Ministry that one of them is to be sacked as his daughter emigrated in France. I booked for a flight to Bucharest, and wrote a reference during the journey and visited him. Had some 'small courtesies' with me to offer him, as I always did in my way to Bucharest. M. was a sharp minded and erudite man, I told him the plot, something in the critic of capitalism, he listened, as said, let it be. But I was also told, the play is approved, but the new bureaucrat would not be that permissive.¹³

Local and broader contexts – a case study

The following case study was chosen to illustrate the above-mentioned techniques "in work" and also to set resistance through culture in a broader context, showing why resistance through culture was so important. The Hungarian section of the Theatre from Oradea presented András Sütő's *Happy Mourning* in the summer of 1987 and this effervescence collective-like performance had met the local public's success. Local theatre audience were standing up and clapping, as a sign of admiration and respect towards an institution, which – in the darkest years of the over-controlled Ceaușescu regime – had dared to talk about themselves,

the Hungarian minority society. Such events are problematic to grasp for the present-day social researches, as they are regarded as memories of the past, impossible to understand, obscure and irrelevant after two decades. Still, analyzing such phenomena has several reasons. On one hand, it meant to prove that the post-89 events are strongly related to the pre-89 ones, symbolical and cultural politics of the state-communism are not parallel with the events that followed them. On the other hand, Ceaușescu's Romania was known as one of the darkest among East European state socialisms, where – according to its image – there was no room for alternative discourses. My case study – as mentioned above – tries to identify how was still possible that an elite group could launch works of art, against the system.

Discourses of the '80s

In the above-mentioned period there were several ways to produce and reproduce an image of the minority society. Although the “minority problem” was represented by a series of agents within the Hungarian cultural field via various ways, stock-taking of such discourses does not represent a subject for my study. I try instead to depict a set of representations and practices regarding „the Hungarians from Transylvania” relevant for my case study. The first category of manifestations are represented by those formal protest, which were issued either by the local intelligentsia, and meant to trigger the Romanian party elite, or the ones broadcasted in different places of the second public sphere, all claiming a renegotiation of formal minority-politics (language-rights, cultural- and educational ones). Besides “the Transylvanian question” was also represented through metaphorical ways, through moralizing items carried on by products of high-culture, encompassing a series of genres (works of art, letters, and different sorts of writings). A deeper investigation of such cultural forms deserves an analysis, different from my original goals, therefore only one aspect of such products is to be mentioned below.

Minority identity-politics shaped through high culture was a legacy of the interwar period. Nation appeared in the contemporary literary reviews¹⁴ as a mere cultural and moral community, where national membership is an ethic obligation. In accordance, emigration is regarded as a sort of betrayal, an act of the unworthy. This communitarian perspective re-emerged in the public sphere of the '70s, albeit not as a dominant issue, but still, as

a severe verdict.¹⁵ Persistence of such a representation in the '80s is due to a series of factors, usually non-ethnic ones. The second part of the decade is the period of international isolation. Economy of shortage is predominant, access to luxury goods almost impossible, the public sphere severely controlled. Besides, Ceaușescu's Romania was using a national ideology and practices for legitimization. Minority language rights and minority school system had faced severe interdictions. All this, together with the strengthening ethnic borders by migration policies and in spite of ethnic Hungarians being regarded as "Romanian citizens of Hungarian origins" in the public sphere. It is somehow comprehensible that minority nationalism is a response to the systemic claims. Such a growing need for a retreat into minority national society produced – on one hand – a series of victimizing narratives by the Hungarian elite, as well as – on the other hand – an increasing popularity in representing Hungarian national identity. As the number of migrants to Hungary increased and their voices in the Hungarian mass-media became more and more "heard", those who remained in place had to find an explanation for their stay. Their response was a moral one: scorn towards the leavers, moral perseverance meant to judge the unworthy, who ceased to resist. Introducing the theme of moral superiority – as an important source for defining minority identity politics – was relevant not only for the old nation-builder generation, but even for those intellectuals, who in their writings offer a more critical and less communitarian image of the Hungarians from Transylvania.¹⁶

It seems you do not take into account the loss caused by your leaving; your departure diminishes the minority society decreased in number and moral strength: there would be no other Hungarian teacher hired for your vacant job, the departure of your child would abate the chance for approving a class with Hungarian teaching language [...], your apartment is to be allocated exclusively to families pertaining to the majority. In other words: the space you created by your voluntary departure would make the power of the majority to grow upon us, who remained here. [...] Are you aware, that vacancies in minority cultural institution are supplied voluntarily by those, who remained?¹⁷

Thus migration is a moral issue, as migrants leave behind them a difficult situation for those who remained. Making minority cultural institution to work by a voluntary contribution of the remaining employees was not only an impressive metaphor, but a common practice revealed by a series of interviews referring to the period.

In stock-taking of mechanism responsible for conveying such moralizing discourses to the minority public-sphere, three mechanisms should be mentioned, among which two are interrelated. The first, as the case study strives to highlight, is the endeavour of the elite to outwit the controlling mechanism. Minority intellectuals find occasions to place discourses of Hungarianness into the public sphere, enabling to re-creation of their positions. The other two techniques are coming from outside, from the socio-cultural space provided by the Hungarian state. Starting with the '60s the Hungarians outside the border were regarded with an increasing attention by some Hungarian institutions (the Central Committee of the Hungarian Communist Party, the MSZMP KB, carried on a press-monitoring of the Romanian, Czech-Slovakian, Yugoslavian mass-media, the canonization of the Hungarian literature included works of art belonging to writers outside the border, reports were issued by the Central Committee on the topic¹⁸). Such an attention gets its climax in the '80s, when a series of agents and groups have Hungarians outside the border in the focus of their attention. By this time either the democratic opposition, or the „national” writers (*népi írók*), together with the Central Committee are stating that minority politics of the “posterior states” are not just a matter of internal affairs.

Such an attitude is not only present through political statements and reports; it is present even in the immigration policies of the Hungarian state during the late '80s. Immigration laws of the decade are more permissive with the (mainly Hungarian) migrants, who could easily obtain a temporary residence (even the illegal border-crossers) beginning with 1988.¹⁹ The migrants become well-known characters of the Hungarian public discourses, usually embodied by the figure of the “Transylvanian refugee”, a protagonist, who occurred in many feature and documentary films.²⁰

The Hungarian public sphere was keen not only on “thematizing” migration, as a critic towards the Romanian minority politics,²¹ but it also served as a second public sphere to many minority discourses banned in the Romanian, Czech-Slovakian, Yugoslavian mass-media. By issuing books, broadcasting a series of letters, protests, manifests signed by writers and intellectuals outside the Hungarian border, the Hungarian mass-media helped in strengthening the positions of the elite of the minority and empowered the figures of cultural resistance. Although men of letters like András Sütő and Sándor Kányádi had been banned from publishing in the late '80s, they became important figures of the literary field in Hungary,

well-known as ambassadors of the “cause of the minority”.²² The way such resistance became known for the Transylvanian community, in other terms the way Hungarian mass-media was acting as a secondary public sphere may be illustrated by citing a passage from Sütő's diary written during the '80s. The passage below relates the broadcasting of one letter signed by Sütő meant to protest against the Romanian minority politics on the 7th of May 1988:

As soon as the broadcast had finished, I found a letter in my mailbox: Thank You!. After a while the phone was ringing: Thank you! Many – understandably – do not present themselves.²³

“Socialism ... and what comes next”

There are many reason for investigating state-communism and its forms of cultural resistance: in spite of a change within the political and cultural sphere, the post-89 formal political actions could not be discerned by their pre-89 forms, the formers being deeply enrooted in the latter. In the case of protest continuity seems to be direct and easy to trace: texts claiming minority rights were turned into official and public political programs after 1989. The first number of *Counterpoints*, an important Hungarian samizdat of the '80s claims minority institutions and language rights,²⁴ a set of political goals similar to those stated in the first program of the Hungarian Democratic Alliance.²⁵ Such a pre-89 heritage enables the minority Hungarian elite to come out in the newly shaped public sphere with well developed “nationalizing” social projects even in the first days of the transition.

Texts regarding community-membership as a moral issue suddenly appeared in the public sphere after 1989: works of art and their authors banned during state-communism are then publicly cited. Such symbolical issues, based on a coded language and sustained by half-public political rituals vanish in a political democracy, which – regardless of its efficiency – is following certain formal rules; therefore traces of such cultural forms are difficult to highlight after twenty years. Still, such a minority morality could be tracked in present-day Romanian emigrant-narratives of ethnic Hungarians,²⁶ who – unlike others– recognize migration as a question of morality, even though it took place after 1989. I also think such a moral power is preserved in a series of minority politics shaped by the Hungarian state, where “remaining in the motherland” becomes a major target.²⁷

From page to stage

As I mentioned at the beginning, stages of presenting a play followed a well built-up scheme. After the annual repertoire, including a detailed presentation of every play was approved by the local censorship as well as from the central one; the rehearsals could begin, ending up in a final one, called *vizionare* (viewing, presentation), in the presence of the local and sometimes the national censors. According to the documents, these activities were usually accompanied by negotiations, enabling the theatre elite to launch their original views, or something close to them. Such a trajectory was common for either the Hungarian, or the Romanian theatres and theatre sections as the system of controlling culture was common. The quotas nationally designed, requiring at least 25 percent of national plays to be performed, were also non-ethnic. Differences occurred in the intentions of ethnicizing culture by the minority theatre elite: as Ceaușescu's Romania looked for legitimation in (Romanian) ethno-nationalism accompanied by a series of measurements regarding the assimilation of the minority groups. Such nationalism raised minority counter-nationalism, embodied in our case by a major intention for presenting and representing Hungarianness through high culture. Although outwitting the censors followed the same patterns either for the Romanian or for the Hungarian theatre sections, intentions and aims of the latter were different. For the minority elite such outwit was rather specific: discourses against the state could sometimes be – not always, indeed – discourses of the Hungarian national identity. Such discourses were aiming not just a launch of “forbidden” contents, not just a representation of the minority Hungarian culture, but also a reproduction of community goals. The following case-study tries to show the mechanism through which such a boundary-making became possible.

***Happy Mourning* – András Sütő's play in Oradea** **The play itself**

According to the playwright's diary from the '80s²⁸ as well as to my interviews conducted with the local theatre elite, Sütő András was almost entirely banned in the Romanian public sphere of those times. This is why the County Council for Culture (*Comitetului Județean de Cultură*) initially refused to approve the presentation of the *Wedding in Persepolis*

(*Szúzai mennyegző*) in 1986/1987, the year when local Hungarian elite meant to celebrate the playwright's 70th birthday. But – in accordance with recollections – the censors proposed a different play instead of the banned one, entitled *Happy Mourning* (*Vidám sirató*).

The text has two literary prefigurations: the first, *Fügedes in Heaven* (*Fügedes a mennyben*) was issued in Târgu Mureș in 1965, the second was published in 1974 in *Művelődés*, a Hungarian cultural review. The final version of the play, a compilation of these two was prepared for the literary review, *Igaz Szó*, and issued in 1974 both in the latter, and in the review *Alföld* from Hungary. The play was presented for the first time in Târgu Mureș, later in 1984 in Timișoara, in 1987 in Oradea and in Cluj in 1988.²⁹

The plot of the play is about a conversion of a widower with five children, living in a Hungarian village settled in the Câmpia Region (*Zona Câmpia*). János Fügedes was purged (*purificat*) from the Communist Party during the '50s as a result of the new recruiting policies, although – in his words – he was not a person to order others about, but the one being ordered. Still – he resents – awards were given to those, who sent him here and there, and not to him, who was promised to be awarded and given a pension.³⁰ Under the influence of Emma, a beautiful widow, whom he proposed, János Fügedes converts himself and his daughters to a neo-protestant church. Such a decision implies not only the abdication from eating meat and drinking alcohol, but also an isolation from his initial community either in a geographic or in a symbolic sense. Such a break-up requires Fügedes to move out from the village and to settle down together with his daughters in an isolated place, in the margins of the village. He is also forced to give up all his duties, so – in other terms – he has to cease having connections with the community he belonged to.

The play starts with a discussion between Fügedes and Prédikás, the preacher in the neo-protestant church during their "last supper", when Fügedes drinks alcohol and eats meat for the last time, being assisted by the preacher. In the meantime the five daughters show up, singing either religious or communist propaganda songs, as – they argue – both have "flags" in their lyrics. Prédikás tries to learn them "true" religious songs, but it is just an occasion for him to ensnare them, especially Lenke, the oldest of the five. The daughter gives him the glad eye, in the hope for getting evidences against the preacher, whom she considers a fake person. Fügedes leaves shortly after Emma's arrival, who is engaged with organizing the christening of the six. Emma remains alone with the

preacher, who tried to seduce her as well, but Emma had chosen the more reliable Fügedes instead of him. After Fügedes reappears, Emma and his future husband are involved in preparing the ceremony, while Prédikás tries to initiate the five daughters in their new religion. The intention of the girls to retell the erotic versions of Biblical events during the session makes the preacher think, the daughters are up to accept his indecent proposals. As Lenke meets up his love, Miklós after the Bible course, her breaking the neo-protestant rules entails a punishment from his father. But Fügedes finds himself lost in the labyrinth of the requirements, as his new religion forbids application of corporal punishment. Solution comes from Prédikás, who suggests the building of a kicking chair in order to fulfil every rule and achieve goals, too. Prohibitions in the preacher's view are just barriers, stepped over by the tall, got through by the small, kicked only by the dummies.³¹ While Fügedes encounters Lenke's love, his daughters eat all the forbidden meals the latter purchases, and plan to elope from their father's house together with the five young men, who are courting them.

The christening-scene follows, anticipated by Fügedes' confession about his conversion. He recalls the events that brought him to the communist party, as its leaders find him suitable due to his large family, poverty and decent origin. His biography was written, and was sent to a series of courses in the promise of a good payment. But the purge came, entailing a categorization of each party member according to their past and family background. Fügedes was asked, what would he do in case of an imperialist attack? He says, he can cope having an uncle in the States, but he is not sure, his comrades could do the same. He was labelled, condemned and purged because of his answer.³² The christening scene begins with the appearance of the five daughters, who – wearing the folk customs of Sic region – are singing Hungarian folk songs in a sad and lofty tone, mourning the lost virtues.³³

Five men arrive after the christening, all wearing carnival masks. Fügedes, being convinced that Miklós is one of them, tries to punish the young. He puts a tub filled with hot water in the front of his entrance and a towel scattered with flour to punish the intruders. Still the victim of such farce is not Miklós, but the preacher, who purges the family from the neo-protestant church. In the final scene the daughters appear together with the boys. They let Fügedes know about their living, as the restrictions of the new religion are impossible for them to bear. The play ends with

a dialogue between Miklós and Fügedes, enabling the former to express his opinion about the father.

Miklós: We're searing waters, uncle Fügedes, but nothing remains of us if taking hundreds of directions. You refused the religious protestant song, In Thou We've Been Trusted, but you should believe in searing waters, which go away.

Fügedes: Where to, my son?

Miklós: To our way – irregularly but full of hope.³⁴

Duplicity in work

As previously mentioned, the play was recommended by the local censors to the Hungarian theatre elite. According to recollections, reasons for promotion laid in the "message" of this work of art; as for the official discourse it was a play, which treated ironically the religious behaviour. Although the official reference is lost, the description of the plot was found in some national records. It contains the following description:

Being a satire against mysticism, the play has its main protagonist a simple man temporary seduced by the chants of a religious sect; this hero is later brought back to vigilance, by proving him the real social goals.³⁵

A similar, state-conform interpretation is to be found in the remaining peace of the final rehearsal, held in the presence of the censors:

No ideological objections can be raised, but scenes depicting the relation between protagonists need some improvement. Prédikás should be more sharp-minded, Fügedes more stupid, less skilled, Prédikás vulgar, as character less worked-out, but the play can be presented in a week.³⁶

Labelled as anti-clerical by the power, the play conveyed opposite significance for its author. In one of his interviews Sütő interprets his work as follows:

Religious sects had spread in my region. Members of them are persons, assigned for community duties after the war, similar to Fügedes János. Such persons were followers of some orders prescribed by others, directions not

entirely clear to them. After filling out or being withtaken from public life these persons were in quest for new handrails. [...] People like Fügedes are literary lost ones for our small community, suddenly disappearing from our eyes. No community togetherness, common problem and concern is not relevant for them anymore, they go for an individual salvation, now, when all our prefixes are needed.³⁷

In such an interpretation the play is a moral verdict upon the ones easy to be influenced, the ones with no strong internal system of virtues and beliefs. Besides, such persons leave the community in a time, when adherence and staying together becomes crucial. Such a communitarian approach to belonging explains the end of the play, the double loss of Fügedes, who is left either by his family, or by the preacher.

Work of art as discourse

Recollections of the play identify its power in a comic depiction of state-communism, through a stock-taking of the '50s. Purging of Fügedes was not only a landmark of the enrolment of the elite in the '50s, but also an allusion to the present. Still, the most powerful element of discourse-making was the loading of the play with Hungarian folk culture. The five daughters wear folk customs in the stage, sing folk songs, and dance folk dances not only in the lofty moment of christening but also in many occasions during the play. Such a compilation, so typical for inventing national culture³⁸ was related as follows by the stage director:

Was the regional, local setting meaningful for the play?

It was, as it transmitted my attachment to homeland. Nobody did such a thing before; it was original, as the others had always chosen Seckler settings for depicting Hungarianness. It was welcomed by the power, engaged in setting forth folk traditions. I left for Episcopia Bihor as there was a lady there, an ethnographer, who helped me to reconstruct the local folk architecture. Meanwhile I looked after a series of things in the Museum; some of them were familiar to me from my childhood. [...] I left for villages to record the local dialect, to observe the houses and objects to put them on the stage. There was a happy scene following the christening, happy dances conveying the idea that we would never give up, nobody can confine our language, folk songs, customs. It was nowhere in the play, neither in other performances, it was original. Sütő was keen to accept such

a concept, setting the play into a context of the Bihor region. I'm curious, he said, as I have seen many Seckler representations. Sects, after all, are not strange to our region, we had many of them.³⁹

Working Hungarian folk culture into the play conveyed a new meaning to it. This new stratum was a double one: on one hand it was in accordance with the official discourse in its endeavour to "promote" folk tradition. On the other hand it was a form of cultural resistance for the local elite and public, a way of launching ethnicity in a public space in a period, when the official discourse rejected the existence of national minorities.⁴⁰

Such a practice modifies the written text, too. The daughters leave the scene in the original version, as they break up with the world offered by their father. In the version of Oradea they return in a couple of minutes singing and dancing, followed by loudly applause of the public. Interviews relate this moment as follows:

Our colleague brought the local-regional version of these authentic music and dances, and this is how the choreography was made up. I remember the scene, the girls leaving, as it was about emigration. They were leaving and I remember the sorrows on the faces in the public, as everybody was thinking of emigration. In those times the play was about staying together, it was, of course about the sects in the concept of the censors, but for us it was about our power to stay, the power of the youth. It was not in the play. Dances were conveying that we will resist the system, whatever happens. That's why the young leave the stage and come back after a while singing and dancing. It conveyed that we would not leave. Some of us do, but not us. We come back, as all the protagonists who leave the stage do return. It was the closing up of a circle, and from then on, bowing was the only thing left out.⁴¹

Romanian agents – Hungarian victims? Minority identity and its context

Since 1919 the minority elite regards itself as a separate part from the Romanian state, a socio-culturally distinct body aiming to reproduce its pre-1919 positions.⁴² Such an approach implicitly or explicitly states that ethnic Hungarians are not integrative part of the Romanian political structure, therefore ethnic boundaries follow redistribution of

power: “we” – as the Hungarians usually state – are distant from “them”, Romanians, who share the power, minorities are thus usually victims of the nationalizing state. Recent empirical researches⁴³ proved that some figures of ethnic Hungarian cultural elite, known as deeply involved in minority nation-building (such as writer András Sütő), or believed to be distant from the redistribution of political resources (such as poet Domokos Szilágyi) had in fact strong relations with the state power. Without questioning the social and moral need for finding out the ways of cooperation with Securitate, these results bring into light the complexity of the connections even between minority cultural elite and the political power in the last period of Romanian state communism. In other words, frameworks seem to be the same – in spite of the purposes the Hungarians used cultural resistance – therefore the question of victimizing should be reframed. In the context of censorship, a well-developed field for rebuilding elite positions, such reframing sounds as follows: are the Hungarians treated differently by the censors within the same institutional setting (local theatre in our case)?

A first dimension of analyzing such a phenomenon is that of ethnic boundaries,⁴⁴ in order to find out, whether a redistribution of power went along ethnic lines. Examining the ethnic background of the local censors (local branch of the Committee of Culture), it is obvious that no ethnic cleavage existed: one of the censors, who usually helped the Hungarian literary secretary in compiling the repertoires (in order to avoid any unpleasant interventions of the system), was of Hungarian origin. Some local and national censors, e.g. the local Committee-member responsible for theatres as well as a national committee-member in charge with minority culture had a good command of Hungarian, and they occasionally seemed to collaborate with local Hungarian leaders in order to “solve some problems with the text” (see interview-fragments above). Moreover, due to its status (a minority section within a bi-lingual theatre), the Hungarian “part” was inevitably subordinated to the Romanian direction: a first filter for the validation of repertoires was the Romanian theatre director, who – according to the interviews – had never raised any obstacles in approving it.

A second dimension of analyzing the nature of ethnic control was that of banned plays. During the period under discussion (1981-1989) there was no Hungarian play banned in the local theatre of Oradea. In the case of the Romanian cultural production, the situation was quite different. Tudor Popescu’s play *Jolly Joker*, presented roughly in the same period

with Sütö's, was banned after having some performances in the local theatre. Having an –apparently – state-conform signification, they play was a set of severe criticism of a sultanistic power. *Jolly Joker*, which, in an official reading, was regarded as

[S]ituation comedy, where an attitude of disguising bureaucracy and superficiality of some controlling organs is collectively affirmed, arguing for a main attitude and spirit of responsibility.⁴⁵

The play – with its allusions to Ceaușescu's Romania – ends with the appearance of the Comrade, whose entering on red carpet accompanied by applause reminds the audience of the long-lasting ceremonies Party leaders praised themselves with. The final scene, soon after the Comrade's entrance, ends with the falling down of the iron curtain (on the stage) similar to the iron curtain separating all Romanian citizens from other countries. According to one Committee-members' memories, *Jolly Joker* was allowed to be played in the town, but a new approval would be needed for its "taking away". After a couple of performances the play was invited for a national festival. Due to a complicity among the stage director, the theatre director and one member of the Committee in charge with theatre-control, only the Hungarian censor (Committee-member) is asked in her quality of vice-president in the board to approve the participation at the festival. Unusually for the difficult circumstances, the play went through (as not being her duty to be present at the critical rehearsals of the Romanian plays), the Hungarian censor signs all the forms, the play is submitted for the festival, where a local Party leader finds appropriate to express his complains. The play is banned, the censor sanctioned.

The answer to the questions regarding the different standards the two theatre sections were subjected to (Romanian plays banned, Hungarians not) remains here at the level of hypothesis, although a viable one. The attention drawn by a play was due to its status, quality, acceptance, popularity. According to many recalls, the popular plays or the ones invited to festivals "benefited" of a more meticulous attention from the censors.⁴⁶ The Hungarian section was less prestigious in the market of symbolic goods than the Romanian, which participated at festivals and had a well-know young stage director in its staff. Banning therefore had nothing to do with ethnic belonging, it was merely a matter of symbolical reward. Besides, as suggested in many of the recollections quoted above, a local elite involved in nation-building had to face a series of well-defined restrictions, which

somehow belonged to a sort of common knowledge.⁴⁷ It was obvious, for instance, that red-green-white colours of the Hungarian flag must never ever be exposed in the same part of the scene that mentions events of the Hungarian history or Hungarian geography. Otherwise it brings the banning of the play. At the same time, names of socialist countries (except Hungary) should always be used in favourable contexts and references to Transylvania were not allowed. Such a well-coded topic as the minority identity was therefore easier to avoid by the Hungarian elite during the phases of control.

Conclusions

My case study and fragments of other case studies try to nuance the official, dismissive image of censorship in communist Romania. The empirical material presents a series of double codes (language of references, folk culture, etc.) that enabled slacking off a strict control. It is also obvious, there are no clear cut cleavages emerging from the distribution of power or from the ethnic belonging. The censors were different, with different attitudes, some – as it is clear from the above-mentioned fragments – were sometimes more permissive than others, many being remembered as “clever”, “learned” persons. Returning to the idea of duplicity, it was a certain interplay of censors and cultural elites that undermined the sultanistic restrictions of the system. At the same time, ethnic boundaries do not seem to follow the relations of power. There was a Hungarian among the local controllers of culture; meanwhile many Committee members were Hungarian speakers. A victimizing image of the Hungarian minority falls when speaking of bans, too. Hungarians in this local context seemed to be more protected than their Romanian fellows, as the former theatre and cultural language was more clearly coded.

NOTES

- ¹ HANN, CH. M. (ed.), *Postsocialism. Ideals, Ideologies and Practices in Eurasia*, Cambridge University Press, Cambridge, 2001. VERDERY, K.: *What Was Socialism and What Comes Next?*, Princeton University Press, 1996. KLIGMAN, G.: *The Wedding of the Dead. Ritual, Poetics, and Popular Culture in Transylvania*, University of California Press: Berkeley – Los Angeles, 1990.
- ² KLIGMAN, G., *The Politics of Duplicity. Controlling Reproduction Ceausescu's Romania*, University of California Press: Berkeley – Los Angeles, 1998
- ³ Because the term “discourse” has several aspects and usages, a sort of definition should be given. I rely on Peter Niedermüller’s definition, which considers it a form of text, image and cultural practice that influences the socio-cultural vocabulary of a society.
- ⁴ VERDERY, K., *National Ideology under Socialism. Identity and Cultural Politics in Ceausescu's Romania*, University of California Press: Berkeley – Los Angeles, 1991.
- ⁵ D. LÖRINCZ J., *Az átmenet közéleti értékei a mindennapi életben* [Public Virtues of Transition in Everyday life], Pro Print: Miercurea Ciuc, 2004.
- ⁶ MALIȚA, L. (ed.), *Cenzura în teatru. Documente 1948-1989* [Theatrical Censorship. Documents 1948-1989], EFES: Cluj-Napoca, 2006.
- ⁷ KISS-TÖRÉK, I., “A nagy szorítás második korszaka” [Second period of the great clench], in: *Magyar Élet*, 1994 október, 21-23.
- ⁸ See for instance: MALIȚA, L. (ed.), *ibid.*, PETCU, M., *Puterea și cultura. O istorie a cenzurii* [Power and Culture. A history of censorship], Polirom: Iași, 1999; PETCU, M., *Cenzura în spațiul cultural românesc* [Censorship in the Romanian cultural space], Comunicare.ro, 2005; TRONCOTĂ, C., *România comunistă, propagandă și cenzură* [The Communist Romania, Propaganda and Censorship] Tritonic: București, 2006.
- ⁹ See National Archives, Fond: CC al PCR, Ideologie și propagandă, dosar 1984/25.
- ¹⁰ Fragment from a local referatum in the ‘80s: “personajele înzestrate cu atitudini și caractere umane noble, justifică alegerea noastră în dorința ca și prin această reprezentare să contribuim la educarea spectatorului în spiritul prieteniei, a păcii și a colaborării între oameni”.
- ¹¹ “Scrisă în 1921, piesa *Șase personaje în căutarea unui autor* continuă și azi după patru decenii și jumătate să intereseze. Conflictul tragic al individului în cadrul lumii capitaliste, în care se impune respectarea moralei doar ‘de formă’ în fond individul fiind împins cu bună știință, cu violență chiar, spre cădere, spre alunecarea în mocirla imoralității – în deplină consonanță cu structura socială, care o generează.” Fragment from a local reference in the 1980s.

- 12 "A románoknak könnyebb volt, mert az igazgató megszerezte a pénzt a vállalatoktól. Például, hogy elment az Aluminába, és jó pénzért kiadta nekik a termet. Nekünk ez nem ment, mert nem voltak kapcsolataink. Mi nem hat darabot mutattunk be, hanem a stúdióelőadásokkal és a repertoáron kívüli darabokkal 12-14 előadásunk is volt egy évben. Mert a kabaré repertoáron kívüli volt. Aztán egy színész jubileumi előadása is azon kívül volt. És akkor betettünk négy-öt hazai szerzőt, ahogy kellett, előadásokat, amiket soha nem játszottunk, és akkor el lehetett menni és lehetett kérni, hogy mi már a nagyrésztét teljesítettük és még kértünk. Mondtuk, hogy kell zenés is, mert akarja a közönség. Ráadásul a Stúdióelőadást el tudtuk úgy adni, hogy ez a szénész reciclálása volt, és akkor lehetett több mindent játszani, mert a kvótákon felül volt." Fragment from an interview with the Hungarian section-director.
- 13 "Arra emlékszem, amikor abemutató volt, még veszekedtünk a rendezővel, hogy miért kell ezt ilyen korán kihozni, és nem mondhattam meg, hogy nekem szóltak a minisztérium színhazi osztályának referense, egy román fiú, nagyon rendes volt, hogy most kéne, mert most váltják le M.-t, aki nagy ember volt ott, mert a lánya kinmmaradt. És a repülön irtam meg a referátumot, és elmentem, és volt egy audiencia, vittem magammal valami apró figyelmességet, anélkül nem mentünk Bukarestbe. M. nagyon művelt és éles észjárású volt. Én elmondtam a darab cselekményét, hogy a szocializmus eszmeiségéről van szó, hogy van, aki ezt nyugati mintára akarja, de ez nem megy. Maciucă hallgatta, és alairta. De akkor megmondták, hogy amikor kezdődik az új évad, lesz egy új ember, az már nem fogja engedni." Fragment from an interview with the Hungarian section-director.
- 14 On the analysis of the idea of nation in *Pásztortűz* nemzetképének see: SATA K.-K., The Idea of the "Nation" in Transylvaniam. In: TRENCSENYI B., – PETRESCU, D. – PETRESCU, C. – IORDACHI, C. – KÁNTOR Z. (eds.): *Nation – Building and Contested Identities. Romanian and Hungarian case studies*. Regio Books, Budapest – Editura Polirom, Iasi, 2001, 42-61. A similar concept occurs in the *Nem lehet-vita* (Impossible to be-controversy), CSEKE P. – MOLNÁR G. (eds.): *Nem lehet. A kisebbségi sors vitája [Impossible to Be. Controversy on minority fate]*. Héttorony Könyvkiadó, 1989. On the centrality of such category see CS. GYÖNGY É, *Gyöngy és homok. Ideológiai jelképek a romániai magyar irodalomban [Pearls and Dust. Ideological symbols in the Hungarian literature from Transylvania]*, Kriterion, Bukarest, 1992. or SZILVESZTER L.SZ., A transzilvanizmus ideológiáján innen és túl tragikum, irónia és retorikai játék a hetvenes-nyolcvanas évek erdélyi költészetében [Beyond the Transylvanian ideology, tragic, irony and rhetorical play in the 70ies 80ies Transylvanian poetry] <http://nappalimenedekhely.blogspot.com/2008/07/transzszilvanizmus-ideolgijn-innen-s-tl.html>

- 15 On the power of such communitarian view see the articles of. *Csipkerózsika-vita* [The Sleeping Beauty Controversy] in the literary reviews from 1978-1979, as well as BODOR Á., *A börtön szaga. Válaszok Balla Zsófia kérdéseire*, [Smell of Prison. Answering Balla Zsófia's questions], Magvető, Budapest, 2001.
- 16 A good example is provided by CS. GYÍMESI É., *Honvágy a hazában* [Home Sickness at Home]. Pesti Szalon Kiadó, Budapest. 1993.
- 17 *Ibid.*, 159.
- 18 On analysing the Hungarian policies regarding minority Hungarians see BÁRDI N.: *Tény és való* [Factual and Real], Kalligram, Pozsony, 2004.
- 19 HORVÁTH I.: "Az erdélyi magyarság 1987-2001 közötti, nemzeti vándormozgalmának betudható népességvesztése" [Population decrease caused by the external migration of the ethnic Hungarians from Transylvania between 1987-2001], In: KISS T. (ed), *Népesedési folyamatok az ezredfordulón Erdélyben* [Population Dynamics-Processes in Transylvania in the Turn of the Millenium, .<http://kutatasok.adatbank.transindex.ro/download/kapcsolodo90.pdf>.
- 20 Even the popular Hungarian soap, *Szomszédok* [Neighbours] had a Transylvanian refugee among its characters.
- 21 In these years emmigration is regarded a source of political protest, see HORVÁTH I, *ibid.*
- 22 BERTHA Z., *Sütő András*. Kalligram, Pozsony, 1995.
- 23 See in SÜTŐ A.: *Szemet szóért. Naplójegyzetek* [Eyes for Words. Fragments of Diary], Debrecen, 1993, "Alig ért véget a műsor, máris levélkét találok a postaládámba: 'Köszönjük'. Aztán megszólal a telefon: 'Köszönjük'. Legtöbbször – okkal – nem mondják be a nevüket."
- 24 <http://www.filatelia.wtcsites.com/Ellenpontok.htm>
- 25 See for instance the DAHR resolutions from the I and II Congress and all DAHR documents issued in the early 80ies. Dokumentumok: <http://adatbank.transindex.ro/inchtm.php?akod=158>.
- 26 KOVÁCS É. – MELEGH A., "Lehetett volna rosszabb is, mehettünk volna Amerikába is" – Vándorlástörténetek Erdély, Ausztria és Magyarország háromszögében [Could it have been worth, we could have leave for America. Migration narrative in the Transylvanian-Hungarian-Austrian triade. In SIK E. (ed.): *Diskurzusok a vándorlásról Discourses on Migration*]I. Budapest, MTA Politikai Tudományok Intézete, 2000, 93–154.
- 27 BÁRDI N., *ibid.*
- 28 SÜTŐ A., *ibid.*
- 29 SÜTŐ A., „Vidám sirató egy bolyongó porszemért” [Happy Mourning for a Wondering Dust]. In: SÜTŐ A.: *Színművek* [Plays], Akadémiai Kiadó, Budapest, 1995.
- 30 *Ibid.* 27. "Nem voltam én olyan, aki másokat küldözgetett, [...] Hanem olyan voltam, testvér, akit nálánál nagyobbak ide-oda küldtek, mozgósítottak

és ugráltattak” Mégis „a kitüntetést aztán azok kapták, akik akik engem küldözgettek, pedig nekem olyan kitüntetést ígértek, ami által nyugdíjat is kaphatok majd”.

31 Ibid. 42. a tilalmak „olyanok, mint a vasúti sorompó. A nagyok átlépik, a kicsik átbújnak alatta, a buták meg nekimennek a fejükkel”

32 Ibid.. 94. “Fügedes: Vallom itt a láthatatlan gyülekezet előtt, hogy a rengeteg tanfolyam. A tanácsi vezetőség azt mondta: Fügedes nagycsaládos, szegény ember, esze is van, jó származása is van, nincs semmilyen politikai szemölcs, púpja, a mi részünkről menjen rajoni és tartományi tanfolyamokra, hogy legyen itthon minekünk képzett kéderünk. Megírták az életrajzomat, és minden évben küldtek és mentem. Szülészet, tyúkászat, propaganda, minden, és azt mondták, lesz jó fizetés is. Aztán beütött a purifikálás, mindenkit levizsgáztattl és kategorizáltak nézetei, múltja, rokonsága szerint Tőlem azt kérdezték, Fügedes elvtárs, mit csinálna, ha valmely támadás esetén jönnének az imperialisták? Mondom: én még én, de magik? Hogy értem ezt? Úgy, hogy nekem az USA-ban édes nagybátyám van, adventista főpap. Akkor kipurifikáltak és megbélyegeztek, ámen.”

33 Ibid. 95. “Fájdalmas, veszendő értékeket sirató dallam [hallatszik] A lányok bevonulnak, tartásuk ünnepi sőt méltóságteljes. Ruházatuk az erdélyi Szék község népi viseletének stilizált formája. Uralkodó szín a fekete-piros. Kezükben gyászszegélyes zsebkendő. Énekelnek.”

34 Ibid. 103. “Miklós: Pangó vizek vagyunk, Fügedes bátyjám, de még azok se leszünk, ha százan százegyfelé vesszük az irányt. Nem kell magának a Tebenned bízunk, de bízunk legalább abban, hogy a pangó vizek is elindulnak egyszer ...

Fügedes: Hová, merre, fiam?

Miklós: Amerre mi megyünk mostan – szabálytalanul, de reménységgel.”

35 “Satiră împotriva misticismului, piesa are ca erou un om simplu, căzut temporar în mrejmăle unei secte religioase, pe care familia și soceitatea reușește să-l readucă la luciditate, demonstrându-i adevăratele scopuri ale acesteia.” Archivele Naționale, Fond: Propagandă și Agitație, CC al PCR, dosar 1983/25.

36 “Nu se ridică probleme din punct de vedere ideologic, se necesită îmbunătățiri la unele scene despre relația dintre personaje. Prédikás să fie mai vicelan, Fügedes mai prost, mai puțin priceput. Prédikás să fie mai vulgar și mai puțin rafinat, dar piesa se poate prezenta peste o săptămână.” Fragment from the Hungarian section-leader’s diary written in the summer of 1987.

37 “Vidám siratók. Sütő András beszélget Ablonczy Lászlóval” [Happy Mournings, Sütő András in dialogue with Ablonczy László]. In: SÜTŐ A., *Színművek [Plays]*, Akadémiai Kiadó: Budapest, 1995, 5-22. „Ezen a tájon [ti. a Mezőségen] eléggé elszaporodtak a vallásos szekták. Ezekben olyanok is találhatók, akik korábban a háború utáni években helyi közéleti

tisztséget is betöltöttek. Mint Fügedes János is. Számukra nem egészen világos nézetek végrehajtói voltak mások, felsőbbbségek utasítására, majd azután, hogy valóságos vagy vélt sérelmeik miatt elhúzódtak a közélettől, vagy éppenséggel félreállították őket, újabb eligazítót kerestek maguknak. [...] Otthoni kis közösségünk számára az ilyen fügedes károlyok már-már szó szerinti értelemben is elveszett emberek. Egyik napról a másikra tűnnek el a szemünk elől. Számukra már nem fontos semmilyen közösségi együttlét, közös gond és aggodalom, ők elmennek a magánüdvösségüket hajszolni, amikor minden igekötőnkre szükségünk van.”

38 See for instance: HOBBSWAM, E. – RANGERS, T., *The Invention of Tradition*. Cambridge University Press, 1983

39 “A bihari környezetnek volt- valamilyen jelentése?

Volt, mert kifejezte az én szülőföld iránti ragaszkodásomat, hogy ne csak minden székely milliőben legyen, mert ilyet még senki nem csinált, ez eredeti volt. Namost a hatalommal szemben ez pozitívnak jött ki, mert a bihari folklór felmutatása, az akkor pozitív volt. Kimentem püspökibe egy hölgyhöz, a fia református pap Élesden, ő néprajzos is volt, megkérdeztük, milyenek voltak a házak. Közben én a múzeumban is utánanéztam, aminek lehetett. Meg sok mindenre én is emlékeztem a gyerekkoromból. Kerestünk mindent: tengeri csuháját, lopótököt, a paprikafüzért, ezek voltak a diszletek, és csak azt kértem, hogy verandája legyen a háznak. Kimentem Biharra, hogy megnézzem a házakat, és Kovácsiba, hogy eltanuljam a tájszólást. A keresztlő után jött egy vidám táncrész, hogy nem adom meg soha magam, hogy itt mi a nyelvünket, a dalainkat, a szavainkat, a szokásainkat, hagyományainkat nem vehetik el. Ez más előadásokban nem is volt benne, a darabban sem, ez a rendezői koncepció. Sütő is jónéven vette, hogy bihari milliőbe ültettem át az egészet, azt mondta, nagyon jó, kíváncsi vagyok, hogy néz ki a tettek, mert annyi székely volt már. Nem is idegen a téma különben, hiszen itt is voltak szekták, ez tőlünk nem idegen.” Fragment from an interview with the stage director.

40 VINCZE G., *A romániai magyar kisebbség történeti kronológiája 1944 -1989* [*Historical Chronology of the ethnic Hungarians from Romania 1944-1989*] <http://vincze.adatbank.transindex.ro/index.php?action=ev&ev>.

41 “A kollégánk kikereste az autentikus zenét, és betanította a táncokat, és azt csinálta, hogy egy dalnak az itteni változatát tanította be és a koreográfus, ő is itteni elemeket tanított be. És erre emlékszem, ezek nagyon szépek voltak, ahogy mentek a lányok, és ebben benne volt a kíváncsórás is, mentek a lányok a kis motyóval, és olyan sírós arcokat láttam a nézőtéren, mert benne volt a kíváncsórás.

Akkor a megtartó erőről szólt a darab, az elvtársak felé a szektákról, ami elítélendő, de nekünk arról, hogy a jövő a megtartó erő. Hogy a fiatalokban van a megtartó erő, és azt tovább viszik. És ez kimondatlanul benne volt az előadásban. Az egész táncban ez volt meg, amikor volt egy nagy

táncbetét, és egymás után többet táncoltunk. Az nem ihaj-csuhaj volt, hogy belepusztulunk, hanem pontosan az, hogy kivilágos kivirradtig, de ezt ki fogjuk bírni. Ez benne volt az előadásban, hogy itt bármit csinálnak, de ki fogjuk bírni. Ahogy mentek a lányok, és ebben benne volt a kivándorlás is, mentek a lányok a kis motyóval, és olyan sírós arcokat láttam a nézőtérben, mert benne volt a kivándorlás. És azért volt, hogy a lányok a Miklós monológja végén elindulnak kifele, a fiúk is kifele, de aztán énekelve és táncolva visszajöttünk a színpadra, hogy mégsem megyünk el, hogy lehet, hogy elmennek egyesek, de mi mégis visszajövünk, mert ugyanannyian vagyunk a színpadon, ugyanannyian jövünk vissza. Visszakanyarodott a kör, és utána már csak a meghajlás volt.” Fragment with an actress in the play.

42 BÁRDI, N., *Ibid.*

43 BOTTONI, S., “A hatalom értelmisége az értelmiség hatalma. A Földes László ügy” [Intellectuals of power, power of intellectuals. The Földes László- case], in *Korall*, 2004 December, 113-134.

44 Ethnic boundaries are understood here in Barthian sense, denoting a culturally reinforced distinction between “we” and “them”. As the classical model was worked out for traditional societies, when recalling Barth, his newer réframes are to be taken into account, for instance BARTH, F., “Régi és új problémák az etnicitás elemzésében” [Enduring and emerging issues in the analysis of ethnicity], in: *Regio*, 1996/1, 2-25.

45 “Comedie de situație în care se afirmă plenar atitudinea de demascare a birocratismului, a superficialității unor organe de control, pledând pentru atitudinea principală și spirit de răspundere.”.Arhivele Naționale, Fondul CC al PCR, *ibidem*.

46 For such recollections see for instance: *Procesele comunismului*. In: *Teatrul Azi*, 1990/2, 12-18, or *ibid.*, 1990/6, 1990/9.

47 A series of interviews, memoirs convey such a thing. See for instance D. LŐRINCZ, *ibid.* My interviews underline this observation, too.



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CONTRIBUTIONS REGARDING THE MODERN DESIGN OF MIGRATION – REMITTANCES POLICIES

1. Introduction in the modern literature of remittances

The research on remittances represents an essential branch of the literature on migration. Remittances could be defined by migration related transactions initiated by individuals working outside. In contrast to net official flows, remittances have grown over the past decades with a higher rate and represent now the largest source of external capital in many developing countries. Remittances are perceived as a critical element for development in emerging economies, which prompted policy makers to encourage progress on understanding and facilitating remittances.

The literature on the determinants of the remittances is influenced by some critical analyses on the internal migration in developing countries. The classics are focused on aspects of inheritance, loan repayment, insurance and exchange. In Stark (1981), Lucas, Stark (1985), remittances are considered as a result of an intergenerational contract between migrants and their parents. In the neoclassical literature, the remittances are considered as individual investments capable to enhance lifetime earnings. In the new economics of labour migration decisions on remittances are closely linked with the decisions on migration at household level. In Lucas, Stark (1985) the key aspect on understanding the complexity processes of migration is based on the motivations to remit (pure altruism, various patterns of self-interest, intermediate motivations represented by different types of arrangements between migrant and the family). It is recognized that altruism towards family members at home is an important motivation for remitting (Johnson, Whitelaw 1974; Lucas, Stark, 1985) and this implies a utility function in which the migrant cares about the consumption of the other members of his family. Self-interest motivation may evolve in a model where the family is perceived as a market in which members aim at entering into mutually beneficial agreements. In contrast with the altruistic motive, remittances should increase in the family's income and wealth

if sending remittances is a pattern of migrants to compete for inheritance (Rapoport, Docquier, 2005).

Other authors (Poirine 1997; Ilahi, Jafarey 1999) have proposed the idea of remittances as repayments to the family who finances migration in the first place. The U-shaped relation between the family's pre transfer income and remittances is justified by the fact that wealthy families can invest more in education, and remittances should first increase and then decrease in the migrant's skill level.

Migration could be seen as a means of reducing risk by diversifying the sources of a family's income (Stark 1991). In this case remittances act like an insurance against income shocks that might hit the recipients in the home country (Agarwal, Horowitz, 2002; Gubert, 2002). At macro level, this implies that remittances will increase if output is more volatile in the recipient country.

In other papers remittances are represented by a payment for services provided by migrant's family (Cox, 1987; Cox, Eser, Jimenez, 1998). If the family's marginal utility decreases in income, more remittances are required to guarantee the provision of services at home and it results a higher pre-transfer income of the family and lower unemployment at home would raise the amount of remittances.

Macro flows are influenced by macro-level indicators but they are often analyzed by using the aggregate outcome of micro-level behaviour. Macro-level implications are very important especially in turbulent and crisis periods. The evidence on most macroeconomic determinants is mixed, but in the literature it is recognized that the basic macroeconomic determinants are the *level of economic activity* (host/ home countries), *wage rate*, *real exchange rate*, *inflation*, *interest rate differentials*, and the *efficiency of banking system*, the *political stability* and consistency in government policies (El-Sakka, Nabb, 1999; Russell, 1986; Wahba, 1991; Faini, 1994). Real earnings and total number of migrants have a significant positive effect on remittances (Swamy, 1981; Straubhaar, 1986; Elbadawi, Rocha, 1992; El-Sakka, McNabb, 1999; Chami, Fullenkamp, Jahjah, 2005). *Demographic factors* (female employment, high age-dependency ratio) also influence remittances (Buch, Kuckulenz 2004). Black market premium, interest rate differential, inflation rate, growth, home/ host country incomes and dictatorial periods have significantly affected Turkish remittances (Aydas, Neyapti, Metin-Ozcan, 2004). There is a significant negative relation between the income gap of the recipient country against

the developed countries and worker remittances in percent of GDP (Chami, Fullenkamp, Jahjah, 2005). There are critics regarding the influence of the interest rate differential, the black market premium, domestic income and inflation and the impact of economic growth and the level of economic development is not always clear (Buch, Kuckulenz, 2004).

The fail of empirical studies is related to *the lack of adequate data* and *poor data quality*. Data selection is a difficult task and they usually underestimate the true remittance flows because the statistics could not capture remittances sent outside the banking system, there is a high threshold for recording and because a significant portion of remittances are not included in statistics. In this case, some authors have attempted to test the theoretical predictions using data for one country, region, or migrant group.

In Harrison (2004) is presented an attempt to estimate bilateral remittance flows between 57 countries and 18 geographic regions based on IMF balance of payments data. In this study is assumed that the migrants coming from the home country but working in different countries have the same saving decision rule and remit the same amount. The idea of introducing of bilateral flows is welcome, but remittances are likely to be positively correlated with disposable income.

In Hagen-Zanker, Siegel (2007), Rapoport, Docquier (2006) are presented critical analyses on the literature that propose *empirical aspects on determinants* of remittances. These analyses have been focused on the degree of altruism that can be inferred from remittance flows mechanisms.

In conclusion, the literature is dominated by contributions that investigated microeconomic determinants of remittances based on survey data. Only few papers are focused on understanding the macroeconomic determinants of remittance flows because of the scarcity and inaccuracy of data. The macroeconomic literature is based on IMF balance of payments but these data have several shortcomings, in particular the high aggregation level and measurement issues.

The empirical literature has largely focussed on microeconomic data (Buch, Kuckulenz, 2004) and only few contributions (Aydas, Neyapti, Metin-Ozcan, 2004) have investigated the macroeconomic determinants of remittances. Jimenez Martin (2007) proposed a mixing of available remittance data with the statistics on migrant populations and economic variables (Figure 1) to estimate the biggest remittances flows originating in the EU in absolute terms.

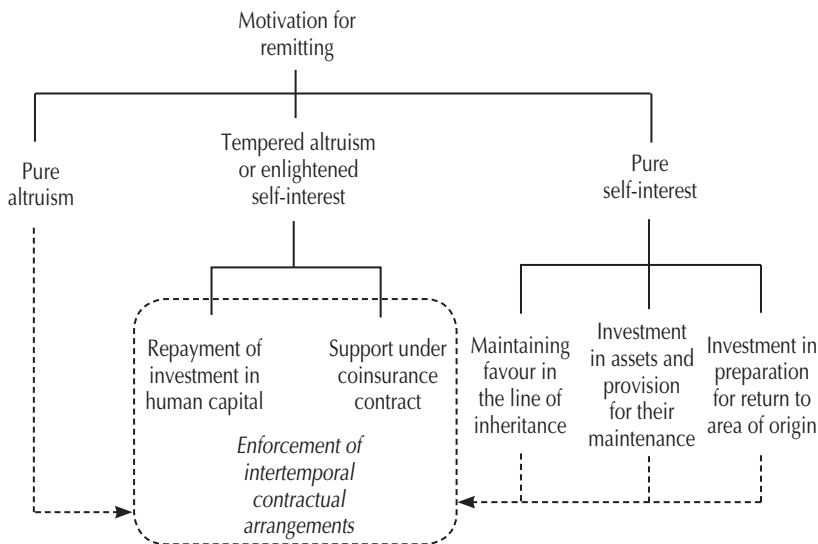


Figure 1. Remittance motivations in the new economics of labour migration

2. The impact of migration and remittances after European enlargement

The consequences of migration and remittances (growth, macroeconomic stability, inequality, the impact on the public sector) are analyzed in the context of Dutch disease and the actual crisis.

2.1. The main driving forces for remittances

The analysis of the forces behind the causes of migration and remittances permits a better understanding of the basic characteristics of migration and remittances and permits also to formulate efficient policy interventions that are consistent with the incentives of migrants and recipients of remittances. The main driving forces for remittances are:

- the international wage differentials (Rapoport, Docquier, 2005), where altruism is viewed as the main reason for remitting (Stark 1995);

- additional reasons from the spatial separation of the migrant and family:
 - remittances as payment for a wide range of services (Cox, 1987);
 - remittances as repayment for supporting migration costs (Rapoport, Docquier, 2005);
 - migration as insurance (for rural households whose agricultural income is highly volatile due to changing climatic conditions and other idiosyncratic risks) remittances are inversely correlated with the incomes of families at home and at macro level, this implies also counter-cyclicalities of flows (Rosenzweig, 1988);
 - temporary migration as a source of financing in the presence of liquidity constraints and imperfect financial market- people migrate in order to quickly accumulate the savings required to take advantage of productive opportunities at home and/or invest into human capital (Rapoport, Docquier, 2005).

2.2. An analysis of the individual effects and consequences of migration and remittances

The inter-connections between migration, remittances and inequality are more complex. Migration is associated with high initial costs, which in the presence of liquidity constraints and this tends to further increase inequality. Migration is often viewed as a first responder on widespread unemployment and it contributes to the processes that re-equilibrate the labour market. This is important because it reduces the level of structural unemployment as a critical determinant of permanent poverty. The insurance motivation means that remittance flows can be used for consumption smoothing. Cross-country evidence supports the beneficial effect of remittances on poverty reduction (Adams, Page, 2003).

In a sociological analysis, Massey (1994) views migration as a *diffusion process with decreasing information costs* and suggests that the *dynamics* of migration and remittances may be characterized by a *trickle down effect*. In the presence of *liquidity constraints* and initially high migration costs, only high-income groups can access higher income opportunities abroad, and this pattern of remittances tends to increase inter-household inequality early (Stark, Taylor, Yitzhaki, 1986). As the number of migrants increases, migration costs tend to decrease, thus making migration affordable to

low-income households. This *feed-back mechanism* ultimately decreases economic inequality.

The insurance motivation predicts that remittances should be countercyclical, or at least less pro-cyclical than other financial flows. The remittances into developing countries are *less volatile* than private capital and even more stable than FDIs, the more stable component of private capital flows (Ratha, 2003). Remittances are *more stable* even during large shocks, as those associated to global contagious financial crises. The increase in aggregate demand via the inflow of remittances is partially spent on non-tradable goods and services, and this creates an inflationary pressure. The supply of foreign currency tends to cause a nominal exchange rate appreciation. In conclusion, remittances lead to an appreciation of the real exchange rate, accompanied by the deterioration of the current account. The main *short-term consequences* of remittances are the following:

- the increase in imports via remittances;
- the real exchange rate appreciation facilitates the servicing of public debt and reduce the value of foreign currency-denominated debt;
- the inflow of foreign currency facilitates the accumulation of foreign reserves;
- by reducing unemployment, migration reduces the state's payments of unemployment benefits.

In long term run, outward migration deteriorates the dependency ratio (workers per non-worker) and this leads to a decreased sustainability of "pay as you go" pension systems. An indirect negative long term effect stems from certain short term benefits. Remittances effortlessly bring higher tax revenues, improved balance sheets, higher foreign currency reserves and short-term economic growth. In such a situation, governments are no longer subject to former stringent constraints, which postpone structural reforms and it results a moral hazard problem.

2.3. The analysis of the impact of remittances on economic growth

In short term, remittances produce a positive impact on incomes by increasing disposable incomes of recipient households. The benefits are then propagated through the economy through a Tobias multiplier effect and at least part of remittances is spent on purchases of domestically

provided goods and services. The analysis of the long-term effects of migration and remittances produces less unambiguously positive results. In Figure 2 are presented the channels through which migration and remittances affect economic growth.

The main factors that may negatively influence savings and investment decisions are the following:

- migrants lack entrepreneurial skills and expertise, which may lead to poor performances;
- low returns are associated with the lack of complementing factors;
- possible government failures may further depress returns, because a poor investment climate induces additional costs on firms;
- moral hazard represents a possible explanation for low savings.

The reduction of labour supply is the most direct effect of migration and leads to increased equilibrium wages in the economy and is linked to the income substitution effect (Chami, Fullenkamp, Jahjah, 2003). Remittance recipients reduce their own labour supply in response to the additional remittance income and this increases the costs of firms. The increased domestic demand raises the price of non-tradable goods and results an appreciation of the currency, which negatively affects the exports (Dutch disease). Mixed with learning by doing externalities in the export sectors, Dutch disease will permanently decrease the sophistication of a country's exports and its long-term growth.

The long-term effects constitute a mixed bag of positive (increased savings and investment into physical and human capital) and negative (loss of competitiveness due to real exchange rate appreciation/increased wages, reduction of human capital due to brain drain, postponed structural reforms, increased dependency ratio) effects.

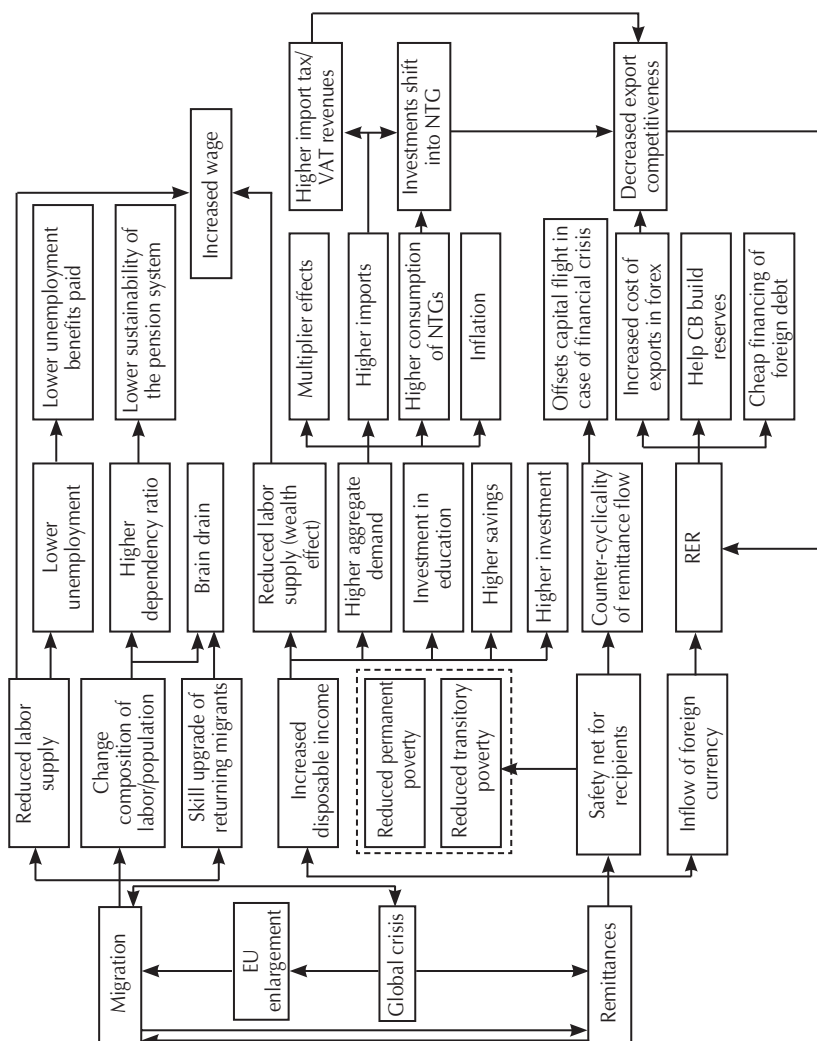


Figure 2. The economic effects of remittances on the sending country

3. The dynamics of remittances – an analysis of the stability, cyclicity and sustainability

3.1. Toward a more general framework for remittances

There are major differences on migration mechanisms and these variations limits dramatically the possibilities for generalization about remittances motivation:

- the temporarily remittances model vs. the permanent model;
- international vs. internal remittances (geographical differences);
- there is a variation in the nature of families/ households; the selective applicability of the new economics of labour migration (Sana, Massey, 2005);
- there is a variety of normative settings related to remittance sending (moral value, the pressure to remit);
- the way in which migration itself is taken into account (differences in migration patterns, demographic differential dynamics);
- there is a disaggregation of the preconditions for remittances to be sent (the non universality of potential receivers of remittances, the distinction between capacity and desire to remit should became a critical structural element of the analysis).

The main problems are related to data availability, the static cross sectional perspective, family migration histories. Stability, expressed by a low volatility or a steady reaction is less affected by the impact of favourable/ unfavourable shocks than other capital flows like foreign direct investment (FDI) and official development aid (ODA).

Regarding *the allocation of remittances* those for consumption are more stable than those for investment, because of the dependency on remittances as a source of income. Remittances are more stable than portfolio flows because of a stronger propensity to invest in home country (similar to the home bias in investment).

The dynamics of remittances (decline and volatility) is always smaller than other capital flows with a smaller sensitivity to investment climate.

Cross country comparisons of remittance flows are based on the following *key indicators*: corruption (ICRG index of the International Corruption Research Group), inequality (Gini coefficient), financial development (M2/GDP), openness (trade/GDP), domestic debt (debt/GDP) and country risk (institutional investor rating).

3.2. *Stability, cyclicity and sustainability*

Stability could be tested through the evidence of altruistic motives behind the decision to remit (the negative correlation of remittances with wage in the home country or the negative correlation between transfers and real GDP – countercyclical; the positive correlation between remittances and the income- implied willingness to share).

Cyclicity is represented by the correlation between the cyclical components of net capital flows into a country and its output. The migration-remittances literature has borrowed the concept of cyclicity for depicting the relationship between the cyclical components of remittances and recipient countries' level of GDP growth. Remittances are countercyclical/ procyclical when the correlation between their cyclical components and output is negative/ positive, in other words, the economy would borrow from/ lend abroad in bad times (remittances in/ out) and would lend/ borrow in good times (remittances out/ in). They are acyclical when the above correlation is not statistically significant (the pattern of international borrowing/ lending is not systematically related to the recipient country's business cycle).

The reason for this debate related to the possibility of using future potential remittances as collateral for international loans in critical periods (economic downturn) in order to overcome liquidity constraints. It is difficult to generalize the behaviour (procyclical/ countercyclical) to all countries/ or in a definitive way because:

- remittances when the recipient country suffers from a macroeconomic shock;
- increase in the migration flows;
- compensatory remittances;
- the passage of time may change the cyclical properties of remittances;
- the average level of remittances on which the recipient country can count is very important.

In the analysis of cyclicity is necessary to include the decision to remit. Depending on the prevalence of consumption smoothing (countercyclical, in the sense that remittances could compensate poor economic performance) or portfolio/investment motives the literature is divided in two branches.

If remittances move countercyclical with the output in the migrants' country the cycle in home/ host country may move in synchrony; this make difficult for migrants to help their families.

The cyclicity can be tested by using correlations between the cyclical components of remittances and GDP. The trend within each series needs to be removed to identify stylized facts of business cycles and analyze cyclical nature of remittance receipts. Detrending each series by removing the estimated trend makes it possible to separate fluctuations (cyclical components) around the trend; this permits the examination of the statistical properties of the comovements of deviations of output and real remittances from the trend. When trends are properly filtered out (from real remittances and output series), the remaining cyclical components are stationary (with zero mean for each variable). The identification of cyclical characteristics of remittances can be calculated by using the correlations between the cyclical components of respective series. Procyclicality/ countercyclicality of remittances represent a tendency of remittances to move outside its trend; in the absence of such a tendency, remittances and output are acyclical.

The modern literature should try to address if more developed financial systems are associated with more or less procyclicality. The result suggests that remittances are more procyclical in countries with less developed financial sectors and more countercyclical in countries with deeper financial systems.

Sustainability implies the relationship between abroad duration and the level of remittances that migrants sent back home. This remittances' classical feature is related to the diminution of the remittances transferred to the home country that would manifest typically after five years.

The modern literature underlines the fact that the motives of remitting (altruistic or self- interested) are not conditional. It is also possible an investment scenario, in which the pure self interested motivations change the intention to remit (the brain circulation). If altruistic reasons are present the ties with the home country can become less stringent. In the case of the informal contract between migrant and the family left (enlightened self interested motives) the negative relationship holds.

A critical moment towards the negative relationship between the time spent abroad and the intention to remit, is the change in the legal status of the migrant or the acquisition of a robust labour contract. It is possible to perform the nexus between the number of permanent visa issued by

a country of destination and the change of amount in remittances in the respective countries of origin. There is a negative coefficient if the lack of sustainability holds.

Another branch of the literature is dedicated to the implications of brain drain. Skilled migrants tend to stay longer in the host country and are likely to family reunifications. In this case where the reunification effect is stronger than the wage effect, there is an inverse relationship between the duration and the intention to remit. In this case there is a contradiction regarding the negative sustainability associated with a steady increase of the aggregate remittances.

4. The perspectives of micro approach in the analysis of remittances

The quantitative analysis should be carried out in two stages: **a)** the modelling of the likelihood of sending/receiving remittances; **b)** the analysis of the variation in amounts exchanged. The studies that have made in this approach find that each independent variable has the same effect in both situations. In this case, if the intention to return is associated with a higher likelihood of remitting, it tends also to be associated with higher amounts.

4.1. Remittances and micro level decisions

In the literature the main factors which affect migrant's decisions are:

a) the demographic group of factors - should include the following variables: age, gender, marital status, family size, location of family members;

b) the cultural group of factors - variables: level of education, language skills, degree of integration in the host country, the role of the social networks;

c) the pure economic group of factors - employment (fixed or open end contract), level of income of the household, needs transfers, host and home country income risk;

d) the pure migration group of factors components - that include duration abroad, the nature (exogenous/ endogenous) of the migration

decision, legislation (regarding family reunion, procedure for obtaining the legal status and the state of naturalization);

e) the macro components - interest rate differential, the level of inflation, the financial spread, the black market premium, exchange rates, national policies implemented as incentive schemes, political stability.

The significance of these factors and their sophisticated mixing depends on different assumptions/ strategies (pure altruism, self interested motives, loan repayment, and insurance motives). Because of the complexity of mechanisms and the complicate inter relations it is difficult to propose a general explanation for the mechanisms of micro level variation on remittances. This analysis should be based on the study of the influences on the possible remittance flows between different types of sender/ receiver relations and in this case the sensitivity analysis should consider the following elements:

a) potential sender environment - individual characteristics (Clark, 2007):

- *income*-affects the capacity to remit and a positive effect is plausible but is limited to a critical survival level and is influenced by the pressure to support family;
- *education*-does not have consistent effects;
- *the legal status of migrants*- has inconsistent effects excepting the insecure migrants or the migrants in critical temporary situations;
- *gender, marital status and age*-is always statistically significant (men are more likely to remit larger amounts); the flows tend also to increase with the age of migrants;
- ethnicity and national origin;
- household assets;
- the effect of environment- different propensities to remit;
- social interaction effects;
- self selection (unmeasured wealth differences).

b) potential receiver environment (Massey, 1992; Funkhouser, 1995; Lerch, Wanner, 2006):

- *household income* - different effects but disparities could reflect methodological differences (total household income vs. income per adult equivalent);

- *receiver perception* of their own financial situation influences the remittances (Hendrik van Dalen, 2005);
- *income fluctuations/ negative income shocks* – in the case when remittances are a part of a coinsurance arrangement;
- *household assets* (Osili, 2007);
- *geographical location* of receivers; *rural vs. urban* communities.

c) Other potential receivers

- at household level *the families of the husband and wife* are also potential receivers - potential remittance exchanges are in this case more complex. Migrants to high income countries remit also to relatives that they do not have an intrinsic kinship-based obligation to support (Carling, 2008);
- complex migration trajectories- may necessitate support to relatives outside (Akuei, 2005 - in the case study of Sudanese refugee in California who supports relatives in 7 locations across Africa);
- the flows are influenced by the number and importance of other potential recipients.

d) Other potential senders

- reverse remittances - inverse relationship between remittances and the number of emigrants from the same household (Gubert, 2002; Konica, Filer, 2005);
- the inheritance competition - migrants remit more in order to maintain favours with their family (Lucas, Stark, 1995);
- *remittances from rural- urban migrants* (Hoddinott, 1994);

e) the sender- receiver relationships (including family migration history)

- *family migration history*;
- *demographic and kinship variables*- could reflect different stages in the family migration history;
- *the balance of the basic characteristics of households at origin and destination* – this reflect different stages in the long term process of family migration;
- *gender and conjugal relation status*;
- *the mechanisms of intergenerational transfers* (Cox, 1998);
- *future migration plans* – migrants that intend to return are more likely to remit with larger amounts (Merkle, Zimmermann, 1992,

Brown, 1997, Cai, 2003) and this effect is stronger for near future returns (Brown, 1997); the increase in remittances in preparation of return depend on how the flows are conceptualized/measured;

- *investments through intra - family transfers, personal investments* (Carling, 2008);
- *migrants who visit/ or receive visitors from their community* – are more likely to remit because this reflect a sustained attachment and this mobility gives migrants a self interested incentive to invest in social relations at home (Amery, Anderson, 1995);
- *past economic exchanges* - are potentially important aspects of sender- receiver relations (loans that generate repayment in the form of remittances, informal insurance arrangements in which remittances may constitute premiums/ pay-outs) (Brown, 1997, Gubert, 2002);
- *financial services offered within migrant networks at destination* (different from remittances).

f) Other critical elements

- *sender's assets in the community of origin*- the importance of ownership of assets (houses, self- insurance) is given by:
- the endogenous mechanism in relation to receivers' household assets;
- assets require maintenance costs funded by remittances (the link between remittances and children is also included in maintenance of assets);
- ownership of assets – that reflect a sustained psychological attachment to the place of origin, strongly associated with remittance sending.
- *remittance corridor for specific pairs of countries* - different costs and facilities;
- the balance costs- quality of services;
- price level ratios between countries (different purchasing power of earnings).

Remittances increase with migrant's income and the degree of altruism, but it decrease with the recipient's income. The main testable implications are related to the economic and demographic components:

- remittances increase with income;
- transfers cannot increase with the recipient's income;
- the sustainability of remittances are negatively related to the presence of family;
- countercyclicality is important and should be included.

Sustainability should hold as long as the migrant stays abroad but then it should drop. The amount of transfers should increase with the level and the quality of service to be offered, the migrant's income, but should neutrally react to an exogenous increase in the recipient's income.

Pure altruism and self interest are hypothetical particular situations in describing the magnitude and volatility of remittances. In intermediate patterns (tempered altruism or enlightened interest) remittances are a part of intertemporal, mutually beneficial contractual arrangement between migrant and home and are based on a the endogenous nature of the remitting decisions; the arrangements between the migrant and the family; the relation investment- risk (loan repayment model vs. insurance contract). The testable implications in the *loan repayment model* are:

- the positive relation between remittances' sensitivity and migrant's income, education and the distance to home;
- the adverse short run shocks in recipient economy are positively related to the flows of remittances; the relation with long run income is controversial;
- higher unemployment at home, increasing the value of education, should increase the flows of remittances.

In the *implicit coinsurance model* there are introduced two assumptions: they imply either being insured from the income risk in the country of destination or household insurance in the home country. Remittances for insurance motives are more likely when income at origin is more volatile, meaning that they should be sent on a more irregular basis, with high volatility and instability.

The *insurance* and the *altruistic models* share similar predictions with the respect to the sign of the effects of income levels on the amount remitted, but the difference is at the level of predicted timing of remittances.

There is a mixture of factors over time and space that contribute to remittances. There is heterogeneity of individuals in their motivation but there is a constant presence of altruistic components behind the migrant's decision to send money back home.

4.2. Time patterns and time related variables in the dynamics of remittances

The dynamics is very different because there are different demographic processes, different types of transfers and there is a specificity of target levels (repayment of migration costs - viewed as a loan, repayment of education costs). The patterns of individual remittances depend on the changes and family movements, capacity and willingness to remit, the long term sustainability and the time frame related to the intention to stay abroad.

In the remittance decay hypothesis the results of empirical studies are disparate. The dynamics depends on the specific migratory and social context and there is no reason to expect a quasi-uniform mechanism. With remittance decay, the results reflect different theoretical and methodological approaches.

The dynamics of remittances is not a linear one. In the literature (Lucas, Stark, 1985; Amery, Anderson, 1995; Cai, 2003; Craciun, 2006) the authors proposed an inverted U-curve argued by the fact that the social interactions with the community of origin are compensate by an increase in available resources. In this case, the remitter's profile is linked to the long term, well established, with stable income characteristics. The dynamics depends on the process through which migration separates/reunites the family and the initial trans-national structure. Other authors found that the separation/ co-residence of close family members do not affect remittances (Brown, 1998; Grieco, 2003). The significance and the differences between the effects of period of entry and length of residence is found by Amuendo - Dorantes, Pozo (2006). In this study, the declining path of Mexicans remittances can be explained by the progressively lower levels of risk that migrants experience as they become established on the US labour market.

The *static control for family structure* offers a more detailed picture of remittances dynamics in the family migration process. The household remittances primarily depend on *the length of the interval between the arrival of the first and last migrant* (Grieco, 2003). In this study, the optimal remittances correspond for an interval about 10-15 years and this indicates a typical robust established household in reunification.

In multivariate studies with adequate control variables, was demonstrating that *selection effects* play important roles. When data base is done among remittance receivers, there is a majority of households-

receivers based on migrants who left 10-20 years ago, based on those who emigrated around the same time. Even when transnational kinship ties persist, respondents at home may be more likely to report information about long term remitters.

Selection mechanism (Menjivar, 1998) suggests that less successful migrants intend to return at home, because they fail to remit. Other authors (King, 2002; Carling, 2004) consider that the effects of failure and motivations for return make very difficult a generalization about selection mechanisms.

Return migration has independent effects in the sense that migrants who intend to return are more likely to remit (with larger amounts) than permanent migrants.

In conclusion time patterns are influenced by the following factors: the movements at family level architecture, the capacity and willingness to remit (the inverted U shape), the persistence of transnational family ties (that sustain the long term sending), and the migrant's strategy in the sense of the intention to return.

5. A framework for the analysis of altruistic versus investment motives for remitting

5.1. The analysis of variables used in the model

The rate of return differential is represented by the real short-term deposit rate differential between countries and reflects both risk perceptions and expected exchange rate movements taking into account inflation. A larger real interest rate differential should attract more remittance inflows. If market expectations of exchange rate appreciation dominates the effect of the risk profile, the effect of the interest rate differential on remittance flows could be negative (Romania, 2008-2009). *GDP per capita in Euro at purchasing power parities* (PPP) or *GDP at nominal exchange rates* could be used as a proxy for the income differential between countries. It accounts for non-tradable, thereby avoiding inflating the income gap and it captures the fact that the migrant's decision is based on the goods and services that the transferred amount of money can buy for his family at home. The income differential may also account for investment motives, assuming that emerging countries should grow faster and therefore offer higher returns. This effect could be fully captured by the interest rate

differential. Data on bilateral migrant stocks for each country pair are available on OECD database. Variations over time should not be a reason for concern, as the pattern of these data suggests that the migrant stock does not change dramatically over time of normality. OECD database also contains information about the *skill levels of migrants*. Since income is strongly correlated with human capital, this fact suggests a *negative relationship between remittances and the fraction of unskilled people* in the total stock of migrants. An alternative measure is represented by the fraction of medium skilled migrants.

The effect of *income inequality* on average remittances depends on the shares of skilled and unskilled migrants and the strength of the selection bias.

Remittance cost varies widely between countries/institutions involved in the transfer, reflecting the level of involvement of the banking industry Orozco (2002). Neither costs of sending money through different institutions nor the precise channels of transfers are known. Wahba (2005) uses *bank deposits per GDP* in the receiving countries as a *proxy for financial development*. Other authors use a measure of *financial linkage between the pair of countries*.

A natural proxy for the *return differential on non-financial assets* (real estate) would be the *difference in house prices*, as real estate investment is an important reason for remitting in Romania (2004-2007). Existing data on residential property prices do not allow price level comparison between countries and the prices are not adjusted for quality indicators.

5.2. The presentation of the model of the bilateral remittance flows

In the first period, the migrant born in the home country i , and working in the host country j maximizes the utility function by allocating the income between costly transfers, own consumption and savings (financial/non-financial assets).

The problem could be decomposed in two steps. In the first step, earnings are allocated to consumption, savings and transfers to family.

$$\text{Max}_{C_1^i, C_2^i, X^j, S \geq 0} \dots U_{ij} = \{u(C_1^i) + \beta u(C_2^i) + \gamma u(C_1^j)\}, \quad (1)$$

where $\beta \in (0,1]$ is the migrant's time discount rate, $\gamma \in (0,1]$ the degree of altruism towards her family; C^i migrant's consumption in country i at

time $t (t=1, 2)$; C_1^j denotes the migrant's family's consumption in country j and is defined as:

$$C_1^j = I^j + X^{ij},$$

where I^j is the family income in country j and X^{ij} the amount that the migrant working in country i sends to his family.

The migrant solves problem (1) subject to the following resource constraints:

$$C_1^i + \tau X^{ij} + S = I^i, \quad (2)$$

$$C_2^i = S \times R \quad (3)$$

where s is the amount saved out of the current income I^i that the migrant earns in country i and R is the overall portfolio return. The constant $\tau > 1$ can be thought of as a transfer cost. The sender pays T dollars for each dollar received by the beneficiary.

Assuming logarithmic utility and denoting $I'_d = I' - S$ as the income available for own consumption and family transfers, the optimization problem is:

$$L = \ln(C_1^i) + \beta \ln(C_2^i) + \gamma \ln(I^j + X^{ij}) + \lambda (I_d^i - C_1^i - \tau X^{ij}) + \mu (S \times R - C_2^i)$$

$$(C_1^i) \frac{1}{I_d^i - \tau X^{ij}} - \lambda \leq 0, \dots C_1^i \geq 0, \text{ with complementary slackness,}$$

$$(X^{ij}) \frac{\gamma}{I^j + X^{ij}} - \tau \lambda \leq 0, X^{ij} \geq 0, \text{ with complementary slackness.}$$

$$\text{Logarithmic utility assures an interior solution for } C_1^i, \text{ so } \lambda = \frac{1}{I_d^i - \tau X^{ij}}.$$

The solution for X^{ij} is interior if the degree of altruism is sufficiently strong: $\gamma > \frac{\tau I^j}{I_d^i}$.

Assuming family transfers different from zero, we can express C_1^i and X^{ij} as functions of I_d^i .

$$X^{ij} = \frac{\gamma I_d^i - \tau I^j}{\tau(1+\gamma)} = \frac{\gamma(I^i - S) - \tau I^j}{\tau(1+\gamma)}, \quad (4)$$

$$C_1^i = I_d^i \left(1 - \frac{\gamma}{\tau(1+\gamma)} \right) + \frac{\tau I^j}{\tau(1+\gamma)} = (I^i - S) \left(1 - \frac{\gamma}{\tau(1+\gamma)} \right) + \frac{\tau I^j}{\tau(1+\gamma)}. \quad (5)$$

Using (4) and (5) in (1) we get the indirect utility as a function of S :

$$\text{Max}_{S \geq 0} U_{ij} = \ln \left\{ (I^i - S) [\tau(1 + \gamma) - \gamma] + \tau I^j \right\} + \beta \ln(S) + \gamma \ln [I^j \tau \gamma + \gamma (I^i - S)].$$

The optimal savings S^* is the solution of the following first-order condition:

$$\frac{\tau(1 + \gamma) - \gamma}{(I^i - S)(\tau(1 + \gamma) - \gamma) + \tau I^j} + \frac{\gamma}{I^j \tau \gamma + \gamma (I^i - S)} = \frac{\beta}{S}. \quad (6)$$

The left hand side of (6) is an increasing function of S and the right-hand side is decreasing in S . Therefore, equation (6) has a unique solution $S^* \in (0, I^i)$.

The second step of the optimization problem involves the decision regarding the portfolio allocation by choosing the shares invested in the home and the host country.

That is, given the optimal savings amount S^* and the exogenous rates of return on assets in both countries R^i and R^j , the agent chooses the asset mix A^i and A^j that maximizes the return of her portfolio. Formally,

$$\text{Max}_{A^i, A^j \geq 0} [A^i R^i + A^j R^j], \quad (7)$$

$$\text{subject to } A^i + A^j [1 + f(A^j)] = S^*, \quad (8)$$

where $f(x) = x^\alpha$, $\alpha \in (0, 1)$ represents the cost of investing in home country assets. This cost is intended to capture not only the monetary costs (fees and charges of the financial institutions in the case of investment in financial assets) but also risks associated with imperfect monitoring or generally idiosyncratic risks not included in the return. For simplicity, the budget constraints above are expressed in terms of consumption goods in the sending country i .

The first-order conditions with respect to A^i and A^j are:

$$(A^i) R^i - \lambda \leq 0, A^i \geq 0 \text{ with complementary slackness;}$$

$$(A^j) R^j - \lambda (1 - (1 + \alpha)(A^j)^\alpha) \leq 0, A^j \geq 0 \text{ with complementary slackness.}$$

It can be seen that $A^j = 0$ when $R^i = \lambda > R^j$ and $A^i = 0$ when

$$R^i < \frac{R^j}{1 + (1 + \alpha)(S^*)^\alpha}.$$

The interior solutions for A^i and A^j are:

$$A^i = \left(\frac{R^i}{R^i(1+\alpha)} \right)^{1/\alpha} \quad \text{and} \quad A^j = S^* - \left(\frac{R^j}{R^j(1+\alpha)} \right)^{\frac{1+\alpha}{\alpha}}. \quad (9)$$

Consequently, the total amount of remittances the representative migrant sends from country i to country j is:

$$REM_{ij} = X^{ij} + A^j = X^{ij} \left(I^i, \bar{I}^j, \bar{\tau} \right) + A^j \left(R^j, \bar{R}^j \right). \quad (10)$$

Based on the above equilibrium relationship, we estimate the following remittance function:

$$REM_{ijt} = f(I_t^i - I_t^j, R_t^i - R_t^j, \tau), \quad (11)$$

where REM are remittances per migrant, subscripts i and j indicate the receiving and sending country respectively and t is a time subscript. The first argument denotes the difference between real incomes of the migrant and her family back home, according to (4). The second terms denote the rate of return differential for financial and possibly non-financial assets (real-estate) as given by the linear version of (9). The effect of the income differential on the remittance flow will capture the altruistic motive to remit, while the effect of the two rates of return reflects the importance of self-interest behind the decision to remit. The final term is the cost of sending remittances between two countries.

5.3. Conclusions regarding the remittance motivation

The model based on bilateral remittance flows, incorporates additional information about migrants' skill level, income inequality and the share of the informal economy in the sending country and allows us to consider various aspects of remittances such the GDP differences between two countries, the difference in returns to financial, and costs of remittances, proxies by the size of the financial network between two countries.

The GDP differential increases remittances, and this an indication that *altruism is important for remitting*. By contrast, *the interest rate differential* is significant only in special situations, and the investment motivation is not strong. The conclusion is that migrants remit for altruistic reasons, not for investment purposes.

Average remittances per migrant increase with the migrants' skill level and earning inequality in the host country is more likely to lower average remittances (but this effect may also be the opposite if a narrower measure of low-skilled workers is used). The share of the informal economy tends to lower the average remittances per migrant. Finally, it is clear that lower remittance costs tend to raise remittance flows.

6. A framework for the design of policy interventions

Because of the complexity of migration and remittances, is very difficult to select the relevant policy options. This options range from border controls and taxes on remittances to active support of migrants abroad and the creation of incentives for direct investments. While many of policy options attempt to achieve diametrically opposite results, other options appear to work synergic. This observation regarding this complexity means that the design of a policy package dealing with migration and remittances should be based on a clear framework. First candidate for such a framework is for simplicity the decision tree presented in the Figure 3.

The next step-by-step analysis based on this decision tree aims to identify a set of policy measures that are compatible with the motives that create remittance flows in the first place, addresses the deep issues related to migration and remittances and can be easily implemented (with low resources and within a reasonable time frame).

6.1. An introduction in migration management policies

The first task is to determine the overall stance and attitude towards migration. The basic options, encouragement vs. discouragement of migration, are incompatible but a mixed option can potentially be feasible. The decision in favour of encouraging or discouraging migration is based on the answers to the question regarding the net impact on the welfare (expressed by GNP per capita) of the sending nation. The welfare impact of migration and remittances (ΔW) could be decomposed in short-term level effects (ΔW_0) and a discounted cumulated effect on future welfare (ΔW_t).

$$\Delta W = \Delta W_0 + \sum_{t=1}^T \delta^t \Delta W_t$$

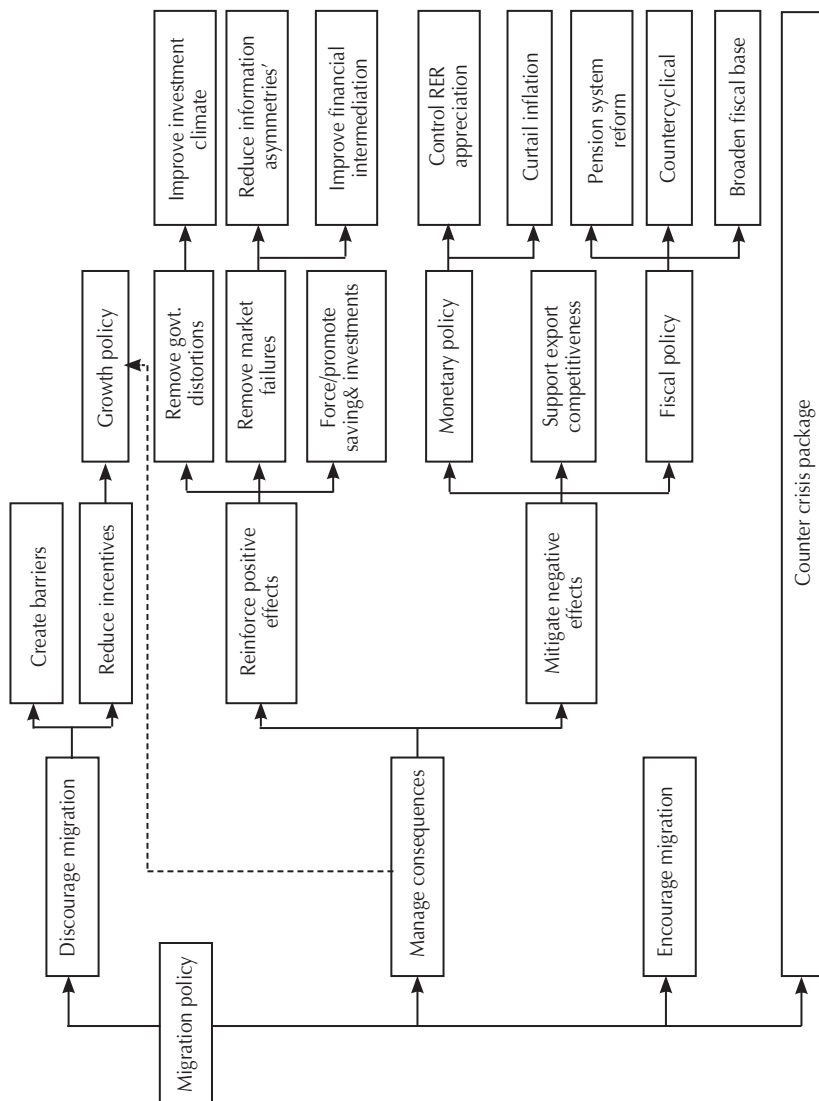


Figure 3. A possible policy decision tree for addressing migration and remittances

At reference time we only observe the short-run effects. The magnitude of the growth effect critically depends on the discount factor $\delta < 1$ and the duration T of these growth effects. Migration and remittances have a positive welfare impact on the current generation (reduced poverty and unemployment, increased disposable incomes, multiplier effects of increased aggregate demand on short-term growth). The cross-country studies on the role of remittances on economic growth do not allow us to unambiguously sign ΔW_t , which opens space for debate regarding the overall welfare impact. Even if we were to find that the growth impact of migration and remittances is negative, signing the overall impact on welfare critically depends on two factors. If migration/remittances are expected to taper off soon (low T) or if long-term negative effects are sufficiently discounted (low δ), the short-term positive level effects may overcome the negative consequences on growth. It is clear that a high discount factor is not necessarily the result of self-interested politicians and could constitute the optimal response given the uncertain political and economic environment that the country faces. Given that we cannot determine the sign of the overall impact of migration and remittances, the encouragement/ discouragement of migration cannot be argued on welfare-improvement grounds. There are also feasibility considerations that speak against active attempts to manipulate migration flows.

Remittances are welfare improving for those staying at home, but an active encouragement of migration is not a sustainable, or a politically feasible strategy. There are also important economies of scale associated with public goods, which provide additional rationale against outright promotion of migration.

An active discouragement policy by imposition of barriers will not remove the incentives that motivate migration and intermediaries will likely become increasingly criminalized, while repatriation of remittances will shift completely into the underground economy.

The policies for reducing incentives to migrate are achieved by taxing remittances but these can easily shift into informal channels and the efficiency is very low while the positive effects of remittances are severely decreased. In this case the only effective way for decreasing incentives to migrate is by lowering incentives to migrate by removing financial markets imperfections (this would lower the incentive to migrate in order to accumulate the capital required to finance investments into physical and human capital), by increasing the efficiency of insurance markets and of the social security system (lowering the use of migration

as a direct solution for risk diversification) and by increasing economic growth and reduce poverty (this reduce the wage differentials as a main incentive to migrate).

In conclusion the strategies to optimize the short-term welfare effects and tip the balance of welfare consequences towards the positive end represent the only option and can be achieved either by mixing the reinforcing positive effects with the mitigation of the negatives.

6.2. Emerging solutions to reinforce the positive effects of remittances

The positive impact on investment and savings is the main channel through which remittances affect growth. From the perspective of development agencies, the largest appeal of remittances is provided by the fact that only a relatively small fraction of remittances is saved or invested directly. The channels through which this positive effect can be reinforced are mobilization of remittances, removal of government distortions, and removal of market failures.

In their review, Johnson, Sedaca (2004) present the various types of remittance and diaspora - focused programs through various detailed case studies. These programs are initiated by private banks, non-banking financial institutions (microfinance projects and credit unions) and international organizations. The literature was not focused also on government programs. For government authorities, collective remittances represent a vital supplement to their budgets and a simple way to support public services. Governments should be interested in productive activities that can raise income and lower unemployment. In a desire to increase the use and impact of collective remittances some government authorities have implemented different measures: incentives to attract greater flows of collective remittances, strategies to match collective remittance inflows with government funds.

Cuc, Lundback, Ruggiero (2005) present the mechanisms of government failures as the binding constraint in the path of the productive investment of remittances and they conclude that improvements in the investment climate is the only way to effectively promote higher investments. However, even if the constraint lies in the realm of investment climate declaring that the poor investment climate is the binding constraint is equivalent to saying that everything binds, since the investment climate includes a variety of

different topics: taxation, labour regulation, infrastructure, corruption, property rights, contract enforcement, etc. These are completely different issues, requiring different policy recommendations. In addition, it is hard to argue that these policy recommendations address problems that are specific to remittances.

There are different potential market failures that policy can address, including imperfections in the financial market (Giuliano, Ruiz-Arranz, 2005) and information asymmetries between the migrant and recipients (Chami, 2003). Inefficiencies in the financial system can reduce the positive impact of remittances and poor competition in the financial sector can result in high costs for transferring remittances (this reduces the disposable income from remittances: both the short run multiplier effects of remittances and also the funds available for productive activities) and large spreads (which preclude the channelling of remittances deposited with banks into the real sector). The development of the financial system becomes a critical component of an economic strategy that aims at integrating remittances into the development mix.

6.3. Solutions to reduce the negative effects of remittances

Because labour outflows and a remittances-caused Dutch disease dramatically reduce export competitiveness, this aspect should be of particular concern to the government of emerging economies. There are different solutions in which a country can mitigate the negative effects on competitiveness:

c1) sterilize the inflow of foreign currency to prevent appreciation of the currency. This will eliminate the remittance-caused Dutch disease, but will not be able to compensate for wage increases due to the outflow of labour. On the negative side, monetary policy is an economy-wide lever, which does not only affect the exports. The interest is to design a policy located as close as possible to the cause.

c2) implement an industrial policy, capable to compensate exporters for competitiveness losses due to increased wages and real exchange appreciation. Industrial policy has proven to be an effective tool in the case of South-East Asian economies (Rodrik, 1994). However, it has proven quite disastrous in many other parts of the world. In the case of commodity-based Dutch diseases, many countries implement stabilization funds. Oil exporters are a prime example in this respect. Norway was

one of the first countries to introduce these funds, and more recently stabilization funds have been created in Russia and Kazakhstan. These funds are earmarked to be spent in the event that the export price of a commodity drops or the natural resource is exhausted. It is not immediately clear how such a scheme could be applied to remittances-as it was argued earlier, taxing remittances is not feasible.

7. Conclusions and proposals

It is a special interest in the study of remittances in a new framework of EU labour markets after post-enlargement migration. The literature includes analyses different types of situations through country studies and they conclude that free migration is a solution rather than a foe for labour market woes and cash strapped social security systems in the EU.

The definitions of migration and remittances differ and cross country comparisons are difficult. The distinctions between foreign born and foreign citizens and between temporary and permanent migrants are often ignored in statistics; illegal migration is also difficult to estimate. In fact, much of the observed migration flows after EU enlargement may have been the legalization of people originating from the new EU-10/2004 and EU2/2007 states who already lived in the old EU-15 member states.

The analysis of the remittances in the new picture of post enlargement migration effects is a very difficult task and the simple use of macroeconomic determinants is replaced by the use of aggregate flows as a sum of individual transfers. A review of the literature (Hagen-Zanker, Siegel, 2007) based on 17 empirical studies found that the most commonly variables related to the macroeconomic performances at either end of remittance flow should include exchange rate and interest rate differential in their dynamics. Although the number of potential remitters is crucial for aggregate flows, only few studies include demographic variables.

The macroeconomic environment in country of residence and the general wage level have a strong positive impact on remittances. Indeed, if migrants household situation improve, they can remit more, but the models that analyze the role of macroeconomic performances in the home country are not conclusive because of the opposing effects: a strong economy can encourage remittances for investment purposes or with the view to return but altruistic remitters may respond to recessions by increasing the transfers to their relatives

The policy relevance in the context of post-enlargement migration effects is analyzed in several overlapping areas:

- the tradition and the geopolitics of migration (there are countries heavily dependent on remittances - Moldova, Bosnia, Kosovo, EU countries where remittance inflows are large in absolute value- Portugal, Spain, Greece with mixed effects on intra European remittances;
- remittances could be relevant for *overall migration policies management* (a new approach to migration related policy based on the fact that previously separate policy realms should be seen in conjunction- these include the drain brain competition, the prevention of unwanted migration and developments in migrant's countries of origin);
- there are new political steps: bilaterally mechanisms, mobility partnerships;
- remittances should be analyzed in correlation with regulatory and law enforcement tasks:
 - the persistent problems: national regulatory regimes, imperfections in international banking networks, exclusivity agreements, oligopoly conditions (Carling, 2007);
 - the importance of reducing transfer costs and the integration of transfer mechanisms together with other financial service packages;
 - concerns about money laundering and financing of terrorism;
 - European Services Directive (2007) facilities;
- remittances play a central role in relation to immigrant integration:
 - the scepticism of majority societies about migrants' loyalty;
 - contrary to popular belief, some authors demonstrate an inverse relationship between commitment to the country of settlement and sustained involvement in the home country.

A renewed research agenda on the determinants of remittances in the post enlargement era should offer better explanations for differences in remittance levels, the dynamics and the volatility by taking into account the following aspects:

- the specific mechanisms of remittances: transfer costs, implications for poverty alleviation, other development impact;
- studies of determinants: the issue of altruism versus self - interest;

- for a policy perspective is necessary a critical analysis of the actual variation.

For this type of analysis, the specific determinants are more important in their own right and not just as indicators of the motivation to remit. The indicators should be better equipped to influence and to predict the magnitude and the dynamics of remittances. In this case, for a better prediction there is a critical need to adopt new but unified concepts and methodologies.

Sustainability and cyclicity are still controversial issues. Sustainability is fundamental from an endogenous point of view. In terms of dynamic convergence if sustainability holds, emerging countries could redeem fostering riskier and the more productive investments, relaxing the liquidity constraints with procyclical remittances. Cyclicity is even more complicated to deal with, because it is strongly related to the motives why people remit. Countercyclicity, acyclicity or procyclicity should have distinct but synergic results in terms of development. Procyclicity can boost investments overcoming liquidity constraints. Acyclicity can prevent current account crises and countercyclicity work as a macro stabilizer.

The main conclusions are:

- the analysis of the determinants of remittances should develop new ways of accommodating variation in a post enlargement migration framework, with a better integration of micro level information (migration projects, potential remitters) and a careful integration of demographic and other non- economic determinants;
- the GDP differential (host/ home) increases average flows of remittances;
- the indication that altruism is important for remitting, while the investment motive to remit is present only in short time periods;
- the average remittances per migrant (ARPM) increases with the migrants' skill level;
- the share of the informal economy tends to lower the average remittances per migrant;
- lower remittance costs tend to raise remittance flows if countries are sufficiently far apart and this aspect is important in the analysis of the efforts to lower remittance costs;
- there is not a clear evidence of the earning inequality in the host country on raising average remittances.

Future work and specific remittances policies need reliable data to deal with. The future work should be more focused on country analyses because the change in the cyclical components of GDP, the amount of remittances and other macro variables like financial depth, level of corruption, openness are country specific. Cyclical properties may change in time and the migrant's remitting mechanisms can be also influenced by national migration policies.

The focus will be on the following goals: improving the definition of migrant' remittances so that national central banks and statistical offices should not have any objections; providing banking systems and specific services (fees, minimum balances, exchange rate spreads) on a micro level scale, better adapted to the new capabilities of transfers; estimations for the irregular flows.

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THE MAKING OF A CIVIC CENTER

Three case studies: Brăila, Pitești, Sibiu

Introduction

The 'civic center' notion, in its literal translations in English and Latin languages, does not enjoy a precise and commonly accepted meaning. It could designate a community center at neighborhood level, as it is the case in Barcelona, a convention hall for bigger crowds and even indoor sports, as it is the case in some US cities, and it can be as well a public place with municipal and central institutions, inspired by the ancient ideas of Agora and Forum. At the beginning of the 20th century, in USA, the City Beautiful movement developed the concept of 'civic center' as programmatic shaping of a common central space for urban dwellers, dominated by buildings with authority connotations (Abercrombie; 1911) and the Encyclopedia Britannica refers only to this meaning when discussing the notion (15th ed.)

Also in Romanian language, the use of the 'civic center' notion is rather unstable. It could designate simply a larger area with administrative, cultural and other types of collective buildings (Sfințescu, 1930) an Agora-like intervention in small towns and villages (Cardaș, 1983; Constantinescu, 1989) or in large cities (Derer P. 1979). Recent scholarship on the matter (Ioan, 2003, 2005) seems to focus solely on this latter meaning. The legal vocabulary of the communist period, however, employs the 'civic center' notion for all categories of settlements and, during Ceaușescu times, the Agora-like program was used to redefine a great number of large cities, small townships and villages.

This article accepts the premise that the civic center program for departmental capital cities, in the logic of the 1968 administrative reform and consecutive acts, constitutes a distinct aspect of the wider remodeling operation conducted for settlements' centers, both from professional and political perspectives. This premise is validated mostly by the 1976

administrative process, when the systematization sketches for these capital cities were grouped together for the final state approval and all of them had areas marked on the synthesis plans as civic center or city center. Moreover, the program, as well as the spatial and functional relationships to be considered by the architects here are far more complex than for any other type of settlement (except for the national capital) and they include the distinct functions of departmental administration and departmental Party seat - grouped in one building - the immediately following levels of power under the central authority.

While looking at the process of conceiving and constructing civic centers, the aim of this study is to determine in what ways architects negotiated professional environments allowing a relative liberty and autonomous thinking in public stances, as well as to what extent were these possible.

Three case studies were selected, Brăila, Pitești and Sibiu. Each of them is representing a different pattern of historical development, evocative for an entire range of similar departmental capitals. Brăila stands for the 19th century pre-conceived geometrical cities along the Danube and from the Danube's plain. Its choice among these cities was appealing because of its specific radial-concentric structure, which guides a planner toward accepting a unique center, while the civic center manages to not contradict and neither subordinate to this logic. By exploiting the vicinity of the Danube and the city's zoning, it rather achieves a different vision on urban structure. Pitești stands mostly for the extra-Carpathian cities with a moderate historical relevance yet rapidly developing during communist times. As so it happened for most of these cities, the traditional fabric was replaced to a large extent by the communist intervention. Nevertheless, its civic center is considered a success even by a critic of the extensive demolishing it imposed. Sibiu is representative for many Transylvanian cities, with their historically constituted central squares, doubled/mirrored with civic centers during the massive development of the communist times (Sandu, 1980; Curinschi-Vorona, 1981). The choice of Sibiu was tempting especially because of its clearly defined historic core as well as because of its recognized cultural value.

The 1968 administrative reform

In interviews with architects, practitioners as well as involved in communist local administration, in books and articles dealing with the 'civic center' phenomenon, the administrative reform of 1968 is invoked as the first step in a wider political vision pursuing industrialization, a controlled expansion of cities and the institutionalization of an official vision on public life, which included the remodeling of the new departmental capitals' centers.

Surprisingly enough in this context, the declared focus of this administrative reform was first and foremost the rural world.¹ Romania in 1966 still had a preoccupying 61,8% of rural population, had more than 14,000 villages (grouped in more than 4200 'communes') versus only 184 cities and, despite previous intensive administrative patching, still had 32 out of its 150 administrative divisions (*raion*- district) overseen by rural centers.² Only one paragraph from these initial guidelines refers to the urban network, calling for the reinstatement of a series of pre-war administrative centers like Arad, Brăila, Piatra-Neamț, Sibiu, Târgoviște, Turnu Severin etc. as well as for more investments in historic towns like Făgăraș, Sighișoara and others.

This return of the Ceaușescu regime toward a pre-war situation could firstly be seen as a partial recognition of failing to propose a radically different vision on the territorial structuring than the medieval and bourgeois historical development had already achieved (Săgeată, 2006). This failure was though summarized only in a punctual critique brought to Ceaușescu's predecessor, Gheorghe Gheorghiu-Dej (1948-1965), critique more than explicitly formulated in the mentioned guidelines. Accordingly, the pre-1965 period could have created a too complicated bureaucratic chain and yearly improvised development policies having as result abrupt discrepancies in the country's social fabric.³

Also, there should be noted that, throughout the 1960s, Soviet planning academics and practitioners were debating on how to develop a pyramidal structure of cities, towns and villages, based on grouping and coordinating the development of settlements within a series of clusters (French, 1995). The Soviets were actually confronted with a similar problem as the Romanians, facing an overextended system of tiny villages and a reduced and imbalanced urban structure. In Romania, echoes of these debates appear occasionally in theoretical/ideological books and articles like those especially by Gustav Gusti (1964, 1969, 1970, 1974) but also by Dorel

Abraham (1975) and Mircea Possa (1978). The legal frame for regionally integrated studies will appear as early as 1960⁴ but it will be only in 1969 that it will be detailed for the systematic use of the professionals.⁵

As a first step inside this pyramidal type of vision, 24 cities became new departmental capitals, joining ranks with 15 previous regional capitals. Almost immediately, discussions began on a 20 years program of developing an important number of towns from existing larger villages. The first proposals appeared immediately in 1968, about 67 future towns⁶ out of which 49 were actually declared as such (Săgeată, 2006). In the 1970s the ambitions grew larger and at the 11th Congress of the Party (1974) there were talks about 350-400 new towns (Jurov, 1979). All these actions were clearly meant to create an evenly distributed urban network, dense enough to interlock the rural areas into a system of reciprocal dependencies.

Even if the general vision was never completed, the status change of all these cities will soon enough reflect in their population size, level of industrial investments as well as in their urban form.

The civic center

In 1969 a series of instructions⁷ for the planning activity were formulated by the soon-to-disappear state agency, C.S.C.A.S.⁸ For the case of the urban systematization sketches, a new approach was made obvious through the fact that these instructions required now openly a 'remodeling' of the cities' central areas, conducted in parallel with the 'sanitation'⁹ of the peripheral quarters. Previous instructions, from 1967, were only requiring 'community social-administrative centers' for villages.¹⁰

The publication of these 1969 instructions does not mark however a zero moment for the idea of remodeling city centers and nor does it either for the civic center program. In 1968, there were already more or less inspired projects accomplished or well underway for a significant number of central areas of important cities such as: Baia Mare, Galați, Iași, Piatra-Neamț, Pitești, Ploiești etc. Moreover, the debate starting in the 1920s, about the state's necessity to affirm its presence into the settlements of the newly enlarged Romania by organizing administrative centers, seems to have never stopped completely.

Since the beginning of the century, especially the extra-Carpathian commercial towns, in the principalities of Moldova and Wallachia, long-time under Ottoman sovereignty, were regarded as lacking clear

structuring principles (Cantacuzino, 1977; Sfințescu, 1933). In a very peculiar context, pre-war Romanian leading planners felt seduced by the grandiose visions of the US originate City Beautiful movement and started to debate an eventual civic center version for Bucharest. In the trail of the disputes concerning the capital, which focused much of the professionals' energies, secondary cities appeared sporadically on the drawing boards of the planners: Balcic, Bazargic (today Balchik and Dobrich in Bulgaria), Brașov, Constanța, Curtea de Argeș, Drăgășani, Oltenița, Pitești, Ploiești, Predeal, Sibiu etc. and during the war, the most affected ones by the 1940 earthquake: Bârlad, Panciu, Vaslui. Some of these cities' plans contained provisions for an administrative center (sometimes called 'civic center' and 'civic square') but almost none of them are built. After the war, members of the old architectural elite tried to maintain the subject in the public eye but with limited success.¹¹

For the regional capitals having strong affinities to the communist type of incipient industrialization, the first half of the communist period is characterized by a focus on creating and remodeling public squares: Baia Mare, Deva (mining), Ploiești (oil extraction), Galați (steel industry). Also Iași, considered the Romanian cultural capital, suffered such an intervention. However, the buildings surrounding public squares in these cities were mostly collective housing with ground floor shops and limited other amenities. Such designs appear now more like making didactical statements on how urban life was expected to look like – collective, modest and egalitarian – than like sheer power representation architecture.

It is here that the 1968 administrative reform and its consecutive acts instituted a significant change of attitude. In the 1950s the Party was still using the *raion* administrative division to get closer to the power basis.¹² Consequently, it was preoccupied to build in the *raional* centers some Party seats. The administrative centers receiving such investments were mostly small towns and villages.¹³ After 1968, also major cities received systematically new Party seats.

Through consecutive acts like the administrative reform, the request for remodeling city centers, resources allocation for Party seats and cultural houses in large cities,¹⁴ continuous visits and checking upon the progresses achieved in the construction process, through the Systematization Law (1974) which subordinated to the president's authority the systematization details of the city centers, the Ceaușescu regime set in motion an unstoppable system of will and power meant to inscribe the authority of the state in the urban form.

Brăila, Pitești, Sibiu, paths to relaying foundations

The Ceaușescu regime was indeed preoccupied with concentrating power, with preserving the Party's role as an avant-garde of the working class, with cultivating suspicion against bourgeois and 'deviationist' elements (Tismăneanu, 2005). Nevertheless, except for the case of Bucharest, the professional decision seems to have played a critical role in shaping the urban form. The civic centers from cities with such a different layout as Brăila, Pitești and Sibiu, indicate that with all the material constraints, ideological pressure and political unpredictable control, still the civic center program compelled professionals to relate actively to historical patterns of the city and work with the given means as to support logical and symbolical decisions about urban landscape.

The three mentioned cities have very different historical backgrounds. Brăila was constituted as the trade center for the Bărăgan plain, being its most advanced harbor on the Danube River on its path toward the sea. For centuries occupied by the Ottomans, the modern history of Brăila begins with its liberation by the Russian army and its transfer under the authority of Wallachia in 1829. Immediately, guided by the captain Rudolf Borroczyński of the Russian army, Brăila is systematized around a typical geometrical intervention of the neo-classical era (the urban salon of the central square focusing three structuring axes) very much following the end 18th century Russian tradition of new town building (Bater, 1980).

Until the end of the 19th century Brăila is one of the fastest expanding cities in the Romanian principalities (and later Romania) with a population increase of almost 5 times in seven decades. (Giurescu, 1968). This is also the period when the city expands with concentric boulevards. After WWI it stagnates. Nevertheless, now the Palace of the Agricultural Chamber (1923-29), in neo-Romanian style, is erected. Across the street from it, in the 1970s, the communist civic center will be placed.

There were doubts about the creation of the Brăila department as late as few weeks before the enactment of the administrative reform.¹⁵ The fact that only 30 km away from the traditional bourgeois Brăila there was the ever-competing, bigger, heavy-industrial city of Galați represented a problem. A workers' delegation from the machinery plant Progresul went and argued in front of the central authorities the necessity for a separate department of Brăila. Apparently, the fact that right in 1968 the city was celebrating its 600th anniversary from the first written mention played an important role in the discussions.¹⁶ While this victory satisfied the local

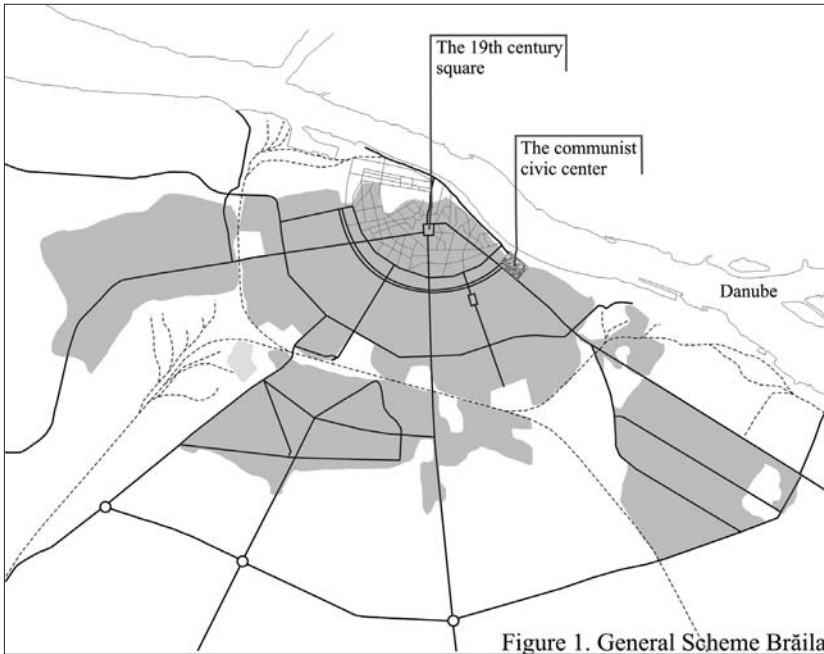


Figure 1. General Scheme Brăila

pride, at least from the point of view of the civic center investments it was just a halfway won battle. The main administrative building is quite cheaply built, the investments for completing the square with a House of Youth and a descending pathway toward the Danube came in very late in the 1980s and the House of Culture was never built. Even so, the chosen site for the civic center represents a very interesting solution, at the intersection between the main circular boulevard, bordering the historic core systematized by Borroczyń, and the traditional axis of development toward the city of Călărași. The created public space reinforces the pedestrian character of the boulevard, articulating it with a riverside promenade toward the previous center of the neo-classical age.

Pitești represents a completely opposite story. Nobody doubted its role as administrative seat, the civic center was constructed in a quasi-continuous thrust, and, unlike Brăila, the system of public spaces created by the communist insertion replaced to a large extent, instead of completing, the previous urban form.

A moderately important commercial town in the medieval period, Pitești starts to shape its modern urban life at the same period as Brăila, in the 1830s, but at a much slower pace. Various street openings, pavements, imposing alignments in housing construction, and sanitation improvements were achieved, but following no directing scheme. (Popa, Dicu, Voinescu, 1988). Throughout the 19th century and in the first part of the 20th, the city replaces continuously its built substance and renews the appearance of its buildings (Greceanu, 1982). The first major urban achievement of the modern times was the public garden, paralleled by the construction of a theatre and by the enlargement of the central commercial square adjacent to the oldest church in town, square replaced later by the communist civic center. Toward the end of the 19th century, the departmental administration will have a palace built in a dominant position relative to the public garden.

The 1925 administrative law required all Romanian cities to have a systematization plan ready in a 4 years delay. While the failure in achieving this goal was acknowledged consecutively in several following administrative laws requiring the same thing over and over, there were nevertheless some effects produced by it for Pitești. A topographical land registry appears in 1930, based on photogrammetric technique,¹⁷ and after countless hesitations, in 1939, the architects Kikero Constantinescu and Alexandru Zamfiropol were entrusted with elaborating the first systematization plan.

Unfortunately, the drawings of this first plan for Pitești seem to have been lost during the bombardments, though it remains unclear whether they were ever constituted in a complete scheme. Only blurred and scattered heliographic copies are to be found in the city hall folders.¹⁸ On one of these copies there is an indication on a possible location for the required civic center, in the square bordered by the city hall (now an art gallery), the Financial Administration (now the city hall), the theatre and the Judicial Court. This square seems to have been appropriated by the communist authorities as well, at least in a first instance. Pictures attest its use for political rallies. Moreover, among the first developed Pitești axes was Calea București which connected this square to the entrance in the city coming from Bucharest.

After 1948, the newly installed communist regime takes up immediate interest on organizing and developing Pitești. In 1953 and 1955, studies on Pitești were carried through by the Bucharest institute specialized in systematizing cities and they developed into a full systematization sketch

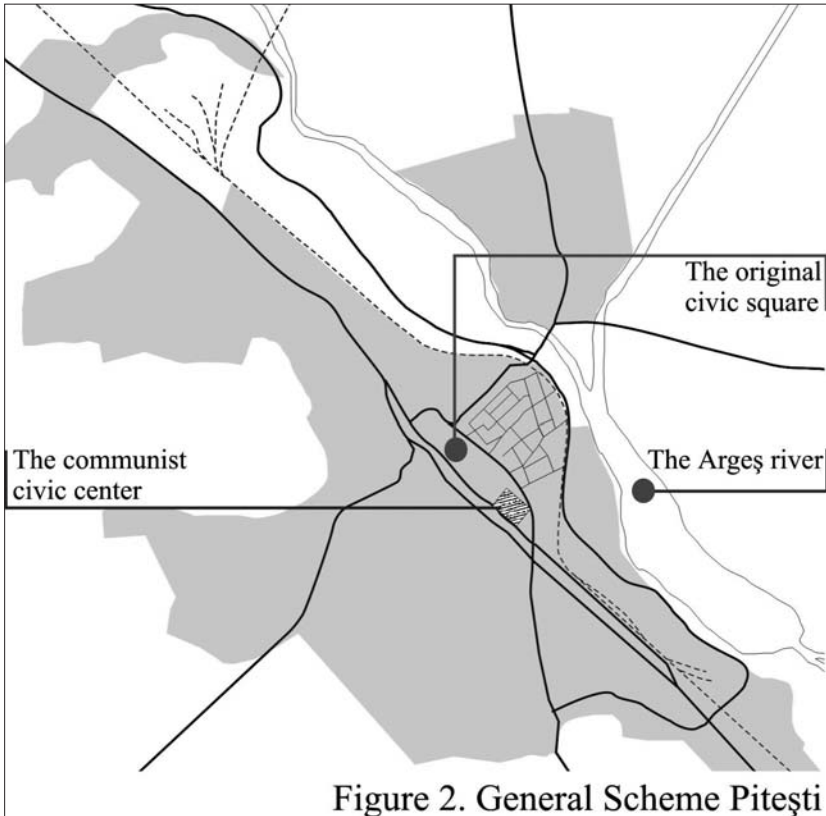


Figure 2. General Scheme Pitești

in 1959.¹⁹ The proposal for the central area is published in 1960 (Pădurețu, 1960) and here there are to be found already some basic principles that will guide the later design for the civic center: the complete replacement of the urban fabric between the former civic square and the commercial square, except for the St. Gheorghe church and some bigger buildings; the replacement of the main commercial square with a civic one, surrounded though only by collective housing in this version; and the attempt to create a rhythm of taller buildings accompanying an esplanade meant to integrate the new civic square with the public garden. A long row of collective housing with commercial ground floors, bordering the esplanade adjacent to the civic center, was realized based on this project.

The systematization detail for the central area and the civic center will be finished in 1967 by an already consecrated modernist architect of the communist period, Cezar Lăzărescu (Lăzărescu, Gabrea 2003). The functional program and spatial organizing for the central area is now fixed and this will be the project that, with minor adjustments, will be realized mostly in a single continuous thrust from the late 1960s to mid 1970s. It was appreciated as one of the most successful examples of civic centers achieved during the communist age even by a critic of the erasure it brought to the historic substance (Greceanu, 1982). After its completion, the city will continue to expand the central area, surrounding a civic center conceived to have some visual escapes toward the environs with continuous, tall rows of collective housing, isolating it from the decaying rests of the old city. Throughout this entire period, the city expands with one of the highest rates in Romania.²⁰

If for Brăila the partial failure of having an elaborated and diversified civic center is in tune with the city's partial failure to overcome its neglect by the central communist authorities, and if in Pitești the successful civic center matched the success of the city, Sibiu presents us the paradoxical possibility that the unsuccessful civic center finally constituted a success of the city. (Derer *et. al.* unpublished).

The Sibiu city of the pre-communist period is a fine example of a long and prosperous development. It was founded by the German settlers coming to Transylvania, sometimes in the 12th century, and it has a long history of autonomy and prestige in the Hungarian kingdom, in the principality of Transylvania and, starting with the late 17th century, in the Habsburg Empire when it became also the capital of Transylvania.

After the 1918 Union of Transylvania with 'little Romania', the city's population doubles in only 12 years due to a massive influx of countryside mostly ethnic Romanians (Oprean 1947). This situation not only creates an administratively precarious situation²¹ but it also recomposes Sibiu as an ethnically deeply divided city.

The official celebrations of the interwar period are taking place in the "Union Square", the former customs' square of the Habsburg administration, and not in the central square of the city. This chosen site mediates between the *intra-muros* city and the massive expansion of the 1920s. However, even as it hosted official celebrations of the Romanian administration, it was considered improperly arranged. In 1928 the city organizes a competition for systematizing it and placing a Union Monument. Ironically enough, the competition was won by Joseph von

Bedeus, a German architect, but the project creates intense disputes between leading Romanian architects from Bucharest.²² Eventually, it will be rejected by the Bucharest authorities and only minimal works will be carried out in the square.

Immediately after 1968 though, with Sibiu becoming again a departmental capital, a first project appears next to the former “Union Square”. Unlike Brăila and Pitești, Sibiu doesn’t focus its civic center on the departmental administrative building, but starts with a House of Culture in 1970 and continues with a general store and a hotel.

According to the local architects²³, the departmental administration demanded countless schemes before reaching a decision about the site, a notoriously difficult one because of the sloped terrain, because of the proximity to the historic core and because of some industrial facilities. It still remains a largely unresolved piece of urban fabric. What was achieved until 1989 was the demolishing of the regiment’s quarters and of a small beer factory, the construction of the abovementioned amenities and the restoration of several historic items defining the borders of the site. The

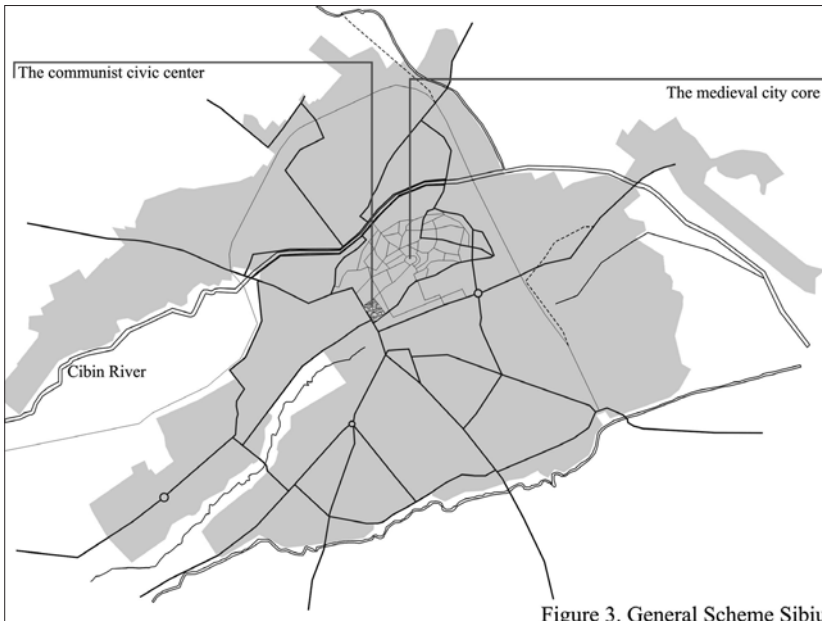


Figure 3. General Scheme Sibiu

departmental administrative building was only began and left unfinished in 1989 (after being partially demolished and modified, now it is a hotel) and the former customs square's emptiness is only accentuated by the parking lots. From the three studied cases, this represents the longest process, as the House of Culture was designed in 1970 and by 1989 there was done only so little.

An interesting hypothesis appears in a study on the area, conducted by pre-Bologna master students from the Bucharest University of Architecture "Ion Mincu" (Derer H. et. al. 2005-2006). In this study, they question the opportunity for a strong public-oriented development in the civic center area, as it would both affect the achieved social balance and functionality of the historic core, as well as the identity of the city, very much centered on its heritage.

How to make a civic center

The subtle correlations to be found between politically oriented development, local tradition and the complexity of the civic center intervention for the three cities, but also the limited range of functions assigned to the civic center program and their different paces of construction, together with the stylistic incoherence of the urban complexes, they all are signs of multiple forces involved in the program's modeling.

While evocating this multiplicity of forces in action is by no means a way of diminishing the importance of the political imprint in all these cases, still, the awareness on the situation's complexity brings forth the question of the dynamic allowing various interests to be correlated (or not) into an urban ensemble. And, of course, it raises still another question, related to the possibility that such complex correlations would allow interstices of relative freedom and personal expression for the architects in their designs.

There are to be found manifesting in a civic center setting at least four sets of intentions: the central political/ideological one, the architectural/cultural and functional one, the community one, even if only described by state institutions in its name, and the punctual/very oriented ones, coming from various state agencies of local or central origin and from directly affected individuals.

The civic center and the surrounding area is usually a mosaic of items controlled by various state agencies. There are commercial venues, demanded by a Ministry of Retail according to its own calculations, hotels,

demanded by the Ministry of Tourism, there are repairing shops, demanded by UCECOM,²⁴ spaces for people's culture, education and indoor public events, demanded by the Syndicates' Center, youth organizations or local administration, spaces for high-culture (mostly theatres) demanded by the corresponding agencies, collective housing buildings, demanded mostly by industrial ministries, a post-office administered by the corresponding authority, public spaces administered by the municipal authority, and some more. This enormously diverse puzzle of interests was solved to a large extent without the intervention of the architects. Only in Sibiu, the head of the design center assumes credit for convincing the Tourism Ministry to invest in the civic center hotel, despite a previous bad experience with the local contractor. Beyond this bureaucratic setting, architects involved in building departmental civic centers had to deal firstly with the prime-secretary of the departmental administration and lastly with the president. Their main negotiation scene was with the politicians.

The most visible political dimension of the typical Romanian departmental civic center is the presence of the departmental council building (which served also as a Party seat) together with the square for meetings and the adjacent avenue for marches. Also the House of Culture is to be found often in the vicinity, but its imposition upon urban life has not yet been perceived by any author disturbing enough as to provoke a critical reaction, although it purports deep ideological connotations. These items are to be found finished or in project in all three cities, Brăila, Pitești and Sibiu. However, beyond these very easy to read signs of power there are also less obvious decisions and debates, of no less political/ideological significance.

The reconstruction, displacement or expansion of virtually every major city center was in itself a political decision and it incorporated a strong ideological component. Throughout the Soviet block, this goal was pursued by the German Democratic Republic with a very similar functional program (Häussermann, 1996; Heineberg, 1979) Poland, Yugoslavia, Bulgaria (Hamilton, 1979) Hungary (Perényi, 1973) and probably others as well. Ian Hamilton (*op. cit.*) even draws an abstract model of the "socialist city" as it was shaped in Eastern Europe and considers appropriate to mark a distinct new city center next to the historic core. James Bater (*op. cit.*) enumerates ten possible characteristics of the socialist city, which developed since the 1935 Moscow plan, and among them he cites the increased political and cultural use of the central city with a corresponding downgrade of other functions typically found there before.

Until the Moscow plan, apparently, there were debates both in the socialist camp and among the Western modernists about the socialist city of the future, regarded as not needing a center since it should embody principles allowing perfect equality among the urban dwellers. It was the winning project of the Moscow competition, together with the Party's clarification that a city is socialist simply by belonging to a socialist system (Bater, 1980), that put an end to such debates on urban form and consecrated the right of a distinct city center program to exist.

There are also other features of the civic center conceiving process, especially for the cities the size of the herewith examples, which are deeply embedded in the communist ideology. One of the enduring critiques of the capitalist city was based on its tendency to create shopping and entertainment centers, while 'culture' was not given enough attention (Baburov *et.al.* 1968, orig. in late 1950s) The 'social-cultural center' that Baburov and his colleagues were proposing as an alternative, is part of an ideal 100.000 people 'New Settlement Unit'. According to their published scheme, the center of the Unit should be a cultural and personal development hub to which an above ground level rapid transportation system would focus its city-crossing lines so as to make the numerous facilities easily accessible to all residents.

While the 100.000 ideal number is by its scarceness commonly accepted as an implicit refusal of the Western metropolis as well as a blind eye turned toward Moscow, Leningrad (St. Petersburg), Kiev or any Eastern European capital city, it also represents, in the authors' vision, a minimum size of the settlement. Their argument refers to an education-correlated, calculated amount of people capable of generating a diverse enough set of self-maintaining civic circles for cultivating anybody's cultural hobbies or educational aspirations.

By looking at this ideal city proposal, perhaps the House of Culture placed in the central area of each departmental capital becomes important not only through its functionality but also related to the size of the city. These departmental capitals were not only meant to coordinate the growth of an economic system diffusing prosperity in their hinterland. They were also expected to become self-sustaining cultural melting pots, creating and spreading a lifestyle weaved of socialist ideals, local traditions and a centrally controlled cultural policy. In Sibiu, the House of Culture was the first item to be built, in Pitești the second, and while Brăila had its own postponed forever, it still managed to overcome its neglect through a House of Youth, for which the prime-secretary of the department managed

to find a personal link with Nicu Ceaușescu, the heir, and the responsible one in the Party with the youth problems.²⁵

A third deeply political feature of the civic center program was the concentration of the decision making process. There are two outstanding years in this development, which are not usually mentioned in the histories published so far, and these are 1975-1976. Now is the time when the effective control of Nicolae Ceaușescu is put into practice.

Starting with the second half of the 1960s the cities' systematization sketches were correlated with the five-year plans.²⁶ They were supposed to contain definitive and clearly marked proposals for the investments of the coming five-year plan, prospective proposals for the following plan and a general vision for the third five-year interval to come. At the end of each interval, the sketch had to be updated for the corresponding three following quinquennia. These plans had to be approved by a professional state committee (C.S.C.A.S.) and by an economic one (C.S.P.)²⁷ both subordinated to the Council of Ministries, which also gave the final agreement for the cities. However, starting with the Systematization Law (1974) the responsibility for approving not only the cities' systematization sketches, but also the systematization details concerning virtually every major intervention in the city, was assigned to the president of the Republic. And this was Nicolae Ceaușescu.

In the years following the Systematization Law, in the Party archives there are registered a multitude of observation notes sent by Ceaușescu's apparatus to all important cities in Romania. Pitești central area was criticized for not having proposed a 'special' enough architecture and was warned to keep the demolitions under control,²⁸ Sibiu housing proposals were criticized on economical grounds and compared unfavorably to the old city, and Brăila was asked to find another site for the House of Culture than the civic center, while forewarned that it will not receive funds for this item until the restoration of the theatre will not be complete.²⁹ In 1977, based on a session with Ceaușescu from December 1976, again Pitești will be warned for not having included traditional elements in its proposals for expanding the city center, Brăila will be advised to group more collective housing in the civic center area and, like Pitești, to use 'special'³⁰ architecture, while Sibiu seems to have been ignored for the moment.³¹

Still in 1976, there are approved by the State Council (presided by Ceaușescu) all the systematization sketches for the departmental capitals and a copy of the synthesized drawings was kept in its archives.³² Some

of them even contain detailed proposals for the civic centers. Brăila is one of the few proposing a revitalization of the historic core together with a detailed plan for the civic center (with the House of Culture still in an unacceptable position). All cities have an area on the masterplan marked as “civic center” or “central area”.

The Pitești masterplan contours of the civic center area do not indicate a particular ideology other than the one of growth. There are two expected growth stages in the following two five year plans, 1975-1980 and 1980-1985, very much in accordance with the expected growth of the entire city.

In contrast with Pitești, Brăila defines a strange L-shaped civic center, including the neo-classical square, the proposed civic one, but also a traditional axis of prestige from Brăila's past, the so-called Royal Path (Calea Regală), the centered access into the old square. The Royal Path and the old square are included in the same category as the civic center possibly with the intention to promote their restoration and revitalization. This strategy paid off, money was allocated to this purpose, but, ironically enough, the 1986 earthquake will occur right when two old buildings were in a very fragile stage of the consolidation process. They had to be rebuilt from scratch.

A similar stance with Brăila is adopted by Sibiu. The masterplan defined civic center integrates both the old three squares system and the area surrounding the new House of Culture, though its contours enclose a somewhat less extravagant shape. This could have been also a strategy of promoting the restoration of the promenade uniting the old squares with the expected-to-develop civic center.

Packing together the two centers could have represented, for both Brăila and Sibiu cases, a response to a political pressure or a form of self-censoring. The city had to appear as a harmoniously developed organism with no qualitative differentiation between the old and the new. However, it could have been just a fashionable way of self-representation by the local political body. By law, the systematization plans submitted for approval were appropriated by the departmental administrations and usually the name and signature of the architect were covered. Moreover, other cities' plans allowed a differentiation between the historic core and the new center.

These three components of the civic center creating process' political dimension, the Soviet-block wide competition with the bourgeois and medieval past in a politically assumed elite-type of urban arena, the required

integration within the political space of an ideological (and idealist) vision on cultural dynamic, as well as the centralization and concentration of the decision making process into a single person's hands in the case of Romania, they all together could seem to have weaved an inescapable system of constraints for the architects involved in the process.

It would be a mistake, though, to envisage the communist power structure as a perfectly coordinated mechanism having clearly defined goals. There was an entire apparatus and an entire entourage with various degrees of influence. Exploiting the soft points, finding the interstices of the power mechanism became a primary goal for the architects. It is true as well that while the control exerted on the departmental capitals was tight, it was not even by far to be compared with the approval of each detail and stage of the building process as it will later happen with the Bucharest administrative center.

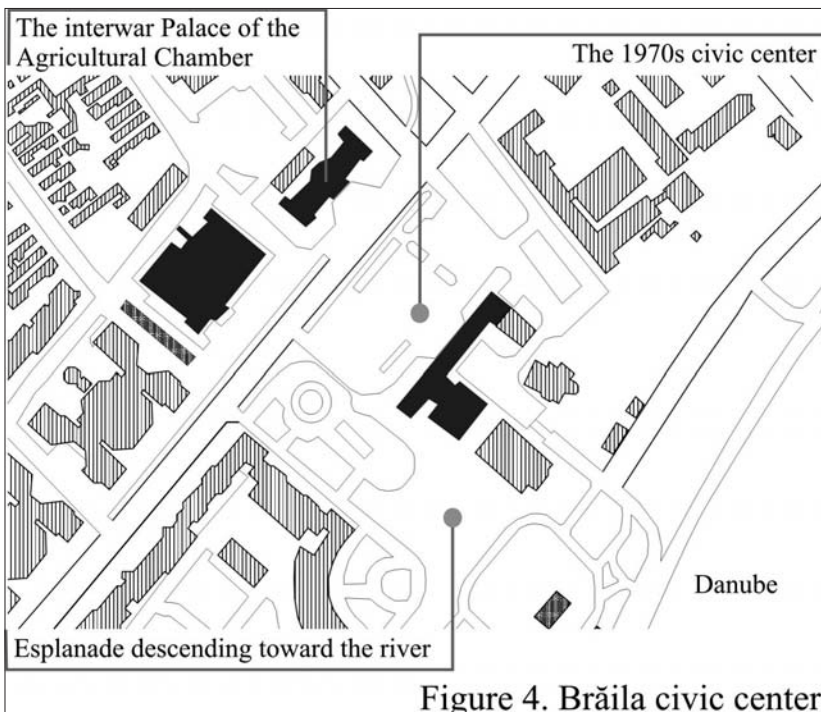


Figure 4. Brăila civic center

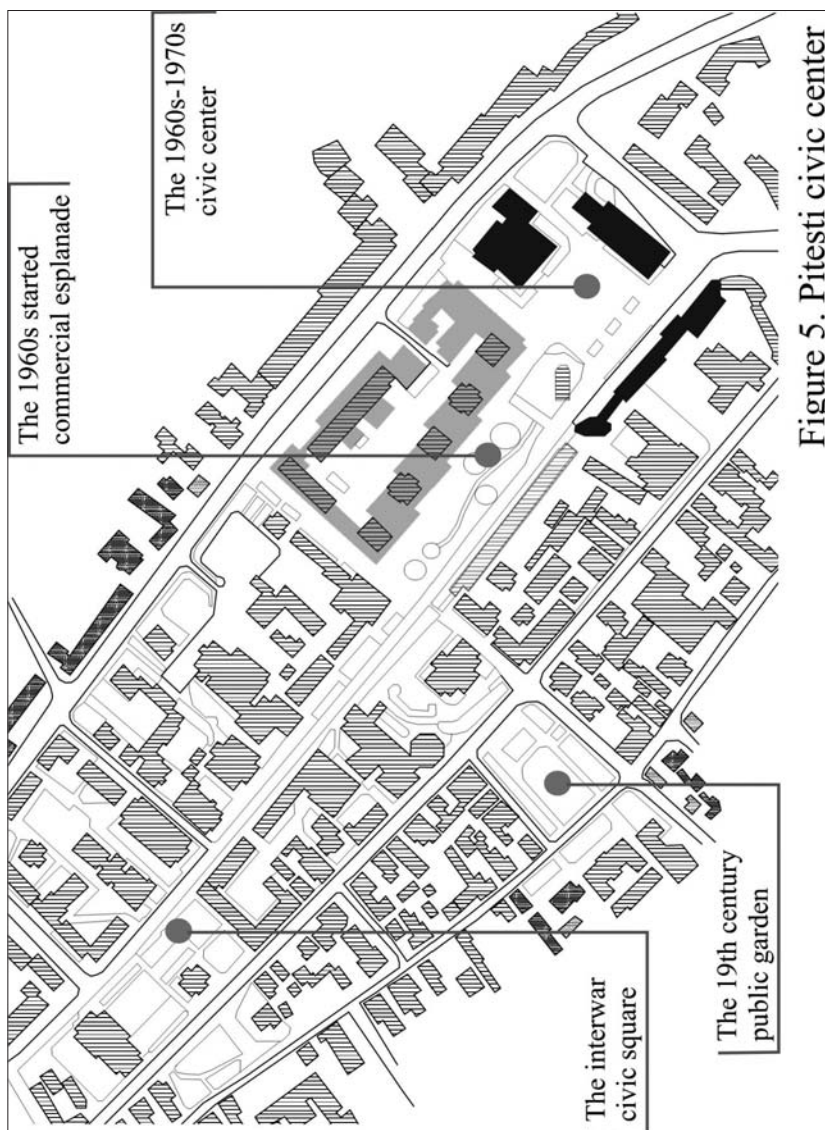
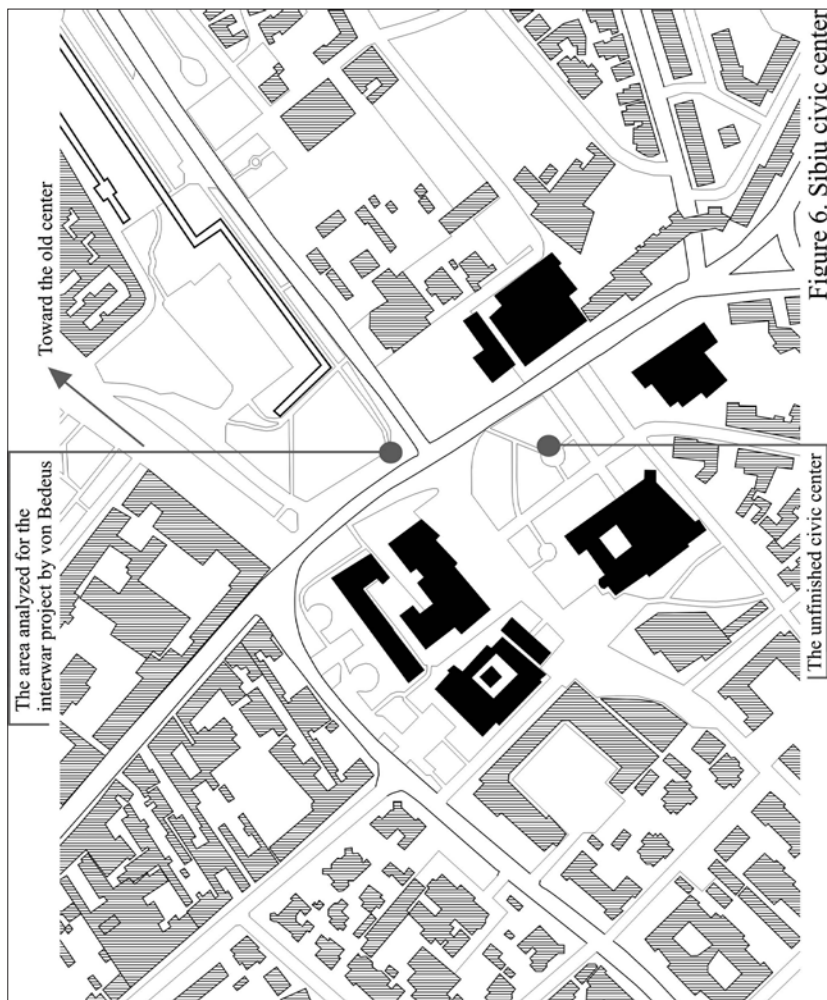


Figure 5. Pitești civic center



Apparently, the initial scheme for Pitești passed only because the author, Cezar Lăzărescu, was still able to inspire trust to Nicolae Ceaușescu and thus the composition of collective housing in the initial center could retain some degree of variety.³³ According to local remembrance, Brăila got its systematization sketch approved also because it followed the delegation of Iași which made a good impression. The prime secretary of Iași (the future president of post-revolutionary Romania, Ion Iliescu) accompanied Ceaușescu in his following meetings and, while maintaining a casual attitude, lent a helping hand to other cities' delegations waiting in line.³⁴ Sibiu seems to have been particularly harshly treated during these meetings.³⁵ The design center director takes credit for attempting to deal with Ceaușescu's anger by claiming that their model was double in scale relative to the others and therefore the proposals were not a waste of public funds but just larger representations of usual-size investments.

While such stories have their degree of uncertainty, as selective memory comes into place and as there are very little real means to verify them, still it bears great significance that all of them emphasize the personal factor. Automatically, interviewed architects seem to assume that they were working according to professional principles, which were either contradicting the political call for economies and for a relevant urban power narrative, or simply not understood. The gap between professionals and politicians had to be somehow bridged through a tactful way of dealing with the powerful ones or through finding benevolent and influential supporters. For the architects involved in such negotiations, freedom could have simply meant the ability to conduct the construction site according to their initial thoughts on the matter. Being able to do their job, with all the constraints it supposed, may have appeared to them as a form of autonomy.

Most architects wanted to build. The communist ethos suited their drive and even if they tried to retain a space of autonomous thinking, usually defined in esthetic terms and access to more sophisticated technologies and materials, their career objectives concurred to a large extent with the regime's initiatives. There is though another side of the profession to be explored. There were architects finding temporary niches of rebellion against the overly controlled and flattening development momentum. Architects involved in patrimony studying and preservation, architects refusing to work or proposing unrealizable visions. The interviewed Sibiu architects referred continuously to the Monuments' Committee of the city, very careful in assessing any proposal in the immediate vicinity of the

historic core. Apparently, their proposals could not meet the minimum legal distance requirements from the protected site and the committee refused to allow any exceptions.

Eugenia Greceanu wrote her *Ansamblul urban medieval Pitești* (1982) as an explicit protest against those architects considering the medieval townships of Moldova and Wallachia to be just larger villages and consequently unworthy to preserve. She even managed to convince some local politicians to reconsider their attitude toward the old city, unfortunately her efforts did not suffice (Greceanu, 2007). Before Greceanu, some local architects tried to argue similar points of view, but in vain.

A particular situation could be found in Pitești. A local architect, Nicolae Ernst, unanimously appreciated among his colleagues for his skills, found a niche of liberty in designing impossible projects for the city center expansion. He was proposing towers doubling the size of the existing buildings (already 3 times higher than the pre-war objects) and ample urban spaces with multilevel infrastructure. Although never built, his drawings for the center seem to have stricken a sensitive nerve of the local administration, which accepted them as feasible (or at least as valid inspiration sources) and kept them in their archives nicely folded in shiny green and blue cardboard covers. Ernst was by no means a singular occurrence in this liberty niche, plenty of architects finding an outlet in participating to international competitions or in publishing articles more and more disconnected from the real designs applied in the 1980s Romania (Zahariade, 2003).

An attention sign has to be placed, though, by such appreciations. People like Ernst and Greceanu found in their work ways of negotiating a public status as well as a professional space allowing their lifestyle and professional credo. Bohemian projects and firm stances for a different vision on the past make use, through their elitism, of attitudes rarely met in a communist regime. Because of their rarity, sometimes they get appreciated for themselves and not related to their context. However, ultimately, radical visions on civic centers produced results such as the Bucharest one, demonstrating perhaps that 'impossible' was not a suitable word for the communist voluntarism. Just as well, the refuge in valorizing the past produced approaches like Constantin Joja's, very much inspired by the protochronist drift.³⁶ To oppose the communist system without actually strengthening its fundamentals required personal qualities that we hardly can understand today.

Conclusions

The civic center program for large Romanian cities was promoted and controlled by the highest level political apparatus and included an obstinate, thorough, and homogenizing drive to leave the imprint of power into the built fabric. Paradoxically, this program began with a quasi-official recognition that the communist power cannot really transcend historical patterns established in the urban network by medieval and bourgeois development. The 1968 administrative reform, beyond representing an attempt to create a Soviet-inspired pyramidal structure of settlements as well as an evenly enough distributed urban structure interlocking rural areas, actually stood for a partial restoration of the pre-war administrative system.

If not for heavy industry and collective housing development, cities' historical patterns seem to have been important in conditioning this institutionalization of the official vision on urban life, but only to the extent that they corresponded to a stereotype of monumentality and civic pride. Both Sibiu and Brăila, because of their rich history, display a complex process of relating to the civic center development program, while cities like Pitești, less spectacular yet historically relevant, seem to have been trapped in an unstoppable momentum of rewriting the past imprint into a communist success story.

Architects were associated in various ways to this process of composing urban narratives. Along with these ways, they composed also their own visions of achieving a relative freedom.

Some professionals wanted to have a career, to build, to use the latest available technologies and what they considered as the most fashionable architectural idiom. For them, a relative liberty meant the possibility to negotiate the coexistence of their personal and professional aspirations with the standard political expectations (economy, official urban itinerary, cultural control). They, of course, accepted in their projects the consequences of the political voluntarism (a certain vision on development, a loose attitude in relationship to the built substance of the historic core, the preeminence of political items inside the urban composition). Even so, and the cases of Brăila and Pitești stand as proofs together with the unachieved project of Sibiu, these professionals were able to come up with coherent proposals, interesting or at least relevant spatial and historical relationships, while preserving a degree of complexity and flexibility. Their work allows a post-revolution positive re-appropriation of these spaces.

Some other architects, especially those involved in patrimonial studies, also understood their freedom in professional terms, but their contentions were directed toward both politicians and architects supporting the negligent economical development. While historical arguments cannot be entirely described in terms of opposition with the official discourse, still, such positions were much less likely to be supported by the regime. Moreover, post-factum questioning of policies' results, as in the case of Eugenia Greceanu and the Pitești civic center, were placing the discourse on patrimony and heritage in a clear confrontational stance. It is true as well that, as the case of Brăila proves, restoration projects could have been promoted in the same package with the reconstruction/insertion projects. And this was also a way to define a space of autonomous thinking, while avoiding a confrontational attitude. Sibiu's delay in constructing its civic center is rather exceptional, as it is also the value of its patrimony. Here, the impossibility to propose a competitive urban narrative by using the given means of the civic center seems to have combined with an uncompromising attitude of the monuments' committee. The confrontation may have been less political and more professional. The Sibiu civic center case provides evidence for an internal dynamic of the architectural profession in general, which, as long as the political pressure was manageable, was capable of maintaining a somewhat balanced attitude in the city development.

The bohemian lifestyle, very fashionable among architects cultivating the expressive side of their profession, was also capable to provide shelter for personal autonomy. However, this seems to have been the most vulnerable one, being allowed to exist only as long as the political pressure was either low or compensated. Nicolae Ernst, the author of impossible proposals for the Pitești city center expansion and notoriously reluctant to any form of disciplining, was perhaps able to maintain a good relationship with the local authorities only as long as his drawings for public spaces were recognized as valuable and his posters for local events appreciated. Moreover, this niche of personal freedom represented a highly individualistic solution and was sometimes preserved on the expense of co-workers.

Along with these active tactics for negotiating professional environments allowing personal initiative, autonomous thinking and forms of indiscipline, there should be noted also the possibility that some architects simply restrained themselves from being involved in such programs. For the case of Bucharest, Mircea Alifanti is noted to have refused participating to the administrative center competition (Zahariade, 2003), but for Brăila, Pitești and Sibiu such cases were not discovered so far.

NOTES

- ¹ According to the approved guidelines of the administrative reform, entitled "Propuneri pentru sistematizarea rurală și administrativă a României", National Archives, CC of PCR fund, chancellery section, file 123/1967.
- ² *Ibid.*
- ³ Almost 60% of the urban growth between 1948 and 1968 was concentrated in 12 regional capitals plus Bucharest (Hamilton, 1979).
- ⁴ *Buletinul C.S.C.A.S.* 19 (1960) "Regulament privind elaborarea, avizarea și aprobarea documentațiilor tehnice pentru investiții și sistematizare" pp. 3-90.
- ⁵ Published in *Buletinul C.S.C.A.S.* 13-14 (1969) „Ordin nr. 220 din 27 mai 1969 Privind aprobarea unor Instrucțiuni tehnice, metodologice și de conținut pentru elaborarea studiilor de sistematizare a județelor și regiunilor funcționale, schițelor de sistematizare pentru municipii și orașe și a schițelor de sistematizare pentru comune și sate” pp. 51-80.
- ⁶ File 44/1968, fund CC of PCR, Chancellery section, ANR.
- ⁷ See note 5.
- ⁸ The State Committee for Constructions, Architecture and Systematization.
- ⁹ 'Asanarea' – term usually employed for marshlands.
- ¹⁰ *Buletinul C.S.C.A.S.* 6 (1967), "Ordin nr. 184 din 13 aprilie 1967 Privind aprobarea normativelor de conținut pentru studii de sistematizare teritorială și schițe de sistematizare” pp.12-55.
- ¹¹ The most notable attempt belongs to G.M. Cantacuzino (1947).
- ¹² According to the transcript of the Political Bureau meeting August 1950 (ANR, Fund CC of PCR Chancellery section file 53/1950) the desire of the Party to come within easy reach of the masses was debated as a possible argument of the presence of the 'raion' administration between the regional level and the city or village level.
- ¹³ See National Archives, Fund CC of PCR, Party Management Section, file 5/1954 – through an internal note there were requested 15-22 'raional' seats for the party and general repairs for another 11. In comparison, from the 8 new regional party seats requested by the local apparatus only 2 were approved and the rest delayed.
- ¹⁴ As soon as 1965 the Syndicates' Central Council requested industrial centers to be endowed with cultural houses (ANR, Fund CC of PCR, Chancellery section, folder 45/1965) and in parallel, the Central Committee considered appropriate to start allocating considerable funds for party seats in large cities (ANR, Fund CC of PCR, Chancellery section, folder 147/1965, 2 volumes).
- ¹⁵ Only in February 12th 1968 the Central Committee's Executive Committee was informed by Nicolae Ceaușescu about 4 new departments to be created (Brăila, Covasna, Mehedinți and Sălaj), increasing the total number from

- 35 to 39. ANR, fund CC of PCR, Chancellery section, folder 20/1968. The reform itself was enacted on the 17th of February.
- 16 In all interviews conducted with architects and city historians that lived through that period, the anniversary of the city appeared as a decisive argument next to the manifested embitterment that such an old city would have continued being overshadowed by Galați.
- 17 According to the DJAN Argeș, fund Primăria Pitești, folder 35/1933.
- 18 Not even the authors of the systematization sketches in the 1960s were not aware of any systematization plan being achieved during the war. There is a letters exchange between planners and the local administration in the immediate post-war period and here they seem willing to reconstitute the drawings and finish the job. However, these are the last recordings of their relationship (DJAN Argeș, fund Primăria Pitești, folder 19/1946).
- 19 As stated in the written part of the following systematization sketch from 1969. DJAN Argeș, Fund CJP, folder 35/1969.
- 20 In 1992, Pitești had 179337 people, which indicates a more than 6 times bigger population size than 1948. (Comisia Națională pentru Statistică, 1994).
- 21 See for that “Memoriul municipiului Sibiu referitor la revizuirea parcelărilor făcute în urma reformei agrare”, *Urbanismul* 4-5 (1928), pp. 5-8.
- 22 The defender of the project was Duiliu Marcu, who also presided the jury of the competition for the square and monument, and the opposition came mainly from Petre Antonescu. Both of them were members of the Superior Technical Council, an advisory body in the Ministry of Public Works and Communications.
- 23 Interviews were conducted with Ion Ene, author of the systematization sketches of Sibiu from mid 1970s until 1989, Adrian Manguica, who elaborated one scheme of development for the civic center, Adrian Niculiu, the head of the design center before 1989, and Constantin Voiciulescu, the head of the department of architecture from the design center.
- 24 A national association for handicraft services.
- 25 According to two interviews conducted with Costin Drăgan, the chief-architect of the department and Ionel Căndea, the departmental museum directory, both of them deeply familiar with recent history.
- 26 Buletin C.S.C.A.S 6-9 (1767) “Normativ de conținut pentru schița de sistematizare a orașelor și comunelor care sînt centre muncitorești sau stațiuni balneoclimaterice de interes republican” pp.18-38.
- 27 State Planning Committee.
- 28 Quite naturally, this observation came long after the built fabric of the central area was completely replaced.
- 29 ANR Fund CC of PCR, Economic section, folder 60/1975.

- 30 The Romanian word employed to describe how the architecture should be is “deosebită”, meaning both special, remarkable, but also varied. However, from the rest of the observations it can be deduced that “special” was a code-word for “inspired from traditions”, “decorated”.
- 31 ANR Fund CC of PCR, Economic section, folder 20/1977.
- 32 It seems like it represented a very important moment also for the central administration, since the corresponding updates of the systematization sketches following the 5 year intervals, are no longer kept in the archives.
- 33 Apparently, Ceaușescu was asking the rhythm of towers between the civic square and the public garden to be replaced with one single huge building. Interview with Radu Răuță, later the author of the systematization sketch of Pitești.
- 34 Interview Costel Drăgan – departmental chief architect for Brăila.
- 35 According to Liviu Niculiu, head of the design center from Sibiu, in the 1970s, Ceaușescu hit the Sibiu model with a wooden stick and blocked any explanatory attempt with “these are architects’ caprices” (*astea-s mofturi de-ale arhitecților*).
- 36 For a more elaborate debate on Protochronism Boia, Lucian, (2005) and for Joja, Ioan, Augustin, (2000).

ABREVIATIONS

ANR –Romanian National Archives

DJAN – Departmental Directorate of the National Archives

CJP – Fund Departmental Council Pitești

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VALUES IN EXCHANGE: AMBIGUOUS OWNERSHIP, COLLECTIVE ACTION, AND CHANGING NOTIONS OF WORTH IN ROMANIAN MUTUAL FUND INDUSTRY¹

Introduction

The paper analyzes the disputes occasioned by the process of regulatory reform undergone by Romanian mutual fund industry. Stirred by Romania's accession into the European Union (EU) in 2007 and prompted by the numerous financial scandals affecting the market right from its creation in 1994, the reform is meant as a reconfiguration of the investment philosophy characterizing the capital market. The emergent values here are intimately connected to and made visible by arguments about new forms of money and financial investment, altered understandings of risk, or changing roles for the state and its regulatory agencies. The main questions of my paper are: What are the issues in dispute in the process of adopting a European regulatory regime at the expense of an older American inspired one? How are European categories and regulations mediated by existing conceptions of ownership, risk, and worth emerging during the postsocialist transformations in Romania? How do the new regulations play into the ongoing disputes occasioned by the previous financial collapses? What is the legitimacy of the capital market reforms built on?

I take the contentions generated by this radical transformation as an opportunity to observe the shifting orders of worth (Boltanski and Thévenot 1991) and the changing notions of ownership and risk in contemporary Romania. Whereas formerly mutual funds were associative entities which, in spite of the ambiguous ownership, could be controlled by a collective of investors (through a Council of Trustees), the legal reforms attribute control over funds to asset management companies and eliminate the premises for collective action by investors. The transition from a political

order in which the premises for rights, action, and value were defined collectively, as part of a larger community of investors, to a polity in which criteria of worth are premised on the more abstract qualification of investors - as actors able to choose among investment opportunities but no longer to influence the projects they take part in, generates numerous contentions with a direct impact on the legitimacy of the new institutional arrangements.

By focusing on a particular instance in which the “laws of the market” (Callon 1998) are negotiated by state officials, regulators, institutional and lay investors, my paper offers an interpretation of the ambivalent reception of contemporary capitalism in Eastern Europe and suggests ways to evaluate such historical transformations in other former socialist societies. The disputes I analyze in my paper engender challenging questions about the promises and failures of finance: How do new types of investment dependent on the erratic behavior of the market fit with previous forms of monetary accumulation seen as something whose value was intimately linked to personal diligence (or any legitimate form of work)? Should the state be concerned with the taming of generalized forms of social risk through direct intervention or should it limit its role to the adoption and enforcement of technocratic rules? Similar questions have been raised by the earlier “transition studies” and “postsocialist studies”, by the more recent approaches to “Europeanization”, and are made acute by the global financial crisis that originated in the United States in 2007.

This paper is based on observation and interviews among the representatives of lay investors involved in the drafting and evaluation of the new regulations, and interviews with European and Romanian securities regulators, representatives of asset management companies, brokerage companies, and depositaries for investment funds. A focus group organized in July 2008 brought together representatives of all the significant organizations addressing questions about the opportunity of the regulatory reform in 2004, the role of public consultations in the process and its effects on the governance of the mutual fund industry. The paper also draws on the study of case files of trials initiated by market actors contesting various provisions of the new regulations, and on a comparative analysis of laws and regulations for the capital market in Romania.

Changing meanings of money and financial practices in postsocialist Eastern Europe

The transformation of national financial markets with the integration into the EU and the creation of a pan-European capital market have become matters of scholarly concern during the last two decades. Authors like Majone (1996) or Andenas and Avgerinos (2003) have shed light on the new forms of political and institutional processes underpinnings of financial integration in Europe. At the same time, scholars of law and politics like Warren (2003), Ferran (2004), and Bermann and Pistor (2004) have described in detail the complex process of regulation implied by a common European market in financial securities. Most such works focus on the broader institutional design of capital market integration and on Western European examples, neglecting the specifics of these pan-European processes in various national (Central and Eastern European) contexts. Distinctively, my paper shows how EU policies in the field of securities play out in one of the new member states in Central and Eastern Europe (CEE) and how the ongoing financial and regulatory harmonization is mediated by the continuous negotiation of social values in a changing society.

In the case of East European countries, the scholarly concern with the Europeanization of (financial) markets has come to complement and, to a certain extent, replace, a different body of literature addressing postsocialist transformations in CEE. The latter has been more concerned with changes in monetary practices, focusing either on monetary aggregates and the policies aimed to control them (in the case of economists or political scientists), or on the role of money in market exchange and the social practices involving cash (in the case of anthropologists and sociologists). Thus, economists and political scientists have written about systematic monetary reforms (Stiglitz 1993; Mullineux 1996; Bléjer and Skreb 1998), about the dynamic of monetary aggregates and of inflation (de Grauwe and Lavrac 1999; Buchenrieder 2002), or about the institutional and legal arrangements governing monetary policies (Amsden and Kochanowicz 1994; Rostowski 1995; Wihlborg 1999; Dickinson and Mullineux 2001; Sevic 2002), usually neglecting popular understandings of money and the role of meaning as an ingredient of social action. Sociologists have also described transformations in social processes mediated by money but have focused either on the institutional (Seabright 2000; Markiewicz 2007) or on the distributional (Cernat 2004; Korovilas 2004) implications

of such transformations. They have privileged social realities at the expense of individual agency and have paid almost no attention to the construction of monetary categories, emergent forms of ownership, and new understandings of risk through social action itself.

Closer to the approach in this paper, anthropologists of Eastern Europe have studied everyday financial practices by focusing on the declining role of currency (Woodruff 1999; Clarke 2000; Humphrey 2000; Rogers 2005), the emergence of pyramid schemes (Verdery 1995a, b), the production of knowledge and capital (Verdery 1995b, 1996), or the reconfiguration of moral categories (Lemon 1998; Ries 2002; Mandel and Humphrey 2002) in everyday transactions involving cash and barter. Although more attentive to the details and diversity of social situations, anthropologists of Eastern Europe have so far shied away from engaging the practices of financial elites. Few have focused on more abstract notions of money, on the social construction of financial schemes, or on the regulatory interventions aimed to govern the processes of monetary accumulation. The notable exceptions, creating a subfield in the anthropology of money, are Bill Maurer (1998, 1999, 2002, 2006), Annelise Riles (2000a, 2000b, 2001), Hirokazu Miazaky (2006) and Caitlyn Zaloom (2003, 2004, 2005). However, they work in different parts of the world (the US, Western Europe, or Japan) and focus usually on the speculative practices of financial traders and the activity of regulatory bodies in developed financial systems.

My research addresses specifically the kinds of processes taking them as an ideal context for the study of the concomitant reorganization of monetary practices and social values. My work is particularly indebted to the literatures that try to understand the conventions grounding economic practice (Juhem 1994; Thevenot 2001; Woolsey, Biggart, and Beamish 2003), the forms of sociality connected to finance capitalism (Knorr Cetina and Bruegger 2002a, b, c), the types of knowledge supporting contemporary financial markets (Callon 1998; Knorr Cetina and Preda 2004; Beunza and Stark 2004a, b), as well as the abstract modalities of commensuration and risk management mediated by modern money (LiPuma and Lee 2002, 2004; Maurer 1999).

The distinctive aspect of my approach is the focus on a specific instance where the regulatory dimensions of capitalism are filtered through the local disputes over value, ownership, and the allocation of risk by those directly affected by the regulations. By trying to come to terms with a particular historical context – Romania's ongoing integration into the European Union, my research shifts focus from the production of knowledge in the

heart of high finance (such as the investment banks of London and New York analyzed by many engaged in the social studies of finance) to the negotiation of institutional forms, regulations, and values taking place in a rather peripheral setting currently incorporated in the late capitalist system. Not only it is in such settings that the most elementary ideas related to contemporary forms of money are continuously called into question, but, as the 2007 crisis of the subprime financial products shows, even the most abstract financial practices build on and directly impact the transactions making up everyday life: buying a house, saving for retirement, or investing in forms of money that promise not to be affected by inflation.

Histories of deception in Romanian mutual funds

Investment funds were one the most promising areas of the financial sector during the postsocialist period, both from the perspective of institutional creativity and from that of the return on investments. Created both as mutual funds and as risk funds², they constituted a repertoire of practice altogether new, distinct from the few opportunities for investing money under socialism, being ambiguously perceived by the public in between the stock exchange, the newly created commercial banks (themselves something different from the sole state savings bank in communism to which lay investors had access), and Ponzi schemes proliferating throughout Romania during the 1990s. While public perceptions of the funds departed considerably from the institutional varieties adopted in Romania as well as from the Western models considered in the process, the promise of enrichment through financial speculation implicit in such financial practices from the beginning. Like in most of the former socialist countries of CEE, investments funds were meant, at least by the Romanian architects of the economic reform (Vosganian 1999; Anghelache 2000), to support the creation and growth of the capital market, to channel savings into investments for newly privatized companies, to give an opportunity to retail investors to diversify their portfolios, as well as to mediate the access to a promising arena of value creation for those having only a vague knowledge of the stock exchange.

Discussing the weaknesses of the Romanian investment fund industry, most of those knowledgeable of the history of the capital market in postsocialist Romania appeal to one form of “path dependency” theory or another to explain the notorious failures of funds. Scholars familiar

with Romanian capital market (Vosgianian 1999; Markiewicz 2007) or investment professionals contemporary with the events generally consider that the creation of the first mutual funds before a supervisory agency (an independent securities commission) was in place and prior to the development of an exchange for the quoting of transferable securities was an institutional mistake that invited fraudulent practices.

By the time the Romanian National Securities Commission (CNVM) and the Bucharest Stock Exchange (BSE) were created in 1995 (based on the Securities Law adopted a year before)³, independently initiated mutual funds had been operating for several years. Such undertakings were created after 1993 – the year when a special government ordinance was passed to regulate the domain. As the creation of the stock exchange and the other institutions of the capital market was delayed for at least a couple of years (such institutional plans were subsumed by the imperatives of the privatization process), the funds created initially invested most of their portfolio in letters of trade, commercial bills, warrants, and loans extended to companies connected with the initiators of the asset management companies. Furthermore, the administrators of the funds were using an evaluation formula that added to the current value of financial assets the present value of discounted cash flows (not a sound evaluation method in an inflationary transition economy, some claim) thus inflating the reported net asset values.⁴

The regulatory intervention by then recently established securities commission that enforced a new method for the calculation of net asset value in 1996 determined the dramatic reduction in the value of the funds' shares (by more than half in some cases). Massive requests to redeem the shares followed by long suspensions of the redeeming process determined the near-collapse of several of the funds in operation. The most notorious collapse at the time, Businessmen's Mutual Fund (*FMOA*), did not only end in significant loss of money by most of the shareholders but was transformed several times and stripped by its most valuable assets by dubious administrators before being turned into a closed-end fund (and now a non-UCITS fund) that operates under special provisions by the securities regulator and is currently listed on the over-the-counter market (*RASDAQ*).⁵ The way the securities regulator had managed the entire scandal triggered the reaction of many retail investors protesting against the manipulation of the situation by the asset managers and the infringement of their rights of exit granted by the securities law. The entire event is significant for the dramatic decline in the number of investors and

in the value of net assets at the time being one of the notorious financial scandals constantly given as an example and used to explain the lack of trust in investment funds and asset managers.

The change in government in 1996⁶ and the radical measures of reform adopted soon after had created the prospects of a functioning market economy and for a rule of law regime in Romania. Although they took off once more capitalizing on the new opportunities offered by Romanian economy, mutual funds were subject again to some of the most notorious collapses in postsocialist Romania due to a combination of poor regulation, weak enforcement of rules, and fraudulent behavior of fund managers. Thus, the National Investment Fund (*FNI*) - a mutual fund reaching a record level of investors (over 300,000 during the months preceding its collapse), very high reported net asset values, and a large share of the market for mutual funds, collapsed right before the general elections of 2000 leaving several hundred thousand investors without their life savings and retirement benefits. The reaction of the supervisory agency (*CNVM*) was typically late, unwise, and did more harm than good to the retail investors.

The precipitated collapse of the National Accumulation Fund (*FNA*), the twin fund of *FNI*, a couple of months later generated massive requests to redeem the shares by retail investors; their attempts, however, have been blocked by the repeated suspension of operations of the two mutual funds ordered by the *CNVM*. Public nervousness at the time determined the redeeming of shares in the rest of the mutual funds by many retail investors, the drastic reduction of the overall number of investment fund shareholders (from over 400,000 to less than 40,000 in a year⁷), and the spread of the confidence crisis to the banking sector (rumors lead to massive withdrawals from the Romanian Commercial Bank (*BCR*) – the largest state bank in the system, which almost lead to the precipitate collapse of the bank in the fall of 2000).⁸

While the trials initiated by investors against those considered responsible for the financial collapse of 2000 are not over yet and the numerous audit reports by court appointed experts have been at best superficial, enough information were disclosed about the wrongdoings that provoked them. Investors soon found out that the fund has functioned without a depositary for most of its life, that the caps on the proportion of the portfolio that could be legally invested in unlisted securities and other risky financial instruments have been constantly broken, and that members of the Council of Trustees have been bribed to ignore the illegal

transactions of the asset managers. Reported net asset values have been purposefully inflated, asset managers for the fund have been changed repeatedly to obscure responsibility for mismanagement, and the securities commission has chosen to take only last moment measures in spite of being aware of the situation all the time.

Demands for regulatory reform and mutual fund governance

Acting to recuperate the money lost and for the conviction of those responsible, many of the investors affected by the collapse of the investment funds have gathered in civic associations (NGOs) that militate for the protection of investors and the rights of minority shareholders. Even more consequential than the actions for material and moral reparations have been the increasing calls by institutional and retail investors alike for the revision of the previous regulations governing investment funds and for the improvement of the supervisory activity by state institutions. Grounding their claims on the histories of deception lived during the first years after socialism and on the personal (trial and error) attempts to navigate in a universe of financial uncertainty, investors in mutual funds and financial analysts concluded that the need for a comprehensive reform of the field was pressing. The goals of the reform should have been to tighten regulations regarding investment funds and the activity of asset managers and to reorganize the securities commission (CNVM) in order to enhance its supervisory abilities. After the less successful adoption of a new securities law in 2002 (without public consultations and widely contested by the majority of market participants), the opportunity for a more comprehensive market reform was offered by the wider legal harmonization with the EU (the adoption of the *acquis communautaire*) in light of Romania's prospective admission into the Union in 2007.

The Romanian National Securities Commission responded to pressures to harmonize its securities and financial investments regulatory framework with that of the rest of EU members and embarked on a massive exercise in legal reform. Such pressures were by the European Commission (EC), by the Committee of European Securities Regulators (CESR) to whose meetings it took part with observer status, and by the capital market participants in Romania (including retail investors in mutual funds). CNVM promoted a new statutory law as well as a new regulation for investment management firms, collective investment undertakings and depositories in 2004.⁹ The

goals of the pan-European regulatory reform of the capital market are not only to make national governments adopt harmonized regulations and to stimulate better cooperation among national securities regulators, but also to promote new modalities for policy making and the adoption of regulatory measures regarding the capital markets. The new policy making mechanisms draws on broad consultations with all market actors (including lay investors) and is premised on the transparent adoption of new regulations.¹⁰

According to annual reports published by the Romanian securities commission (*CNVM*)¹¹ and to assessments by market participants, Romania has transposed, even if somehow “mechanically” and without paying attention to the costs of immediate compliance by market actors, all key EU directives and regulations adopted by the European Commission with technical advice from CESR.¹² However the new legal framework soon became dated given the relatively high pace of reform at the European level and the local responses to the new regulations. Subsequently, new regulatory interventions by the Romanian securities commission meant to transpose the post-2004 directives and regulation adopted by the EU were made in 2006 and 2007. Furthermore, new regulations are announced by *CNVM* that are meant to address the requests by market participants to specify more clearly the procedural aspects of the new rules, to eliminate the overlaps between the law on the capital market, regulations covering banking services, and the Company Act, as well as to redesign the entire law regarding the capital market (with a possible institutional reorganization of the securities commission itself).

In spite of the efforts to transpose the state of the art European practices by Romanian authorities and of the best intentions of all market actors, the results have failed to meet many of the expectations for improved regulations. Although, based on Law no. 52 of 2003 regarding transparency of decision-making in public administration, adopted also under EU pressure, *CNVM* has organized public meetings and accepted suggestions from various interested parties (institutional investors, administrators, depositaries) including associations for the protection of investors, the results have been ambivalent. Areas of improvement alternate with provisions that are either inapplicable or extremely costly when compared to the benefits in terms of market transparency and investor protection.

Regulations concerning mutual funds and financial investment companies have received a mixed reception from asset managers, brokers, and institutional investors.¹³ Although they acknowledge the considerable

improvements from the pre-2004 regulations (in terms of institutional clarity; better allocation of responsibility between managers, depositaries and distributors of funds; clear rules regarding prospectus; easier administrative procedures and registration of funds; simplified entry and exit procedures), such institutional actors claim that the existing regulatory framework was already left behind by the current developments in EU regulations and in management practices of European fund administrators (as reflected by EFAMA recommendations and implemented indicators of fund performance/risk).¹⁴ Furthermore, the Romanian securities commission has transposed many of the European regulations overnight, based on poor translations, and without paying enough attention to the practicalities of enforcing the new provisions. This makes necessary a lot of “trimming” of the newly adopted laws and regulations meant to reduce institutional uncertainty and the costs of compliance with the rules.

At the same time, representatives of retail investors and most of the independent financial analysts and journalists make a more critical assessment of the recent legal provisions. Thus, with regards to investor protection the new regulatory framework is less comprehensive than the pre-2004 one (developed in the mid-1990s with support from the United State Agency for International Development [USAID] and modeled on the regulations of the Securities and Exchange Commission [SEC] in the United States)¹⁵ especially with regards to the rights of individual investors. The shareholders of mutual funds functioning according to the old regulations voted in a general assembly on issues pertaining to the activity of the fund and were represented by a Council of Trustees mandated to overlook the activity of asset managers. Although the involvement of the trustees has been a fiasco in the case of the mutual funds that collapsed in the past, many consider this is no reason to eliminate it altogether. The new regulations (in tune with those of European-type mutual funds) remove both the General Assembly and the Council of Trustees allocating the ownership and responsibility of operating investment funds to asset managers. The protection of investors is effected by the more clearly written mandatory provisions of the prospectus and by specifying the entry and exit procedures for holders of fund units (shares) when major changes in management, organizational structure, or investment strategy are operated. The attempts by the associations of investors and independent experts to provide more generous entry/exit terms for the shareholders, increased information provision requirements for the asset managers, the possibility

for independent oversight of the asset management activity, and even to preserve some of the favorable provisions of the old regulations have met the refusal of the securities commission and the criticism of the asset management industry.

The effect on the governance of these collective entities has also been ambivalent. Thus, asset managers seem to repudiate altogether the issues pertaining to corporate governance from the discussions about the EU harmonized investment funds. For them, corporate governance refers to relations inside asset management companies and, at the most, those inside financial investment companies. From such a perspective, the principles governing relations among the diverse stakeholders of investments funds (especially those among retail investors and asset managers) are obscured when subsumed by the prospectus provisions and the entry/exit provisions. This comes in direct contradiction to the demands of retail investors. The later claim that, given the histories of deception on Romanian financial markets and the poor record of law enforcement there, the concern of investors with the security of their money cannot simply be relegated to impersonal rules. Retail investors claim that the existence of comprehensive rules did not prevent the previous collapses of mutual funds. In this sense, they do not trust the securities commission with enforcing existing regulations given both its past record of ambivalent supervision and its current performance during public consultations.

As a consequence, associations of investors accuse *CNVM* of having organized superficial and formal consultations and of not having incorporated their suggestions meant to enforce the rights of retail investors or to improve corporate governance in investment funds, all in the advantage of professional investors and fund administrators. At least from the point of view of retail investors, so far the process of harmonization with the EU framework has led to deregulation, with ambivalent results and affecting asymmetrically various interested parties. This situation has stirred further public protests from the association of investors and has lead to court action against the Romanian securities commission by market actors intending to force the suspension or modification of the new regulations.

The mediation of European regulatory forms by local cultural values

The regulatory reforms described above have been prompted by and filtered through the disputes over the notorious financial collapses affecting the mutual fund industry. It has played into some of the very legal and institutional contentions that have made it necessary, complicating the situation further. Such is the case with the two investment funds mentioned in the previous sections: the National Investment Fund [*FNI*] and the National Accumulation Fund [*FNA*].

The disputes described by this paper bring to the fore the implicit principles informing assessments of value and compensation as well as the transforming repertoires of justification used in such disputes. Although such assessments of value seem straightforward accounting issues, they are not. Not only do financial theories, legal codes and, securities regulations provide divergent interpretations, but the actors involved in disputes (including lay investors) suggest new and interesting ways of understanding ideas of wealth, monetary gain, profit, risks, and state guarantees. Moreover, there is an intimate relation between arguments about economic value formation and the moral justifications for practices that generate value. Those making a claim to specific commensurations of value use more than technical arguments trying to manipulate (and even reconstitute) available moral repertoires and actively situate their more or less scientific claims in a moral perspective. Their justifications are meant to present their calculations as not only technically accurate but as being in agreement with the already accepted moral values (something Boltanski and Thevenot call “orders of worth” [2006]).

Given the multifaceted contentions over value, it comes as no surprise that the consequences of these disputes are not limited to the recuperation of losses, but aim at redefining the rules of investment and influencing the conditions under which some of the existing financial organizations can be continued. As shown in the previous sections, at least as consequential as investors’ actions for material and moral reparations have been their campaigns for the revision of the previous regulations governing investment funds and for the improvement of the supervisory activity by state institutions. Such calls for regulatory interventions have been justified not only by examples of past financial defaults but also by the contemporary trajectory of the collapsed mutual funds. The most notorious such funds (e.g., Businessmen’s Fund [*FOA/SAFI*] defaulted in

1996, of National Investment Fund [*FNI*] and National Accumulation Fund [*FNA*] collapsed in 2000) have not been legally dissolved. Rather, they have been repeatedly suspended from operation and later transformed into closed-end funds having increasingly rigid entry/exit procedures. While advocates of such organizational transmogrifications argue that the funds have been given a second chance, lay investors generally feel “trapped” in the new entities (as “serfs on financial estates”). They argue that they have lost control of their money and complain that such measures are meant to conceal the responsibility of those involved in the initial collapse of the funds (administrators and state officials alike).

The legal reform has taken a hasty and chaotic aspect as the most immediate goal was that of adopting the European regulations before the closing of the EU accession negotiations in 2005. The suggestions made by lay investors have been consistently neglected without justification from the Romanian securities commission and in spite of the fact that no contrary position on most of the issues in dispute has been officially adopted by any other of the market actors. No wonder, then, that the most vocal contesters of the new laws have been the representatives of retail investors. They argue that the American-inspired regulatory framework was better as it attributed a more important role to non-institutional investors. To blame for the numerous financial defaults are not the rules themselves, representatives of retail investors believe, but different actors responsible for the sound functioning of the capital market. Lay investors argue that, lacking a proper “investment culture”, regulators, administrators, and investors alike have mimicked the American procedures of collective governance without adopting its basic values. According to them, the solution should have consisted of piecemeal regulatory interventions, improved supervision, and proper enforcement of regulations.¹⁶

The new regulatory framework takes away investors’ ability to *voice* their concerns (by eliminating the Council of Trustees and its attributions) and only leaves them the possibility to *exit* collective investment undertakings (Hirschman 1970). More precisely, investment funds are now initiated and controlled by specialized financial companies and investors are allowed to redeem their shares for a very brief period of time when major changes to their Articles of Incorporation are made.¹⁷ Retail investors fear the new legal infrastructure of the market will become just another “form without substance”- an institutional import devoid of meaning and functionality, if the regulators keep siding with institutional investors and ignoring retail investors.

At the same time, state officials and fund administrators argue that the new regulations are “more modern and harmonized [with European directives]”.¹⁸ The emulation of the EU regulatory framework will not only create the premises for Romania’s incorporation into the common market for financial services but, its supporters believe, brings a “new philosophy” for the mutual fund industry. Thus, the intricacies of collective ownership and action generated by the old legislation will be eliminated by a clear allocation of control to administrators and the protection of investors by more clear and transparent procedures. In the long run, Romanian regulators hope the imitation of European institutions and the opening up of Romanian capital market to European financial service providers will increase its soundness and will inculcate the “proper values” to Romanian investors.

While many investors and independent financial analysts would conclude that in Romania mutual funds are a good example of failed institutional import, an attractive financial package that proved instrumental in deceiving lay investors rather than funding the growth of the capital market, a more nuanced account is necessary. A succinct description of the current state of the mutual fund industry in Romania reflecting the diverging opinions of the various market actors (as attempted in the previous section) must integrate at least two perspectives. It might be true that the new regulatory infrastructure can facilitate the circulation of financial capitals (as the Romanian securities regulators argue) but not enforced properly they offer plenty of leeway to deceptive fund administrators.¹⁹ From a different perspective, lay investors seem entitled to claim that the previous collective ownership provisions were closer to the principles of mutuality and offered better means of control over their money but their persistence in refusing to accept any kind of change can make them anachronistic and can easily put them in a position to miss the opportunities of a more integrated capital market in Europe.

Social change and transforming orders of worth in contemporary Romania

The attentive examination of the disputes over regulations briefly described above facilitates a better understanding of the processes at play in this situation, all of them subsumed by the more general process of social change. First, the dispute illustrates well the ways in which

transnational processes involving the financial market (in this case, the pan-European harmonization of capital markets) are constituted locally and interpreted through the lens of disputes taking place at the national level. An EU driven regulatory process takes a diversity of forms in national arenas, the specific socio-political contexts that mediate it locally being to a considerable extent responsible both for the end result of the reform, for its practical consequences, and for its subsequent legitimacy.

Although the conflict over the new regulations is the conspicuous phenomenon, at play is a deeper process of mediation through which European regulations are transposed (rather than simply translated) at the national level. While Romanian authorities have no option out of the pan-European harmonization of laws pertaining to the capital market, the process of mediation is visible in the negotiations between diverse institutional actors over the classification of funds in the newly adopted laws, over relations between harmonized and non-harmonized institutional forms, over the understanding of the basic categories and definitions of the new regulations, or over the specific ways in which the new laws are interpreted and enforced. All these elements indicate a process of mediation which is simultaneous more flexible, continuous, and open to an unknown resolution than a simple conflict over regulations. Furthermore, what explain the particular interpretations and choice of legal categories are not necessarily rational arguments formulated in terms of the costs of compliance, long-term effects, or a means to ends rationality. Rather often, issues related to symbolic power or the manipulation of ideologically charged notions (such as that of "Europeanization" described further) are more efficient factors giving the whole process of legal reform a mimetic, non-pragmatic aspect.

Second, actors situated in local milieus manipulate such regulatory processes for their own ends building in a diversity of meanings that often contradict the intentions of the initiators of the process. The rhetoric used by the actors involved facilitates our understanding of the ways „Europeanization" and „European integration" become powerful argumentative repertoires in contemporary Romania, although ones displaying a remarkable internal diversity. In a polity where the EU accession became the overarching legitimating discourse, hierarchies of power and the endorsement of particular institutional forms are realized through the pragmatic manipulation and the creative redefinition of the meanings of European categories. Glossing over the distinct ways in which actors connect to the normative market models and the suppression of

differently situated opinions on the reform by the actors responsible for its implementation, all in the name of Europe, blatantly contradicts the purpose of public consultations (meant to encourage critical assessments of the new regulations in order to eliminate their problematic provisions in a timely manner and to build their legitimacy gradually) - a policy making model on which the creation of the Committee of European Securities Regulators was premised. Thus, the Romanian securities commission capitalizes on the involvement of CESR and of the European Commission in the process and uses the motive of Europeanization as a self-understood reason to accept the reform. During the interviews I realized, directors in the securities commission have repeatedly claimed that the new regulations are "more modern and more harmonized" with the European framework, failing to specify what that means exactly and in what respects that is an improvement from the previous situation in spite of my repeated questions on the issue.²⁰ A similar rhetoric monopolizes the mass-media interviews and newspaper articles published by specialists affiliated with capital market authorities in Romania.²¹

The discourse about Europeanization, insistently and superficially used by public authorities in Romania during the last years, is performative²² to the extent that it creates the appearance of unconditional agreement with reforms and de-legitimizes alternative critical position at the moment of their articulation. In this regard, the lay investors I interview are relegated to an inferior position characterized by ambiguity (although they know very well what their interests are). This hierarchy of discourses achieved in practice disfavors retail investors for a variety of reasons. Thus, lay investors and actors adopting a critical stance towards the reforms introduced by the state find it hard to question the contemporary political consensus on the necessary Europeanization of Romania. Even more, as the discourse about Europeanization is monopolized by public authorities, it is almost impossible for the lay investors to ground their claims in an equally legitimate grand narrative. Last but equally significant, lay investors appeal to "European values" such as the virtues of transparency and generalized public dialogue on reforms at the same moment they have to argue that the American model of the capital market was better as far as they were concerned.

Third, the situation described further illustrates the negotiations of the various moral / economic / legal criteria according to which a particular perspective on changes affecting the market is accepted as more relevant than competing ones. Alternative regimes of value compete

for constituting the legitimating basis for legal-economic disputes. As illustrated in the previous sections, the actors involved in disputes do not only struggle to put their claims in accord to one regime of value or another but constantly argue over the relevant regime of justification for the new legal infrastructure of the market. In the process they actively renegotiate and reconfigure the prevalent „orders of worth” in which their disputes over value are dynamically situated. In spite of the effort to promote specific regimes of justification meant to naturalize their arguments, most of those I interviewed and observed seem to overlook and even conceal the situatedness of the process of reform. Both critics of rapid institutional import and the advocates of modernization-quemulation of European political categories appear to neglect the diversity of the actors on Romanian capital market, portraying them as passive and uncritical receptors of cultural forms, devoid of agency. Consequently, both interpretations ignore the local adaptation of imported forms and, in spite of the numerous allegations of corruption and personal involvement, miss the pragmatics of this mimetic act (Jayussi 1984, 1991).

From a different perspective, the focus on the local process of cultural translation neglects the wider debates in Europe over the varieties of capitalism more compatible with the aims and values of the Union: on the one hand, the more individualistic, more efficient, yet “predatory” Anglo-Saxon model and, on the other hand, the better regulated forms of social capitalism dominant in many countries of Continental Europe.²³ The over-simplifying dichotomy between the two main varieties of capitalism glosses over a situation that is more nuanced, more complicated, and harder to classify than we are lead to believe. The intense debates within “the West” itself over the desirable types of capitalist formation or over the aims and forms of regulations are made more visible by the recent financial crisis of the subprime instruments and the reevaluation of the role of credit rating agencies. Ironically, as various researchers of the phenomenon have shown, with regards to financial regulation and the infrastructures of the financial market, the “Paris [pan-European] consensus” on the matter seems to enforce the neo-liberal dogmas more effectively than the “predatory” American regulatory framework based on self-regulation (Abdelal 2007).²⁴

Given the multifaceted disputes centered on the contemporary regulatory reform of Romanian capital market, a different approach, one paying attention the diversity of actors involved in the process and meant to shed light on the pragmatics of the observed interactions, can

render the entire process understandable. In this sense, I regard the legal contentions stemming from this process as forms of action situated in context rather than simply as debates over cultural formations. Moreover, negotiations over the social values and moralities permeating the various regimes of monetary accumulation in Eastern Europe play out in disputes over regulations. In this regard, I neither treat values as the determinants of social action nor simply the result of it, but rather as constituents of action which themselves take a lot of effort to be negotiated and made to appear as taken for granted.²⁵

Conclusions

The disputes over the regulation of mutual funds in contemporary Romania are over the specific provisions that take away more of the rights of the investors in mutual funds (especially the Council of Trustees). Such regulatory provisions are thought to serve as alibis for the measures adopted by the Romanian securities commission with regards to the defaulted funds, that is, for the reorganization of the collapsed funds, for their continuation as closed-end funds, and for the obscuring of the legal responsibility for the defaults. As a consequence, the investors I work with contested in court various areas of the regulatory reform. The emerging disputes about regulations both mirror and play back into the disputes over compensations for the collapsed funds.

This paper is an attempt to situate the process both within the broader postsocialist change and in the middle of the legal contentions generated by several financial collapses in contemporary Romania. While the CESR and EC driven process of pan-European harmonization of capital market regulations was meant as a reflexive process open to the feed-back and criticism from market actors, its transposition in Romania is at best problematic. The issues raised by this institutional transposition illustrate well the way EU processes are adapted and refashioned in local arenas transforming European policies into multifaceted and decentralized phenomena. The diverse reception of European policies is caused not only by the differences among the national arenas in the EU, but equally by the variety of local actors within national arenas. Asymmetries of power, wealth, and knowledge among actors on local financial markets are responsible for the nuanced reception of EU initiatives in different contexts.

The multitude of social experiences generated by the postsocialist change in Central and Eastern Europe emerges the most important cultural factor accounting for the way apparently centralized processes are mediated locally. In specific contexts and building on histories of financial disputes, local actors appropriate pan-European initiatives filtering them through local meanings of money and value and adapting them to their immediate goals. In the process, the very premises of social action get renegotiated. Ideas of ownership, risk, and value are refashioned generating new orders of worth that further constitute the medium into which new institutional imports are made.

Consequently, my research has focused on the continuous renegotiation and routinization of values occasioned by arguments about new forms of ownership, altered understandings of risk, or changing roles for the state and the regulatory agencies. Several issues seem to generate insoluble disputes among diverse participants in these debates and have consequently organized my approach. First, the (mis)fit between new forms of investment and monetary accumulation dependent on the erratic behavior of the market and the previous notions of money whose value was intimately linked to personal diligence (or any legitimate form of work) is a resilient theme that emerges in most of the scandals generated by financial collapses in postsocialist Romania.²⁶ This theme becomes more acute with the emerging forms of social inequality based on the manipulation of money and financial practices.

Second, a resilient understanding of risk as a communal category whose effects can be mitigated by the collective action of investors comes in direct contrast to newer conceptions of risk (promoted by the champions of the capital market) as a measure associated with a portfolio of previous personal choices, and as an assessment of the situation of individual investors rather than collective subjects. This theme emerges from disputes over the specific form a mutual fund should take as either a collective entity owned by the investors or as an abstract product (very similar to a bank deposit) that can be managed and marketed by an asset manager towards a diversity of individual investors.

Last but not least, this research the ongoing arguments between supporters of a state that should be concerned with the taming of generalized forms of social risk through direct intervention and those of a state whose regulatory role should be limited to the adoption and enforcement of technocratic rules. Although the various forms of state intervention in the financial markets are hard to separate in practice, the

above distinction between forms of political and regulatory intervention captures well the options available for state authorities during the postsocialist financial crises.²⁷

My claim is, thus, that the uneasy reception of the new institutional arrangement is related to the shifting premises for the formation of value and the deeper changes in the prevalent conceptions of worth (Boltanski and Thévenot 1991) associated with Romania's economic transition. Whereas formerly mutual funds were associative entities which, in spite of the ambiguous ownership, could be controlled by a collective of investors, the legal reforms attribute control over funds to management firms and do away with the premises for collective action by investors. The transition from a political order in which the premises for rights, action and value were defined collectively, as part of a larger community of investors, to a polity in which criteria of worth are premised on the more abstract qualification of investors - as actors able to choose among investment opportunities but no longer to influence the projects they take part in, generates numerous contentions with a direct impact on the legitimacy of the new institutional arrangements.

Annex: Timeline of the most important legal measures and institutional developments on the market for investment funds in postsocialist Romania

Legal measure / provision	Timeline	Market event
Privatization Law; legal bases for Private Property Funds (PPF)	August 1991	
	October 1992	30% of state companies is constituted as initial portfolio of the new PPF
	October 1992	The National Agency for Securities (NAS) is created within the Ministry of Finance
	August 1993	NAS becomes the Agency for Securities regulating the emerging exchange of securities
	August 1993	First mutual funds are initiated in Romania
	September 1994	The National Securities Commission is created as an autonomous regulator of securities
	April 1995	The creation of the Bucharest Stock Exchange
New CNVM Regulation on the calculation and reporting of net asset values by mutual funds	March 1996	
New rules on the valuation of financial instruments held by investment funds	April 1996	

	April 1996	Several existing mutual funds collapse; the SAFI scandal
	November 1996	Private Property Funds become Financial Investment Companies
	October 1996	RASDAQ (the Romanian version of NASDAQ) the over the counter market for securities opens
American style regulations for mutual funds	November 1996	
	May 2000	National Investment Fund (FNI) and National Accumulation Fund (FNA) collapse
A new regulatory framework for the Romanian capital market is created; poor quality and legitimacy due to precipitated adoption and lack of public consultations	April 2002	
New regulatory framework for Romanian capital market and the securities commission modelled on the CESR initiated directives	July 2004	
European style regulations for mutual funds	July 2004	
Further transpositions of CESR regulations	January 2007, January 2008	
Updated version of European style regulations for mutual funds pending	July 2008 -	

NOTES

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² Of direct relevance to the questions addressed by this paper, mutual funds (open-end funds) are basically collective investment entities in which investors buy shares. Theoretically, they have several advantages over alternative investment vehicles and especially over risk funds (closed-end funds): 1. they allow people to pool resources and make more efficient and less risky investments with the help of professional administrators; 2. they allow the purchasing and redeeming of shares (i.e., entry and exit) on an ongoing basis. Administrators are supposed to implement the investments strategies and to calculate and declare publicly the current values of the shares (value of all investments less financial obligations divided by number of shares in circulation). Money and other financial assets of the funds are kept by depositary banks which also keep a separate record certifying or not the public values of the shares declared by administrators. Regulators (in Romania the National Securities Commission - CNVM) supervise the activity of administrators and depositaries and issue new regulations regarding the activity of these funds. Mutual funds are in sharp contrast with closed-end varieties of funds characterized by stricter entry/exit rules, higher risk profiles, and a higher sophistication of investors.

Whereas in most of the Western countries mutual funds would be considered relatively safe financial ventures with a passive portfolio administration strategy, in Romania they became the epitome of financial hazards after several notorious collapses that washed away the life-savings of hundreds of thousands of lay investors. The ongoing conflicts between lay investors and Romanian authorities overseeing capital markets has as one of the primary reasons the fact that the securities regulator, using the re-chartering of the existing funds in compliance with the new regulations as a plausible excuse, has “encouraged” the transformation of the mutual funds in dispute into closed-end funds limiting the rights of retail investors in this way.

For a classification of European types of investment funds see the web site of the European Fund and Asset Management Association (EFAMA) at www.efama.org; for the American varieties and their regulation see the website of the Investment Company Institute (ICI) at www.ici.org.

- ³ See **Annex** for a timeline of the key events and of the most important laws and regulations creating the various institutions of the capital market since 1990.
- ⁴ Asset managers used a version of the dividend discount model for the evaluation of shares but disregarded most of the provisions of the model concerning the adjustment of future cash-flows for the risks involved by the investments of the company.
- ⁵ Non-UCITS funds are a particular type of closed-end fund regulated nationally and not covered by the pan-European regulation of UCITS and illustrate one of the areas of “creativity” for the Romanian securities regulator. The European varieties of mutual funds are defined as undertakings in collective investment in transferable securities (UCITS). See *Directive 85/611/EEC of the Council (UCITS)* on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS).
- ⁶ Until 1996 Romania has been governed by a socialist party whose cadres have been recruited mostly among the former communist elite.
- ⁷ Data on the investment fund industry in Romania from 1996 were generously provided by the Romanian Association of Asset Managers (RAAM).
- ⁸ The archival collection of the most important daily and weekly newspapers of the time (s.a. *Evenimentul zilei*, *Adevărul*, *Curentul*, *Capital*, *Bursa*) accurately describe both the series of events that lead to the near collapse of the bank and the panic of the investors.
- ⁹ See Law no. 297 of 2004 regarding the capital market and CNVM Regulation No. 15 of 2004 regarding the authorization and functioning of investment management firms, collective investment undertakings and depositories.
- ¹⁰ See the website of the Committee of European Securities Regulators for more details about the organization and activity of the institution: <http://cesr.eu/index.php?page=home&mac=0&id=>. Eilis Ferran (2004) realizes a comprehensive analysis of the policy making mechanism introduced with CESR from a legal perspective. See also Committee of Wise Men (2001), *Final Report on the Regulation of European Securities Markets*, available at www.cesr-eu.org. For a more detailed presentation of the working methods and policies implemented by CESR see “How CESR Works within the Lamfalussy Process.”
- ¹¹ All the CNVM annual reports can be downloaded from the website of the institution at: <http://www.cnvmr.ro/en/raportanual.htm>.
- ¹² The most important ‘Lamfalussy’ directives adopted by the European Commission through the co-decision procedure and after consultation of market actors by CESR are the Prospectus Directive, the Market Abuse Directive, the Transparency Directive, and the Markets in Financial Instruments Directive (MiFID).

- 13 Many of the assessments and interpretations of the subsequent sections of the paper are based on the results of a focus group on “Regulatory reform, public consultations and the development of the capital market in Romania” organized in Bucharest in the summer of 2008. The participants to the focus group formed a diverse group of stakeholders on Romanian capital market representing institutions such as: the Romanian Senate, The Romanian Brokers’ Association, RASDAQ (the over-the-counter securities market in Romania), the Foreign Investors Council in Romania, the Central Depository for the Stock Exchange, several asset management companies, law firms with expertise in securities law and investment fund regulations, journalists from financial newspapers and business dedicated TV stations, leaders of civil society organizations, and independent analysts.
- 14 The European Fund and Asset Management Association (EFAMA). More information available at: www.efama.org.
- 15 Research papers and policy reports written by USAID employees and affiliated researchers specify the objectives, practical measures taken towards, and results of the policies meant to create efficient capital markets in Romania and other Eastern European countries (Deloitte-Touche 2002; Fox 2000; Lieberman et al. 1998).
- 16 Such opinions were expressed by the leaders of the Association for the Protection of Investors [ANPI], the most prominent NGO representing investors in the penal trials against the managers of the defaulted funds and in negotiations with CNVM over the form of the new regulations regarding mutual funds. They were documented during interviews realized by the researcher in 2007 and 2008 and in the frequent opinion pieces published by the president of ANPI in the daily financial newspaper *Bursa*.
- 17 All of these are specific provision of Law no. 297 of 2004 and of CNVM Regulation no. 15 of 2004 cited above.
- 18 The evaluation of the new regulations was made by two CNVM directors during an interview realized by the author in September 2006.
- 19 *FNI* and *FNA* were only the most notorious cases of mutual fund collapses in postsocialist Romania. Several other examples of funds that lost important amounts of their values when the fraudulent practices of asset managers were uncovered are less known outside Romania although they feed into the concerns of the investors described by this paper.
- 20 See the interview realized in September 2006 cited above.
- 21 Such interviews and opinion articles are published regularly by the financial newspapers in Romania such as *Bursa*, *Ziarul Financiar*, and *Săptămâna Financiară* or broadcasted on the *Money Channel* (a TV station dedicated to business programs).
- 22 The concept launched by John L. Austin in his *How to Do Things with Words* (1962) is adopted here to describe the effects of the manipulation if the idea of Europe and of the process of Europeanization by Romanian authorities.

For a good illustration of the way the concept can be used to describe the effect of financial theories on communities of brokers and their practices see Donald MacKenzie, *An Engine Not a Camera: How Financial Models shape Markets* (2006).

²³ The Financial Times constitutes an excellent source of information on the positions with regards to the varieties of capitalism in America and Europe expressed by academics, financial analysts, and politicians.

²⁴ In spite of the current events in global financial markets, American regulations, at least those pertaining to the investment fund industry, are more comprehensive than the European ones. Not only do lay investors have more means of controlling the activity of asset managers in the American fund industry, but the issues of corporate governance are treated as an integral part of mutual fund regulations. This is unlike in the European framework (for which CESR is the initiator) where corporate governance is a separate area of policy for the European Commission. This conceptual and political distinction was underlined by Carlo Comporti, CESR Secretary General in an interview realized by the author in Paris on August 1, 2008.

²⁵ I am indebted to the ethnomethodological literature on values, values-in-use and their social constitution (Jayussi 1984, 1991).

²⁶ Various anthropologists of Eastern Europe have identified this motive in the case of many other financial scandals happening in most of the former communist countries in the region (Verdery 1995a, b, Humphrey 2000, Mandel and Humphrey 2002, Korovilas 2004).

²⁷ A similarly framed choice is currently faced by state authorities in the USA and Europe having to decide on the most appropriate forms of state intervention in the banking industry with the purpose of preventing a general collapse of the financial system. The Financial Times is a good venue where various propositions of reform of the financial system made by either political leaders or prominent academics are presented and compared.

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