

CONSIDERATIONS OF A RENOWNED REPRESENTATIVE OF THE ROMANIAN LAW: ANDREI RĂDULESCU

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Abstract:

Andrei Rădulescu is a renowned representative of the Romanian law. In our paper we present the conference Us in the Year 1900 that he held at “St. Peter and Paul” High School in Ploiești, at the turn of the 20th century. We consider this moment suggestive both for the chronological moment in question and for the very age of the author, as he was still a high school student, and this represented the moment that drew the main lines of Andrei Rădulescu’s future personality. The introduction highlights several biographical details, the middle section focuses on the most important ideas of the conference, and the final part contains the conclusions of our analysis. The session given by Andrei Rădulescu (structured in three parts, namely 1. Who we were, 2. What we are, 3. What we will be) was part of the process to support the idea of fulfilling the national ideal by joining the provinces that were under foreign domination with Romania.
Keywords: *Andrei Rădulescu, conference, the fulfilment of the Romanian national ideal*

1. Biographical details

Andrei Rădulescu was born in 1880 in the village of Chiojdeanca, Prahova County, in a family of local peasants. After attending the primary school courses in his native town, and “St. Peter and Paul” High School in Ploiești, he graduated from the Faculty of Law in Bucharest, being a scholar of Carol I University Foundation. Meanwhile, he attended the lectures of the Faculty of Letters and Philosophy, sections Classical History and Philology. In 1905 he became a Bachelor of Law, and in the following year he obtained the one of Letters, History section with maximum ratings. In 1912 he received the doctorate in Law, in Liège, Belgium, with the mention “avec grande distinction”. He was a lawyer in Ploiești, a judge in Pitești and, starting with 1910, in Bucharest. In 1913 he began an outstanding academic activity (Civil Law, Public International Law, Commercial Law and Constitutional Law, History of the Romanian Law). In 1919 he became a correspondent member of the Romanian Academy, and from next year - a full member of the same institution. During 1946-1948 he was the President of this scientific forum. Rădulescu also held the position of President of the High Court of Cassation and Justice (1938-1940) and was the author of over 200 scientific papers. Considered to be the founder of the History of the Romanian

Law, “his theses decisively influenced the Romanian historiography, [and] the research in the field of law”. Here are some of his works, worth mentioning: Civil Law Studies (2 volumes), Romanian Legal Culture over the Last Century, Belgian Influence on the Romanian law, French Influence on the Romanian Law until 1864-1946, Originality of the Romanian Law, Romance of Our Law etc. [1]. Andrei Rădulescu ceased to live in 1959. In recognition of his entire activity, the Institute of Legal Research of the Romanian Academy was named, in 2006, „Acad. Andrei Rădulescu” [2].

Andrei Rădulescu was one of the most active advocates of the administrative unification of the Romanian society after the 1918 Great Union [3]. He admirably aggrieved that the Romanian state must have the same laws on its entire territory, so that “it should not leave for a long time the impression that it has no definitive form”, as this could create the impression that Romania was “a state that can be loosened at any time without much effort”[4]. Out of appreciation and local pride, Andrei Rădulescu became an honorary member of the Prahova Legal Circle in 1929 [5].

2. Us in the Year 1900

Andrei Rădulescu was an eminent student. In the oral tradition of “St. Peter and Paul” High School (that was to become “Mihai Viteazul” High School, currently “Mihai Viteazul” National College from Ploiești, which continues the tradition of the famous high school), it is assumed that Andrei Rădulescu was the first student to graduate from this high school with the average 10. Therefore, his name was inscribed on the marble plaque of honorable prizes, still placed in the high school lobby [6].

This explains why Andrei Rădulescu, while still an undergraduate, on 10th May 1900, at the turn of the centuries, was assigned to hold a conference in the Amphitheater of “St. Peter and Paul” High School in Ploiești, i.e. Us in the Year 1900. It was a moment that did not pass unnoticed, attracting even the attention of the Romanian Royal House. Following this event, on 12th July 1900, King Carol I received the young student at Peleş Palace in Sinaia. The moment was recorded in the pages of the prestigious newspaper “Universul” under the title Successes of a High School Student [7]. Andrei Rădulescu’s discourse was published in the same year at “Max Braunstein” Lux Printing House in Ploiești.

On that occasion, the young author thanked both his teachers for the ideas and feelings that influenced him and led to that remarkable conference, and his colleagues - that had urged him to materialize the speech in a brochure, even by supporting him financially in the process [8].

40 years later, on 10th May 1940, when Andrei Rădulescu was the Prime President of the High Court of Cassation and Justice, a well-known professor and a member of the Romanian Academy, there was published the second edition. On that occasion, the author stated that the conference was held “with all the enthusiasm of the age of 19”, and specified that in the second edition he “did not change anything from the content, but some spelling issues”. He summed that the conference of 1900 “shows what a high school student thought and felt on the threshold of the 20th century”[9].

The conference, presented on the occasion of the Royal Day in Romania, was dedicated to “His Royal Highness, Prince Carol”. As a token of appreciation and argument of the value of his teachers, the conference had as a motto a fragment from his high school teacher’s History course. The essence of this motto was the urge addressed to the young generation “to achieve the national ideal of all Romanians” and to respect the courage of their ancestors. In the beginning of his discourse, the author detailed the triple significance of the 10th-May feast: the establishment of the monarchy in Romania in 1866, the adoption of the Declaration of Independence in 1877 and the proclamation of the Kingdom in 1881, sufficient arguments to generate and explain the state of the moment and of the epoch: “all Romanians rejoice, feel proud and cheerful” [10].

Very methodically, Andrei Rădulescu structured his speech in three parts, i.e. 1. Who we were; 2. What we are; 3. What we will be. In the first part, the orator recalled the historical trajectory of the Romanian people from Decebal and Traian moment up to modern Romania. He pinpointed the valences of the Roman civilization brought on these territories, the reasons for the withdrawal of the Roman army and administration from Dacia, the resistance and continuity of the Romanians in the age of migrations “in the valleys where the gods of their ancestors once lived”. In the valleys, in the mountains or in the forests by “singing from the leaf or their voice [the Romanian people – our note] created those sublime pearls of the Romanian language, called doine” [11]; they founded

states and institutions. Medieval princes would resist with dignity and wisdom both time and neighboring empires.

Several centuries afterwards, at the dawn of the modern age, “the cry for liberty, equality and fraternity of the old France” found fertile ground in the Romanian space. The call of Tudor Vladimirescu for his countrymen to fight for their national freedom in 1821, the revolution of 1848 and the founding of modern Romania, through the “Holy Union” of Moldavia and Wallachia in 1859, were moments that demonstrated the vitality of our nation. With an admirable power of judgment for his age, Andrei Rădulescu appreciated, in an extremely plastic, yet grounded, discourse that “the union for us was the boat that escaped us from the anger of waves, it was the bridge to civilization and the foundation of modern Romania” [12].

The maturity, and we could even say Andrei Rădulescu’s personality and philosophy, as well as this young’s man ability to understand the events throughout centuries, the plastic form of his expression, as well as the allure of a “true specialist” are proved by the following passage in his argumentation: “Whenever I think of what our people have endured in the past, when I remember how much blood was poured into this earth, which is ours, when, by means of imagination, I go back in history and see how much power of life was in our people, when I see their great role in Christianity and civility, I cannot help but not be stunned and exclaim, as Mr. Hasdeu did: Romanians are great!. And fair were these words...” [13].

The second part of the conference comprised and praised the achievements of the monarchy, established in Romania in 1866. The actions of Carol I of Hohenzollern merged with the interests of the Romanian people, thus demonstrating to everyone that the Prince “had been born for our country”. The work of Alexandru Ioan Cuza was also appreciated as he was the one to understand the needs of the Romanian peasants and their role in the nation, giving them the right to ownership in 1864. Such a decision made the peasants “love their country even more and give their blood for it” [14].

The major moment represented by the War of Independence was still alive in everyone’s memory, and the monument erected in the honour of Prahova heroes, in the city of Ploiești, proved “that nothing is sweeter and more beautiful than to die for your country” [15]. It was regrettable, though, that, at the end of the war, the Russians we

helped on the battlefield “rewarded us by taking away the rest of Bessarabia”. As that was a war of the whole nation, the young orator noticed the moral support of women’s societies and committees, including the queen’s, whom he called “the good mother of the wounded,” and rhetorically asked: “How much honour and delight must have felt the poor men when they saw, in the horror of their pain, besides them whom? The Lady of the country” [16].

The fact that patriotism was a natural feeling for the teenage orator was also proved by the gesture of his high school colleagues, who, during the War of Independence, decided to donate money part of their small economies to the benefit of the Romanian army, entitling the school headmaster to become the mandate of their request and financial offer [17]. “So all the people and the Sovereign himself fought with all their love for independence and earned it”. The consequences of such gestures were significant and notable: “The wealth of the country has increased. In external relations we are now playing a leading role in the East” [18] and Romania has become a strategic barrier between the unceasing conflicts between the Russians and the Turks.

The situation the Kingdom of Romania was in 1900 gave Andrei Rădulescu some comfort and enabled him to say that “we ... are relatively good”. What annoyed the young orator was the situation of the brothers from Bessarabia, Bukovina and Transylvania, “who are under the yoke of strangers” [19]. Meditative and hopeful, he wondered, “How can we stand still when we know that they are brothers, that we love them, that we all have the same dream. [...] For how long, oh, God, do we have to suffer all this injustice and sorrows?” [20]. However, the young orator was convinced that “undoubtedly, there will come a happy time when we will be able to gather our brothers together, when we will all form the same state, resurrecting Old Dacia.” (highlighted in the original text) [21]. This moment seemed quite close to the author and, in his opinion, its fulfillment depended entirely on what the Romanian society will do as a whole.

In the third part of the lecture, Andrei Rădulescu seriously and deliberately assumed the role of a real analyst. Although he affirmed that neither him nor anyone could be a prophet and accurately prefigure the future of the nation, a careful analysis of the past, as well as deciphering the meaning of the present could outline the lines of the Romanian nation’s further evolution. The Kingdom of Romania had, at that time, a new

status on the map of Europe, the Turks no longer represented a danger, the Ottoman Empire was in decline, and “if it still existed, this was only due to the fear of the European powers to ‘conquer’, one or the other, the city of Constantinople” [22]. The Polish expansive medieval power and tendencies “vanished”, the virulent threats of the Tatars in the past were history as well, as they had been are “swallowed by the insatiable Russia.” The Austrian and Hungarian dangers did not seem so big anymore, as these powers “had to face our brethren’s demands for their rights or those of other nationalities they ruled, in spite of justice and of historical truth...” [23].

Furthermore, Andrei Rădulescu noticed in his mature analysis that “we still have a nation that surrounded us” and that “even if at start we did not know, now we have learned of their true intentions”. Then he directly called this anonymous threat: “The Russians represent a perpetual danger for us” [24]. When Andrei Rădulescu referred to such intentions of our Eastern neighbour, he obviously considered the annexation of the southern part of Bessarabia after the Russian-Romanian-Turkish war of 1877-1878. In that war, the Romanians had been the Russian allies, whom they had decisively helped to win, and their ‘reward’ had been the kidnapping of that territory [25]. The threats coming from this part of Europe seemed very serious to the orator, and, as a result, he asked for maximum vigilance in order to prevent Russia from “swallowing us, as they had done with other peoples” [26]. The policy of that power was, in Rădulescu’s opinion, based on “divide et impera” principle. As starting with Tsar Peter the Great, Russia’s dream had been to rule Constantinople, Romanians were not to forget “that we are in their way” [27].

In its survey of all neighbouring countries, Andrei Rădulescu noted that we “have Bulgarians in the south, whom we have helped, sometimes with the price of our own blood, to escape from the chains of slavery, and who, in response, treat us weirdly as a thank you.” This statement referred to the fact that during the Oriental crisis, which had begun in 1875, the Romanian space generously sheltered the Bulgarian revolutionaries, and after the defeat of the Turks by the Russians and Romanians in 1877-1878, Bulgaria had gained its autonomy [29]. With sufficient discernment, the young orator noticed that, in spite of this support, the Bulgarians did not show thankful, on the contrary, which was not extremely dangerous, but, in the same time should not be neglected. The solution Rădulescu suggested was the founding of a “Balkan Confederation under the leadership

of Romania” (highlighted in the original text). Given the role that Romania played in the Peace Treaty in Bucharest of 1913, after the Balkan wars, one can state that the young high school student had enough flair to decipher the meaning of the geostrategic future of Romania and of the region. He proved to be right with his warning about Bulgaria as well, if one considers their attitude and actions towards Romania during the military operations of the First World War [30], and even afterwards.

The existing geo-political context had to be well known, analyzed and taken into consideration in order to draw the correct strategy for the future. We were not to “discourage”, since “we have much confidence in the future of our nation” (highlighted in the original text). And this future had to bring the full union of all Romanians: “How many people do not want to see a great country and our brethren from Hungary, Bukovina, or Bessarabia liberated and united to the truncated trunk of their homeland” [31]. The author also considered the destiny of the Macedonian Balkan Vlachs and of those from the Istrian region, whom the young orator would have wanted “liberated and forming autonomous states”.

Obviously, these were “beautiful dreams”, as the very author acknowledged, but nobody could prevent either him or the Romanian nation, from dreaming, hoping or making plans for the realization of their national unity, from drawing closer or more distant targets for a common future. As a matter of fact, this goal was shared by other Central and Eastern European countries and peoples pursuing the same ideals. As far as the Romanians were concerned, one should never forget that their ideals were based on justice, and therefore entitled. “These lands are ours, inherited from our ancestors, and therefore we have the right to own them” [32].

Moving from enthusiasm to lucidity, the author wondered: “Well! We are right, but can we get back the invaded lands [...]?” [33] and responded that only the future was to bring the confirmation of these dreams. He reviewed the following strengths of the Romanian nation: the youth of the people, the vitality and patriotism of the peasants who always constituted “the country’s foot, the very basis of the nation”, and the role played by the elites, as a catalyst of their nation’s fight. Aware of the fact that the major component of the army was represented by the peasantry, Andrei Rădulescu praised this social category as the preserver of “the flesh, the bravery and even [of] the Roman

physiognomy”, in his opinion the Romanian peasants preserving the spirit of the old Roman Empire legionary [34].

Since the prerequisites for realizing the national ideal existed, then what else should there be? The will “to want”, answered the young man. He manifested his revolt against the potential carelessness of some who might ask: “What do I care about Transylvania or Macedonia?” The attitude of young Rădulescu, faced to such possible manifestations, was a prompt one and materialized in the following expressive, true and profound reply: “They do not realize that the lands inhabited by our brethren are the branches, and we are the trunk. If the branches dry up, so does the trunk”. [35] (our highlight). Such logic and its expressivity can be easily integrated into the expressions with anthological valences.

Furthermore, Rădulescu considered that by fulfilling our national ideal “we ask only what is ours”, and “we want peace”. However, in order to deal with the possible hidden threats, the Romanian society had to be “always ready and prepared to fight”. He urged for deeds, “honor and disinterested work”, true patriotism, for sacrificing “ourselves in a disinterested way for the interests of the nation”. The young orator suggested to educate, “to descend to ordinary people in order to instill there true patriotic feelings” and to develop the economy of the country [36]. When addressing the economic issue, it is worth noting the author’s nationalist conception, that was consolidating at that time in the economic field in general and in the oil industry in particular. The nationalist doctrine “by ourselves” is reflected in the following quotation: “As long as the industry and trade will not be in our hands and the agriculture will not develop, we will not be able to reach our goal and we will be wandering ...” [37].

Taking the patriotism of the 1848 generation as a hallmark, Andrei Rădulescu launched, in the end of his speech, the call to the realization of the national ideal, which he once again named: “the unification of all the Romanians.” (highlighted in the original text) The fulfillment of this ideal would bring “Romania back to its natural borders”. The orator also expressed his deep feelings of attachment to the Kingdom, and the hope that in the 20th century the “golden dream” of the Romanian nation would be realized. This hope concluded and summarized the public discourse the 19-year-old Andrei Rădulescu gave on 10th May 1900 [38].

3. Conclusions

The conference Andrei Rădulescu held in 1900 is worth mentioning and analyzing due to several aspects. It is the work of a young high school student that surprises not only his personal thoughts, feelings and ideals, but also those of all Romanians at the 'crossroads' of centuries.

This discourse reflects the very education provided in the epoch, aiming at and serving the realization of the national ideal, both among younger generations and in the Romanian society, as a whole. It is also noteworthy that Aurelin Moșoiu, a teacher at "St. Peter and Paul" High School of Ploiești, founded in 1908 Students Reading Society (Societatea de lectură a elevilor), which activated for decades, edited a famous magazine of the students and set as main objectives of their activity, the education of the young people "in the spirit of love for their homeland" and the restoration of "Michael the Brave's Romania" [39, 40].

The text of the conference highlights the correct representation young Andrei Rădulescu had on the evolution of our national history, in accordance with the valuable, documented Romanian historiography of his time and the one afterwards. The author took his role seriously and, as a true orator, made use of the 1st person only, giving thus "authority" to the appreciations he made. In his demonstration, Rădulescu evoked the ancestral valences of the Dacian forefathers, the bravery of the Romans, the role of the peasantry as a fundamental social class in the national history, as well as their inherent patriotism, and the role played by the national elites. Everything was subordinated to the realization of the national ideal, namely of the Great Union of all Romanians.

With respect to the style of the conference, this was clear, yet plastic, sprinkled with comparisons, saying and proverbs, with lyrics and Latin idioms, with graphic marking of the most important ideas. One is to notice the maturity of Andrei Rădulescu's appreciations. In the same time, one cannot neglect the real feeling of patriotism existing in the epoch, as well as the willingness of many to make the supreme sacrifice for the ideals of their homeland. At the same time, this speech proves the solidity of the studies and of the sentiments put in the consciousness of the early 20th century young generations.

We transfer the message of Andrei Rădulescu's conference as a pious homage to the celebration of the 100th anniversary of the Great Union in 1918 and, in the same time, we consider that We in the Year 1900 pinpoints the premises of his author further evolution, as a prominent personality of the Romanian law and of the Romanian spirituality as a whole.

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