

THE POLICY AND PRINCIPLE OF NATIONALITY
IN TRANSYLVANIA BEFORE THE GREAT UNION (II)

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Abstract. This paper aims to examine the principle of nationalities as a principal concept in the Transylvanian Romanians political thought from the end of the nineteenth century until the Great Union of 1918. The assumption of this approach is that the radicalism of the policy towards the nationalities in Transleithania involved (1) the specificity of instituting the principle of nationalities as the doctrinal basis of the militant demarche, petitioner-memorandist and political, in combating the Hungarian policy towards nationalities and in imposing the recognition of nationalities as political nations in the Austro-Hungarian monarchy, and (2) a specific incorporation of the principle of nationalities within federalist conceptions. As such, the second part of this paper contains a configuration of the “nationality principle” in Aurel C. Popovici’s works.

Keywords: *the nationality principle, national autonomy, federalized empire, political self-determination.*

*The principle of nationality
and Transylvanian political militancy*

The “political passivism”¹, adopted by Romanian Transylvanian intellectuals, the refusal to participate in the electoral struggle and in legislative activity, in fact the refusal to accept the abolition of the autonomy of the Grand Principality of Transylvania imposed through *Ausgleich* and to legitimize the right of the Budapest diet to enact laws for Transylvania, was parallel to the national political struggle, mainly with “petitionist tactics”. The memorandist activity – having the Emperor as its main addressee, given the decision of the Transylvanians to collaborate

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¹ The “policy of passivity,” maintained until 1905, was established by the vote of over 400 Romanian leaders from Transylvania gathered at the national conference on Miercurea from March 7-8, 1869, “in protest against the arbitrary and unjust way in which the union of Transylvania with Hungary was made”. “Decisions of passivity and protest” were renewed by the Romanians from Transylvania in the so-called “National Conferences” around a new parliamentary cycle. See Valeriu Moldovan, *Epoca Memorandului și a Replicei 1892-1895 (The Era of the Memorandum and the Reply 1892-1895)*, The Popular Library of the ASTRA Association, Year 35, Nr. 288, 1944, Publishing House of the “ASTRA” Association, Sibiu, p. 16, p. 17; and *Acte*

exclusively with the Vienna Court – was coextensive with a petitionist activity aimed at European public opinion² and acting as “strong protectors of the Romanian cause”³. Aiming at the “internationalization of the Romanian problem,” it had its purpose not only revealing Hungary’s policy of discrimination and denationalization of Romanians and its policy of “oppressing” other “non-Hungarian nationalities”, Slovaks, Serbs, Saxons⁴, but also that of demanding the restoration of Transylvania’s autonomy.

The “principle of nationality” or the principle of “national individuality” was the “doctrinal basis of political militancy”⁵, of the memorandist and petitionist movement, of the whole process of claiming collective rights for Romanians – and for the other nationalities in the dual monarchy – and of the equal entitlement of Romanians with other nationalities, first of all with the Hungarians, thus the

*și documente privind elita politică românească din Transilvania (1869-1896) (Acts and documents on the Romanian political elite in Transylvania (1869-1896)), selection of texts, notes and introductory study by Vlad Popovici, MEGA Publishing House, Cluj-Napoca, 2010, pp. 75-84. „The Romanians from Banat and Hungary”, unlike the Transylvanians, “went on the special path” of political activism, namely, “they continued to elect a few Romanian deputies to defend them in the Budapest Parliament”. Valeriu Moldovan, *op. cit.*, p. 16. They were in 1867: Alexandru Mocioni, Anton Mocioni, Vinčențiu Babeș, Iosif Hodoș, Sigismund Borlea, Ion Popovici Deseanu. In 1878, since “the Romanians from Hungary were just as annihilated and oppressed, ... at the urging of Vinčențiu Babeș also the Romanians from Hungary switched to political passivity”. See Emanuil Ungureanu, *Istoria activității politice a poporului român din Ungaria și Ardeal (History of the political activity of the Romanian people from Hungary and Transylvania)*, “Banatul” Institute of printing, bookbinding, bookstore and stationery, Timisoara, 1925, p. 10, p. 11. The “tactic” of passivism was adopted by the Romanians from Transylvania even after 1881, the year in which the national parties of the Romanians from Transylvania and Banat united, the Romanians from Banat choosing activism. The national conferences of 1887 and 1890 decided on “passivism” again and also on the drafting of a Memorandum “with the gravamina and postulates of the Romanian people in Hungary” to be published and presented to the Emperor.*

² Ioan Rațiu, the president of the Romanian National Party in Transylvania between 1892-1902, who obtained his doctorate in law with the thesis *Theses ex universa jurisprudentia et scientiis politicis* (1857), was the supporter of this opening of the Transylvanian petitionism, as well as George Baritiu, the founder of the first Romanian newspaper in the Grand Principality of Transylvania, *Gazeta de Transilvania* (1838) and ASTRA (along with Timotei Cipariu, 1861), one of the most prominent personalities of the 1848 Revolution in Transylvania. The Blaj Pronunciament of May 3/15, 1868, is considered to mark the stage of “the internationalization of the Transylvanian problem”, because, as Iosif Hodoș pointed out, “it provoked a formal revolution in the entire journalism of Europe”.

See Gelu Neamțu, Șerban Polverejan, Nicolae Cordoș, Liviu Maior, „Mișcarea memorandistă” (“The Memorandum Movement”), in *Istoria României. Transilvania (The History of Romania. Transylvania)*, vol II (1867-1947), “George Barițiu” Publishing House, Cluj-Napoca, 1999, p. 436. The chapter also analyzes the documents preceding the “memorandism in fact”: the Petition of those 1493 of December 1866, the Draft Memorandum of February-March 1867, the Blaj Pronunciament of 3/15 May 1868, the Memorandum of the Transylvanian Romanians handed to Chancellor Beust on December 30, 1868, the “lost” Memorandum of 1869, the Turda Conference (1870), which discussed the drafting of a “modern memorandum addressed to the emperor by an imposing delegation and published in several foreign languages of European circulation”, Iosif Hodoș’ “lost” Memorandum of 1870-1871, the Memorandum from Blaj from 1872, the Memorandum from 1882.

³ As specified in the opening of the 1868 Memorandum to Europe, to “European Public Opinion and Emperor Napoleon III”, written on June 15, 1867 and published in late 1868 in the French-language Bucharest newspaper *L’Étoile d’Orient*, in *Românul* and, also in Romanian translation, in *Federațiunea*, edited at Pesta.

⁴ “The oppression of the other non-Hungarian nations” is the title of one of the chapters in *Cestiunea română din Transilvania și Ungaria. Replica junimii academice române din Transilvania și Ungaria (The Romanian question in Transylvania and Hungary. The Reply of Romanian academic youth from Transylvania and Hungary)*, Institut Tipografic, Sibiu, 1892, pp. 132-142.

⁵ Nicolae Bocșan, „Influențe italiene în gândirea politică a românilor din Banat și Transilvania” (“Italian influences in the political thinking of Romanians in Banat and Transylvania”), in Iosif Marin Balogh, Ana Victoria Sima, Ion Cârja (editors), *Specific românesc și confluente central-europene (Romanian specificity and Central European confluences)*, Presa Universitară Clujeană, Cluj-Napoca, 2012, p. 62.

political autonomy of the Romanian nation, under the conditions in which, in parallel, the program of the Transylvanian Romanians also included the claim of the autonomy of Transylvania – of “regaining the lost autonomy”⁶. In the context of the “radicalization of the national struggle in the early 1990s”⁷ and the elaboration of the most important documents in which the Romanian intellectuals from Transylvania “presented their vision on the future”⁸ of “national life” and monarchy – *Memorandul (Memorandum)*⁹ and *Replica (Reply)*¹⁰, both in 1892 –, the autonomy of Transylvania as a claim was replaced by the request for the federalization of the monarchy and its delimitation according to the ethnographic borders of the nationalities in order to ensure national autonomy¹¹ – “independent national administration in political and ecclesiastical matters”¹². The *Memorandum* indicates, on the last page, the solution of “the internal association of peoples”¹³, and in the *Reply (Replica)* a “national” federalism is intended, and not a “historical” one, as a unique solution to the hopeless situation of “Hungarianization policy terrorism” or “Hungarianizing fanaticism”¹⁴ and the “national extermination of Romanians”¹⁶ which made impossible any *modus vivendi* between Hungarians and Romanians. The transition from the demand for the territorial autonomy of Transylvania to the demand for national autonomy within a federalized empire was the dominant theme of the militant documents, the campaign supported in several Transylvanian publications, mainly in *Tribuna* and *Gazeta Transilvaniei*, and the writings of Transylvanian thinkers, mostly politicians and militants, up to the stage of political negotiations with Hungarian officials. In 1910, accepting political negotiations¹⁷ for “remedying of the gravaminal

⁶ As provided by the first point of the program of Romanian National Party adopted in May 1881.

⁷ See in this regard and also in what concerns the role of the magazine *Tribuna*, Vasile Crișan, *Aurel C. Popovici (1863-1917)*, Altip Publishing House, Alba Iulia, 2008, p. 105 sq.

⁸ See Sabina Fati, *Transilvania o provincie în căutarea unui centru. Centru și periferie în discursul politic al elitelor din Transilvania 1892-1918 (Transylvania – a province looking for a center. Center and periphery in the political discourse of the Transylvanian elites 1892-1918)*, Centrul de Resurse pentru Diversitate Etnoculturală, Cluj, 2007, p. 128 sq.

⁹ *Memorandul Românilor din Transilvania și Ungaria către Majestatea Sa Imperială și Regală Apostolică Francisc Iosif I (Memorandum of the Romanians from Transylvania and Hungary to His Imperial and Royal Apostolic Majesty Francis Joseph I)*, Tiparul Institutului Tipografic, Sibiu, 1892.

¹⁰ *Chestiunea română din Transilvania și Ungaria. Replica junimii academice române din Transilvania și Ungaria la «Răspunsul» dat de junimea maghiară «Memoriului» studenților universitari din România (The Romanian question in Transylvania and Hungary. The Reply of the Romanian academic youth from Transylvania and Hungary to the “Answer” given by the Hungarian academic youth to the “Memorandum” of the university students from Romania)*, Institut Tipografic, Sibiu, 1892, 1892.

¹¹ “Romanians have an unwavering conviction that the Austro-Hungarian Empire will not be able to exist only by differentiating itself in a free monarchical federation, in which we [the Romanians] and each coinhabiting people are able to develop freely in our national specificity”. *Ibidem*, p. 143.

¹² *Ibidem*, p. 2.

¹³ “... because, gathered with love and confidence around the Throne, we all to emulate in order to consolidate and strengthen the common homeland”. *Memorandul Românilor din Transilvania și Ungaria (Memorandum of the Romanians from Transylvania and Hungary)*, ed. cit., p. 23.

¹⁴ *Ibidem*, p. 142.

¹⁵ *Ibidem*, p. 144.

¹⁶ *Ibidem*, p. 148.

¹⁷ With the Minister of Nationalities, Count Isztván Tisza, and the Prime Minister of Hungary, Count Kluen-Héderváry, at the invitation of the Hungarians. Romanian historians recall in this regard that, in the context of the “establishment of war camps”, at the request of King Carol I, the Emperor and the Court of Vienna

situation,” the Romanians, represented by the lawyer and landowner Ioan Mișu¹⁸, formulated in a Memorandum 23 “re-requests” in accord with the principle of self-determination¹⁹: in the political, administrative, ecclesiastical, educational and economic fields²⁰. The right to self-determination was maintained in subsequent consultations – over 30 fruitless “discussions,” which the Romanian delegates, established by the national committee, had with Isztván Tisza²¹ between December 1913 and January 1914 – until December 1, 1918²².

The solution of “building the nation” by constituting the nation-state on the basis of national sovereignty and independence, far too radical to be supported by Transylvanians in negotiations and petitions and from outside Transylvania, remained in the background, the solution predominantly supported being the reorganization and modernization of the monarchy through federation or through what has been called “the integration on democratic principles,” on the basis of national delimitation, as a guarantee of the “national, free and autonomous existence” of all peoples in the monarchy – “in the iron belt of national borders, of clearly drawn peoples, and of the spheres of competence established in the empire, just as clearly, as well as under the pressure of unitary national-political and territorially delimited individualities...”²³. Federalization of the Austro-Hungarian monarchy – constantly promoted by Transylvanian intellectuals of

asked the Budapest government to accept a compromise and improve the situation of Transylvanian Romanians. The intentions of the Hungarian officials were synthesized by Ioan Mișu as an attempt to “atténuer somewhat the unfortunate Romanian-Hungarian dispute”. Ioan Mișu, *Spicuri din gândurile mele. Politice. Culturale. Economice (Gleanings from my thoughts. Political. Cultural. Economics)*, Tiparul Tipografiei Arhidiecezane, Sibiu, 1938, p. 35.

¹⁸ Asked by Hungarian officials to present the Romanians’ demands. The *Memorandum* of the “23 points” presented by Ioan Mișu was not accepted “for the considerations or needs that urged or forced the Hungarian government to initiate a Romanian-Hungarian peace action, however this time these [consideration and needs] were not so urgent and imperative as to be forced to satisfy all the postulates regarding the Romanians”. *Ibidem*, p. 92.

¹⁹ The 23 points of the *Memorandum* stated as constitutional rights: the right to organize their own political party, the legislating the universal, the right to direct and secret voting or, until the passing of such an electoral law, the extension of the right to vote, the cessation of “electoral abuses” and the establishment of 50 Romanian electoral circles; the use of the Romanian language in those administrative and judicial forums that work directly with the people, the appointment of Romanian officials in the Romanian lands; the right of state and administrative officials to take part in cultural movements, the right of assembly and association; the autonomy of the Romanian churches regarding the organization of the dioceses, the interests of the priests, the right of catechesis in the mother language, the right to state aid similar to that allocated to the Protestant church; the right to instruction in Romanian “in all public schools”, the establishment of departments of Romanian language and literature in state secondary schools, the establishment of three state gymnasiums with Romanian language of instruction; state economic aid for Romanian lands. See „Memoriul d-lui dr. Ioan Mișu privitor la împăcarea româno-maghiară” (“The Memorandum of Mr. PhD. Ioan Mișu regarding the Romanian-Hungarian reconciliation”), *Românul*, Year I, Nrul. 3, Mercuri 5/18 Ianuarie 1911, or in Ioan Mișu, *op. cit.*, pp. 159-165.

²⁰ See in this regard Sabina Fati, *op. cit.*, p. 133, note 71.

²¹ Became prime minister of Hungary again in 1913.

²² When Woodrow Wilson’s 14 points were published after the armistice of May 11, 1918, and when Austria-Hungary’s foreign minister, Count Gyula Andrásy, declared he accepted them.

²³ Aurel C. Popovici, *Stat și națiune. Statele Unite ale Austriei Mari. Studii politice în vederea rezolvării problemei naționale și a crizelor constituționale din Austro-Ungaria (State and nation. United States of Greater Austria. Political studies to solve the national problem and constitutional crises in Austria-Hungary)*, translation from German by Petre Pandrea, introductory study, notes and editing by Constantin Schifirnet, Albatros Publishing House, Bucharest, 1997, (1906), p. 259.

the Pasoptist generation²⁴ and post-Pasoptists, by Vincențiu Babeș in particular, by the authors of the *Memorandum* and the *Reply (Replica)*²⁵, mainly by Aurel C. Popovici, by the circle around *Tribune*²⁶ and *Gazeta Transilvaniei*, by important cultural and political personalities from Bucovina and Romania – was based not on the principle of the historical provinces of the Habsburg Empire or “historical right” but on the “principle of nationalities,” the main goal being to establish a state structure, after American or Swiss model, guaranteeing “ethnic boundaries” and internal autonomy or, as provided for in the *Memorandum*, “legal assurance of the existence and free development of national individualities”²⁷.

The principle of nationality undoubtedly contributed decisively to the consolidation of the concept of political self-determination in the militant thought of Transylvanian Romanians and indicated, at the same time, its high degree of synchronization with European theoretical and, at the same time, political elaborations. I subscribe to the thesis that the level of theorizing²⁸ which nationalism had reached in Transylvania at the end of the 19th century – reflecting as such an important evolution in terms of knowledge and explanation of the “national reality,” of relations between ethnic groups and the state and in terms of political valorization of this sedimented knowledge, namely a clear distinction from the “mystique and sentiment”, dominant half a century ago – is substantially due to the contribution of Simion Bărnuțiu after 1848 and later to the liberal nationalism illustrated by Vincențiu Babeș, Simion Bărnuțiu and Alexandru Mocioni²⁹. It is also fully justified the argument that what constituted, after 1870, the stage of political nationalism at the European level, the affirmation of the concept of political self-determination and the “generalization of the principle of nationality to most peoples who now claim self-determination and the right to separate, sovereign and independent nation-states in their national territory, the multiplication of non-historical peoples according to Hobsbawn’s expression, the transformation of ethnicity and language into fundamental criteria of nationality”³⁰, it was reflected in the Romanian Transylvanian thinkers in a modernization of the concept of nation and its doctrinal use. There is increasing unanimity that the most important contributions in approaching the nation through the principle of nationality were made by Alexandru Mocioni and Aurel C. Popovici, both assuming a spiritualist-voluntarist conception of the nation, inspired by Pasquale

²⁴ Simion Bărnuțiu, Alexandru Papiu Ilarian, George Barițiu.

²⁵ Ioan Rațiu, Gheorghe Pop de Băsești, Eugen Brote, Vasile Lucaciu, Septimiu Albini, D. P. Barcianu, Theodor Mihali, Vasile Ignat, Alexandru Filip, Ludovic Ciato, Patrichie Barbu, I. Tripon, Nicolae Christea, Gavril Manu, Dimitrie Comșa, Aurel Suciu, I. Nichita, Mihai Veliciu, Gavril Lazăr, Iuliu Mera, Gherasim Domide, Rubin Patiția, Iuliu Coroianu, Vasile Rațiu.

²⁶ Supporting the revendication of Transylvania’s autonomy since its establishment in April 1884, after the publication of the *Reply (Replica)*, *Tribuna* programmatically supported the federalism, consistently Aurel C. Popovici’s federalism, in a stream of ideas with wide echoes in Transylvanian public opinion, with availability for cultural and political propaganda and the modernization of political discourse.

²⁷ *Memorandul*, ed. cit., p. 18.

²⁸ „Nationalism in theoretical hypostasis”. See Gelu Neamțu, Șerban Polverejan, Nicolae Cordoș, Liviu Maior, *op. cit.*, p. 583.

²⁹ See *ibidem*.

³⁰ *Ibidem*, p. 584.

Stanislao Mancini, the Italian legal school and Ernest Renan, as such a sustaining of the national conscious as a “distinctive feature” of nationality and a positioning of the principle of nationality in the field of public law³¹, so that, in Alexandru Mocioni’s expression, nationalities to be constituted as “natural subjects of higher order rights”, that is as “natural subjects of the state”³². In the following is presented the way in which Aurel C. Popovici theorized the principle of nationality and incorporated it into his federalist conception. To Alexandru Mocioni’s conception who, founding on the “idea of law” the principle or the idea of nationality, used it to support a “new order of peoples and states, an order already realized”³³, partly still to be realized, which culminates in the politico-legal principle: every people, awakened to the national consciousness... has the unquestioned natural right to constitute itself, according to its own sovereign autonomy, in an independent national state”³⁴, is allocated a separate study.

*Principle of nationality, “longing for national freedom”
and “moment of making up the state”*

“The principle of nationality” constituted the central theme of Aurel C. Popovici’s³⁵ works and political activity, a leading figure in Romanian history and culture, one of the most prestigious militants for the rights of Romanians and

³¹ See *ibidem*, p. 585.

³² A. Mocsonyi, “Consciiti’a nationala” (“National Consciousness”), in *Almanahul Societății Academice Social-Literare „România Jună”* (*The Almanac of the Academic Social-Literary Society “Romania Jună”*), II, Publishing House of the Society “România Jună”, Vienna, 1888, p. 84.

³³ The order in which new national states were formed at the time: Romanian, Italian, German.

³⁴ A. Mocsonyi, *op. cit.*, p. 85.

³⁵ Aurel C. Popovici (1863, Lugoj – 1917, Geneva), political philosopher and publicist, the exponent of a political conservatism of organic-Burkean inspiration and of a reactionary nationalism, reconfigured in relation to the tradition of the Transylvanian Romanians nationalism. He studied medicine at the University of Vienna (as an “Emanuil Gojdu” fellow, 1885-1888) and at the University of Graz (1888-1891). He worked for the “Young Romania” Society (Societatea „România Jună”) in Vienna and was the leader of Romanian students in the universities of the former Empire. From 1891 he became one of the leaders of the Romanian National Party and a prominent protagonist of the nationalist debates in the Austro-Hungarian Monarchy. He participated in the creation of the League for Cultural Unity of All Romanians (1890), in drafting the *Memorandum* to Franz Joseph I (May 1892) and the *Replica* (*Reply of Romanian academic youth in Transylvania and Hungary*) (July 1892) – the programmatic documents of the Romanian national movement in the Monarchy. After being convicted in the *Reply* process (procesul *Replicei*) (August 1893) and initiating criminal prosecution in the *Memorandum* process, Popovici was exiled (September 1893) to Austria, then to Italy and Romania. For 12 years, of the 18 years lived in Bucharest, he taught German and hygiene at the “Nifon” Seminar and at the War School in Bucharest. He constantly presented his philosophical conception and perspective on the reformation of the Empire in the *Tribune* (1891-1912) and in numerous other newspapers in Romania, Austria-Hungary and Germany. Prior to the Congress of Nationalities in Budapest (1895), he published the opuscula *Principiul de naționalitate* (*The Principle of Nationality*) and *Cestiunea naționalităților și modurile soluționării sale în Ungaria* (*The Question of Nationalities and the Modes of Its Solving in Hungary*) (1894). He was one of the authors of the first volume of the *Romanian Encyclopedia* (1898) or the “ASTRA” Encyclopaedia, coordinated by C. Diaconovich. In 1906 he published *Die vereinigten Staaten von Gross-Österreich* (Leipzig), and in 1910 *Naționalism sau Democrație. O critică a civilizațiunii moderne* (*Nationalism or Democracy. A critique of modern civilization*) (Bucharest). Returning to Vienna in 1912, he was part of the multinational federalist group “*Gross-Österreich*”, formed around the “Belvedere Circle” of Crown Prince Franz Ferdinand and the idea of reforming the Empire by changing the constitutional basis of dualism. Living in Geneva after the assassination of the archduke

the affirmation of the Romanian nation in Austria-Hungary³⁶. As such, the principle of nationality was the foundation of his conception of a nation³⁷ and of his laborious project of ethnic federalization of the Habsburg Empire, for the achievement of which Popovici connected the guarantee of Romanians “national rights of autonomy and unity” and of all other nationalities from the former Habsburg Empire, the recognition of their national-political individuality and the assertion of their cultural identity. The theoretical configuration of the principle of nationality began in *Cestiunea română în Transilvania și Ungaria. Replica junimii academice române din Transilvania și Ungaria la „Răspunsul” dat de junimea academică maghiară „Memoriului” studenților universitari din România* (1892)³⁸, continued in the opuscul *Principiul de naționalitate* (1894), in *Cestiunea naționalităților și modurile soluționării sale în Ungaria* (1894), was resumed in *Stat și națiune. Statele Unite ale Austriei Mari* (1906) and in *La question roumaine en Transylvanie et en Hongrie* (1918)³⁹.

Popovici’s involvement in writing and publishing *Cestiunea română în Transilvania și Ungaria. Replica junimii academice române din Transilvania și*

(June 1914), he made himself available to the Romanian government. Following the failure of negotiations with German diplomacy in Vienna and Berlin and Romania’s entry into the war with the Entente, he gave up the “Gross-Österreich” project and the goal of uniting all Romanians “with the support of Austria and Germany”. In the last months of his life, he wrote *La question roumaine en Transylvanie et en Hongrie* (published posthumously, 1918, Paris), a paper used by the Romanian delegation at the Paris Peace Conference (1919-1920).

³⁶ „His only concern and goal of life was to ensure the future security of the Romanian people”. Alexandru Vaida Voevod, *Memorii (Memoirs)*, vol. IV, Preface, edition, notes and comments by Alexandru Șerban, Dacia Publishing House, Cluj-Napoca, 2006, p. 156. In fact, in the eulogy that was dedicated to him after death and that was hosted by *Österreichische Politische Gesellschaft*, Popovici was praised for his “political activity and genius” (Edmund Steinacker), for his conception sustained “perseveringly in the interest of his people, dependent on the fate of Habsburg monarchy” (Alexandru Vaida Voevod), for being a man with soul of fire and irresistible eloquence” (I. Danzer). See *ibidem*, p. 109.

³⁷ Presented mainly in the collection of articles published under the title *Naționalism sau Democrație. O critică a civilizațiunii moderne (Nationalism or Democracy. A critique of modern civilization)* (1910).

³⁸ *Replica (Reply)*, published in Romanian, German, French, Italian and English, contains 155 pages, 370 footnotes, makes references to and cites 68 authors and 24 newspapers and magazines and includes an impressive bibliographic apparatus showing that A. C. Popovici “was best scientifically and doctrinally equipped in the field of political science in his time”. Vasile Crișan, *Aurel C. Popovici (1863-1917)*, Altip Publishing House, Alba Iulia, 2008, p. 56. http://www.academia.edu/2319553/AUREL_C._POPOVICI_1863_1917_

³⁹ Concluded a few months before its premature end and published posthumously, this last work resumes in its first part, with a few exceptions, the chapters of the paper *Cestiunea română în Transilvania și Ungaria. Replica junimii academice române din Transilvania și Ungaria (The Romanian Question in Transylvania and Hungary. The Reply of the Romanian academic youth from Transylvania and Hungary)* (1892), with additions and developments, and includes, in the second part, the evidence of the brutal oppression of the Romanians in Transylvania, after 1892, and the relating of the last attempts of Romanian-Hungarian reconciliation in which he participated. The identification of causes of the failure of all negotiations between Romanians and Hungarians and of the personal project of reforming the Empire („reconstruction de l’empire”) through federalization led him to the conclusion that „l’empire, ruiné par l’incapacité de François Joseph et de ses bien-aimés Magyars et Allemands” „n’y a plus aucune raison qu’il existe. Mais il y en a de nombreuses qu’il soit détruit, que les nations asservies soient affranchies de ce joug insupportable, de ces gouvernements ignorants et despotiques”. Aurel C. Popovici, *La question roumaine en Transylvanie et en Hongrie*, Laussane/Paris, Librairie Payot & C^{ie}, 1918, p. 222. It must be borne in mind that this bitter conclusion, which involved the abandonment of Empire federalization project, was drafted long before the Central Powers were defeated, before the outbreak of Bolshevik Revolution and the United States’ entry into the war, and that Popovici’s “prediction” „came true. Austria-Hungary collapsed due to its own weaknesses, crushed by the implacable action of the national principle”. Vasile Crișan, *op. cit.*, pp. 232-233.

Ungaria la „Răspunsul” dat de junimea academică maghiară „Memoriului” studenților universitari din România (The Romanian Question in Transylvania and Hungary. The Reply of Romanian academic youth from Transylvania and Hungary) – subject to legal sanction, moreover, in the lawsuit filed by the Hungarian authorities in 1893 – was implicitly recognized and, over the years, in 1918, explicitly, by its posthumous republication, in a completed and added form, under the name Aurel C. Popovici and under the title *La question roumaine en Transylvanie et en Hongrie*. Publication of *Replica (Reply)* at the end of July 1892, in five languages (Romanian, German, French, Italian and English), the distribution and reiteration through it, in essence, of the necessity that the former empire be constituted in relation to the national needs and aspirations of all its nationalities and which would correspond to a liberal federation that ensures “national freedom” and prevents the “oppression of non-Hungarian nations” by “violent and denationalizing absolutism”⁴⁰, amplified the effect of the *Memorandum*, the problems of nationalities in Hungary becoming a matter of concern not only for the dual monarchy but also for Europe. The *Replica (Reply)* is probably the most well-argued and wide ranging accusation against the Hungarian government’s policy towards nationalities.

According to Popovici, as author of *Replica*, a polyglot empire or “a state of nationalities,” such that of Austria-Hungary, necessarily had to introduce a federal system – a “free federation” – not only because in Hungary the nationalities, “left literally outside the framework of the constitution”⁴¹, express their demand for this purpose in order to avoid the undermining of “their national existence” – and the “destruction of everything that is not Hungarian”⁴² – and “the suppression of their national consciousness,” but also to avoid the manifestation of “violent absolutism” (Friedrich von Hellwald) and finally the de-structuring of the monarchy – the “grave of the whole monarchy”, prepared by the Hungarians who, “undermining the peace, security and life” of non-Hungarian peoples, push them hard towards desperate acts”⁴³. “The Romanian people from Transylvania, Hungary and Bucovina, reaching the full consciousness of their national personality”⁴⁴, requested “equal national entitlement,” recognition of nationality as a nation, based on the “principle of freedom, equality and fraternity,” as well as “independence in political respects,” given that “the intimate nature of the principle of nationality” was considered the “moment of making the state”⁴⁵. Popovici also appealed to historical law – “the ethical-legal principle *suum cuique*,” that of mastering the “secular land of parents and ancestors” – when he claimed on behalf of the Romanian nation “national freedom” and national rights and when he explicitly formulated the goal of political self-determination: “we claim to administer and

⁴⁰ Vasile Crișan, *op. cit.*, p. 56.

⁴¹ *Replica, ed. cit.*, p. 6.

⁴² „...we, the Romanians, and with us all other non-Hungarian nations in Hungary, are not transatlantic tribes, to suffer, now at the end of the 19th century, to be materially exploited and Hungarianized under the feudal pretext that the genetic Hungarian nation would be our master...”. *Ibidem*.

⁴³ *Ibidem*, p. 20.

⁴⁴ *Ibidem*, p. 3.

⁴⁵ *Ibidem*, p. 4.

judge ourselves by ourselves in our national language, to elect our own deputies by ourselves; to base our settlements on Romanian national culture ... with all determination we ask to be recognized as masters of our own fate...”⁴⁶.

In the Conference he held at the Romanian Athenaeum in January 1894⁴⁷, Aurel C. Popovici situated the principle of nationality between “the great ideas” – “nebulae” at the beginning of “their proclamation in the world,” present “in a somewhat mystical sphere and more felt than understood,” then revealed by “the course of time” in “their pure kernels”⁴⁸ – and designated it as “the engine of all national revendications.” In his wording, the *principle of nationality* represented the practical application of the “liberal and egalitarian” humanitarian principles proclaimed by the French Revolution, with their entire “ethical basis,” for “social individualities” or “groups of individuals.” In support of this definition, Popovici invoked Novicov’s argument: „*par une conséquence logique et inévitable, si chaque individu a des droits, comment la communauté n’en aurait elle pas? L’égalité des hommes mène à l’égalité des nations*”⁴⁹. The novelty of the *principle of nationality*⁵⁰ was thus formulated as according to the principles of freedom and equality to “certain social groups” on the basis of “their claim” to “be recognized [as] free and equal with other such groups,” on the “unquestionably ethical claim of peoples to develop themselves freely according to their particular spirit, based on the equality of the general conditions of development”⁵¹. Synthesizing, we could identify the connotation that Popovici gave to the principle of nationality in that of the foundation of claiming and acquiring national rights, autonomy and/or national unity for peoples that are not constituted in the form of States. Popovici considered the principle of nationality to be representative of a “more developed phase in the natural evolution of the practical application of liberal and egalitarian principles,” a phase which succeeded the one in which their “cosmopolitan” “reporting” was made to single

⁴⁶ *Ibidem*, p. 7.

⁴⁷ The motivation for publication the Conference was „... the faith to do a modest service especially to the cause that concerns us, all the Romanians, today so much and so alive”.

⁴⁸ Aurel C. Popovici, *Principiul de naționalitate. Conferința desvoltată la 30, I, 1894 în „Ateneul Român” din București (The principle of nationality. Conference held on 30, I, 1894 in the “Romanian Athenaeum” in Bucharest)*, Gregorie Luis Modern Printing House, Bucharest, 1894, p. 5.

⁴⁹ I. Novicov, *La Politique internationale*, Paris, Alcan, 1888, p. 143, apud Aurel C. Popovici, *Principiul de naționalitate (The principle of nationality)*, p. 6. Yakov Aleksandrovich Novicov (Jacques Novicow) (1849-1912), the Russian sociologist, professor in University of Odessa, was the author of the papers (mostly published in French): *La Politique internationale* (1886), *Le Protectionnisme* (1890), *Les Lutttes entre sociétés humaines et leurs phases successives* (1893), *Les gaspillages des sociétés modernes: Contribution à l’étude de la question sociale* (1894), *La Guerre et ses prétendus bienfaits* (1894), *Conscience et volonté sociales* (1896), *La Fédération de l’Europe* (1901), *La Justice et l’expansion de la vie* (1905), *La Critique du Darwinism social* (1910), *Mecanisme et limites de l’association humaine* (1912). Popovici also referred to the article „La Nationalité” published by André Cohut in *Revue des Deux Mondes* in 1866.

⁵⁰ Besides, in in his famous 1906 book, Popovici recalled the consensus of nineteenth-century literature in considering that “the principle of nationalities is an eminently modern political idea.” Aurel C. Popovici, *Stat și națiune. Statele Unite ale Austriei Mari. Studii politice în vederea rezolvării problemei naționale și a crizelor constituționale din Austro-Ungaria (State and nation. United States of Great Austria. Political studies to solve the national problem and constitutional crises in Austria-Hungary)*, translation from German by Petre Pandrea, introductory study, notes and editing by Constantin Schifirnet, Albatros Publishing House, Bucharest, 1997 (1906), p. 167.

⁵¹ Aurel C. Popovici, *Principiul de naționalitate (The principle of nationality)*, ed. cit., p. 6.

individuals, at each “Man and citizen”⁵². As such, according to Popovici, these principles or “epochal ideas” contributed to the “validity” of the principle of nationality and constituted its “engine.” The “direct impetus for its proclamation” was given by the series of “reactions” or “events” that involved the “awakening” of the people’s interest in “their nationality, but especially for their ‘mother’ tongues as they have been called ever since,” representative in this sense being the German response to the predominant influence of French culture during Friedrich II, the Polish insurrection against Russian domination in 1830, the resentments of the “peoples of Austria” to the “Germanization system inaugurated by Emperor Joseph II.” The significance of the principle of nationality is thus decanted in the conclusion that “from these events until today,” namely in the “history of the last 50 years,” it “has become a basic force in the development of European states,” he recorded thus an “evolutionary course” that will be vigorously reflected in the “great changes” that “will take place in the near future” “on the map of Europe”⁵³.

⁵² By the cosmopolitanism of the French Revolution principles, Popovici certainly intended guaranteed universal human rights, because they are rights related to human nature, “valid regardless of time and place” and basis of any nation of free and equal individuals before the law.

⁵³ Aurel C. Popovici, *op. cit.*, p. 7. Regarding the “great and unimaginable actions” of the principle of nationality that “will be revealed” “only in the next century”, the author quoted František Palacký, the influential Czech historian and politician who, in *Psaní do Frankfurtu* (Letter sent to Frankfurt. To the committee of Fifty) of April 11, 1848, and as a Member of Kremsier Reichstag (Kroměříž, October 1848-March 1849), defended the thesis of the ethnic federalization of Austria, of the necessity of the Empire’s “preservation, integrity and consolidation” in order to ensure “national existence” and, accordingly, the possibility of making “the conjunction of national consciousness and loyalty to Austria feasible”. According to Palacký, Austria was able in 1848 to assert “the real juridical and moral basis of her existence ... : the fundamental rule, that is, that all the nationalities and all the religions under her sceptre should enjoy complete equality of rights and respect in common” whereas “the rights of nations are in truth the rights of Nature. No nation on earth has the right to demand that its neighbours should sacrifice themselves for its benefit, no nation is under an obligation to deny or sacrifice itself for the good of its neighbour.” See *Letter sent by František Palacký to Frankfurt*, To the committee of Fifty, April 11, 1848, in *Slavonic and East European Review* 26, 1947/1948, p. 305, p. 307 i *František Palacký: Letter to Frankfurt, 11 April 1848, Context*, in Balázs Trencsényi, Michal Kopeček (editors), *Discourses of Collective Identity in Central and Southeast Europe (1770-1945)*, vol. II: *National Romanticism: The Formation of National Movements*, Budapest/New York, CEU Press, 2007, p. 324. Popovici considered that Palacký was one of the few thinkers who “found since 1848 the true path to an unadulterated constitutionalism, to a rational understanding between nationalities and, above all, to a natural and real unity of the empire,” the Banatean author, in his book published in 1906, confirming the acclaimed Moravian historian and politician: “It may seem paradoxical, but it is an indisputable thing: only in this division of power between the competent nations and the empire lies the very guarantee of the unity of the latter In the iron strap of the national borders, of the clearly drawn peoples, and of the spheres of competence established in the empire, just as clearly, as well as under the pressure of the unitary and territorially delimited national-political individualities”. Aurel C. Popovici, *Stat și națiune. Statele Unite ale Austriei Mari (State and nation. United States of Great Austria)*, ed. *cit.*, p. 257, p. 258-259. In his collection of articles published in 1865 under the title *Idea stătu rakouského (The Idea of the Austrian State)* Palacký pointed out that the implementation of the equality of nations would not lead to the dismantling the large multinational states and that „the true reason Austria should exist was to guarantee the freedom, justice and security of the small Central European nations on the basis of their equality”. In his 1865 federalization concept of Austria, Palacký maintained his „emphasis on national self-determination and basic liberal tenets” but combined it with “other elements, especially with the concept of historical rights, referring to József Eötvös’s theory of the historical and political individuality of the Crown lands in Austria”, making thus the transition from the doctrine of national rights as natural rights to the policy of historical state rights. See in this regard *František Palacký: The idea of Austrian state, Context*, in Ahmet Ersoy, Maciej Górný, Vangelis Kechriotis (editors), *Discourses of Collective Identity in Central and Southeast Europe 1770–1945: Texts and Commentaries*, volume III/1: *Modernism: The Creation of Nation-States*, Budapest/New York, CEU Press, 2010, p. 27.

In Popovici's presentation, the "distinctive character" of a nation is not given by an exclusive "decisive" factor, for example, national language⁵⁴, as the German School accredited⁵⁵, or by the establishment in the form of a political or territorial community (or state), or by a common religion and moeurs, but by *national consciousness*, the consciousness of the "community" of language, origin, culture, moeurs and territory that "ethnic individuality" acquires⁵⁶. In the Italian School⁵⁷ line of argumentation, especially that due to Pasquale Stanislao Mancini, the "natural and historical" conditions, such the community of territory, language and origin, constitute "inert matter" in which "the spirit of life" (*il soffio della vitta*) or "spiritual life" – "the divine perfection of the being of a nation" – is instilled by "national consciousness" (*la coscienza della nazionalità*) or by the "feeling" that the nation "has about itself and that makes it build inside and

⁵⁴ Given that there are nationalities that have lost their national language and adopted another, as Popovici points out with express reference to the case of the Irish, famous in their "struggle for Irish Nationality and Freedom", in their efforts to affirm their national character and to attain autonomy. See Aurel C. Popovici, *Principiul de naționalitate (The principle of nationality)*, ed. cit., pp. 8-9.

⁵⁵ The general thesis of the German Philosophical-Legal School circumscribed the formation of nations to the natural laws, to a determinism of soil, race and history. As an ethnic and linguistic theorizing of the nation and its historical law, the German School ("national materialism") privileged the role of material factors, namely the "past" – the "community of origin" – "race", territory (in Friedrich Ratzel, "necessary territory a people" or "living space" – *Lebensraum*), language community, community of economic interests, destiny (according to Iuliu Moldovan, "resulting from the interaction between heredity and environment"), religion. See in this regard George Sofronie, „Transformările doctrinare ale conceptului de „națiune” (“The doctrinal transformations of the concept of ‘nation’ ”), *Transilvania*, Year 74, no. 7-8, July-August 1943, pp. 501-505. In Sofronie's formulation, for the "national materialism" "the nation is nothing... but a *determined organization of biological matter, a hereditary substance that propagate itself from generation to generation*". *Ibidem*, p. 499.

⁵⁶ In *Stat și națiune. Statele Unite ale Austriei Mari Mari (State and nation. United States of Great Austria)*, ed. cit., p. 167, the definition of nationality includes "a people who live on the same land, speak the same language, and, having become aware of its national homogeneity, aspire to a common political and cultural ideal. The main characteristic of nationality, which gives it at the same time a great political importance, resides thus in the *national consciousness*, as the Italian school has just seen, the first,... , Vico, Mancini, Mamiani, etc., ...". A notable formulation of the author: consciousness "is *cogito, ergo sum* of nationality: a moral unity, based on a common thinking".

⁵⁷ Unlike the German philosophical-legal school, the Italian school of international law has developed the legal level of the concept of nationality, in the sense of the conscious conviction of a population that it can acquire its own national and state existence. In terms of the analysis proposed by George Sofronie, the Italian school – which adds an essential moral factor to the material factors that contribute to the formation of nations, the consciousness of nationality – typically illustrates, at least through Pasquale Stanislao Mancini, "the national empiricism", the conception that "starts from the data of social experience, emphasizing on one or more factors of national life, to postulate them then as the true and real constituent elements of nation". George Sofronie, *loc. cit.*, pp. 499-501. Mancini's theory of nationalities, strongly resonant with the project of national unification of Italy, „well reflected”, through its basic premises, "the spirit of the time", giving "an international legal dimension to Mazzini's political project of Italian liberation from foreign domination". Francesco Messineo, "Is There an Italian Conception of International Law?", *Cambridge Journal of International and Comparative Law*, Vol. 2, Issue 4, 2013, p. 888. Until the end of the *Risorgimento*, whereas Mancini's theory of nationality provided "the supporting legal framework and justification for the aspiration of unity and independence of the national patriots in Piedmont and other Italian regions...", "the legal doctrine of early Italian international law scholars" due to Mancini and to some prominent professors such Ludovico Casanova, Pasquale Fiore, Guido Fusinato and others, was "inevitably 'national'," and "a clear boundary between the scholar and academic or the patriot and politician" was "difficult to draw". See in this respect Edoardo Greppi, "The *Risorgimento* and the «Birth» of International Law in Italy", in Giulio Bartolini (editor), *A History of International Law in Italy*, Oxford, Oxford University Press, 2020, p. 105.

manifest outside”⁵⁸. Adopting this thesis, Popovici defined national consciousness as “a feeling springing from the consciousness of everything related to the common life of a people; from the love of everything that constitutes his public glory and pride and from his perseverance towards a free development of his skills in accordance with his specific nature and inclinations”, in the case of Romanians with “knowing yourself a constituent part” of the Romanian nation, to “understand the pride of our origin”, to feel “those sweet and indefinable thrills that overwhelm you at the melodic accents of our national language,” but also to understand the causes that stop “the development of fruitful germs of culture” in such a way as to contribute to the “becoming” of the Romanian nation “according to its own will,” namely to its constituting itself into a “happy nation through culture and power, a great nation, one and inseparable”⁵⁹. National consciousness is thus constituted in the most important force (“conquering power”) and in the “strongest lever that raises a people to the height of its aspirations”⁶⁰.

In the order in which Popovici presented in his opuscle the crucial role of the consciousness of nationality, the first concern is the justification of the aspiration for freedom and the struggle for its acquisition. The way in which the consciousness of own nationality and culture exalts a people “burned by the longing for freedom”, humiliated and violently oppressed, to express – “with elemental power, just like the storms of the sea and the volcanoes of the continent” – the sins of the oppressor⁶¹ and to look for forms of national struggle that give it the uplifting “feeling” “of law”⁶² or of instituting justice by acquiring

⁵⁸ P. S. Mancini, *Diritto internazionale*, Napoli, Marghieri, 1873, p. 35, apud Aurel C. Popovici, *op. cit.*, p. 10. In the inaugural lecture of his international law course at University of Turin, *Della nazionalità come fondamento del diritto delle genti* (January 22, 1851), Mancini outlined his theory of nationality as foundation of international law and, through it, “introduced not only a new method, but also a new agenda” in the conceptualization of legal theory and the modernization of law. “The consciousness of nationality is, therefore, the core of his theory” and the specific innovative difference in relation to other theories based on the principle of nationality, especially to those of his famous Italian predecessors, Giambattista Vico (1725) and Giuseppe Mazzini (1831, 1835). See in this regard Eduardo Greppi, *op. cit.*, pp. 86-87. According to Mancini, “the consciousness of nationality’ is the essential element binding all of these factors together, so that a nation is, ultimately, what an organized people believe it is”. Francesco Messineo, *loc. cit.*, p. 890. Mancini argued 20 years after his inaugural lecture in 1873, when the *Institut de droit International* was established (and he was its first president), that “nationality had to be the basis of the existence of states” and that “no legitimate international law could be constructed on an irrational basis that denied the fundamental human right of free national association”. Sandi E. Cooper, *Patriotic pacifism: Waging war on war in Europe, 1815-1914*, New York/Oxford, Oxford University Press, 1991, p. 47. He also argued “that a nation should be ‘left free to organise itself as an independent state’ according to the ‘principle of the self-determination of the peoples’; that nations should be equal, and so should the states deriving therefrom; that arbitration should be compulsory; and that a legal order capable of settling disputes among nations should be established”. Francesco Messineo, *loc. cit.*, p. 888.

⁵⁹ *Ibidem*, pp. 10-11.

⁶⁰ *Ibidem*, p. 13.

⁶¹ The author refers to the “feelings of hostility and hatred” of the people “against the stranger who oppresses, exploits and persecutes them,” to the hate which, according to Paolo Mantegazza, is a “psychic response to pain”, being “one among the many expressions of self-defense”. *Ibidem*, p. 14. Popovici was influenced not only by the ideas set out by Paolo Mantegazza in *Fisiologia dell’odio* (1889), but also by the Darwinian theses of his anthropology.

⁶² *Ibidem*, p. 15. Popovici cites in this sense from Rudolf von Jhering’s work *Der Kampf ums Recht* (1872), particularly well regarded at the time, in which, in his theory of law as a result of the living, fierce struggle, directed against injustice, is contained the idea of law as a moral condition of a person’s existence and defence of the right as a moral self-defense of the person. By virtue of “solidarity of law and rights” and given that rights involve a part of the social value of persons and their honor, the violation of rights is tantamount to attacking a person’s value and honor.

rights, is illustrated by the commitment to fight for a united, free and independent nation, contained in the oath that the young Italian patriots uttered upon admission to the secret society *La Giovine Italia*⁶³.

National consciousness is “the highest expression of patriotism,” of an “unconditional” patriotism, in the case of *national States*, as well as one of a certain “conditioned” patriotism, in the case of *poly-national States*. In states with several nationalities, in which “the *nationality* and the *State* are not identical” and in which “flagrant collisions and secessionist tendencies, fully justified,” “between their fundamental interests of existence” can easily arise, the State as a “homeland” only “politics” can constitute “the denial of nationality”⁶⁴. In this situation, “the nationalist *cannot* be a patriot” as was (considered) the case with the Romanians from Transylvania, because of the “state in which they are kept” is so that they cannot contribute “with dear heart to the flourishing of a State that bears a foreign character and is the negation of their nationality”. At best, nationalities can be indifferent, by no means favourable, to a State that denies and oppresses them, challenging their legitimate aspirations. Consequently, “the Homeland of the true nationalist is his nationality and its territory, without regard to political boundaries”⁶⁵. Only in the state that does not oppose to the rights of nationalities, but supports and guarantees them, “nationalism becomes synonymous with patriotism.” *Nationalism* remains “*the particular patriotism of nationalities which have not yet become State individualities, which tend to this end* and which, once constituted in the States, want to give them an internal organization corresponding to their special national spirit”⁶⁶. According to Popovici, the experience of Italy’s unification attests the decisive role played by national consciousness of “the entire Italian people” and its formation in long periods of cultural sedimentation.

⁶³ The conspiracy and insurrectionary political movement *La Giovine Italia*, created by Giuseppe Mazzini and having Giuseppe Garibaldi among its members, had as its motto *Unione, Forza e Libertà!!*, the oath sworn upon inauguration into the fraternity expressing the intensity and fervor of the commitment in the struggle for the independence, unity and national freedom of the republican Italy and for the prior application within it of the principle of equality between people. It is worth mentioning that Aurel C. Popovici, together with his former high school classmate from Lugoj, Captain Victor Verzea, founded and patronized between 1893-1894 „Societatea revoluționară română” (“Romanian Revolutionary Society”), a secret society whose members signed at the accession – in The Artillery Museum of Bucharest – an oath – like that one signed by Popovici in May 1894 – which specified: “I swear on my conscience as a Romanian and my honor as a man ... to sacrifice my life for the liberation of Romanianism from Transylvania.” Verzea co-opted in this society two of Popovici’s close collaborators, Alexandru Vaida Voevod and Iuliu Maniu, none of them knew about the other’s accession. The plans of the Society’s initiators to start a revolution in Transylvania with the help of members “from the left and right of Carpathians” remained “ardent” plans. See Alexandru Vaida Voevod, *Memorii (Memoirs)*, vol. II, Preface, edition, notes and comments by Alexandru Șerban, Dacia Publishing House, Cluj-Napoca, 2006, pp. 109-110; 147-149; Nicolae Cordoș, „Societatea revoluționară română (1893-1894)” (“The Romanian Revolutionary Society (1893-1894)”), *Acta Musei Napocensis*, vol. 31, nr. 2, 1994, pp. 313-330; Nicolae Cordoș, „Aurel C. Popovici și «dezvăluirile» lui din 1896” (“Aurel C. Popovici and his ‘disclosures’ from 1896”), *Acta Musei Devensis. Sargetia* vol. XXVII, nr. 2, 1997-1998, p. 211.

⁶⁴ Aurel C. Popovici, *op. cit.*, pp. 16-17.

⁶⁵ *Ibidem*, p. 17. Popovici also quotes Novicov in this regard: „... *les intérêts de la nationalité passeront toujours avant ceux de L’Etat*”. Novicov, *op. cit.*, p. 316, apud Aurel C. Popovici, *op. cit.*, p. 17.

⁶⁶ *Ibidem*, p. 18.

The stage in the evolution of a nationality that acquires its freedom and equality reflects “the energy and intensity of its national consciousness,” its degree of development and its strength or ability to “present itself as an equivalent of strength.” Resulting from the culture of a people and developing in parallel with the freedom of the state, with the progress of culture and depending on the “degree of intelligence of that people,” national consciousness “penetrates all strata of the people ..., raises its national pride, cultivates the feeling of its rights and awakens its spirit of national independence”⁶⁷. As such, its force or “decisive significance” manifests itself in the “validation of national rights” and, at the same time, in the resistance to the threat, to persecution, to the “fanaticism of the Hungarianization”⁶⁸. In order to develop national consciousness, Popovici recommends the means “with special power of action,” “the lights of civilization,” which are used by “constitutional and free States to awaken and affirm the civic spirit and to develop public opinion”: school, national literature, history and economy, press, associations and public meetings.

In order to that a nationality be recognized as a “subject of national law,” by virtue of the principle of nationalities, it must be granted not only the right to the free use of the national language but also the right to “live in a compact territory” and to constitute herself, “according to her own free will in a form of independent State or to unite with another State on the basis of their national community”⁶⁹. Popovici agrees with Johann Kaspar Bluntschli on the thesis that the nation, fully aware of its intellectual and cultural community, acquires the will to form a political community, “in other words, the conscious nation claims to determine the State or to constitute itself in the form of a State”⁷⁰. The state, thus constituted

⁶⁷ *Ibidem*, p. 19.

⁶⁸ The expression belongs to Eduard von Hartmann who, in a paper quoted by Popovici: *Zwei Jahrzehnte deutscher Politik und die gegenwärtige Weltlage*, Lipsca, W. Friedrich, 1889, p. 193, considered that through a “intemperate procedure”, “... if it is about whether the non-Hungarian majority in Hungary can be Hungarianized ... then not a single moment should be lost, so that the work to be completed before the national feeling of the Slavs and of the Romanians would wake up with full power”. *Ibidem*, pp. 19-20.

⁶⁹ *Ibidem*, p. 21.

⁷⁰ Johann Kaspar Bluntschli, *Allgemeine Staatslehre*, ediția a VI-a, Stuttgart, Cotta, 1886, p. 107, apud Aurel C. Popovici, *op. cit.*, p. 22. He was influenced by Mancini – like other prestigious social scientists, such as the founder of the Austrian School of Economics, Carl Menger, the Hungarian politician József Eötvös, the French jurist and politician Joseph Barthélemy, the Russian jurist Aleksandr Gradovsky, the Russian philosopher and theologian Vladimir Sergeevich Soloviov. See George Sofronie, „Transformările doctrinare ale conceptului de «națiune»” (“The doctrinal transformations of the concept of ‘nation’”), *loc. cit.*, p. 502. He critically addressed “the crucial relationship between nation and State”, but “in particular shared with Mancini the view of an international law based on the legal conscience of civilized nations”, given that “nations gave ‘spirit’ to States”. However, he considered that “only States were political subjects with legal personality, capable of expressing a relevant will”. Eduardo Greppi, *op. cit.*, pp. 106. For Bluntschli, as for other members of the *Institut de droit International*, “the idea of a good version of nationalism” could be consistent with cosmopolitanism and individual rights. In fact, they “shared Mancini’s nationalism in its dimension of cosmopolitan liberalism” and supported the activities undertaken in the field of European unification. In addition, like Mancini, Bluntschli and other European scholars, such as Gustave Rolin-Jaequemyns, John Westlake, Tobias Michael Carel Asser and Gustave Moynier, “went far beyond a simple theoretical approach to the new discipline of international law”, they were all actively involved in politics, and devoted their energies to the struggle for liberalism in view of cultural, political and social progress of the European societies”. *Ibidem*, p. 107. The same model was followed by Aurel C. Popovici and his references to Bluntschli’s works began with the first work to which he decisively contributed *Cestiunea română în Transilvania și Ungaria. Răspunsul juriștilor academici români din Transilvania și Ungaria* (*The Romanian question in Transylvania and Hungary. The Reply of the Romanian academic youth from Transylvania and Hungary*) (1892), even in its motto.

on the basis of the law of nationalities and established on “the national sovereignty of the people aware of its nationality,” may opt for exit from “foreign” political structures and for union with “eventual states of common nationality in a single national and independent state”⁷¹.

Recalling that Italians in particular – thinkers and politicians deeply committed to the cause of the unification of Italy, such as Terezio Mamiani, Cesare Albicini, Pasquale Stanislao Mancini, Cesare Balbo – eloquently sustained the right of nationalities to separate themselves “from the masteries of foreign States and to constitute themselves in united national States”⁷², Popovici emphasizes Professor Luigi Palma’s argument: the forms of domination of nations or the “titles of law” accepted in the old international law – conquest, cession, sale – can no longer be accepted “neither from the point of view of reason, nor from the point of view of justice. ... The nationality, freedom, equality and autonomy of a people must be considered as *primitive, inalienable rights* just like the fundamental rights of nature ... therefore *the public rights imposed by the abuse of force ... cannot annul the rights of peoples to get rid of foreigners and to unite with their brothers ...*”⁷³. The tendency to achieve national unity and to “defend” in solidarity the “identical interests” of the nation is considered a “reaction to action,” namely as a means of counteracting the “external dangers that haunt a nation” or those arising from foreign rule, “the longing for emancipation and political union among the members of a conscious nation” being all the more intense the more “violent is the oppression”⁷⁴. The joining of nations into a political community, in the case of Switzerland, and of Walloons and Flemings in the case of Belgium, are mentioned to illustrate the elimination of the “national struggle” and the unifying (and not centrifugal) capacity to apply the principle of nationality, while “the disparate parts of one or more nations are in conditions of freedom and equality”⁷⁵. The author shows the reason why the principle of nationality was not yet recognized by international law, the reason why it was still “a latent force,” unconfirmed “in all its purity” and still “unconfirmed by deeds”⁷⁶: many states “would have been demolished,” especially states “that consider the nationalities to be like African colonies” and oppose to “the modern interests of the peoples.” Diplomacy retained its conservative character in order to help maintain these “skillful,” artificial and conflicting formations.

It is interesting to note that Popovici situates the trend of German political literature⁷⁷ to challenge the principle of nationality – in its “two tendencies,” “the establishment of a nationality in the form of a state and the political union

⁷¹ *Ibidem*, p. 22.

⁷² Or they “recognize in the principle of nationalities the sovereign right of peoples to autonomy, possibly to national unity”. *Ibidem*, p. 22, p. 23.

⁷³ *Ibidem*, p. 23.

⁷⁴ *Ibidem*, p. 24.

⁷⁵ *Ibidem*.

⁷⁶ Given that German, Italian and Romanian unity, “as much as they were achieved”, were due to “national revival but in form: based on the *historical* rights of the constituent provinces” as Europe’s conservative diplomacy “did not want to know the principle of nationality”. *Ibidem*, pp. 25-26.

⁷⁷ „Artificial reaction and too transparent”. *Ibidem*, p. 27.

of dismembered nations” – “in the service of a political idea which is summed up in the well-known phrase ‘*Deutschlands Drang nach Osten*’” (The departure of the Germans to the East), that is, of *pan-Germanism*, “a parallel tendency to *pan-Slavism*”. Despite these tendencies and other oppositions, according to Popovici, “the principle of nationality cannot disappear from the world – as long as it is not satisfied”, as “the national struggles for autonomy and unity will not cease as long as their claims will not find their legitimate satisfaction”⁷⁸. His conviction that “in any case great and radical changes will be made by virtue of this principle, especially in the south-eastern part of Europe”⁷⁹ was fully justified and confirmed.

The assimilation of individuals and parts of peoples, often manifested in history under the rule of “eternal sub-laws of nature” – as “*natural ethnic assimilation*” produced “*unconsciously, without any opposition, as in a dream*”⁸⁰ – and which has affected all modern nations, is exemplified in order to equate it, in a Darwinian manner, with a process of *natural selection* between peoples, a process in which a people “gives” “the note of its vitality.” Despite this process, which resulted in the existence of some ethnic communities, some enclaves, “in the midst of the overwhelming majority of the people, which gives the State its general character,” the homogeneity of the nation that makes up the nation State is not altered. As long as these communities or enclaves do not manifest themselves as nationalities, do not acquire the consciousness of nationality, do not come to understand their community of interests and do not demand national rights – thus not manifesting their “vital energy” – they will be more easily subjected to the process of assimilation⁸¹.

However, in the case of European States composed of *distinct and fully conscious nationalities*, the artificial procedures they use to “merge nationalities” generate a “fatal” a “flagrant conflict with liberal and egalitarian principles”. “... *Artificial assimilation*, unjust and condemnable from all points of view of modern civilization is a war of conquest, is the open declaration of the struggle of races, for life and death”, a war waged with “*warlike and reactionary*” means to “completely destroy any expressions of national consciousness, so that nationalities ... to be transformed into inanimate matters, into medieval populations, asleep and thus insensitive”⁸².

Referring, of course, with barely restrained revolt but with maximum expressiveness, to the situation of Romanians in the dual monarchy, Popovici characterized the process used in Hungary for the assimilation of nationalities as “retroactive metamorphosis to the Middle Ages” of the “Saturn State.” This metamorphosis involved extinguishing the “lights of civilization,” silencing the “ethical impulses” and annihilating the “minds,” as the “vivisection of the individuality of nationalities cannot be experienced today, only in the dark”⁸³.

⁷⁸ *Ibidem*.

⁷⁹ *Ibidem*, p. 28.

⁸⁰ *Ibidem*, p. 31.

⁸¹ *Ibidem*, p. 30.

⁸² *Ibidem*, pp. 31-32.

⁸³ *Ibidem*, p. 32.

Challenging their national character, preventing their self-representation in the leadership of State affairs, forbidding their national languages in schools and public life, the right of assembly, freedom of the press, crushing “without mercy” the personalities “who have the civic courage of raise their voices for the rights of their nationality” – as happened in the case of the author himself in the process of the *Replica (Reply)* –, the State subjects the nationalities to some “despotic principles of government.” Granting general freedoms, as constitutional states do, would involve the “awakening” of nationalities, realizing that they are entitled to reclaim their rights, realizing the “power” of these rights, the “inevitable collision” with the State. It follows thus that the role of the real force of resistance to the tendencies of artificial assimilation of nationalities is played by national consciousness, the most important tool of mirroring the “appearance of constitutionalism” of despotic States.

The reaction to the despotism and violence manifested against nationalities, which “shook the States to the foundations,” is legitimate – in fact it means “to oppose violence to violence” – and recognized as such by the “cultured world,” given that these nationalities are prevented from using constitutional means of struggle to preserve their national individuality, are persecuted and punished for the manifestation of their national conscience. The “culmination of despotism” is, according to Popovici, the “denial of the right of defence” of nationalities which, as Bluntschli pointed out, while being attacked in their “ethical and intellectual existence”, they “are forced to oppose the most stubborn resistance.” Popovici fully agrees with Bluntschli on the assertion: “*there is no more just cause for a revolution against tyranny than the defence of nationality.* It is possible that the legality will be infringed, but the law is not violated...” because “the right of revolution is the right of the nature of a people that no longer knows how to defend itself in any other way”⁸⁴.

He also shares with Buckle the view that, “being the work of the nation itself,” the revolution “*is a splendid and imposing sight, because in addition to the moral character of indignation caused by concrete injustice, it adds intellectual qualities: foresight and combination [and]. .. achieves two purposes: ... punishes the oppressors, but at the same time gives the oppressed freedom*”⁸⁵. There is therefore a logical consistency between the individual right of self-defense and the application of this right to social groups, this truth being illustrated, in the words of Rudolf Jhering, by the “great results” recorded by the history of law which, all, from the “emancipation of slaves” to the “emancipation of religion”, had to be acquired through “the fiercest struggle”⁸⁶. As such, nations that manifest their will are subjects of law, their right to revolution in drastic circumstances is

⁸⁴ Johann Kaspar Bluntschli, *op. cit.*, p. 103 și în *Politik als Wissenschaft*, Stuttgart, Cotta, 1876, p. 207, apud Aurel C. Popovici, *op. cit.*, p. 34. In fact, Popovici also cites Luigi Palma in this regard, who considered that the right of peoples to revolution “is accepted by all writers and public figures” who understand human dignity and freedom and who consider that “there is no reason that could deny to the nation this right, when it is held by another nation in yoke”. Luigi Palma, *op. cit.*, p. 160, apud Aurel C. Popovici, *op. cit.*, p. 35.

⁸⁵ Henry Thomas Buckle, *History of civilization in England, and France, Spain and Scotland*, London, Longmans, Green, et comp., apud Aurel C. Popovici, *op. cit.*, p. 34.

⁸⁶ Rudolf Jhering, *op. cit.*, p. 8 și 42, apud Aurel C. Popovici, *op. cit.*, p. 35.

well-founded (legitimate) and the attempt to destroy their conscience and life is a “crime of murder against peoples.” Popovici states that in parallel with the ascertainment of the theoretical right of nations to revolution, is required the ascertainment that the transposition of this right into reality requires *power*, namely, a “*real capital of power*” – consisting in (1) “culture of mind and heart,” a “high culture” which keeps the national consciousness alive, mobilizing and generating feelings of abnegation and enthusiasm; (2) finance and (3) “force of arms” – inspired in this respect by Spinoza, for whom *Unusquisque tantum juris habet, quantum potentia valet* (“Everyone has only as much right as power”⁸⁷).

A correlation made between the principle of nationalities and the principles of socialism reflects, in Popovici’s interpretation, that socialism considers the “national claims” as natural and necessary to be satisfied and that what brings the principle of nationality closer to the concerns of socialism is the special interest in material and “intellectual” conditions of the whole people, that is, to the whole body of the nation.

The author of the *Principle of Nationality* argued in favour of the national character of public education and the educational system of “culturally young nationalities” and national States, starting with national language, literature and history – which should be the “crystallization point” – in order to avoid the “fatal exposure” of its citizens “to the fluctuations of cosmopolitanism”. Foreign cultural influences or the works of the “more advanced culture” of several nations must be spread widely, their reasons for civilization must be *chosen* and *adapted* to the national specificity, “and thus nationalized”. A special national culture requires mainly original creations, corresponding to the individuality of the nation, creations that express the special character of national culture and that are not only “absorbed” in a leveling way⁸⁸ into the “general culture”, therefore works that illustrate the “particularizing or individualizing current”, as do the “*Cathedral of Curtea de Argeș*”, doina, *Pastels* and the *Fountain of Blanduziei* by Alesandri and all the creations “springing from the pains and joys of the nation”, “elements of our individuality”.

⁸⁷ *Ibidem*, p. 36.

⁸⁸ In his 1910 book, Popovici stated that the true culture has value only if it remains original from a national perspective, “if it bears the mark of ancestors”, if it is protected from cosmopolitanism. If “the democracy swallows up the nationalities”, what can save the nation is a strong national consciousness related to national interests and its own civilization, which can also be “the ideal expression of a nation’s (neam) patriotism” and of confidence in its future. See Aurel C. Popovici, *Nationalism sau Democrație. O critică a civilizațiunii moderne (Nationalism or Democracy. A critique of modern civilization)*, Albatros Publishing House, Bucharest, 1997, (1910), p. 58 sq. It is interesting to specify that Popovici – often considered, starting with Iosif Constantin Dragan, a “Europeanist” or a forerunner (*précurseur*) of Europeanism, by overbidding his conception on the federalization of Austria-Hungary and creation of the United States of Greater Austria – put “the general culture” (culture susceptible to “absorb special national cultures”) in terms of the same theory which, “*mutatis mutandis*, maintains that all the peoples of Europe will form, in a distant future, a single great nation, a single state, with a single language and thus a single culture. It’s missing just the idea of barracks from Gibraltar to Camciatca, so that the monstrosity can be perfect. Those who support such ideas see, just like the Daltonians, only one color”. *Ibidem*, p. 40. See Aurel C. Popovici, par J.C. Dragan, Otto von Habsburg, Marco Pons, Alexander Randa, Franz Wolf, Milan, Fondation Européenne Dragan, *Les précurseurs de l’eupéisme* nr. 1, 1977, especially the articles signed by Iosif Constantin Drăgan, “Aurel C. Popovici”, pp. 27-50, and Alexander Randa, “Der «Europäer des Banats»”, pp. 67-93.

In fact, fifteen years later, in *Naționalism sau Democrație (Nationalism or Democracy)*, Popovici developed a theory of particularism, of the specificity of national culture and of adaptation to this specificity, being influenced by Joseph de Maistre, Schopenhauer and Keyserling. “In other words, true culture is not made starting from the abstract notion of ‘people’, *but from a particular people*; it is not done starting from ‘mankind’, *but from nationality*; not starting from *generalities*, but from *concrete cases*; not from abstract theories, but from the positive products of nature, in a word, just as in positive science: you are not allowed to build a synthesis before all the necessary analyzes have been made”⁸⁹. As a result, the state, language, religion, beliefs, morals, and customs of “mankind” exist only as attributes of *nationality*. The central thesis of Popovici’s political thought, of Burkean inspiration, argues that the maintaining and natural development of a people’s identity, of its “individuality” is determined by the maintenance of ancient morals, traditions, language and beliefs. For Popovici, the “true culture”, the “national organic culture”, represents the “intellectual and moral being” and the “personality” of a people. An adequate policy for maintaining national identity is a policy that preserves the state “without dislocating it”, a policy that does not produce “national disorganizations”, “does not displease the people”, but makes “the nation live”. As such, “the only value in politics” and “the only serious policy is a *policy of conformity to the special individuality of a country and of a people: on the one hand, a constant concern to preserve national character, on the other, a well-balanced adaptation of necessary innovations*”⁹⁰.

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⁸⁹ Aurel C. Popovici, *Naționalism sau Democrație (Nationalism or Democracy)*, edition cited, pp. 69-70.

⁹⁰ *Ibidem*, p. 185.

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