

Cities of Transylvania and the 1921 Agrarian Reform. Negotiations and Decisions Halfway Between Administrative Autonomy and Centralization

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At the end of World War I, in a very rapid course of events, over only five days, Bessarabia (March 27, 1918), Bukovina (November 28, 1918) and Transylvania¹ (December 1, 1918) proclaimed their union with Romania. Although the *Great Union* was later presented by nationalist historiography as an accomplished goal of all Romanians and, thus, as an end, it was in fact the beginning of a long and arduous process: the actual unification of the provinces that formed *Greater Romania*. One of the many difficult aspects of this process was the diversity of the legislations that were in effect in these provinces: Russian laws in Bessarabia, Austrian – in Bukovina, Hungarian – in Transylvania. The unification of administrative law was one of the top priorities, as it was considered an absolute necessity for the consolidation of the young state. The quickest and easiest solution would have been to extend the administrative legislation of the Old Kingdom to all the other territories, but this idea was not accepted in the new provinces. The Transylvanian leaders were especially against it.²

Even before the proclamation of the union, the Romanian leaders in Transylvania had different opinions as to the future status of the province inside an enlarged Romanian nation-state. Their visions varied between the unconditioned union and the integration of Transylvania as an autonomous region of Romania. By December 1, 1918, a compromise had been reached in the form of a conditioned union and a *temporary autonomy* as a transitional phase until the institutional and legislative unification. Neither the extent, nor the phases of this transition phase were established. The only reference point in this regard was the condition for the temporary autonomy to end. This condition was stipulated in The Resolution of the National Assembly: the election, by universal suffrage, of a national parliament. Until then, Transylvania would have its own regional institutions: The Great Romanian National Assembly, as a legislative body, and The Directing Council, with almost unlimited executive and legislative powers. The central government in Bucharest would only control the army, the external affairs, the railroad transportation, and a few other public services.³ Moreover, until the legislative unification, almost all laws, ordinances and regulations issued before October 31, 1918, would remain in effect.⁴

Hence, although it became part of Greater Romania, Transylvania reserved for itself an ambiguous position: neither completely autonomous nor fully integrated in the new nation-state. For over a year, until April 1920, when The Directing Council was dissolved, Transylvania related both to its regional center and to Bucharest. The uncertainty of the situation derived

1 "Transylvania" will be used with an extended meaning, as the province of the Greater Romania that included not only the territory of the medieval vojevodship, but also the territories of Banat, Crișana and Maramureș.

2 Manuel Guțan, *Istoria administrației publice românești* [The History of Romanian Public Administration] (Bucharest: Editura Hamangiu, 2006), 252-255.

3 Irina Livezeanu, *Cultură și naționalism în România Mare, 1918-1930* [Cultural Politics in Greater Romania. Regionalism, Nation Building and Ethnic Struggle, 1918-1930] (Bucharest: Humanitas, 1998), 158-163.

4 Manuel Guțan, *Istoria administrației*, 254.

not only from the legal status of Transylvania, as a semi-autonomous region, but also from the divergent opinions of its leaders, some of which still supported the idea of further maintaining some degree of autonomy inside a decentralized Romanian state.⁵

Reforms in times of transition

These uncertain times of transition coincided with a period when, forced by the tumultuous context at the end of World War I, Romania adopted two major reforms: the electoral and the land reform. In the Old Kingdom, both had been discussed before the outbreak of the war, but the authorities did not make a firm commitment until 1917. A promise of reform was made by King Ferdinand in the spring of that year, after a series of defeats and heavy losses that led to a disastrous situation for Romania. The King's speech was intended to raise the morale of the soldiers and to prevent social unrest in the context of the revolutionary turmoil in Russia. In his short speech, King Ferdinand talked about the two reforms as rewards for the soldiers' participation to the war. Hence, many of the Romanians associated the end of the war with the agrarian reform and the redistribution of the land.⁶ Thus, when the war ended, the social pressure was so high that it would have been impossible to postpone the enactment of the reforms until the institutional and legislative unification process of all the provinces of Greater Romania had ended.

Given the pressure for a rapid solution and the major differences between the provinces, the application of the land reform demanded not one, but four different acts, one for each of Romania's regions. In Transylvania, the drafting of the Agrarian Law became the task of The Directing Council. Considering the particular situation of the province, and following the major principles developed in The Old Kingdom between 1914 and 1918, The Directing Council elaborated *The Decree-law No. 3911 for the Agrarian Reform in Transylvania*, published in the Official Journal of Romania in September 12, 1919.

Despite that, all four decree-laws which regulated the application of the agrarian reform in the provinces of Romania were based on the same major principles and had the same main objective (the expropriation of large properties and the redistribution of land), the decree-law for Transylvania stood out by defining broader scopes of the reform, according to the particularities of this region.⁷ To the later surprise of the authorities in Bucharest, some of the provisions related to these additional and particular objectives created a very distinct and, at the same time, complicated situation for the cities of Transylvania. Their implementation affected these cities' economy, administration and their physical form, leading, in some cases, to massive extensions of their urban areas. Since the drafting of the Transylvanian Agrarian Law was left to The Directing Council, the central authorities in Bucharest paid little attention to the few articles of the resulted normative act that contained provisions that would affect the cities – through expropriation or through the distribution of new building plots. These particularities of the Transylvanian legislation were still not noted in the summer of 1921, when the 1919 decree-law was abrogated and a definitive Agrarian Law for Transylvania was discussed and then promulgated by the Parliament in Bucharest.

Between 1918 and 1921, the administrative center of Transylvania was moved to Bucharest, the capital of Greater Romania, which eventually imposed itself as the single center of all provinces. But the official transfer of authority was not automatically followed by a detailed knowledge of the realities in Transylvania. On the contrary, the Parliament and the Government in Bucharest remained, at least for the first few years, unaware of many of these realities, including the provisions of the agrarian legislation that led to major transformations in many of the Transylvanian cities.

5 Sorin Radu, "Unificarea legislativă a României Mari în gândirea politică a lui Iuliu Maniu" [The Legislative Unification of Greater Romania in the Political Thinking of Iuliu Maniu], *Annales Universitatis Apulensis. Historica* 2-3 (1998-1999): 19-20.

6 Florin Constanținiu, *O istorie sinceră a poporului român* [A Sincere History of the Romanian People] (Bucharest: Univers Enciclopedic, 2008), 277.

7 Dumitru Șandru, *Reforma agrară din 1921 în România* [The Agrarian Reform of 1921 in Romania] (Bucharest: Editura Academiei Republicii Socialiste România, 1975), 47-62.

The agrarian law of Transylvania and *The 18th of October Law*. Overlapping legislation

The 1919 decree-law and, later, the 1921 Agrarian Law of Transylvania had a twofold effect on the cities of this region. The first derives from the fact that, at the time when the agrarian legislation was passed, the cities of Transylvania were themselves large landowners. Many of their estates stretched over hundreds or even thousands of hectares, including farming land, pastures, woodland, vacant urban and extra-urban areas, etc. Per article 5 of the Agrarian Law, the cities' extra-urban estates would be entirely expropriated, except for some categories of property that served social or educational purposes. The second major consequence of the Agrarian Law was the expansion of the urban areas, due to the distribution of building plots, an operation associated to one of the four major objectives that the Transylvanian law attributed to the expropriation: "to ease up living in cities, and to build industrial, mining and spa centers" (point 3 of article 1). The building plots created on the expropriated land would be sold to workers, public servants, and other categories of low-income residents of these centers. None of the agrarian laws of the other three provinces contained similar provisions.

Despite the unexpected association between the urban housing crisis and the agrarian reform, the Transylvanian law gave great consideration to this matter. It not only allowed for the allocation of large areas of the expropriated land for building plots, but it even permitted a second expropriation. If the land expropriated in the first phase, on the outskirts of the cities, would not be suitable or would be insufficient to meet the number of requests for building plots, the law allowed for a second, gradual expropriation of the land situated in a radius of 1,000 meters measured from the edge of the urban area. Moreover, for the same purpose, the law allowed for the expropriation of vacant urban land, even if it was owned by the cities (article 14).

All these legal provisions that would determine massive extensions of many of the cities in Transylvania (Alba Iulia, about 200 ha⁸; Cluj, over 400 ha⁹; Oradea, over 200 ha¹⁰; Salonta, about 110 ha¹¹; Sibiu, over 250 ha¹², etc.) remained unknown to the central legislative and executive authorities in Bucharest until 1925, even though the Agrarian Law was discussed and voted by Parliament in the summer of 1921. As a proof to this, in the same year, just a few months apart, another law regarding the distribution of building plots in the cities was voted by Parliament.¹³ The law, that would be known as *The 18th of October 1921 Law*, was a general normative act, addressing all provinces of Romania and stipulating the right of municipalities to sell building plots from the cities' land properties to "the disabled, widows and orphans of war victims, public servants and to all ex-servicemen." The law was considered the urban counterpart of the agrarian reform, since it addressed the inhabitants of the cities. During the debates that preceded the Parliament's vote, the members who introduced the law argued that since the peasants were about to be rewarded for their participation to the war by receiving land properties, it was only fair that the ex-servicemen in the cities and their families would be rewarded as well.¹⁴

8 S.A.N.I.C., *Ministerul Agriculturii și Domeniilor. Direcția aplicării reformei agrare 1921, Județul Alba*, [National Central Historical Archives, Ministry of Agriculture and Domains. *The Agrarian Reform 1921, Alba County*], file no. 101/1932, 92.

9 S.A.N.I.C., *Ministerul Agriculturii și Domeniilor. Comitetul Agrar, Județul Cluj*, [National Central Archives, Ministry of Agriculture and Domains. *The Agrarian Committee, Cluj County*], file no. 8/1927, 19.

10 Blaga Mihoc, "Aplicarea reformei agrare din 1921 în Oradea" [The Application of the 1921 Agrarian Reform in Oradea], *Crisia X* (1980): 660-663.

11 Lucia Cornea, *Contribuții la o istorie a orașului Salonta în perioada interbelică: 1919-1945* [Contributions to a History of the City of Salonta During the Interwar Period: 1919-1945] (Oradea: Ed. Muzeului Țării Crișurilor, 2005), 61.

12 Albert Arz, *Planul de sistematizare și de extensiune al municipiului Sibiu* [The systematization and extension plan for the city of Sibiu] (Sibiu: Editura municipiului Sibiu, 1928), 9.

13 *Legea prin care se autorizează comunele urbane să vândă loturi de case invalizilor, văduvelor cu orfani de război, funcționarilor de Stat, județ sau comună, precum și tuturor demobilizaților* [The Law that Authorizes the Cities to Sell Building Plots to Invalids, Widows with War Orphans, Public Servants and to All Ex-Servicemen], published in the Official Journal in October 18, 1921.

14 *Monitorul Oficial. Dezbaterile Senatului* [Official Journal. Debates in the Senate], no. 58 (April 16, 1921): 1062; *Ibid.*, no. 104 (26 July, 1921): 2554-2555.

When *The 18th of October 1921 Law* was enacted there was no mention of the articles contained by the Agrarian Law of Transylvania regarding the distribution of building plots in the cities. Since these articles were not abrogated, from October 1921 onwards, throughout the rest of the interwar period, there were two different laws, simultaneously in effect in Transylvania and overlapping in their purposes.

The two laws created different mechanisms for the plot distribution, each involving different public institutions. Per the Agrarian Law, the expropriations, the selection of the land to be allotted and the plot division of the selected areas would be made by special institutions subordinated to the Ministry of Agriculture and Domains. Although all these operations would have an important impact on the cities and their future development, neither the law, nor its implementation norms¹⁵ stipulated how, or if, the municipalities would be involved in the decision-making process. By contrast, *The 18th of October 1921 Law* tasked the municipalities to carry out all phases of the process, from the selection of the areas to be plotted, to the distribution of the resulted building plots. In this case, all parceling plans were to be approved by the Ministry of the Interior and by the Superior Technical Council, an institution subordinated to the Ministry of Public Work, that had the responsibility to approve the technical aspects of all public works in the country.¹⁶ Thus, while *The 18th of October 1921 Law* created a complex control mechanism regarding the expansions of the cities generated by its application, the Agrarian Law transferred all responsibility to the local institutions subordinated to the Ministry of Agriculture and Domains, outside of any control of the municipalities or the central tutelary institutions (the Ministry of the Interior and the Superior Technical Council).

The application of the agrarian law. Negotiations over the urban territory

The consequences of the Transylvanian Agrarian Law and of *The 18th of October 1921 Law* unfolded gradually during the first decade after the war. At the beginning of the expropriation process, shortly after the promulgation of the Agrarian Law, some of the Transylvanian municipalities considered it an excellent opportunity for the future development of their cities. In Oradea, the fact that a large part of the land surrounding the city was owned by the Catholic Church represented an impediment against the required expansions of the urban area. Thus, the municipality of Oradea considered that the expropriation of this land would benefit the development of the city and requested that it become part of the city's estate.¹⁷ Not only was the request denied, but, as in many other cases, even a large part of the city's possessions were expropriated.¹⁸ According to the Agrarian Law, after the expropriation, the decisions regarding the future use of all these lands were taken by the local institutions subordinated to the Ministry of Agriculture and not by the municipalities. Likewise, shortly after the enactment of the Agrarian Law, the lands belonging to many other cities in Transylvania were expropriated.

The first series of expropriation decisions regarded the extra-urban properties. For the cities where the number of requests for building plots was high, a second series of such decisions followed, per those articles of the Agrarian Law that allowed for the gradual expropriation of the properties situated in the 1,000m radius from the margins of the city, and the expropriation of the vacant urban areas.

15 *Regulamentul de punere în aplicare a legii agrare pentru Transilvania, Banat, Crișana și Maramureș* [Implementation Rules for the Agrarian Law in Transylvania, Banat, Crisana and Maramures], published in the Official Journal no. 174/November 4, 1921.

16 S.A.N.I.C., *Ministerul Lucrărilor Publice. Consiliul Tehnic Superior* [National Central Archives, Ministry of Public Works. Superior Technical Council], file no. 1039/1933.

17 Letter of the mayor of Oradea to the Minister of Agriculture and Domains, from 1922, S.A.N.I.C., *Ministerul Agriculturii și Domeniilor. Comitetul Agrar, Județul Bihor* [National Central Historical Archives, Ministry of Agriculture and Domains. The Agrarian Committee, Bihor County], file no. 51/1924, 39.

18 Blaga Mihoc, "Aplicarea reformei agrare" [The Application of the Agrarian Reform], 655.

During the first decade after the enactment of the Agrarian Law, at least 23 out of the total 49 Transylvanian cities contested the actions of the local and central institutions subordinated to the Ministry of Agriculture.¹⁹ The enormous pressure that the land reform exerted on many of the Transylvanian cities determined the municipal authorities to challenge the decisions of expropriation, reclaiming not only their estates, but also the control over the future development of the cities. Hence, the administrations of 23 cities were engaged in long term lawsuits to obtain the annulment of the expropriation decisions, at least for some of the lost land.

Per the Agrarian Law, these trials were not carried in common law courts, but in specially constituted ones, which only dealt with matters regarding the agrarian reform. These institutions had ambiguous roles, since they had both executive and judicial powers. *Comisia de Ocol pentru expropriere* (Local Commission for Expropriations) was the institution that decided which part of the estates were to be expropriated and it was also the court of first instance.²⁰ *Comisia Județeană pentru expropriere* (County Commission for Expropriations) established in detail the limits of the expropriated land and the amount of compensation, but there was also an appeal court.²¹ Neither one of these institutions had representatives of the cities amongst their members. Moreover, the law did not make any mention of the fact that they should include architects. The third institution and the highest in this hierarchy, *Comitetul Agrar* (The Agrarian Committee), was initially an advisory body to the Ministry of Agriculture and Domains in all matters regarding the agrarian reform. From 1922, the committee became a superior judicial body, a court of revision whose decisions were final, enforceable and could not be further appealed.²² (Fig. 1)

The first decisions of expropriation that affected the cities were issued shortly after the enactment of the Agrarian Law and they regarded the *extra-urban communal estates*. Once expropriated, the land was intended to be parceled into agricultural or building plots. The latter would either extend the nearby villages, or the cities themselves.

The numerous appeals to the superior courts outline some common aspects of the attitudes of the different municipalities towards the effects of the expropriation. Most of them regarded these appeals as negotiation instruments for the future of their cities. None of the 23 mentioned municipalities reclaimed all the expropriated land, but they were rather trying to reach a compromise between the pressure of the agrarian reform and the necessities of the future growth and development of the cities. The municipalities admitted, sometimes explicitly, sometimes implicitly, that a partial expropriation of the cities' estates was unavoidable, even necessary to meet the demands of the reform. What the authorities wanted was the exemption from expropriation of the lands they considered essential to an efficient administration and to a rational future development and growth of their cities. In all stages of the lawsuits, in order to support their claims, the municipal authorities presented ample descriptions of their cities' development plans, arguing for the importance of the lands they reclaimed to meet their objectives.

Some of the arguments in favor of the annulment of the expropriation decisions were recurrent in most of the appeals. One of them was referring to the fact that the vast communal estates represented one of the cities' main sources of income that insured a certain degree of financial and administrative autonomy. Many of the cities' representatives argued that without these incomes a lot of the public works that had been done in the last decades before the war would not have been possible. In a petition addressed to The Agrarian Committee in the spring of 1921, the Mayor of Satu Mare claimed that the cultural, industrial and urbanistic development of the city during the last decade of the 19th century and during the following years until the

¹⁹ Aiud, Arad, Baia Mare, Beiuș, Bistrița, Blaj, Brașov, Cluj, Deva, Făgăraș, Gheorgheni, Hunedoara, Oradea, Salonta, Satu Mare, Sebeș, Sfântu Gheorghe, Sibiu, Sighetu Marmăției, Șimleu Silvaniei, Târgu Mureș, Timișoara, Zalău (S.A.N.I.C., *Ministerul Agriculturii și Domeniilor. Comitetul Agrar* [National Central Historical Archives, *Ministry of Agriculture and Domains. The Agrarian Committee*]).

²⁰ *The Agrarian Law for Transylvania, Banat, Crișana and Maramureș*, articles 61, 62.

²¹ *Ibid.*, articles 58, 59, 60.

²² Dumitru Șandru, *Reforma agrară*, 86.

for regular fairs, slaughterhouses, hospitals and sanatoria, schools, council houses, ports, etc. In order to encourage the economic growth of the cities, other parts of the communal properties had been reserved for the development or the expansion of the industrial zone.

Since the end of the nineteenth century, many of the Transylvanian cities started an ample process of modernization which included modern urban public works. Some of these works were completed before the war, but many others were yet to be built. For their completion, the municipal authorities relied on the communal estates, both for the incomes they generated and for the fact that they represented a valuable land reserve necessary for building aqueducts, water plants, gas plants, power plants, water treatment plants, etc. Although, in many of the Transylvanian cities, there were specific areas reserved for such future constructions, at the time the Agrarian Law was enacted, most of them were used as agriculture plots or pastures, since there was nothing built on them yet. In some cases, the land had been in the property of the cities for many years, but in many other cases, the municipalities had bought them a few years before the war, specifically for such purposes. When they were expropriated, the municipal authorities challenged the decisions.

Such was the case of Timișoara, where more than 1,700 hectares were expropriated from the city's properties. The local authorities accepted the expropriation of approximately one third of this area, but contested the expropriation of the rest of the land arguing that, according to the development plan of the city, it was already reserved for specific purposes and future buildings.²⁵ One of the expropriations that was most contested was that of a property situated in the west to the city, *Livada Begheiului*, that had been bought by the municipality just a few years before with the purpose of extending the wastewater treatment plant. In 1928, six years after the decision of first instance was issued, the Agrarian Committee rejected the appeal and the expropriation became final. However, given the strong arguments of the municipality, the committee recommended that the Ministry of Agriculture and Domains give back this disputed area to the city as a state reserve. This was an exceptional situation not only for Timișoara, but also for all the cities in Transylvania. As for the rest of the expropriated land, the committee validated the decisions of the inferior courts, despite all the arguments against them. From 1922 until 1928, the municipal authorities had presented the city's development plan to all three courts, highlighting the role of each of the expropriated areas, necessary for: building a new hospital, the extension of an old one, the exchange with an area expropriated for a new cemetery, the construction of the eastern port of the Bega Canal and of a railway that would link it with the city, the support of several of the city's public and charity institutions, the exchange for a large area of land that was in the property of the Ministry of War and that was necessary for the future expansion of the city in its northern part, etc. The expropriation decisions remained final for all these areas.²⁶ As in other similar situations to that of Timișoara, the court sustained its decision arguing that:

“The petition of the city's representative to exempt from expropriation most of the extra-urban lands for the eventual development needs of the city in a distant future could not be granted because the committee does not have such competence.”²⁷ (Fig. 2)

During the first few years after the enactment of the Agrarian Law, a large part of the cities' extra-urban properties was expropriated, as the great majority of the cities' appeals were rejected by the Agrarian Committee. Moreover, shortly after these decisions were taken, or even during the first phases of the lawsuits, a second series of expropriation decisions was issued, affecting what remained of the cities' estates. They regarded the land situated at the margins or inside the cities that was suitable to be parceled into building plots. These decisions were also contested, since the expropriations interfered with the application of the cities' development

25 S.A.N.I.C., fond *Ministerul Agriculturii Domeniilor. Comitetul Agrar, Jud. Timiș* [National Central Historical Archives, *Ministry of Agriculture and Domains. The Agrarian Committee, Timiș County*], file no. 30/1923, 7, 51.

26 *Ibid.*

27 “Nu s-a putut admite cererea reprezentanților orașului de a scuti de sub expropriere cea mai mare parte a pământurilor extravilane pentru eventualele trebuințe de dezvoltare a orașului într-un viitor îndepărtat, întrucât comisiunea de expropriere nu are această competență,” *ibid.*, 21.

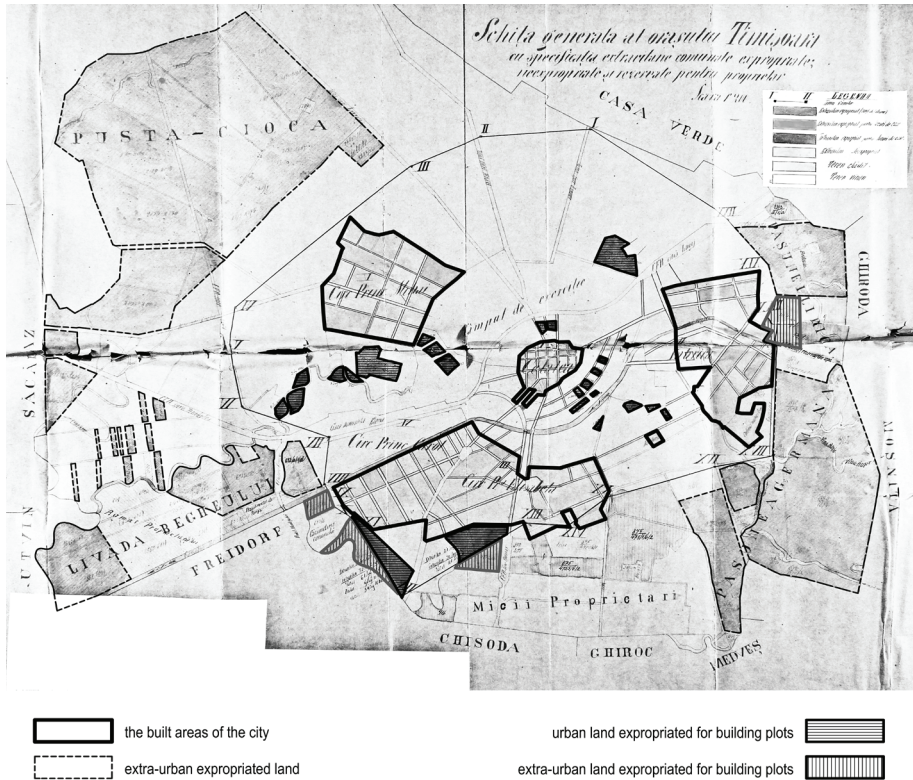


Fig. 2: Timișoara. Expropriated communal land

plans. As in the previous phase, the most substantial lawsuits were those of the larger cities, important industrial and administrative centers: Timișoara, Arad, Cluj, Brașov, Satu Mare, Sibiu, Târgu Mureș, etc. These were the cities most pressured by the demographic growth of the decades before the war and of the years that followed it. Thus, at the beginning of the war, these cities were already confronted with a housing crisis, that only deepened after the union of Transylvania with Romania.

Most of the postwar newcomers were attracted by the possibility of finding a job in factories or by the job opportunities that were offered, especially to the Romanians, in the public administration. The rapid changes in the public institutions after 1918, through which many of the former public servants were replaced with Romanians, and the constant increase of the bureaucratic apparatus significantly contributed to the growth of the Romanian population in the cities.²⁸ Newcomers were eligible to receive a building plot, both per the Agrarian Law of Transylvania and *The 18th of October 1921 Law*. Thereby, the urban population growth generated a significant demand for building plots, which put a considerable pressure on the cities. The extension of the urban areas was inevitable.

The municipal authorities contested the expropriation of the communal land. At first, they followed the legal procedures that only allowed the challenging of the decisions regarding the land of the cities. But, by the end of the 1920s, more and more municipalities contested not only the expropriations of their land, but all the actions of the institutions subordinated to the Ministry of Agriculture and Domains that led to massive transformation of their cities.

28 Dumitru Șandru, "Presiunea demografică rurală și orașul românesc interbelic" [The Rural Demographic Pressure and the Romanian Interwar City], *Historia Urbana* 1 (1993): 42-47.

The cities' representatives challenged the expropriation decisions arguing that, as in the first phase, these too were impairing the application of the development plans. Several different arguments were recurrent in the appeals. Whether they were inside or outside the cities, in the 1,000-m radius, the expropriated lands were already reserved for specific purposes. Moreover, many of the urban areas that were being expropriated for building plots had been bought by the municipalities in the previous years for the construction of public buildings or for new public parks and squares.

Strong disagreements were generated by the overlapping of the Agrarian Law with *The 18th of October 1921 Law*. Both the municipal authorities and the institutions that applied the agrarian reform entitled themselves to decide over the entire process of creating and distributing new building plots. Each of them based their arguments on one of the two laws: the agrarian institutions sustained the primacy of the Agrarian Law as it was a normative act especially elaborated for Transylvania and the fact that *The 18th of October 1921 Law* could only be applied in the other provinces of Romania, where the agrarian laws did not include provisions regarding urban building plots; on the contrary, the cities' representatives argued that the actions of the institutions subordinated to the *Ministry of Agriculture and Domains* were illegal and that only the municipalities were entitled to make decisions regarding the future of the cities. Their main legal argument consisted in the fact that *The 18th of October 1921 Law* was issued after the Agrarian Law of Transylvania and, so, the legal principle of *lex posteriori derogat legi priori* (a later law repeals an earlier one) must be applied. The overlapping of the two normative acts led to a series of paradoxical situations such as that of Timișoara, where the agrarian reform's institutions expropriated even some urban areas that were already plotted by the municipality according to *The 18th of October 1921 Law*. The expropriation was possible because the building plots were not yet distributed since the plans had just been sent to the Ministry of the Interior and to the Superior Technical Council to be approved.²⁹

Aside from the legal arguments over the legitimacy of the agrarian reform's institutions to decide in this matters, the municipalities contested the distribution of building plots per the Agrarian Law, considering it to be done at random, bulkily and in great haste. Not only were the new subdivisions in contradiction with the development plans, changing the future usage of the expropriated communal lands, but stretching over the properties of other former land owners, they were massively extending the urban areas without any previous studies or any regard to the short and long term consequences. In fact, the scale and the directions of the extensions were dictated by the number of requests for building plots and the position of the lands that could be expropriated. Since the work of the agrarian reform's institutions did not go further than the distribution of the parcels, all urban public works – water supply, sewerage, pavements, electrical networks, etc. – were left to be done by the municipalities. But in many of the cities the new quarters extended the urban areas by tens or even hundreds of hectares in just a few years, making the task of the municipalities almost impossible. The cities' authorities often warned about two probable future situations: the new subdivisions would either remain barren for a very long time, as nobody would build houses under such conditions, or they would become unwholesome neighborhoods, impeding the modernization process of the cities.

In the beginning, the municipalities challenged only the expropriation decisions regarding the communal land, but, as the works associated to the agrarian reform progressed, and their effects on the cities became clearer, the authorities demanded the investigation of the entire process of the expropriations and of the distribution of building plots.³⁰ Thus, the second part of the 1920s was a period of great turmoil. By now, most of the lawsuits were over and most of the final decisions were not in favor of the municipalities. At this point, the result of the still ongoing lawsuits also became predictable. Hoping to get some support in their pursuit, many of the municipalities addressed their petitions not only to the special courts of the agrarian reform, but also to several institutions of the central administration: the Ministry of Agriculture and Domains

29 S.A.N.I.C., fond *Ministerul Agriculturii Domeniilor. Comitetul Agrar, Jud. Timiș* [National Central Historical Archives, Ministry of Agriculture and Domains. *The Agrarian Committee, Timiș County*], file no. 17/1927, 5.

30 S.A.N.I.C., fond *Ministerul Agriculturii Domeniilor. Comitetul Agrar, Jud. Cluj* [National Central Historical Archives, Ministry of Agriculture and Domains. *The Agrarian Committee, Cluj County*], file no. 8/1927, 19.

(often addressing their claims directly to the minister), the Ministry of the Interior, the Prime Minister's Office, to members of Parliament, etc. Rarely did these interventions have a positive outcome. Moreover, the end of the lawsuits represented the exhaustion of all legal ways to reclaim the expropriated lands and the control over the growth of the cities.

Thus, at the beginning of 1929, the Mayor of Târgu Mureș initiated a common action of the cities of Transylvania, considering this association to be “the last legal way to defend the interests of the cities.”³¹ In April 1929, “the representatives of the interested cities” participated in a conference in Cluj, where a collective petition was written. The document emphasized the importance of the urban and extra-urban communal lands in the evolution of the cities and their future development, suggesting an alternative way to apply the agrarian reform in the cities. The expropriations were not excluded, but the suggestion was that they be limited to lands that “are not of vital importance to the cities.” Regarding the cities’ properties in the urban areas, the claims were more radical, claiming that they be exempt from expropriation in order to protect “the public interest.” The cities’ representatives also claimed the restitution of those lands that were already expropriated and that had been insistently requested by the municipalities during the lawsuits. Copies of this petition were sent to the Prime Minister, to the Minister of the Interior, to the Minister of Agriculture and Domains, to the Ministers of Ardeal and Banat and to the municipalities of all the cities in Transylvania.³²

The intervention of the central authorities

The situation of these cities had been noticed, though, by the Superior Technical Council since 1925. Although it was gradually revealed (at first, the case of Oradea, shortly followed by those of other cities), the consequences of the agrarian reform were so serious that the Council immediately asked the Ministry of the Interior to intervene:

“It is indispensable that the Ministry of the Interior agree with the Ministry of Agriculture upon the parceling of the expropriated lands situated just outside the cities; these lands are often necessary for planted areas that would stop the sprawl of the urban areas; these lands are parceled by the Ministry of Agriculture without any regard to the interests of the cities to which it imposes a development that is chaotic and incompatible with their needs and absolutely not in accordance with the views of the Superior Technical Council, a body that was founded precisely for the guidance and the technical control of the cities.”³³

During the following years, the magnitude of the reform’s impact on the Transylvanian cities became more and more clear to the central administrative institutions; so did the enormous difficulties generated by the attempts to reconcile the activity of the agrarian reform’s institutions with the “interests of the cities.” For six years, the Ministry of the Interior, the Superior Technical Council and the Superior Administrative Council tried to find solutions to solve the problem of the Transylvanian cities and, eventually, to create a new legal framework that would allow the municipalities to intervene and revise the distribution of the building plots that had been done per the Agrarian Law.

31 S.J.A.N. Sibiu, fond *Primăria municipiului Sibiu* [National Archives Sibiu, *The Municipality of Sibiu*], file no. 27/1929, 1.

32 S.J.A.N. Arad, fond *Primăria municipiului Arad* [National Archives Arad, *The Municipality of Arad*], file no. 39/1929, 184-187.

33 “Este indispensabil ca Ministerul de Interne să se pună de acord cu Ministerul de Agricultură asupra parcelării terenurilor rezultate din exproprieri, în imediata apropiere a orașului, terenuri ce sunt de multe ori necesare pentru a forma zone plantate de oprire a dezvoltării orașelor, terenuri ce se parcelează de Ministerul de Agricultură, fără a ține seama de interesele orașelor cărora li se impune astfel o dezvoltare dezordonată și incompatibilă cu nevoile sale și cu totul neconformă cu vederile Consiliului Tehnic Superior, organ de Stat anume înființat pentru directivele și controlul tehnic al orașelor și comunelor urbane în general” (S.A.N.I.C., fond *Ministerul Lucrărilor Publice. Consiliul Tehnic Superior* [National Central Historical Archives, *Ministry of Public Works. Superior Technical Council*], file no. 232/1925, 36).

For the first three years, from 1925 until 1928, the Ministry of the Interior repeatedly asked the Ministry of Agriculture and Domains for explanations regarding the situation and for solutions. Every time, the answer was that there was nothing that could be done from the center, since all responsibility regarding the expropriation and the distribution of plots had been given, per the agrarian legislation, to the local institutions subordinated to the Ministry of Agriculture, with no possibility of control other than the appeals stipulated by law.³⁴

These responses determined the Ministry of the Interior to adopt more radical solutions. As a temporary measure, in February 1927, the ministry sent an order to all municipalities in Transylvania forbidding them to issue construction permits on the building plots distributed by the agrarian reform's institutions.³⁵ The next year, the Ministry of the Interior constituted an inter-ministerial commission (composed of one member of the Ministry of Agriculture and Domains, one member of the Superior Technical Council, one member of the Ministry of the Interior and one member of the Superior Administrative Council) that would study the problems of the Transylvanian cities in order to reach the proper solutions.³⁶ Finally, in 1930, after sending a questionnaire to the municipalities of all 49 cities in Transylvania and analyzing their replies, the commission issued a report that not only confirmed the necessity of an intervention, but also suggested a set of solutions. The suggested measures took into consideration the different situations of the cities. Thus, the report distinguished between two categories of cities: *those where the distribution of the building plots was not yet complete* and *those where these works were already finished*.³⁷

For the cities in the first category, the commission suggested that the municipalities should be the only entitled institutions to decide which are the most suitable lands to be parceled for building plots, according to the development plan of each city and to the estimated demographic growth over the next 25 years. Moreover, in order to insure a gradual and sustainable growth of the urban areas, the commission suggested a radical change in the procedures regarding the distribution of building plots: the person entitled to a plot would, at first, receive only a document that stated this right; the ownership over the land would be given only after the person proves that he wishes to start building and pays half the costs of the associated urban public works.

For the cities in the second category, the suggested measures were more radical. The municipalities would receive the right to reject the parceling plans elaborated by the agrarian reform's institutions since they were not approved by them. Furthermore, the municipalities would have the right to change these plans "according to the general urbanistic interests of the city and according to the development plan" and to refuse to issue any building permits until these changes would be made. If there were plots that already had buildings on them, the municipalities would receive the right to expropriate them.³⁸ This was a situation about the probability of which many municipalities had repeatedly warned the agrarian reform's institutions during the lawsuits: in many of the cities of Transylvania there was already the need to expropriate the plots that had been distributed just a few years earlier.

Based on the report of the inter-ministerial commission, at the beginning of 1931, a draft amendment to the law on the organization of the local administration was elaborated. It was considered to be "the only way that the current situation could be urgently fixed."³⁹ The draft contained all the measures suggested in the report.

34 S.A.N.I.C., fond *Ministerul de Interne. Diviziunea administrativă* [National Central Historical Archives, *Ministry of the Interior. The Administrative Division*], file no. 255/1925, 31, 32.

35 S.A.N.I.C., fond *Ministerul Agriculturii și Domeniilor. Comitetul Agrar, Jud. Sibiu* [National Central Historical Archives, *Ministry of Agriculture and Domains. The Agrarian Committee, Sibiu County*], file no. 9/1930, 32.

36 S.A.N.I.C., fond *Ministerul de Interne. Diviziunea Administrativă* [National Central Historical Archives, *Ministry of the Interior. The Administrative Division*], file no. 255/1925, 36.

37 *Ibid.*, file no. 578/1930, 12-14.

38 *Ibid.*, 14.

39 "Singura cale ce ar putea remedia de urgență starea de lucruri actuală," *ibid.*

In the same year, before the vote of Parliament, the Government changed and so the legislative draft lost its support.⁴⁰ From 1931 until the end of the interwar period, none of the amendments to the law on the organization of the local administration included the measures suggested by the mentioned report. In the tumultuous context of the 1930s, no political party ever took the responsibility of supporting such unpopular measures. Thus, the situation of the Transylvanian cities remained unchanged or, as a later report of the Superior Technical Council put it, “in some of the cities, as Alba Iulia and especially Sibiu, it got worse.”⁴¹ (Fig. 3)

Conclusions

The two interwar decades represented, for the majority of the Transylvanian cities, a period of profound and irreversible change. When first examined, the situation appears to have had been generated solely by deficiencies in the agrarian legislation of the province. However, a more thorough analysis reveals a much more intricate context.

At the end of the war, in December 1918, Transylvania became a part of Greater Romania as a semi-autonomous province, maintaining in effect, with few amendments, all the legislation issued before the unification. This decision also prolonged the traditional administrative autonomy of the Transylvanian cities. So, for a brief period after December 1, 1918, Transylvania had a decentralized administrative system with a clearly defined structure. Legally, this decentralized system was maintained until January 1, 1926 when *The Administrative Unification Law* became effective. In fact, the situation was quite different and the turmoil caused by the application of the agrarian legislation revealed it. Officially, the administrative power was decentralized, but, in reality, it became rather diffuse. Since April 1920, Bucharest had imposed itself as the center of the administrative system, but it was relatively formal and inefficient since the central legislative and executive institutions were unaware of many aspects of Transylvania's situation.

The agrarian legislation, validated by the Parliament in Bucharest, created a network of local institutions whose actions had a profound effect on cities. Not only did the law make possible the exclusion of the municipalities from the decision making process in matters regarding the cities' future development, but it also failed to create any control mechanisms for the actions of the agrarian institutions. Moreover, the gap between local and central authorities, the slow and very late reaction of the latter left much of the effective decisional power to the agrarian reform's institutions. The decision making process regarding the future of Transylvanian cities was scattered between different state institutions that had conflicting priorities and formed a diffuse and dissonant system. Thus, at least for the first interwar decade, Transylvania remained a marginal, ambiguous territory, neither autonomous, nor fully adopted by the administrative system of Romania.

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⁴⁰ Ibid., dosar nr. 255/1925, f. 39 [file no. 255/1925, 39].

⁴¹ Ibid.

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ILLUSTRATION CREDITS

Fig. 1 - Transylvania during the interwar period

Fig. 2 - Timișoara. Expropriated communal land

Fig. 3 - Sibiu, 1926. Extensions generated by the application of the agrarian law