

## POWERS SEPARATION IN THE ION CÂMPINEANU'S CONSTITUTIONAL PROJECT

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**Rezumat.** După intrarea în vigoare a Regulamentelor Organice și instaurarea în 1834 a domniilor regulamentare a urmat o perioadă scurtă de aparentă relaxare a activității revendicative de amploare și de importanță națională și socială. În cei dintâi patru ani de cârmuire (1834-1838) ai domnilor regulamentari, s-au adus în ambele țări unele modificări pe cale legislativă actului fundamental și se elaborează câteva memorii adresate aproape toate unor demnitari de diferite categorii ai Imperiului Țarist, numai unul adresat Porții și unul adresat unui organ intern (domnul Țării Românești) memorii datorate fie membrilor boierimii fie domnitorilor Principatelor dunărene, în mare majoritate boierimii moldovene și domnitorului Moldovei Mihail Sturdza. O parte a memoriilor s-au ocupat cu modul și efectele aplicării legii fundamentale în diverse ramuri ale administrației<sup>1</sup>; altele erau provocate de controversa dintre Mihail Sturdza și boierimea moldoveană, care se acuză reciproc, boierii pe domnitori pentru tiranie, abuzuri și aviditate, domnitorul pe boieri pentru nesupunere, intrigi și ostilitate față de autoritatea centrală.

**Abstract.** After the enforcement of the Organic Regulations and the establishment of the statutory reigns in 1834 a period of apparent relaxation followed for the claiming activity which had a national and social coverage and significance. During the four years of reigning (1834-1838) of statutory voivodes, legislative amendments were made in both countries and several memoirs were addressed to dignitaries from various categories of the Tsarist Empire, only one was addressed to the Ottoman Empire and one to an internal body (the voivode of the Romanian Country) memoirs due either to the nobility members, or to the Danubian Principalities voivodes, most of them to the Moldavian nobility and to Moldavia voivode Mihail Sturdza. Some of the memoirs referred to the method and effects of enforcing the fundamental law in various areas of the administration; others were caused by the controversy between Mihail Sturdza and the Moldavian nobility, who accused each other, the boyars accused the voivodes of tyranny, abuses and greediness, the voivode accused the boyars for their lack of obedience, intrigues and hostility towards the central authority.

**Keywords:** memoire, statutory reign, national emancipation, constitutional project.

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<sup>1</sup> Vlad Georgescu, *Mémoires et projets, 1831-1848*, Bucharest, Romanian Academy Press, 1972, p. 17-21, 37-107.

The idea of modernity was, in a limited matter, the integration sphere of Romanian society in Europe. The states from Western Europe were becoming a role-model for Romanian society that had been for several centuries under the suzerainty of the Ottoman Empire, an Eastern state, glued in the Middle Age structure. In consequence, modernization – in its complexity – assumes first, the joining Romanian state structure at what it was sketched as meaning in the ideology and philosophy of the Western regarding the report between monarchs and government art, expressed in the revolutions at the end of the 18<sup>th</sup> century and the beginning of the 19<sup>th</sup>, always started against total monarch power. Reforming programs and projects or revolutionaries from that period had included one of the fundamental principles of statehood in the idea of modernization, of creative participation of all social forces in the government aware of the concrete needs of the concrete needs of the present and future assuming. The principle to which we refer is the separation of powers in state.

In the Romanian Principalities (Walachia and Moldavia), “both Dacian people” – according to the expression of a Romanian from Săcele –, hope and “awakeness” in European ideas were built gradually, simultaneous and in common as their projects were expresses towards great powers, some ultra-conservatories and moderate citing socio-political immobilise or at the most aristocratic republic, others liberals full of conceptions and ideals.

After 1821, in the Principalities, the democratic current widened while local political groups have promoted “the application of egalitarian principles to the tip of social pyramid, to transform the leadership of the state from Eastern despot to absolutist light. Under the influence of French Revolution principles from 1789, the so-called “national party” radicalized the modernization concepts, giving them motivation – and implicitly – legitimacy by invoking social-political states from West Europe.

### **Ion Câmpineanu’s constitutional project**

The regulations period, a significant period of Romanian modern history, started by ignoring one of the main provisions of the legislation that the Ottoman Empire had accepted through the Sankt-Petersburg Convention, from 17/29 January 1834. Therefore, according to the provisions of this Convention, the Organic Regulations were acknowledged by the Ottoman Empire, but because “they were a special case”, the two voivodes of the Romanian Principalities were to be appointed by the two powers<sup>2</sup>. Through this obvious elusion, Russia wanted to consolidate its influence in the Romanian Principalities<sup>3</sup>.

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<sup>2</sup> D.A. Sturdza, C. Colescu-Vartic, *Acts and documents regarding Romania’s Rebirth*, I, p. 338-339.

<sup>3</sup> *Romanians’ History*, VIII/I, p. 100.

Appointed voivodes on 15<sup>th</sup> of April 1834<sup>4</sup>, by the protecting power, Alexandru Ghica, in the Romanian Country and, Mihail Sturdza, in Moldavia, occupied the thrones in June the same year<sup>5</sup>, after having received their investiture from Constantinople, on 19/31 May 1834, in the monarch's presence<sup>6</sup>.

Statutory reigns were established after the military occupation, which had seriously affected the resources of Romanian Principalities. During this period, the Romanian administration was facing hard times, the Tsarist protectorate being considered an instrument of absolute domination<sup>7</sup>. The protecting power had the right to judge voivodes' activity and to order their dismissal<sup>8</sup>. According to the provisions stipulated by the Adrianople Treaty, in 1829, Russia enjoyed complete freedom of action, but this freedom could only be exercised with the consent of the Ottoman Empire<sup>9</sup>.

The interference of protecting power was facilitated by the provisions stipulated by the Organic Regulations<sup>10</sup>, according to which Russia had a permanent right of interfering in the internal affairs of Moldavia and the Romanian Country<sup>11</sup>.

The stipulations provided in the Organic Regulations established a modern state framework in the Romanian Principalities, where civil society evolved and political opposition exteriorized which was first based on legality and not on conspiracy action<sup>12</sup>. Public spirit radicalized in this period because of the non-mediated contact to the West<sup>13</sup>.

The statutory period was characterized by a considerable ascension of the Romanian movement towards national emancipation<sup>14</sup>. The amendment of the international status of Romanian Principalities, through the establishment of the national state, was Romanians' goal provided by art. 371 of the Organic Regulations of the Romanian Country. Therefore, according to the provisions of

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<sup>4</sup> Eudoxiu Hurmuzaki, *Documents regarding Romanians' history*, X, Bucharest, 1897. 17, p. 324-325.

<sup>5</sup> *Romanians' History*, VII/I, p. 100.

<sup>6</sup> Eudoxiu Hurmuzaki, 17, p. 404; I. C. Filitti, *Romanian reigns under the Organic Regulations 1834-1848*, Bucharest, 1915, p. 14-15.

<sup>7</sup> Eudoxiu Hurmuzaki, *op. cit.*, 17, p. 582.

<sup>8</sup> *Ibidem*, p. 469-470.

<sup>9</sup> A. Iordache, A. Stan, *Defending the autonomy of the Romanian Principalities. 1821-1859*, Bucharest, Academy Press, 1987, p. 59.

<sup>10</sup> Eudoxiu Hurmuzaki, *op. cit.*, 17, p. 471-472.

<sup>11</sup> Anastasie Iordache, Apostol Stan, *op. cit.*, p. 59.

<sup>12</sup> I. Stanomir, *Constitution Birth. Language and law in the Principalities before 1866*, Bucharest, Nemira Press, 2004, p. 131.

<sup>13</sup> *Ibidem*.

<sup>14</sup> Cornelia Bodea, *Romanians' struggle for national, 1834-1849*, Bucharest, Romanian Academy Press, 1967, p. 11.

this article, the identical organization of social-political institutions from the Romanian Principalities was the first step for uniting them into one state entity<sup>15</sup>.

In the Romanian Principalities, between 1834 and 1839, several memoirs were drawn-up<sup>16</sup> by the nobility members and the voivodes of the Romanian Principalities, being most of them addressed to Russian dignitaries. These memoirs mainly referred to the method and consequences of enforcing fundamental law in various fields of administration. Memoirs were also elaborated which were the consequence of the contradictions between voivode Mihail Sturdza and Moldavian nobility, as well as reform proposals which provided: limiting voivode's power, absolutist trends, providing an independent position of the voivode towards the nobility. National claims were also issued: acknowledging the Romanian Principalities right to issue their own currencies, the right to their own pavilion. According to I. Stanomir, "project authors are extremely receptive to institutional suggestions that constitutionalism provides"<sup>17</sup>.

During the first years of statutory reigns, a national movement developed, formed around a group of deputies. Initially, this movement had the objective of defending autonomy in relation to Tsarist trends of cancelling any domestic reforming initiative through the addendum of the Organic Regulations<sup>18</sup>.

Around Ioan Câmpineanu, in the Romanian Country National Assembly a real national opposition was established, acting against the provisions of the additional article. By calling the "capitulations" with the Ottoman Empire and Russian – Turkish agreements, according to which Principalities rights of self-management had acquired European acknowledgement, it affirmed the country's autonomy rights<sup>19</sup>.

During the constitutional vocabulary evolution, the movement lead by colonel Ioan Câmpineanu, Brăila deputy in the National Assembly, had a central place, an opportunity to express a series of juridical requirements that can also be found in the provisions of the Constitution from 1866<sup>20</sup>.

The attempt to ratify the secrete additional article according to which "In the future, any amendments that the Voivode wants to make in the Organic

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<sup>15</sup> *Wallachia and Moldavia Organic Regulations*, edition by Paul Negulescu and George Alexianu, Bucharest, 1944. p. 130.

<sup>16</sup> V. Șotropa *Constitution projects, reform programmes and rights petitions in the Romanian Countries during the 18<sup>th</sup> century and the first half of the nineteenth century*, Bucharest, Academy Press, 1976, p. 99.

<sup>17</sup> I. Stanomir, *Constitution Birth. Language and law in the Principalities before 1866*, Bucharest, Nemira Press, 2004. p. 141.

<sup>18</sup> I. C. Filitti *Romanian reigns under the Organic Regulations 1834-1848*, Bucharest, p. 38-40.

<sup>19</sup> Apostol Stan, *National Assemblies of the Romanian Principalities in their struggle for defending state autonomy (1831-1848)*, in "Archives Magazine", XXXIX, nr. 1/1977, p. 40-47.

<sup>20</sup> I. Stanomir, *Constitution Birth. Language and law in the Principalities before 1866*, Bucharest, Nemira Press p. 141.

Regulations, cannot be made and enforced without the Ottoman Empire approval and without Russia's consent<sup>21</sup> caused an opposition reaction, that probably Russia did not count on<sup>22</sup>.

The commission, consisting of Ștefan Bălăcianu, Manoil Băleanu, Alexandru Ghica, Ioan Cămpineanu and Ioan C. Roset had the task of comparing the original version of the Organic Regulations with the submitted one<sup>23</sup>, indicating that of "the Assembly originals were united, then it will submit them at the following National Assembly"<sup>24</sup>. The central point of the debate was the status of Romanian Principalities itself. On 23<sup>rd</sup> of March 1837<sup>25</sup>, the Commission appointed to examine the revised provisions of the Organic Regulations submitted its report, indicating the amendments it had found. The debate in the Assembly was postponed until after the sultan's departure, who was visiting. The debates of the Assembly started on 5<sup>th</sup> of June 1837<sup>26</sup> and ended on 21<sup>st</sup> of July 1837<sup>27</sup>. On 15/27 July 1837, the legislative forum of the Romanian Country rejected the additional article and asked executive power head's accession to the reasons justifying the act<sup>28</sup>.

The debut of the National Party's ideas, animated by Ioan Cămpineanu was occasioned by the defence of Romanian historical rights, through an approach that appealed to the reasons of the past, reflected in decrees and capitulations<sup>29</sup>. On 18<sup>th</sup> of July 1837, the 25 deputies signatory of the application submitted to voivode Alexandru Ghica, revealed that at the end of the manuscript regulations signed by the boyars called in the review Assembly, there was an "appendix that was not recorded in the printed and enforced Regulations during the time of temporary Russian government"<sup>30</sup>. It was argued that "this appendix" was against: treaties and decrees which "established and consolidated the political existence of this country", art. 52 of the Organic Regulations, according to which any act against the privileges of the country lacked validity<sup>31</sup>, art. 5 of the Adrianople Treaty which stipulated Principalities right to an "independent national

<sup>21</sup> I.C. Filitti, *Romanian reigns under the Organic Regulations 1834-1848*, Bucharest, Bucharest, 1915, p. 39.

<sup>22</sup> *History of the Parliament and parliamentary life in Romania before 1918*, Bucharest, Academy Press, 1983, p. 57.

<sup>23</sup> I. C. Filitti, *Romanian reigns under the Organic Regulations 1834-1848*, Bucharest. 1834-1848, p. 44.

<sup>24</sup> *Parliamentarian Annals*, tom VI, 2<sup>nd</sup> part, p. 688.

<sup>25</sup> I. C. Filitti, *Romanian reigns under the Organic Regulations 1834-1848*, Bucharest. 1834-1848, p. 44.

<sup>26</sup> *Parliamentarian Annals*, tom VII, 1<sup>st</sup> part, p. 19.

<sup>27</sup> *Ibidem*, p. 1.

<sup>28</sup> *Romanians' History VIII/I*, p. 109.

<sup>29</sup> I. Stanomir, *Language and law in the Principalities before 1866*, p. 142.

<sup>30</sup> *Parliamentarian Annals*, tom VI, 1<sup>st</sup> part, p. 529.

<sup>31</sup> *Organic Regulations of Wallachia and Moldavia*, p. 143.

administration”<sup>32</sup>. In conclusion, it was showed that the National Assembly “could not add or amend anything against these rights earned through many old and new treaties and decrees, or make any other heterogeneous amendment with the existence of this Principality”<sup>33</sup>. At the pressure of the Russian consul, the Assembly was closed. Therefore on 18<sup>th</sup> of July 1837, Al. D. Ghica asked the National Assembly to complete the debates occasioned by the adoption of the additional article<sup>34</sup>. On 9/21 of May 1838, at the opening of the seventh session of the National Assembly, the highly imperial firman was read<sup>35</sup>: “The debates of the last session of an article decided at the end of the Regulations (in which his Royal Greatness consolidated gifts and privileges) and the disposal established for the Russian armies in these countries shall be considered completely obsolete and this article is still enforceable, in order for any amendment or alteration that may be made upon these provisions to be unable to be enforced, unless allowed by his Royal Greatness and with the consent of the Russian Court and order the Boyars Assembly that before its works, begin together (just like in Moldavia) the articles of the Regulations and its provisions consolidated by his Royal Greatness when his Highness received the Reign of the Romanian Country”<sup>36</sup>. The Assembly voted the amended text of the Organic Regulations<sup>37</sup>. The debates on the additional article of the Organic Regulations weakened the voivode’s positions. The reaction of the National Party materialized in the intensification of the group gathered around colonel Ioan Câmpineanu.

Ioan Câmpineanu, one of the promoters of the bourgeois-liberal reform programmes, had the task to gather together, for the first time, the young people’s efforts in a movement which, as it has been appreciated in the literature<sup>38</sup>, took part within the context of European correlations. Ioan Câmpineanu, a member of the National Assembly and leader of the political group initiated in the philharmonic society<sup>39</sup> found support in: Ion Ghica, D. Brătianu, Nicolae Kretzulescu, Golescu brothers, C. Bolliac, Vasile Alecsandri, Costache Negruzzi, C. Rolla, Al. I. Cuza<sup>40</sup>, to whom Nicolae Bălcescu, Mihail Kogălniceanu and “the entire group of participants in the 1848 Revolution” joined<sup>41</sup>. He also found support in prince Adam Czartoryski and his Polish monarchist revolutionary

<sup>32</sup> *Parliamentarian Annals*, tom VII/ I, p. 530.

<sup>33</sup> *Ibidem*.

<sup>34</sup> *Ibidem*.

<sup>35</sup> *Ibidem*, tom VIII, 1<sup>st</sup> part, p. 3-6.

<sup>36</sup> *Ibidem*, p. 34.

<sup>37</sup> V. Şotropa, *op. cit.*, p. 95.

<sup>38</sup> D. Berindei, *Modern Romanian diplomacy from the beginning until proclaiming state independence (1821-1877)* Bucharest, Albatros Press, 1995. , p. 66.

<sup>39</sup> V. Şotropa, *op. cit.*, p. 96.

<sup>40</sup> Cornelia Bodea, *Romanians’ struggle for national union, 1834-1849*, p. 12.

<sup>41</sup> *Ibidem*.

party<sup>42</sup>. Ioan Câmpineanu was considered a “true liberal man, an incorruptible man of action, ready to sacrifice himself for the independence of his country<sup>43</sup>”.

Of his the achievements of Ioan Câmpineanu and of the National Party in the political-ideological field, first there are the synthetic provisions included in rights proclamations and state organization projects from November 1838. Because he did not agree with the introduction of provisions that would have caused a more pressing guardianship from Russia and Turkey into the Organic Regulations, Ioan Câmpineanu became a leader of the political action mainly focused on building an independent national state. According to Ioan Stanomir “the modernization of the state framework is the sine-qua-non requirements in whose absence, the national unity and Russian protectorate elimination are impossible”<sup>44</sup>.

The action from 1838 distinguished itself through the existence of a “programmatic slope” whose goal was the Constitution project<sup>45</sup>, with its two versions, Romanian and French and the *Unification and Independence Act*, both of them being key elements of the autochthonous legal language evolution<sup>46</sup>. This project completed the principle declaration of the National Party in the Romanian Country drawn-up on 1/13 November 1838 under the name of *Unification and Independence Act*<sup>47</sup>. In this declaration, the members of this party gathered together to proclaim the rights of the place and present the complaints, reprove the “trespassing of the saint freedom, country’s independence and sovereignty that goes through such ordeals and all their brothers cry under a despotic and barbarian yoke, to help them, stand by them in thinking and make an unique people ruled by one and the same leader and managed by the same laws”<sup>48</sup>. Among their goals there are the ones that “a new group of political, public and civil laws shall be formed for the free and independent Romanian people” as well as the election of a sovereign for Romanians in compliance with the provisions of *the Unification and Independence Act* and with the separate act for his appointment<sup>49</sup>. An independent and united state was foreseen that would include all the scattered members of the nation, able to form one people ruled by the same leader and the same laws. It also provided throne heredity in the family of the elected one, and he had the obligation of “swearing to defend not only the provisions of this act and of the

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<sup>42</sup> D. Berindei, *Modern Romanian diplomacy from the beginning until proclaiming state independence (1821-1877)*, p. 66.

<sup>43</sup> V. Șotropa, *op. cit.*, p. 96.

<sup>44</sup> I. Stanomir, *Language and law in the Principalities before 1866*, p. 145.

<sup>45</sup> *Ibidem*.

<sup>46</sup> *Ibidem*.

<sup>47</sup> Cornelia Bodea, *1848 in Romanians, a history of data and evidence*, vol. I, Bucharest, Encyclopaedic Press, 1982, p. 220-224; Vlad Georgescu, *Mémoires et projets, 1831-1848*, p. 111-113.

<sup>48</sup> Cornelia Bodea, *1848 in Romanians, a history of data and evidence*, vol. I, p. 216-218.

<sup>49</sup> *Ibidem*.

appointment act, but to bring happiness for the Romanians, achieve independent, make allies and friends for the place”

The elaboration of a Constitution project was, in Ioan Câmpineanu’s view, of great significance resulted from an impetuous need, as long as the Organic Regulations had been drawn-up during military occupation and the vote of the National Assembly of the Romanian Country for the additional act of the Organic regulations revised in 1837 has been made at the voivode’s order, according to the Ottoman Empire’s firman<sup>50</sup>. The provisions regarding the organization of the state life included in the *Unification and Independence Acts* are revised and completed in the *Romanians’ sovereign appointment act*. *Romanians’ sovereign appointment act* was issued on 5/17 November 1838 and included 6 introductory articles about the appointment which provided the measures for the incorporation period of the new state incorporation and the fundamental law project. (Appendix 1) Constitution enforcement was provided to begin, according to the author of the act, after the election of the sovereign and after making the unitarian and independent state. The sovereign’s appointment articles provided important transient measures for the period since its election until the end of the independence war, which had been foreseen to begin after its election through the revolution. The sovereign received dictatorial power for this entire time. It also provided the obligation to be a soldier for all the Romanians able to carry weapons, death penalty for all proven traitors (treachery or treason “meant the lack of discipline, insubordination, failure to pay the debts”; the investigation was assigned to a commission consisting of three members, and a short time of 24 hours was provided for the execution of the penalty), it reserved the right for pardoning and dictator’s sovereign penalties switch, tax limitation during the period of the independence war for the needs of the state and war costs and sovereign’s dictatorial power duration ending completely 6 months after the acknowledgement of Romanians’ independence by all the foreign powers, leader’s compulsoriness to promulgate the Constitution.

Romanian Constitution, included in the last article of *Romanians’ sovereign appointment act*, includes 18 points indicated by letters a-r. The text includes two juxtaposed versions: one in Romanian, the other in French. In drafting the French version, we noticed the contribution of Félix Colson, secretary of the Bucharest consulate and later author of significant writings on Romanians<sup>51</sup>. This

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<sup>50</sup> Inițial, the additional article was rejected by the National Assembly in Bucharest. Under the pressure of the Russian consul Rückman and deed no. 316 (Ottoman Empire firman), voting of the revised Organic Regulations on 9/21 May 1838 was made under the specification of obedience (therefore not at the deputies’ initiative) (Cf. “Romanian Parliamentary Annals 1831-1852”, tom VIII/1, p. 4).

<sup>51</sup> Félix Colson, *De l’état présent et de l’avenir des Principautés de Moldavie et de Valachie*, Paris, 1839 ; Idem, *Précis des droits des Moldaves et des Valaques fondé sur le droit des gens et sur les traités*, Paris, 1939.

Constitution begins by indicating in point “a” that the Romanian Country status is a country of freedom, a free place for everybody living there, proclaiming the inalienability principle of the country's territory. The following points proclaim human and citizen's rights: all Romanian people are equal in front of the law, and nobody could be pursued and arrested except for the cases provided by the law and the forms rewritten by it or punished before trial; everybody is admissible (“received”) in civil and military positions, everybody contributes to the state duties, as the National Assembly will establish. Then, the project establishes the fundamental lines of state organization, providing an original method for enforcing the principle of powers separation in the state.

*The executive power* was entrusted to the “Romanians” sovereign, whose person was inviolable. As a supreme leader of the state, he was in command of the army (land and customs forces called “land and water powers”), declared war, concluded peace and alliance and trade treaties, appointed in all public administration functions, drafted ordinances regulations necessary for laws enforcement. As far as the throne reception is concerned, an extraordinary procedure was provided for the first sovereign of the national independent state: his election, and for the next sovereigns, as a common procedure, succession based on the principle of heredity. At the heir's appointment on the throne he had to swear in front of the National Representation that he will watch over the Romanian constitution in faith. It also provided that the voivode and heir will have a civil list voted by the National Representation. The project also provides ministers' responsibility and the responsibility of all public officials considered “sovereign's agents” for the acts made by them based on their function. Only the members of the National Representation had the right to accuse ministers.

*The legislative power* jointly belonged to the National Representation. It provided that the sovereign could not exercise it on his own, his initiative requiring the consent of the National Representation. The head of the state approved and promulgated laws. The way the National Representation (Assembly) was elected can be reconstituted based on a writing of Félix Colson who informs us that “all Romanians, with no exception, having the age of 25, had to be electors and eligible”. Its attributions and obligations included: taxes approval at the sovereign's request, with the provision that in time of peace no tax could be collected without its approval; annual vote of the budget and reviewing its enforcement; control over all ministers' administration acts whether they refer to internal administration or external relations; drawing-up reports to the head of the state regarding everything connected to the general interest; reception of petitions (“complaints”) from private persons. In order to consolidate their position and provide their freedom of opinion, it is provided that the Representation members are immovable and cannot be sent to trial unless the Representative Assembly authorizes their arrest.

As far as the *juridical power* is concerned, it stipulated that it comes from the sovereign, justice being made on his behalf by the magistrates. Courts' decisions shall be signed all by the judges that sentenced them. Judges trespassing shall be punished very severely; trespassing defining and punishment shall be regulated by a special law.

Câmpineanu's actions and projects were known by the public opinion and stimulated by it. He initiated a diplomatic action at Constantinople, Paris and London attempting to interest the power in uniting the two Principalities. Russia protested against all these attempts. England's representative, Colquhonn, invested with consular attributions encouraged the Romanians to stay related to Turkey suzerainty. The French advised the Romanians to be known in the West in order to get the support and sympathy of European powers. In 1839, the French diplomat Hubert said that "the idea to unite the two Principalities and incorporate an independent state under the leadership of a foreign prince was the general theme of political comments"<sup>52</sup>.

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

## ANNEX

### **The Constitution project elaborated by Ion Câmpineanu, 5/17 November 1838 Romanian Constitution**

a. The Romanian Country is a free place for all the people living here and its land cannot be alienated.

b. All Romanians are equal in front of the law, all of them are accepted in civil and military positions and contribute to the needs of the state, as shall be decided in the National Assembly.

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<sup>52</sup> Apostol Stan, *Russian Protectorate over the Romanian Principalities 1774-1856, between absolute democracy and incorporation*, Bucharest, Saeculum Press, 1999, p. 144-174; Iulian Oncescu, *Bringing the Romanian prince on Romania's throne, in Politics, diplomacy and war. Professor Gheorghe Buzatu at the age of 70*, Craiova, Universitaria Press, 2009, p. 150.

c. Individual freedom is guaranteed; nobody can be handed in and arrested unless the law provides so and in accordance with its forms; nobody shall be punished without a trial.

d. All Romanian people have the right to publish and print their opinions; they are equally liable for their writings, according to the law.

e. The sovereign person is inviolable and saint; the power of acting belongs to him; the sovereign is the highest head of the state and commands the land and water powers, declares war, concludes peace, alliance and trade treaties, appoints in the positions of public administrations, makes regulations and ordinances, necessary for drawing-up the laws.

f. The sovereign cannot use the legislative power without the consent of the national assembly.

g. The sovereign alone differentiates and consolidates laws.

h. The juridical power originates from the sovereign. Justice is given on his behalf, through magistrates elected for life; courts decisions shall be signed by the judges giving them; judges forfeiture or mistakes shall be severely punished and a law shall be given in this matter.

i. In times of war, the sovereign's power will be dictatorial.

j. Romanian sovereign's heirs will swear at their appointment on the throne that they shall watch over the Romanian constitution with faith.

k. A civil and military order of honour shall be made.

l. Sovereign's ministers and adjutants are liable for all the acts of their administration and job. Only the representatives of the nation are allowed to accuse the ministers and bring them to court.

m. In times of peace no tax will be collected unless the sovereign's request is received from the representatives of the country.

n. A national guard will be formed different from the common army; a water power will be held at the state's expense.

o. Six months after the independence is acknowledged, the Romanian sovereign undertakes to publish a complete set of public civil and criminal laws. These books of laws shall be reviewed once in ten years.

p. The sovereign and his heir will enjoy a civil list voted by the representatives of the nation.

q. National Representation.

All Romanians are representatives without any difference. The national representation examines all the documents of the liable ministers, decides on the budget for the entire year, reviews expenses decided by it, is entitled to draw reports for the sovereign on the matters of national interest, receives taxes from private persons, his children are free and cannot be judged without the assembly's consent.

r. Six months after the acknowledgement of Romanians' independence, all Romanians will reflect and debate upon the proposals the ministers will make.<sup>53</sup>

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<sup>53</sup> Cornelia Bodea, *Romanians' Struggle for National Union. 1834-1849*, Bucharest, Romanian Academy Press, 1967, p. 220-222.

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