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GREAT UNION CONSTITUTIONALISM. POLITICAL AND LEGAL ASPECTS

Keywords

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Abstract

The activity of some great politicians and statesmen of the time was of particular importance for the achievement of the Great Union in 1918. A remarkable personality of that time is Ion I.C. Brătianu. In this study we recall the great politician and statesman and in particular his major contribution to the adoption of the Constitution of 1923 which conferred constitutional significance to the great Union; he also contributed to the legislation adopted on the basis of the Fundamental Law from 1923 which aligned the Romanian state to the European states. The study outlines the historical context and content of the Declarations adopted in 1918 by which the Romanian provinces under foreign rule joined the Kingdom of Romania. We consider that these documents are legal and political acts of constitutional value that are important for Romanian constitutionalism.

ION I.C. BRATIANU, PERSONALITY AND ACTIVITY

A geographical area, such as a locality, can be identified in a number of ways: spatially, demographically, economically, culturally, etc. In contrast, the individuality of a people is determined by personalities that were born, lived or created in that particular place, village, city or region, which thus becomes more than a simple geographical location: a space of culture and civilization. Undoubtedly, Pitesti is such a cultural space, 'a generator of civilization', which can be individualized by the great personalities who left their mark on these places over time. Vila Florica, located a few kilometres from Pitești, is a landmark because it is associated with the Bratianu family whose members were political and cultural personalities.

Ion I.C. Brătianu is undoubtedly the most prominent personality of this prestigious family from Pitesti. Bratianu is considered to be the "shadow leader" of interwar Romania, who through his prestigious activity greatly contributed to the creation and development of the modern Romanian state whose existence is to be marked definitively by democratic constitutionalism. Any evocation of the personality of the great politician cannot sufficiently emphasize his immense contribution to the political, social and cultural life. The count of Saint-Aulaire, the French minister in Bucharest, expressed his appreciation of the liberal leader: "He always excels at winning without making enemies. The near future will reveal his highest qualities that make him one of the great statesmen of his generation, even greater than the three great ones: Wilson, Lloyd George and Clemenceau. Nothing more natural: small countries, great people." (Scurtu, 1992: 39)

Ionel Bratianu, as his relatives used to call him, was the eldest son of the former Prime Minister and founder of the National Liberal Party, Ion C. Bratianu and of Oltenita Pia Pleșoianu. He was born on August 20th, 1864 at Villa Florica, Arges County. He studied to become an engineer but he was also passionate about history and culture. This statesman had a deep sense of duty towards his country and politics was, in his opinion, an art and a complex phenomenon. His statement is still valid today: "Most people think politics is fun, with benefits and honors. Politics is something serious, serious about everything. You have the life and the future of your country in your hands." (Iorga, 1934: 44)

Believing it was his duty to continue the political work of his family, in 1895 he began his political career as a Member of Parliament for Gorj County. He became Minister of Public Affairs, interim Minister of Foreign Affairs and Minister of the Interior. His modern conception of Romania's future propelled him as a leader of the young liberals, and

on January 11, 1909, the Congress of the party appointed him President of the National Liberal Party.

The liberal government headed by Ion I. C. Bratianu had been in power for a long time against a background of instability of the Romanian political life in the interwar period. In total, the National Liberal Party had ruled the country for 6 decades. This period was marked by bold reforms initiated and supported by Ion I.C. Brătianu: the agrarian reform, the electoral law, the modernization of the economy and the initiation of the liberal doctrine "by ourselves", the development of foreign policy by aligning the country to the new realities imposed by the outbreak of the First World War and last but not least, the drafting of a new Constitution, which became the fundamental law of the country.

The politician also faced strong political crises, especially the Dynastic crisis generated by a new renunciation by Prince Carol II of his prerogatives as crown prince. Despite all the vicissitudes of the age, Ion I.C. Brătianu managed to overcome the moments of crisis and maintain the political stability of the country. Nicolae Iorga, described this as follows: "Now there were not two rulers of Romania, but one: Ion Bratianu. The Arges dynasty had completely overcome the Sigmaringen.

Ion I.C.Brătianu remained the master, the only and absolute master of a country that had endless patience." (Iorga, 1922)

ION I. C. BRATIANU, PROMOTER OF THE GREAT UNION

Ionel Bratianu, after his father's death on 4 May 1891, felt obliged to continue his father's political work, so in 1895 he was a candidate for parliament and was elected deputy of Gorj. On 31 March 1897, Bratianu was appointed Minister of Public Works. In this capacity, he paid special attention to the construction of railways by encouraging the projects of the illustrious engineer Anghel Saligny. We should bear in mind that in November 1897 the minister participated in the inauguration of the railway Pitesti– Curtea de Arges. He also encouraged the development of the Port of Constanta.

On February 14, 1901, with the appointment of a new Liberal Cabinet, Ion I. C. Bratianu received the portfolio of the Ministry of Public Works, and after the government reshuffle of January 9, 1902, he received the interim of the Foreign Ministry, whose holder he would become on 18 July. The diplomatic activity that he carried out during this period was remarkable. Ionel Bratianu took a close look at the situation of the Romanians in the Ottoman and Austro-Hungarian Empires, paying special attention to the Romanians in Transylvania, whom he supported morally and politically. The Foreign

Minister often intervened in Vienna and Budapest to improve the situation of Romanians. In 1905 Ionel and his brother Vintila Bratianu attended the inauguration of the ASTRA Palace in Sibiu. Later, he visited the cities of Transylvania, meeting with some of Avram Iancu's former collaborators.

In all of his political work, Ion I.C. Bratianu was a promoter of political and social reforms. His voice became one of the most important in the National Liberal Party, and his opinion was listened to and considered even if he did not share the views of the elders in the party who opposed the reforms. In his speeches Bratianu emphasized the vital importance of the agrarian reform and of the economic development of Romania and supported the introduction of the universal vote.

His political personality became more and more important, so that on January 1, 1909, the Party Congress nominated him as president of the National Liberal Party with great enthusiasm, for he represented "the best that the party and country could ever have". Since the inaugural speech, the new president had set two fundamental principles for future work: "freedom of speech" and "discipline in action".

Another important stage of the political activity of the illustrious liberal began at the end of the Second Balkan War (July 28, 1913). The political climate became a man who was more inclined to carry on the decisions for the implementation of reforms. In a letter addressed to King Carol I in August 1913, Bratianu urged the transition to the reforms he had thought of and believed in. The King was reluctant fearing that these reforms would spark violent struggles on the political scene. After a conservative government, Ion I.C. Bratianu was called for the second time, on January 4 1914, to form the Council of Ministers. After winning parliamentary elections, the president of the National Liberal Party issued the Constitutional Revision on February 21 1914. (Giurescu, 2003:120)

The outbreak of World War I delayed the expected economic and social reforms. The context in which our country had to position itself in this conflict must be remembered. At that time Romania had a military treaty with the Triple Alliance, which was concluded by the current Prime Minister's father since 1883. The treaty had been kept secret because a pact with Austro-Hungary was extremely unpopular among the population. On September 27, 1914, King Carol I died, which meant for Romania the freedom to go to war against Austria-Hungary. In the new context, the prime minister became the central figure of the political life, his decisions influencing Romania's historical destiny. No wonder he would be called the king of the country.

During the period of neutrality (1914-1916), the entire coordination of the Romanian foreign policy was taken over by the Prime Minister, who worked with great caution, the conclusion of diplomatic

agreements that were guarantees for the Romanian state. Such a diplomatic success was also the treaty concluded with Russia on September 18, 1914. By this agreement, Russia committed itself to guarantee and defend the territorial integrity of Romania and to recognize its rights over the Austro-Hungarian territories inhabited by Romanians in exchange of "benevolent neutrality" of our country. At the same time, the government also concluded an agreement with Italy, in which the two countries agreed to inform each other of any changes in their policy (Giurescu, 2003: 158).

The public opinion supported the new political orientation of the country, so that Ion I.C. Bratianu focused on the army. The prime minister showed great diplomatic strength and diplomacy, insisting on the conclusion of some political-military conventions, clearly stipulating the conditions under which Romania would enter the war and the objectives it pursued. Thus, after long negotiations, on August 4, 1916, the collaboration treaties with the members of the Entente were signed. The diplomatic battle he coordinated at the Peace Conference in Paris speaks volumes about his political activity. The main preoccupation of the Romanian Prime Minister was the recognition of the unification of the three provinces with Romania. However, on January 18, 1919, the Paris Peace Conference, which had to regulate the international war problems was a great disillusionment for Ionel Bratianu. By the decision of the great victorious powers, Romania had limited interests, being able to participate in the debates only when invited, although according to the Convention of 4 August 1916 Romania had enjoyed the same equal rights. The great powers prepared the Treaty of Peace with Germany without allowing the Romanian delegation to express their point of view although our country had contributed to the war against Germany.

A similar fact happened in the case of the Peace Treaty with Austria. Under these circumstances, in May 1919, Ionel Bratianu presented a collective verbal note addressing Georges Clemenceau, requesting that the draft treaties be communicated in advance in order for everybody to analyze them. However, only a summary of the treaties was submitted to the Romanian Government. In a speech on the draft treaty and in a memorandum addressed to the Council at the plenary meeting of the Allied states Ion I.C. Brătianu stated that Romania was determined to ensure the rights of minorities and Romania should benefit from the same regime as all sovereign states. On September 10, 1919, the great powers signed the Treaty of Peace with Austria in Saint-Germain, which Ion Bratianu had objected to. As a result, Ion Bratianu resigned on September 12, 1919, from the head of the Council of Ministers because he did not want to sign this treaty.

CONSTITUTIONAL DOCUMENTS OF THE GREAT UNION

The statements of union of the Romanian provinces of Transylvania, Bessarabia and Bucovina are part of what might be called the "constitutionality block" of the Great Union. These statements have not been explicitly abrogated and, in our opinion, are still legally viable. A decisive political contribution to their drafting and adoption had the great politicians Ion I.C. Brătianu and Alexandru Marghiloman, who successively held the post of Prime Minister during that period. We will briefly refer to the adoption and content of these constitutional documents.

On March 26 / April 8, 1918, Prime Minister Marghiloman went to Chisinau, accompanied by General Constantin Harjeu, Minister of War, and other dignitaries, where he was received with honors by the authorities. Until the Councils of the Country of March 27, 1918 the committees of the Balti, Soroca and Orhei provinces had been consulted about the Union with the Kingdom of Romania. Thus, on 13/26 March 1918, the "General Assembly of the Soroca district" voted unanimously in favor of the union with Romania and so did the General Assembly of 25th of March of Orhei Zemstva, chaired by Bejbeuc-Melicov, representative of the Armenian ethnic group in the Country Council. Marghiloman who participated in the solemn meeting of the Country Council on March 26 delivered a speech in which he emphasized the necessity of the union. At the same time Alexandru Marghiloman underlined the desire of the Romanian government to respect their rights and freedom; he also stated that the Country Council had to "solve the agrarian issue according to people's wishes." After the speech, Marghiloman left the room, leaving the Country Council to deliberate on the Romanian government's proposals.

On behalf of the Moldavian Bloc, deputy Ion Buzdugan read the declaration reading the union in Romanian while its Russian version was read by the deputy Vasile Cijevski.

On March 27, the country's council voted in a nominal vote in favor of the Union with Romania; the statement of the council indicated that: The Moldavian Democratic Republic (Bessarabia), within its borders between the Prut, the Nistru, the Black Sea and the old border with Austria, which had been more than one hundred years away from old Moldavia, in the power of historical law and national law, based on the principle that peoples alone should decide their fate, from now on and forever will be united with ROMANIA. The declaration of union ended with the words: "Long live the union of Bessarabia with Romania forever and ever!" On behalf of the Country Council, the Declaration of the Union was signed by Ion Inculeț, President, Pan Halippa Vice-President and Ion

Buzdugan Secretary of the Country Council. (Banciu, 2001: 98)

The main constitutional regulations were as follows: The Country Councils were to carry out an agrarian reform that had to be accepted without objection by the Romanian government; Bessarabia would remain autonomous, having its own legislative body, the Country Council, elected by democratic vote; the council of the country would vote for the local budget, to control the councils of the settlements and the cities, and to appoint the officials of the local administration; the local laws and the administration could only be changed with the consent of local representatives; the rights of minorities were to be guaranteed by law and respected in the Romanian state; two representatives of Bessarabia would be part of the Romanian central government; Bessarabia was to send the Parliament of Romania a number of deputies in proportion to the population of the region; all elections would be organized on a democratic basis, based on direct, equal, secret and universal suffrage; the new Constitution would guarantee freedom of speech and religion; an amnesty was to be proclaimed for all those who committed political crimes during the revolution. We note the timeliness of these provisions for any modern democratic state.

Of the 135 deputies present, 86 voted in favor of the Union, 3 voted against, and 36 abstained, particularly among the German, Bulgarian and Ukrainian deputies, 13 abstentions. Five members of the Peasant Fraction, headed by V. Bârcă, and the representative of the Polish community, Deputy Felix Dudkevici were added to the votes of the deputies of the Moldavian Bloc. The reading of the result was accompanied by thunderous applause and enthusiastic cries "Long live the Union with Romania!" Prime Minister Alexandru Marghiloman and his suite were invited to the building after the council voted the union. The Prime Minister spoke and stated that "on behalf of the Romanian people and his king, His Majesty Ferdinand I, I take note of the council's decision and proclaim Bessarabia united, this time forever, with Romania." On March 30 / April 12, 1918, after the return of the Romanian Prime Minister to Iasi, he celebrated the Union of Bessarabia with Romania. The royal decree promulgating the act of the Union of Bessarabia with Romania was dated 9/22 April 1918.

On November 15/28, the Romanian National Council convened the General Assembly of Bucovina in the Synod Hall (the marble hall) of the Metropolitan Palace in Cernăuți under the chairmanship of Iancu Flondor. After the congratulations of Dionisie Bejan, President of the National Council the Congress unanimously voted the union with Romania with the support of most German and Polish representatives. Here is the preamble of this important constitutional document: "After great efforts and sacrifices undergone by

Romania and its powerful and noble allies and after the crushing blows that the Austro-Hungarian monarchy received that shook its foundations until it collapsed and all nations gained the right to free self-determination, the first thought of the desolate Bucovina goes to the Kingdom Romania, to which we have always linked our hopes of achievement. That is why we, the General Assembly of Bucovina, embody the supremacy and the power of the country, and being invested with legislative power on behalf of national sovereignty, we decide: the unconditional and eternal union of Bucovina in its old frontiers, The Cheremosh **River**, the Colacin and the Nistru, to the Kingdom of Romania." (Banciu, 2001: 78)

The congress sent a tribute to King Ferdinand, who was called "King and Liberator, and Bucovina's Caregiver," asking him to receive Bucovina under the scepter of his Majesty. Iancu Flondor went to Iasi with a delegation of 15 people from Bucovina to send the message to the Romanian authorities.

King Ferdinand sanctioned the act of unification by the decree no. 3744 of 18/31 December 1918, published in the "Official Gazette" no. 217 of 19 December 1918. The signatories of the act were King Ferdinand I and Ion I. C. Bratianu, President of the Council of Ministers. By Decree-Law no. 3746 of December 18-31, 1918, Ministers of state secretaries without portfolio in the central government were named Iancu Flondor with residence in Cernăuți and Ion Nistor with headquarters in Bucharest.

The Alba Iulia Assembly was held in a festive atmosphere. There were 1228 official delegates, representing all 130 electoral circles from the 27 Romanian counties, bishops, delegates of the councilors, Romanian cultural societies, representatives of schools and pedagogical institutes, craftsmen's associations, the Romanian Social-Democratic Party as well as military and university youth organizations. The assembly represented all social strata, all interests and all branches of Romanian economic and cultural fields. At that time - on December 1, 1918, 1228 delegates participated in the meeting in the Military Club "Casina" Hall in Alba Iulia. Gheorghe Pop de Băsești was elected as President of the Grand National Assembly. The delegates were elected on the basis of the universal vote and were given credentials that required the Alba Iulia assembly to decide on the union of Transylvania, Banat, Crișana and Maramureș with the Kingdom Romania. Delegates from Bucovina and Bessarabia also participated on behalf of the sister countries, which had previously entered the great family of the Romanian state.

In the midst of unanimous endorsements and unlimited enthusiasm, Ștefan Cicio Pop, president of the Central Romanian National Council, presented the circumstances which had led to that glorious

event, Vasile Goldiș evoked memorable moments in our history and Iuliu Maniu explained the historical necessity of the Union and the circumstances in which this had been done. Socialist Jumanca also expressed Romanian workers' adhesion to the Union. The resolution of the Union was read by the Greek-Catholic bishop Iuliu Hossu:

"The National Assembly of all the Romanians in Transylvania, Banat and the Hungarian Land, assembled by their representatives in Alba Iulia on November 18th / December 1, 1918, decreed the unification of Romanians and all the territories inhabited by them with Romania. The Assembly proclaims, in particular, the inalienable right of the Romanian nation to the entire Banat between the rivers Mureș, Tisa and the Danube" (Giurescu, 2003: 106).

The resolution included the program of implementation: the provisional autonomy of the territories until the constitution, full national freedom for all cohabiting people, full confessional freedom for Transylvanian minorities, the implementation of a clear democratic regime in all the fields of public life, the radical agrarian reform, labor protection, industrial legislation. The National Assembly asked the Peace Congress to ensure justice and freedom for both large and small nations and to eliminate war as a means of regulating international relations. It greeted their brothers in Bucovina, who had escaped from the yoke of the Austro-Hungarian monarchy, the liberated Czechoslovak, Austro-German, Serbian, Polish and Ruthenian nations. It expressed its respect for those brave Romanians who had shed their blood in the war for the freedom and the unity of the Romanian nation, and finally expressed its gratitude and admiration to all the allied powers which, by fighting against the enemy, freed civilization from the barbarous claws of war.

At 12 o'clock on December 1, the unanimous vote of the resolution, the Union of Transylvania with Romania was declared. The result of the vote on the resolution was announced by Gheorghe Pop de Băsești:

"The National Assembly of the Romanian people in Transylvania, Banat and the Hungarian parts received the resolution presented by Vasile Goldiș, and thus the unification of this Romanian province with the motherland has been decided" (Giurescu, 2003: 126).

The Grand National Council was established as a legislative body and the Conducting Council as an executive instrument. The president of this body was elected Iuliu Maniu. The headquarters of the Conducting Council was in Sibiu until autumn 1919.

THE GREAT LIBERAL GOVERNMENT. THE CONSTITUTION OF 1923. REFORMS FOR MODERNIZING THE ROMANIAN STATE

Under the new conditions created after the end of the First World War, the adoption of a new Constitution became one of the fundamental problems of the Romanian state. But the constitutional organization was a particularly difficult problem for both the monarchic institution and the governments of that period due to many internal, but especially external circumstances. The constitutional settlement had always been postponed until the Liberals came to power in early 1922. After long debates, the new Constitution was voted on March 26, 1923 in the Assembly of Deputies and on March 27 in the Senate and was promulgated by the King and published in the "Official Gazette" on March 29, 1923. The new Constitution retained most of the articles of 1866 but introduced new issues corresponding to the new Romanian reality after the Great Union and after the First World War. The Romanian Basic Law was one of the most advanced in Europe at that time being considered a liberal contribution.

We will not refer to the content of this Constitution, but we must emphasize the decisive contribution that Ion I.C. Brătianu had to the principles and regulations that underpinned the fundamental law of the state.

The program of the National Liberal Party, whose main author was Ionel Brătianu and which was at the basis of the elaboration of the Constitution of 1923 emphasized that the domestic consolidation process of the country would be based on the "national idea", on the democratization of the country, on order, on progress and on social collaboration. The program is in first place the principle according to which "all people must enjoy the most extensive rights, irrespective of their race or religion, so that they can develop within our social organization in peace, equality and satisfaction".

The part of the program devoted to the democratization of the country included reforms that demanded the most rapid implementation, such as: the need to organize professional unions, the right to strike, collective negotiations and the protection of minors and women. The economic policy of the Liberal Party provided for the development of the country through "Romanian labor, initiative and capital". This concept did not exclude cooperation and participation of foreign capital but it was intended to prevent the Romanian economy from being subordinated to the economy of another state. The program included "encouraging cultural advancements" in the cultural field and a "speedy unification" without, however, mistaking this with centralization in administration.

Insisting on the need to introduce all these principles in the Constitution, the National Liberal Party's manifesto addressed all the voters in Great Romania and was published during the elections of 1920; it highlighted the party's creed stating that it aimed to ensure the Romanian state's prosperity under a constitutional, monarchical and democratic regime, which had a unitary national character in its political, cultural and economic life.

In accordance with this liberal political program developed under the leadership of Ion I. C. Brătianu, the Constitution of 1923 is an expression of the relations of the political forces of that period; it represented the main juridical and political basis of the fundamental institutions of Romania, the Romanian state and the monarchical government based on the democratic, parliamentary and constitutional regime. Under this fundamental law, the principles of representativeness, the separation of powers, lawfulness and legitimacy of laws, as well as those concerning the elective system and the regime of property were more emphasized than those contained in the Constitution of 1866. Undoubtedly the Basic Law of 1923 became a factor of progress in the democratization of the Romanian society.

During the great interwar liberal government democratic reforms were not limited to the Constitution of 1923. Most of the measures in the Brătianu government aimed at aligning the country to the new post-war realities. After the adoption of the Constitution, at the initiative of Ion I.C. Brătianu, several normative acts of vital importance for the country were adopted and promulgated, including: the law on the organization of the army (24 June 1924), the law on primary education (26 June 1924) the law on the establishment of the Romanian Patriarchy (February 25, 1925) and, last but not least, the law on the administrative unification of all the provinces adopted on June 14, 1925, which was based on the "preservation of the unitary character of the countries."

On March 27, 1926, the electoral law of the "first majority" was promulgated. The main change concerned the centralization of results, the allocation of mandates and the proclamation of elected representatives. It created a favorable electoral framework for the majority party to get more parliamentary mandates and thus to support the government.

Another important measure was the "Marzescu Law", which included measures to combat crimes against public silence. This legal act constituted the legal basis for the measure of unlawfulness of the Romanian Communist Party.

During that period, important normative acts on labor and social protection of work were adopted: the Sunday rest law (1925), the labor protection law (1939) and the law on vocational training and the exercise of trades (1936). It is worth mentioning

some important normative acts that contributed to the modernization of the judiciary system in Romania: the 1925 law on the organization and functioning of the administrative litigation and the normative act of 1933 for the organization of the labor jurisdiction.

There is not enough space to carry out a comprehensive analysis of the laws adopted under the Constitution of 1923, but at the end of these considerations we must emphasize that the fundamental Law adopted at that time was the Constitution of unification, bonding and economically welding territorial, political and spiritual issues of Great Romania. It opened a new stage in the development of the country along the path of social progress and democracy aiming at the completion of the state organization and a unitary social life. On the basis of the Constitution whose mentor was the great politician Ion I. C. Brătianu, it was possible to realize, at a relatively rapid pace, the entire process of the legislative unification that emerged as an imperious national necessity in the first years after the union.

The fundamental political and juridical settlement of 1923 represents, in our opinion, the crowning of the political work of the illustrious statesman who was and remains Ion I.C. Brătianu.

In conclusion, we quote Ion G. Duca's memoirs which, in our opinion, recall the political genius of Ion I.C. Brătianu: "He never decided quickly ... from the first moment he envisaged all the probable and

possible repercussions of an act, so that before deciding to do something he examined, reexamined and examined all its consequences and he went from intention to action only after he had weighed all the favorable and unfavorable arguments and its benefits appeared stronger and more evident than the shortcomings. From his engineering studies he had the habit of never putting his foot on the ground before testing it and finding out how solid it was. But once the gestation ended, once the decision was made, I have never met a man who is more inclined to carry out the decision in all my life and in my entire political career." (Duca, 1994: 256)

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