AGRARIAN REFORM IN TRANSYLVANIA (JULY 30, 1921) IN RELATION TO THE DISPUTE OVER THE HUNGARIAN OPTANTS

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ABSTRACT

This article analyses the legal and historical complexity of the Agrarian Reform of July 30, 1921, in Transylvania, set against the backdrop of the international dispute over the "Hungarian optants". We hereby aim to highlight the fact that the reform was not merely an economic measure of modernization, but also an act of historical justice intended to rectify the centuries-old discrimination inflicted upon the Romanian population by feudal systems. At the center of the analysis is the legal dispute between Romania, represented by Nicolae Titulescu, and Hungary, supported by Albert Apponyi, a conflict resolved in the interwar period by converting the property rights of the large Hungarian landowners into claims. The study demonstrates that the Romanian state honored its compensation obligations through the Basel Agrarian Fund until 1938, at which point the matter was definitively settled. The paper sounds an alarm regarding post-December realities, criticizing the revival of restitution claims made by the descendants of optants. Ignoring the legal precedents and the payments already made by the Romanian state has led to serious judicial errors and unjustified double compensation, jeopardizing national interests. The study aims to reestablish the documentary truth regarding the unitary nature of Romanian agrarian legislation.

Keywords: Agrarian reform, Hungarian optants, Treaty of Trianon, Nicolae Titulescu, restitutions.

1. INTRODUCTION

After 1990, the historical dispute over property rights in connection with the agrarian reform in Transylvania, adopted by the Law of July 30, 1921, resurfaced. This relates to the claims of the descendants of the so-called "Hungarian optants", as defined by the Treaty of Trianon of June 4, 1920. It is well known that the public agenda of European countries after 1921 focused on the legal dispute between the Romanian state, represented by the team led by the illustrious diplomat Nicolae Titulescu, and the Hungarian government, represented by Albert Apponyi, regarding the alleged historical rights to the large estates in Transylvania.

The descendants of the large landowners (counts, barons) chose to leave Transylvania at the time of reunification with the motherland, Greater Romania. Ignoring the historical and legal realities of the interwar period and taking advantage

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of legislative confusion or the authorities' weaknesses, they revived claims regarding the restitution of properties held by their ancestors more than four generations ago. The Agrarian Reform Law of July 30, 1921, known as the "Law for Transylvania, Banat, and Crișana", was intended to rectify grave historical injustices. The Romanian-origin population of Transylvania had been subjected to social and economic constraints generated by the feudal arrangements of the temporary occupiers, who denied their existence and origins.

The Romanian National State, a historical and geographical outcome of the plebiscite of December 1, 1918, and subsequently confirmed by the Treaty of Trianon, had an urgent need for social organization and the establishment of the institutions necessary for the country's progress within the European context. The agrarian reform fulfilled one of the aspirations of the villagers who had borne the burden of foreign rule for centuries. They had been forced to work their ancestral lands for people of a different ethnicity, as these lands had been seized from them by the occupiers.

The dispute between the Romanian state and the Hungarian government, acting as the representative of the optants, was resolved through international proceedings. The Romanian state undertook the obligation to compensate the former Hungarian optants in accordance with the court rulings and the arbitration in Paris. Thus, payments were made into the Agricultural Fund in Basel between 1927 and 1938, at which point the payments were suspended under the dictatorship of King Carol II. What is certain is that the property right was then converted into a claim, and the matter was definitively settled.

Currently, since 1990, the administrative and judicial authorities of the Romanian state are once again facing restitution claims by the descendants of former optants. The situation has spiraled out of control, with the restitution or payment of compensation for hundreds of thousands of hectares of land having taken place once again. The contradictory rulings issued by administrative officials and the courts constitute, at the very least, an indication of complicity or betrayal of the interests of the Romanian state.

This study aims to provide a sequential analysis of the agrarian reform in interwar Romania and the related legislative measures. We will demonstrate that the agrarian reform for Transylvania was not a singular act, as has been erroneously claimed, out of ignorance, by today's decision-makers.

2. THE GENERAL CONTEXT OF AGRICULTURAL PROPERTY

After the fulfillment of the Romanian people's centuries-old dream, the unification of the Romanian nation was achieved through the general enthusiasm that led to the moment of December 1, 1918, in Alba Iulia, the fortress that hosted this pivotal point of all the lands inhabited since the dawn of time, and the social and economic reorganization of the Romanian state was accomplished, both in the present and for the future.

The Great Union, the unification of the Romanian people within the new state, alongside the enthusiasm for national unification, was meant to bring about the fulfillment of aspirations that would address the backward state of the population living until then in different historical provinces, some of which had been under foreign rule during various historical periods. The old ways, some still in feudal forms under which the Romanian population was kept even in the first half of the 20th century – and we cite Transylvania as an example here, which had suffered the negative effects of Austro-Hungarian dualism since 1867 – and Bessarabia, liberated from the yoke of the Tsarist Empire through its accession to the Great Union on March 27, 1918, following the vote of the *Sfatul Țării*, demanded a new approach.

Amid the newly formed, emerging, or surviving European states and nations that emerged from the Great War, Romania had to find its footing, but above all, it had to respond through measures and socio-economic reforms to the immense expectations of the population, who had become part of the nation by acquiring Romanian citizenship within the context of the new national borders. Romania, thus unified and internationally recognized within its new geographical borders by the Treaty of Trianon of June 4, 1920, suddenly found itself confronted with a patchwork of administrative structures, different laws, and cultural-historical customs existing in each province, generated by temporary foreign rule and which had become deeply ingrained in the collective mindset, including in Romanian communities, even the most homogeneous ones. The organization of secular and ecclesiastical authorities, legislation, and economic development varied, and a unified structure was required for the functioning of the Romanian state.

Among the major problems faced by United Romania was that of agrarian property, where, in addition to the accumulation of centuries-old injustices, the relations of production and economic distribution were disadvantageous to the vast majority of the peasantry. Given that the vast majority of the population lived in rural areas, in villages, with agriculture and animal husbandry being the traditional occupations, the long-standing aspiration for land ownership had to be fulfilled, which could only be achieved through the redistribution of agricultural property.

The agrarian reform could not be delayed any longer; it was, above all, a promise made by the crown to the peasant-soldiers at the start of the war in the Old Kingdom and had become a pressing issue in the other provinces as well, such as Transylvania and Bessarabia, after centuries of exile, injustice, and being kept in a state of social, national, and economic inferiority. The joy of the Great Union had to be accompanied by a complete abandonment of the burdens of the past; measures had to be taken without delay to eliminate injustices and shortcomings, as well as to provide social and economic satisfaction to those who bore the brunt of the events during the war (soldiers in the trenches and families left with countless hardships in the villages). The elimination of all the chronic shortcomings was also necessary, however, for the country's economic liberation, through the establishment of social and political relations that would lead to the progress of the Romanian nation. The time had come for the old property regimes, the vast estates, and the large holdings

owned by a small number of landowners – which no longer corresponded to the pressures of the times – to be abolished; the time had therefore come to abandon the remnants of the feudal relations that had given rise to them – in other words, to redistribute agricultural property. This concern was at the forefront of the minds of the leading intellectuals of the time and, of course, of the authorities of the new state following the union.

3. A BRIEF OVERVIEW OF AGRICULTURAL REFORMS IN ROMANIA

The aspiration for land redistribution had been a focus of attention and a source of hope for the Romanian people even before the First World War, but conditions became favorable after 1918, partly due to the context of European civilization. We will now outline the key milestones regarding agrarian reforms within the historical territory of the Romanian people.

Following the Union of the Principalities, Prince Alexandru Ioan Cuza enacted the Agrarian Reform Law of August 15, 1864. The law expanded the scope of entities from which agricultural land was expropriated, namely large boyar estates and endowed monasteries (following the law on the secularization of monastic property). Exceptions were made for the communal properties of the moșneni and răzeși, where productive activity was carried out in a form of joint ownership, that is, collectively, without any specific individual having a clearly defined plot of land. Through Cuza's reform, approximately 450,000–500,000 families were granted land ownership, and the land area subject to the reform amounted to about 2 million hectares [77].

Under the same law, peasants were relieved of feudal duties and obligations, such as corvée labor. Cuza's agrarian reform law displeased the large landowners, a fact that was indeed one of the reasons why the prince was removed from the leadership of the Principalities in 1866.

Another law was the one regarding the redemption of state-owned lands in April 1889, through which state property was transferred to local communities, benefiting a significant portion of the peasantry.

Furthermore, following the promises made by the King and the Romanian Government to the peasants who were conscripted into World War I, the 1918 Law on Agrarian Reform in the Old Kingdom was enacted, promulgated by Decree-Law 3697/1918, which, in essence, gradually reduced large estates until 1930.

For Bessarabia, agrarian reform was instituted following the votes of the *Sfatul Țării* on November 27, 1918, and enacted through recognition by United Romania *via* Decree-Law 1936/1920, largely ratifying the reform adopted by Bessarabia's representative body.

[77] Doina Rotaru and Doina Dunca, *Dobândirea proprietății imobiliare în România [Acquisition of Real Estate in Romania]*, Bucharest, Notarom Publishing House, 2020, p. 119.

For Oltenia, Muntenia, Moldova, and Dobrogea, the Agrarian Reform Law was enacted, approved by Decree 3093/July 14, 1921, following which an implementing regulation was also issued, based on expropriation decisions subject to a lengthy procedure. This law concerned the expropriation of estates larger than 100 hectares, regardless of who the owners were; of course, this law also contains some exceptions, without it being necessary to go into further detail. The law did, however, include measures to ensure the effective transfer of ownership, while ensuring that former owners were compensated [78].

Finally, the Law on Agrarian Reform in Transylvania, Banat, Crișana, and Maramureș, approved by Decree 3610/July 30, 1921, which we will analyze in particular, as it is the subject of this study.

4. SPECIFIC FEATURES AND CONTROVERSIES REGARDING THE LEGAL DISPUTE SURROUNDING THE AGRARIAN REFORM OF JULY 30, 1921

This agrarian reform was intended to redress the many historical injustices to which the Romanian population had been subjected for centuries. As historical precedents, we recall the peasant uprisings that were bloodily suppressed, namely the Bobâlna Uprising of 1437; the revolutionary movement in Transylvania led by the Szekler nobleman Gheorghe Doja in 1514, events that led to a series of measures following which the Romanian population was subjected for centuries to injustices, primarily through the denial of recognition as an independent nation and through brutal economic exploitation.

Underlying these measures, which aimed at the total impoverishment of the first and oldest inhabitants of Transylvania, was a policy promoted through the legislation known as the "Werboczy Tripartite" of 1517, and subsequently through the "Aprobatae Constitutiones" of 1653 and the compilations of 1669, these measures stripped the peasant, especially the Romanian peasant, of all rights, which led to the accumulation of social and material inferiority among this population.

Concerns regarding agrarian reform in Transylvania through the expropriation of the large estates of Hungarian counts and barons had been on the agenda of the Governing Council since its establishment; this body prepared the groundwork and contributed to the success of the Great Union of 1918. In the period leading up to this moment, under the rule of the Austro-Hungarian Empire, properties in Transylvania – specifically, assets held by the Austro-Hungarian Monarchy as an imperial state – fell into two categories: the first category belonged to the dual-

[78] Mircea Georgescu, *Reforme agrare. Principii și metode în legiuirile române și străine [Agrarian Reforms. Principles and Methods in Romanian and Foreign Legislation]*, Bucharest, Institute of Agrarian Law and Agrarian Economics of Romania, „Bucovina" Printing House I. E. Torouțiu, 1943.

headed monarchy and was at the disposal of the Imperial Chancellery itself, and the second category consisted of assets belonging to Hungary as a constituent state of the dual-headed monarchy. This gave rise to the first difficulty in dividing the public property that existed prior to 1867, the year marking the emergence of dualism, since the assets in the second category were not formally transferred to Hungary, the dualist pact having at that time a purely political significance. Included in the empire's property are public institutions, military and border garrisons with their associated territories, and numerous properties built with public funds generated by entities established by Empress Maria Theresa and her son Joseph II. These assets are today illegally claimed by fictitious entities[79].

After 1920, the Hungarian government made efforts to recover these assets or transfer them to private individuals of Hungarian nationality. It is certain, however, that these assets, which we would currently characterize as "public utility" and which were similarly treated during that period, located within the territory of Transylvania, officially became part of Romania's national patrimony with the obligation to pay the ancillary claims associated with these properties. This occurred in accordance with the international principle of state succession, meaning that the state that acquired a territory – in our case, Romania, which obtained the territory enshrined in the Treaty of Trianon – fully exercised its sovereignty over that territory, in which sense the public assets of the former predecessor state (the Austro-Hungarian Monarchy) are transferred to it, as well as the obligations associated with this transfer of ownership[80].

In contrast, the legal regime governing private property remains unchanged; the holders of property rights remain the same persons, namely legal entities, private entities, and natural persons. The Treaty of Trianon addresses two aspects relevant to the present analysis: the issue of Hungarian optants and expropriation through the agrarian reform carried out by the Romanian state.

As a result of the territorial changes following World War I and the disintegration and dissolution of the Austro-Hungarian Empire, the issue of citizenship for residents in the empire's successor states arose. In Transylvania, large estates were primarily owned by counts; specialized studies reveal that 80% of Transylvania's land holdings belonged to them, of course, on the basis of historical injustices. The Treaty of Trianon regulated the citizenship situation, in the sense that individuals who held Hungarian citizenship and resided in Transylvania were granted a six-month period to choose between Romanian and Hungarian citizenship. Most of the large landowners who considered themselves Hungarian opted for Hungarian citizenship, left Transylvania, and this is where the term "Hungarian optants" comes from.

[79] Dumitru Șandru, *Reforma agrară din 1921 în România [The 1921 Agrarian Reform in Romania]*, Bucharest, Publishing House of the Academy of the Socialist Republic of Romania, 1975.

[80] Onisifor Ghibu, *Acțiunea catolicismului unguresc și a Sfântului Scaun în România Întregită. Raport înaintat M. S. Regelui Carol II [The Action of Hungarian Catholicism and the Holy See in Greater Romania. Report Submitted to His Majesty King Carol II]*, Cluj, „Ardealul" Institute of Graphic Arts, 1934.

As a result of the law on expropriation and the implementation of the agrarian reform of July 30, 1921, their properties were subject to expropriation by the Romanian state. These optants did not recognize the agrarian reform law, opposed the expropriation, and made persistent appeals to European courts and foreign governments to highlight the alleged injustice. It should be noted that the law was applied equally both to the individuals and legal entities subject to expropriation and to the beneficiaries of the agrarian reform. The latter were Romanian, Szekler, Hungarian, and Saxon peasants from Transylvania, all of whom received the same allocation of agricultural land. The property dispute, which initially began in Romanian courts, was resolved unfavorably for the claimants in the Courts of Appeal.

In the next phase, the Hungarian optants, under the auspices of the Hungarian government, brought cases before international courts, specifically the League of Nations and the Court of Arbitration in Paris, a legal process that unfolded through countless lawsuits that dominated the European agenda for over seven years. Essentially, the Hungarian optants argued that they had been discriminated against by law, that their property rights had not been respected, citing provisions of the Treaty of Trianon which indeed expressly stipulated that private/individual property could not be affected by measures taken by the Romanian state. The expropriation itself concerned the payment by the Romanian state of compensation equivalent to the value of the expropriated large estates, from which the former owners – specifically, the Hungarian optants – were to benefit.

This gave rise to a political and legal dispute centered on the claims of the Hungarian optants who, on the one hand, rejected the Romanian state's agrarian reform and, on the other hand, demanded compensation that was grossly disproportionate, exceeding the Romanian state's budget and, at the same time, far exceeding a fair assessment of the value of agricultural land, forests, pastures, and arable land. The main argument of the claim was the historical ownership situation, which drew the attention of many prominent figures in Europe to the dispute. The response given, for example, by French President Poincaré, from whom we quote: *"An unjust ownership, even if millennia-old, cannot be considered legitimate in law*". This figure expressed a concept that represents an indisputable legal truth, applicable under the principles of domestic and international law.

In a few words, we will refer to the passionate dispute between the "two camps": on the one hand, the modern, civilized world, with liberal views and a forward-looking outlook, represented by the "team" of the Romanian lawyer, the liberal democrat Nicolae Titulescu, who had the support of Alexandre Millerand, the former Prime Minister of France, and the master of international law, who served on the commissions regarding the reparations convention following World War I, lawyer Sigmund Rosenthal; and on the other hand, Albert Apponyi, Hungary's representative – a refined and skilled orator, but one who adhered to a Hungarian nationalist, retrograde, feudal, and profoundly anachronistic and unjust conception for the modern times to which all of Europe aspired.

At the end of the conflict, of course, in the legal realm, regarding the Hungarian optants, the diplomat and jurist Titulescu said:

> "When a state, in its daily, peaceful struggle, upholds a just cause with firmness and courtesy and puts at its service not mere national recriminations, but resistance based on the great, international principles that underpin current relations between states, its point of view ultimately prevails. Thus, before the French presidency and the European institutions of the time, Hungary's voluminous, laborious, yet deceptive documentation failed to convince. The response of the President of France, H. Poincaré, from the height of his office, constitutes a rigorous rebuttal of the Hungarianist conception emerging from the mists of history and the duplicity uncovered when the documents regarding the situation of the Hungarian optants were analytically examined"[81].

The optants were represented by the Budapest government, which, through its representative Albert Apponyi, argued that Hungary was being treated unjustly because its citizens were being deprived of their properties in Transylvania. Apponyi demanded differential treatment for the optants, that is, preferential treatment compared to other landowners expropriated through the agrarian reform in Romania. According to their privileged logic, if the expropriation were to remain in effect, compensation far exceeding that established by Romania's Agrarian Law should be set.

In contrast to this, the issue arose that the Romanian state should take measures for social organization, for reforming the state of affairs in Romania, to develop its institutions and, in accordance with the civil rights that were to be known equally to all inhabitants of the country, so that, in the new modern historical context, it could progress – which, by its very nature, also entailed establishing property rights on the basis of modern legislation and principles of equality, something that could, of course, only be achieved through agrarian reform, including that for Transylvania. As a result of the disputes with the Hungarian government, which were recognized at the European level, the validity of the argument was upheld that the implementation of agrarian reform did not contravene the Treaty of Trianon nor the rights of former owners, including the optants who came forward with exaggerated and discriminatory claims, because a privileged situation could not be created for foreigners; the treaty was not intended to protect Hungarian optants over Romanian

[81] „Când un stat, în lupta sa pacifică, de toate zilele, susține o teză dreaptă, cu fermitate și curtenie și pune în slujba ei, nu simple recriminațiuni de ordin național, ci rezistența pe principiile mari, internaționale, cari stau la baza raporturilor actuale între state, punctul lui de privire sfârșește prin a se impune. Astfel că, în fața președinției Franței și a instituțiilor europene ale timpurilor, voluminoasa, laborioasa, dar mincinoasa documentație a Ungariei nu a putut convinge. Răspunsul președintelui Franței, Poincare, de la înălțimea demnității sale, constituie o replică riguroasă la concepția hungaristă venită din negurile istoriei și duplicitatea descoperită atunci când analitic au fost cercetate lucrările privind situația optanților unguri.", in Constantin D. Cutcutache, *Optanții unguri ai Transilvaniei şi reforma agrară din România: un mare conflict international [The Hungarian Optants of Transylvania and the Agrarian Reform in Romania: A Major International Conflict]*, with a preface by Nicolae Titulescu, Bucharest, Geniului Magazine Printing House, 1931, p. 12.

citizens. This is because the expropriation of large estates and vast latifundia falls under the jurisdiction of the same regime, which, from a legal standpoint, must be unified, and because land distribution must provide equal treatment for impoverished peasants, both Romanian and Hungarian[82].

Essentially, it is an indisputable legal fact that the property rights of Hungarian optants were transformed, following the Paris Agreement, into a claim, established through two agricultural funds in Basel (France). Romania made the payments it was obligated to make – and to which it had agreed – in Swiss francs and gold crowns. Between 1927 and 1934, Romania paid for all these properties out of its own funds, amounting to the equivalent of 4.8 tons of gold. Added to this are 87 million dollars in war reparations owed to Romania by Hungary, as per the Treaty of .[83] Romania did not collect this sum; it waived it so that it could be paid to the optants, and on top of all this, to definitively settle the dispute with a view to a peaceful future, Prime Minister Brătianu decided to offer an additional 10% on top of these payments as compensation. There are documents showing that Brătianu accepted and paid these additional sums for the so-called "property disturbance" for reasons of state and to close this historic dispute, with the aim of finally establishing normal relations with Hungary.

The agrarian reform of July 1921 was favorably received by European states and the entire civilized world, being recognized as the most progressive and significant step in this field on the European continent. Under these circumstances, the historical dispute was to be closed, and the so-called property issue rooted in the claims of Hungarian optants was to cease to exist[84].

5. CONCLUSIONS

In conclusion, it should be noted that the Romanian-Hungarian dispute – the case of the Hungarian optants before the League of Nations – has been the subject of extensive research; prominent figures involved in studying the phenomenon and the legal dispute have highlighted Romania's principled, democratic, and just position of Romania, and these figures contributed to the precise establishment of the Romanian people's right to be the masters of their national territory.

In a future study, we will comprehensively address the issue of Hungarian optants, which has resurfaced following the events of December 1989. Although this

[82] Codrin Munteanu (ed.), *Procesul optanților unguri. Mărturii documentare din arhivele Ministerului Afacerilor Externe al Republicii Franceze [The Trial of the Hungarian Optants. Documentary Evidence from the Archives of the Ministry of Foreign Affairs of the French Republic]*, Bucharest, Stefanida Publishing House, 2018, p. 17.

[83] ***, *Agrarian Reforms in Romania. And the Hungarian Optants... [Agrarian Reforms in Romania. And the Hungarian Optants...]*, French Academy, Paris, 1927.

[84] Mircea Coșofreț, Ioan Sabău-Pop and Constantin Ceucă, *Reforma Agrară din România și optanții unguri din Transilvania [The Agrarian Reform in Romania and the Hungarian Optants of Transylvania]*, Iași, PIN Publishing House, 2018, p. 14 ff.

historical dispute was settled in the international courts of the time, it surprisingly resurfaced after 1990 when the fourth generation of optants began claiming the same "rights" that, following domestic and international proceedings, had been extinguished along with their outdated claims. However, under the guise of betrayal, confusing legislation, and the manner in which the legislative and administrative authorities of the Romanian state have treated and continue to treat this issue, a ridiculous situation has arisen in which a dispute that should have been definitively settled before the national courts and the European Court of Justice has been brought back onto the agenda. We will return to these issues in detail in a future study.

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