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**DEFENDING THE ‘SACRILEGE AGAINST
THE HOMELAND’: THE ROMANIAN LEGAL ELITE
IN HUNGARY ON THE BENCHES OF THE *MEMORANDUM*
TRIAL (1894)***

Abstract

An integral part in the nation-building processes unfolding in the Austrian-Hungarian monarchy was the formation of specific elite segments that could shepherd various ethnic or confessional communities towards modernity or help to preserve their national existence in the face of de-nationalising policies. Over time, the establishment of a legal elite – graduates of law academies and faculties – assumed an increasingly important role, especially for national minorities. The present paper attempts to tally the results of the collective endeavour on the part of the Romanians in Dualist Hungary to forge this elite segment by focusing on the swansong moment of Romanian petitioning, the *Memorandum* trial of 1894. It examines the impromptu selection of local members of the Romanian legal elite in Hungary, occasioned by the need to defend the leadership of the Romanian national movement in the courtroom, and discusses their educational and professional backgrounds. It also shines a light on the contrary positions taken by other members of the national leadership – also a segment of this legal elite – and the ensuing conflicts between and among the national leadership as both groups tried in their own way to defend the Romanian national movement.

Keywords: legal elites, Dualist Hungary, *Memorandum* trial, nineteenth century, Romanian national movement

In the early 1880s, a heated discussion took place in the home of Vasile Pop, a prominent member of the cathedral chapter in Gherla, the seat of one of the Romanian Greek-Catholic bishoprics in Transylvania.

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Vasile Pop was engaged in a family debate concerning a path-setting professional decision that his nephew, newly graduated from secondary school, was compelled to make.

Finally, the family reached a consensus: the young man would pursue an education in law, as his uncle wished. The clergyman had many arguments in favour of this decision: stressing to his nephew that he had “a strong voice”, and was “smart, and not lacking in daring and the courage to fight”, Vasile Pop urged him to follow his advice and “go to the Law Academy, so that you might defend our Romanian nation; you can see for yourself that our burdens are increasingly harder to bear”.¹

The clergyman’s visionary insistence would bear fruit in 1894 when, after having completed his education in law at the Universities of Vienna and Budapest, the newly-minted law graduate was selected as part of a team to advocate for the Romanian political leaders accused in the well-known trial provoked by the *Memorandum*. Joining Pop’s nephew would be other Romanian lawyers, who would distinguish themselves on the European level by acting as defence counsel in the same lawsuit. Their professional existence was, in a sense, the result of the desideratum expressed by the Romanian leader of the 1848–9 revolutionaries in Transylvania, Avram Iancu. A lawyer himself, Iancu had emphasised that the Romanian nation was coming up short on many accounts, foremost of which was the formation of a segment of well-trained jurists. This national deficit could only be remedied by establishing a national faculty of law where young Romanians could be trained.² Avram Iancu was part of the first generation of Romanian lawyers, educated in the 1840s and 1850s, who made a name for themselves both during the revolutionary events of 1848–9, as well as during the Austrian constitutional period (1860–7). During the latter period, a provincial parliament, or Diet – which had the power to legislate in internal provincial matters – functioned in Transylvania as well as in the other imperial provinces.³ The sessions of the Diet

¹ Laurențiu Oanea and Felicia Aneta Oarcea, *Dr. Ștefan Cicio-Pop. Un titan în luptele național-politice ale românilor din Transilvania și părțile românești din Ungaria 1865–1934* (Arad, 2008), 38–9.

² Simon Retegan, ‘Lupta burgeziei române din Transilvania pentru înființarea unei facultăți juridice românești 1848–1883’, *Anuarul institutului de istorie din Cluj* (1967), 307–19.

³ For the Diet of Sibiu, see Simion Retegan, *Dieta românească a Transilvaniei (1863–1864)* (Cluj-Napoca, 1979).

of Sibiu (1863–4) constituted an ideal framework in which these Romanian jurists could exhibit their training and professional skills as representatives or notaries. Although their activity showed that the Romanian nation had the necessary resources to serve in a parliamentary milieu, the number of individuals trained in law was still insufficient to cover the needs of the Romanian population at the grassroots level, especially in the turbulent context of the political changes inaugurated by the 1867 *Ausgleich*.

The obligation to remedy this state of affairs would grow into a persistent and consistent national project: young Romanians graduating from secondary education were encouraged to pursue studies in law and were supported in this endeavour by a large number of scholarships designed for this purpose.⁴ The *Memorandum* trial constitutes an appropriate point at which to tally the results produced by this collective endeavour to forge a legal elite on the path towards nation-building.

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The *Memorandum* and the trial it elicited constituted a crucial moment in the history of the Romanian national movement in Dualist Hungary. Attesting to this is the abundant historiography discussing the genesis of the movement, its unfolding, denouement, and effects. Between 1892 and 1894 public opinion in Hungary, in the Kingdom of Romania, and many other European countries was highly invested in the events of the *Memorandum* even as they were still unfolding. Much ink was spilt in the nineteenth-century press,⁵ which detailed the situation of the Romanians in Dualist Hungary, highlighted the Magyarisation policies implemented by the Budapest governments, and emphasised the national desiderata expressed in the *Memorandum*.

⁴ For more on the contribution of Romanian foundations granting scholarships for the construction of a national elite, see Cornel Sigmirean, *Fundatia "Gojdu" 1871–2001* (Târgu Mureş, 2002); Lazăr Ureche, *Fondurile grănicereşti năşăudene (1851–1918)* (Cluj-Napoca, 2001).

⁵ Ample articles devoted to this topic appeared in European newspapers such as *L'Indépendance Belge*, *Le Figaro*, *Gazetta di Torino*, *Times*, etc. For more on the *Memorandum* affair in the Hungarian and European press in general, and on the reaction of international public opinion, see Pompiliu Teodor *et al.*, *Memorandul (1892–1894). Ideologie și acțiune politică românească* (Bucharest, 1992), 52–88; George Moroianu, *Les luttes des Roumains transylvains pour la liberté, et l'opinion européenne. Épisodes et souvenirs* (Paris, 1933), 140–78.

The lawsuit opened against the signatories of the *Memorandum*, and the Romanian solidarity movements which emerged throughout Hungary and the Kingdom of Romania also gained much attention. Ample works dedicated to the issue, by foreign and Romanian authors alike, also appeared around the same time.⁶ The moment's significance was also reflected in the subsequent Romanian historiography's unabated interest in the topic, regardless of its historical period and political regime. In the interwar era, when historians were playing their part in perfecting the national construct established following the Union of 1918, the *Memorandum* grew into the foundation upon which to build the historiographic discourse highlighting the Romanians' desire for unity.⁷ The history of the *Memorandum* witnessed a revival in the 1960s, as the Romanian-Hungarian antagonisms inherent in the topic served the interests of the Romanian communist regime, which had grown increasingly nationalist. It was around this time that the *Memorandum* piqued the interest of foreign historians, foremost among them being Keith Hitchins.⁸ And although Romania was freed from ideological shackles by the fall of communism, Romanian historiography continued to pursue the subject purposefully, with renowned historians appraising the movement in significant monographs.⁹

Despite the vast and varied literature focusing on the *Memorandum*, some parts of the topic have remained in a cone of shadow, and there

⁶ Vasile Alexandrescu Urechia, *Voci latine de la frați la frați! I-a culegere de adhesiuni a gintei latine la mișcarea națională din Transilvania și Banat* (Bucharest, 1894); Roberto Fava, *Ricordi rumeni. Note di un viaggio in Transilvania e Romania* (Parma, 1894).

⁷ Numerous articles, such as those authored by Ioan Moga, 'Tribuniștii și mișcarea memorandistă', *Gând Românesc*, 5 (1934) or Zenovie Pâclișanu, 'Guvernele ungurești și mișcarea memorandistă a românilor din Ardeal', *Revista Fundațiilor Regale*, 5–7 (1934), were complemented by larger studies such as Ioan P. Pop's *Procesul Memorandumului românilor din Transilvania. Acte și date*, i–ii (Cluj, 1933–4).

⁸ The topic witnessed great effervescence at this time, which materialised into dozens of studies and volumes, comprising edited documents, contemporary participants' memoirs, or analytical syntheses such as Vasile Netea, *Istoria Memorandumului românilor din Transilvania și Banat* (Bucharest, 1947); Șerban Polverejan and Nicolae Cordoș, *Mișcarea memorandistă în documente 1885–1897* (Cluj, 1973); and later Keith Hitchins' 'Ioan Rațiu and the *Memorandum* trial: new sources', *Acta Musei Apulensis*, 19 (1981).

⁹ This era was characterised by a deep preoccupation with the analysis and interpretation of the historical and philosophical underpinnings of the *Memorandum* movement. See for instance Liviu Maior, *Memorandumul: filosofia politico-istorică a petiționismului românesc* (Bucharest, 1992); Teodor, *Memorandumul (1892–1894)*; and Sanda-Maria Buta, *Dr. Aurel Mureșianu și mișcarea memorandistă* (Brașov, 2000).

is still room for new analyses and interpretative approaches. One such aspect, which has earned far too little attention, is that of the group of lawyers who served as defence counsel for the Romanian political leaders during the trial. The present study is aimed at shedding light on this group of individuals in the form of collective biography, focusing on their educational background and professional experience before their engagement in the trial. We will also delve into the group's selection and the defence strategies they employed during the trial.

After the signing of the *Ausgleich* in 1867, the Romanians in the Transleithanian part of the Dual Monarchy found themselves compelled to adapt to a novel political and administrative situation. Within the Romanian national movement in Hungary, the primary debate centred on the most appropriate political tactics to be adopted in the framework created by this new political reality. The adherents of activism urged involvement in the parliamentary elections in order to send representatives to the Budapest Parliament. At the same time, passivists declared that in order to protest what was perceived as an unconstitutional status-quo, Romanians had to abstain entirely from electoral activities, both as voters and as potential candidates. In 1881, a single party aiming to reunite all Romanians in Dualist Hungary was established, following the fusion of the extant two Romanian parties from the Banat and Transylvania. A new framework in which the national movement could operate was built, and as a result of the decisions made by the leadership of the National Romanian Party (NRP), the movement grew increasingly unitary. Following the establishment of the NRP, passivism was upheld as the most appropriate political tactic. Following the failed electoral bids of 1881, 1884, and 1887, the party leadership came to regard boycotting the elections as the only valid choice. Under these circumstances, the tried and true political instrument of petitioning, which had represented the main avenue for the assertion of community rights in the eighteenth-century Transylvania, was adopted by the NRP as the principal means of political expression. The idea to present a petition of complaint to Emperor Franz Joseph I had been up for debate ever since the first conference held by the party. Towards the late 1880s, this action managed to gain massive support within the ranks of the Romanian political leadership.¹⁰

¹⁰ Keith Hitchens, *A Nation Affirmed: The Romanian National Movement in Transylvania (1860–1914)* (Bucharest, 1999), 111–35.

Despite the general agreement regarding the need to draft a document clearly exhibiting the plight of the Romanians in Transleithania and spelling out their central claims, the project was postponed until an opportune occasion could be found. In 1892, at a time when the Budapest government had intensified its Magyarisation policies, the matter would be decided during the party's national conference held before the parliamentary elections. Over 200 delegates representing the constituencies inhabited by enfranchised Romanians attended the conference held in Sibiu on 21–22 January.¹¹ While the policy of general passivity in parliamentary elections was decreed without much discussion, a passionate debate arose in the matter of submitting the petition – called the *Memorand*¹² – to Vienna.¹³ Two opposing sides rapidly coalesced. The first, led by the jurist and great landowner Alexandru Mocsonyi, argued for further postponement of the submission until an opportune moment could be found. The other, headed by the lawyer Ioan Rațiu and the publicist Eugen Brote, insisted upon the need to submit the document immediately. Although Mocsonyi's group won a vote in the party's specially-designated committee comprised of 40 NRP members, the opponents swiftly repositioned themselves and called for a vote in the plenum. This reversed the previous result, and the immediate submission of the *Memorandum* was decided upon. Mocsonyi's camp remained faithful to its convictions and, while upholding the party members' choice, refused to involve themselves in implementing this decision actively. Consequently, a new central committee was elected, comprised solely of NRP members who ardently supported the immediate submission of the *Memorandum*.¹⁴

The petition was drafted and perfected according to the decisions made in January, and then presented at the end of May 1892 to the imperial chancellery in Vienna by a delegation of some 300 Romanians. The Emperor refused to receive the delegation and ordered the unopened envelope containing the petition conveyed to the Budapest government. In turn, the government sent it back to Ioan Rațiu, the

¹¹ During the late nineteenth century, both the Gregorian and the Julian calendars were used in Transylvania.

¹² Anglicised as *Memorandum*.

¹³ *Gazeta Transilvaniei*, viii (1892), 1–3.

¹⁴ Vasile Netea, *Istoria Memorandului* (Bucharest, 1993), 41–3.

president of the NRP, as it did not regard the signatories as the lawful representatives of the Romanians in Hungary and therefore viewed the petition as unworthy of consideration.¹⁵

Shortly after these events Eugen Brote, one of the petition's leading advocates and the owner of the 'Tribune' printing press, had a trilingual version of the *Memorandum* printed – in Romanian, Hungarian, and German – thus compelling the Budapest government to react. It did so by lodging an official charge against the publicist in September 1892. During questioning, Brote declared that the decision to draft, publish, and circulate the *Memorandum* had been made by the NRP's central committee, mandated to act by the representatives of all Romanian voters who attended the January conference in Sibiu. Based on this testimony, and following a statement of the NRP's committee members in which they partially agreed to Brote's assertion, in May 1893 the general prosecutor Sándor Vita indicted the entire NRP leadership. The trial, procedurally framed as a press lawsuit, should have begun on 23 January 1894, but was postponed due to the accused parties' objections that the Tribunal in Cluj did not have jurisdiction to preside over the case. The Royal Court in Budapest overruled the objections, and the trial commenced in Cluj on 7 May 1894.

In December 1893, the NRP leaders' main task became the search and selection of an able defence counsel. The complexity of the situation was compounded by the fact that half of the accused were lawyers, counting themselves among the best Romanian jurists in Dualist Hungary. Moreover, the accused were also the best lawyers from among the group in the NRP camp which voted in favour of the petition's immediate submission. In order to ensure the best defence, one, therefore, needed to resort to the Romanian lawyers from the opposing side, who had been in favour of delaying the submission of the petition.

The search began with an extensive correspondence with Romanian lawyers firmly attached to the NRP, who had obtained their licence as attorneys-at-law at the Bars situated in predominantly Romanian-inhabited areas. They were required to draft lists of all local lawyers who "would be so inclined to receive the mission of defence counsel in the *Memorandum* suit".¹⁶ The NRP committee aimed at obtaining

¹⁵ Teodor, *Memorandul (1892–1894)*, 38–42.

¹⁶ Letter from the NRP central committee to Francisc Hossu-Longin, Sibiu, 22 Dec. 1893, 'Lucian Blaga' Central University Library of Cluj-Napoca (hereinafter:

the broadest geographical legal representation and thus to involve the majority of Romanian-inhabited counties in the matter. Several dozens of Romanian lawyers responded to the appeal, as the trial represented not only a favourable occasion to demonstrate one's professional qualities as a barrister, but also offered a chance to be hailed as a defender of Romanian national interests.

While a large number of lawyers offered their services, there were also some cases of individuals who refused to shoulder this heavy responsibility. Violent events had occurred in Turda, as a result of which the home of the NRP president Ioan Rațiu had been vandalised. Meanwhile, Magyar lawyers had campaigned to have the parties accused in the trial expelled from the Bar.¹⁷ The desire to serve the nation did not always prevail over risking one's livelihood and personal safety. The case of George Popa, a Romanian lawyer from Arad who had been personally solicited by Rațiu to act as his defence counsel, eloquently testifies to this concern. Although taking on the role of counsel to the NRP's president meant that he would have headlined the entire defence, Popa refused the task, arguing that he needed to attend the synod of the bishopric of Arad taking place at the same time, and that he was therefore otherwise engaged.¹⁸

Undoubtedly the most resonant refusal was that of Alexandru Mocsonyi. Attempting to conform to the party's strategy of maintaining internal solidarity, Rațiu had asked Mocsonyi to act as his counsel. Mocsonyi declined to assume this role, arguing that he was inexperienced, having never practised as a lawyer after completing his legal studies. What is more, he held that his contrary stance in the matter of the timing of the submission would, more likely than not, negatively affect the entire defence. Nevertheless, he urged all lawyers in his camp to respond favourably to the committee's appeal, an endorsement which significantly aided in assembling an able team of defence counsel.¹⁹

The NRP committee's appeal resulted in a vast recruitment pool, from which the best-suited individuals were selected. On 24 December

BCUCJ), Fond Fr. Hossu-Longin, mss. section 247/1. Correspondence concerning the defence cause, doc. no. 1, published in Polverejan, Cordoș, *Mișcarea memorandistă*, 231.

¹⁷ Netea, *Istoria Memorandului*, 127–31.

¹⁸ Marcel-Dumitru Ciucă and Elena-Teodora Ciucă, *Dr. Ioan Rațiu și Emilia Rațiu. Corespondență, scrisori primite, 1866–1895* (Bucharest, 1994), 181.

¹⁹ Valeriu Braniște, *Amintiri din închisoare* (Bucharest, 1972), 233.

1893, the committee sent out a circular inviting those who had been selected to travel to Cluj several days before the beginning of the trial in order to devise a defence strategy. It is worth noting that the letter, signed by the entire committee and addressed to their counsel, emphasised that the latter were assembling in defence of more than just the accused – through them ‘the entire Romanian nation ... [which] will sit on the accused’s bench’, would be protected.²⁰ The first meeting between the defenders and the accused parties was scheduled for 21 January 1894, but given the postponement of the trial until May, it took place on 3 February 1894.

The divergences between some of those accused and those tasked to defend them became manifest at this first meeting. The committee felt it was their right to control the procedure and organise the defence, and relentlessly asserted their competence over the matter. The NRP’s central committee had intended to summon the meeting itself but was contradicted by the lawyer Aurel Isac, who argued that this fell to the defence counsel. Although Rațiu conceded to Isac’s request, Iuliu Coroianu, the author of the *Memorandum*’s text, refused to conform.²¹ As a result, the request to assemble was first addressed to the counsel by Aurel Isac – “in understanding with the [party] president”²² – and afterwards again by Iuliu Coroianu, who summoned them on the same date to a meeting of the central committee “so that we might reach a decision together concerning the defence”.²³ Finally, on 3 February the defence counsel gathered in consultation, and then met the accused parties in a joint session.

In his memoirs Coriolan Brediceanu, who served as an attorney, described the somewhat discouraging atmosphere of this first meeting, noting that “we found [the accused] very depressed. During questioning,

²⁰ Letter from the NRP central committee to Francisc Hossu-Longin, Sibiu, 22 Dec. 1893, BCUCJ, Fond Fr. Hossu-Longin, mss. section 247/1. Correspondence concerning the defence cause, doc. no. 2; published in Polverejan, Cordoș, *Mișcarea memorandistă*, 234–6.

²¹ Letter from Alexandru Vaida-Voevod to George Moroianu, Vienna, 24 Jan. 1894, published in Șerban Polverejan, *Correspondența lui George Moroianu (1891–1920). Scrisori primite, în limba română* (Cluj-Napoca, 1981), 283.

²² Letter from Aurel Isac to Aurel Mureșianu, Cluj, 24 Jan. 1894, ‘Casa Mureșenilor’ Museum Brașov (hereinafter: MCMB), *Arhiva Mureșenilor*, doc. 14434.

²³ Letter from Iuliu Coroianu to Francisc Hossu-Longin, Cluj, 27 Jan. 1894, BCUCJ, Fond Fr. Hossu-Longin, mss. section 247/1. Correspondence concerning the defence cause, doc. no. 4, published in Polverejan, Cordoș, *Mișcarea memorandistă*, 244.

apart from three, all testified inexactly and controversially”. Brediceanu then asked that these differing positions be reconciled into a joint stand, emphasising the need for the accused to assume responsibility. Brediceanu’s demand was met with reticence, as the accused blamed their defenders, claiming that the counsel wanted to facilitate the committee’s condemnation and thus to turn them into national martyrs.²⁴ Besides, while most of the accused agreed to take responsibility for drafting and presenting the *Memorandum* to the Emperor, they balked at the accusation of having printed and circulated it, which constituted the main point of contention in the trial itself. In this respect, Brote was regarded as the sole guilty party.

Although they understood the perspective of those accused, the defence counsel recognised the futility of this approach at that point in the proceedings, underlining that it was essential to maintain national unity in the face of the Hungarian state’s abuses. Both the defenders and the accused were united in the belief that the trial needed to be reframed from a press lawsuit into a national-political legal action for the benefit of the Romanian national movement. The counsel then explained that an easier defence could be mounted if a unitary position was reached, and the meeting concluded on the vague note that it was necessary to “exhibit the cause with dignity”.²⁵ The most important decision was the establishment of a ‘defence bureau’, which would be tasked with drafting and printing the “programme and exposition of the *Memorandum*”.²⁶

Less than three weeks later, on 23 February, a second joint meeting was held, and a preliminary list of the members of the ‘defence bureau’, containing twenty-four names and two vacancies, was advanced. This list would be altered up until the start of the lawsuit.²⁷ Apart from the three non-Romanian lawyers (two Slovaks and a Serb), the list was divided almost equally based on the original criterion of political strategy, i.e. between those who advocated the delayed submission of the *Memorandum* and those who had wished to present it immediately. At the same meeting, the accused and their attorneys decided on

²⁴ Letter from Coriolan Brediceanu to Vinčențiu Babeș, Lugoj, 6 Feb. 1894, published in Polverejan, Cordoș, *Mișcarea memorandistă*, 245–6.

²⁵ Braniște, *Amintiri din închisoare*, 235.

²⁶ Buta, *Dr. Aurel Mureșianu*, 91.

²⁷ Nicolae Cordoș, Gelu Neamțu, *Iuliu Coroianu în vâltoarea vremurilor (1847–1927)* (Cluj-Napoca, 2006), 121–2.

the principles that would guide their approach during the trial. The attorneys managed to convince their clients to share responsibility in all of the accusations and adopt a unitary defence tactic. This was not an easily attainable objective, as even some of the defenders, obviously eager to obtain their own client's acquittal, had been in favour of a separate defence for each accused party.²⁸

The lawyer Amos Frâncu, who had become the de facto leader of the 'defence bureau' as a result of his taking on the president Rațiu as a client, found himself precisely in this situation. After Mocsonyi's initial refusal, the leader of the NRP had sought the aid of the Serb lawyer Mihail Polit, one of the foremost leaders of the Serb national movement in Hungary, who for reasons unknown did not take on the task.²⁹ Finally, Rațiu chose the 28-year-old lawyer Amos Frâncu as his champion, a choice which gave rise to discontent among some of the accused parties. Nevertheless, despite his young age, Frâncu was highly esteemed in the legal community, which regarded him as a 'distinguished' lawyer with thorough training and, more importantly, highly skilled in oratory. At the same time, he was a hugely ambitious individual, whose main objective in the trial was his own client's acquittal. To this end, he adamantly requested that both the accused parties and his other co-defenders agree to all his tactical suggestions. In order to impose his own vision concerning the defence, he even sought to persuade the spouses of the accused parties of the rightness of his approach. What is more, Frâncu also exerted similar efforts in other directions, for example by displaying an 'elegant and distinguished gentlemanly' behaviour towards the wife of the presiding judge in the case, the Baron Zsigmond Szentkereszty.³⁰

Although he coordinated the defence counsel, Frâncu submitted to the decision of the majority in favour of collective responsibility. He did manage however, to persuade his colleagues in another matter, namely that of the language to be employed by the lawyers during the trial itself. At the legal level, a government order compelled lawyers to defend their clients in court exclusively in Hungarian. However, the

²⁸ Braniște, *Amintiri din închisoare*, 235.

²⁹ Letter from Francisc Hossu-Longin către Aurel Mureșianu, BCUCJ, Fond Fr. Hossu-Longin, mss. 4119, Fr. Hossu-Longin's Correspondence, viii, 54–5; published in Polverejan, Cordoș, *Mișcarea memorandistă*, 244.

³⁰ Alexandru Vaida Voevod, 'Martiriul memorandist. Mărturisiri, restabiliri, pocăințe și învățăminte', *Gazeta juridică a Transilvaniei*, v-x (1944), 237–40.

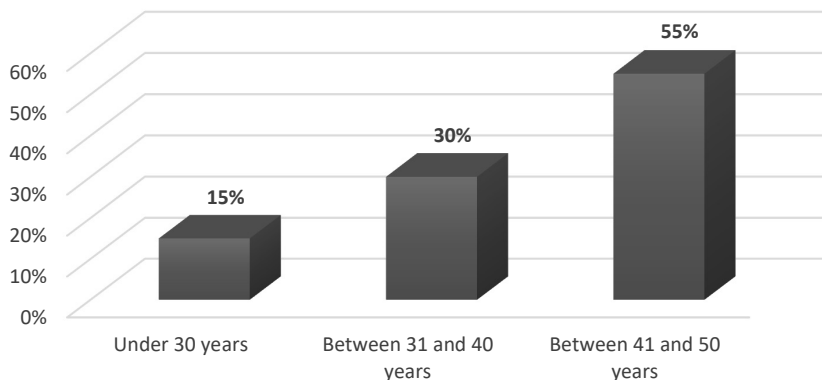
law also allowed for individuals who had not been licensed in law to defend other parties in court. The ‘defence bureau’ profited from this loophole by co-opting three publicists who would conduct the defence exclusively in Romanian, while the licensed counsel would submit to the law’s provisions and defend their clients in court exclusively in Hungarian.³¹

Another strategy employed by the ‘defence bureau’ and the central committee of the NRP was to internationalise the trial by co-opting attorneys from the ranks of the other non-Hungarian nationalities in Transleithania which met with similar challenges in the face of the Budapest government’s policies. The list drafted during the meeting of 23 February initially contained the names of four Slovak and one Serb lawyer as counsel for five of the twenty-six initially indicted. By the beginning of the trial, the prosecutor leading the case had restricted the number of accused to twenty, all of whom were members of the NRP’s central committee. Consequently, the number of non-Romanian attorneys also dropped: the final list contained the names of the Serb lawyer Emil Gabrilla from Zrenjanin and the Slovak defenders Miloš Štefanovič from Bratislava, Štefan Fajnor from Senica, and Matúš Dula from Turčiansky Svätý Martin. Alongside them, the ‘defence bureau’ included the following Romanian men of law: Amos Frâncu (Sibiu), Aurel Isac (Cluj), Ștefan Cicio Pop (Arad), Iosif Crișan (Abrud), Ioan Roșu Micu (Bela Crkva), Ștefan Petrovici (Lugoj), Francisc Hossu Longin (Deva), Silviu Moldovan (Orăștie), Alexandru Hossu (Orăștie), Simion Damian (Brașov), Gheorghe Ilea (Cluj), Coriolan Brediceanu (Lugoj), and Petru Truția (Arad). The list also contained three renowned Romanian publicists, namely Augustin Bunea, the editor of the *Unirea* newspaper (Blaj); Valeriu Braniște, editor of the *Dreptatea* (Timișoara); and Aurel Mureșianu, editor of the *Gazeta Transilvaniei* (Brașov). These were some of the most widely circulated and well-known newspapers in service of Romanian national interests in Transylvania and the Banat at the time.

In selecting the lawyers, the leadership of the NRP had also considered, besides professional skills and national political orientation,³²

³¹ Braniște, *Amintiri din închisoare*, 234–5.

³² The theatre of the political life of Romanians in Transleithania also included another actor, namely the pro-governmental activist current. Its adherents included a high number of Romanian specialists in law, many of which were highly

Graph 1. The age distribution of the members of the ‘defence bureau’

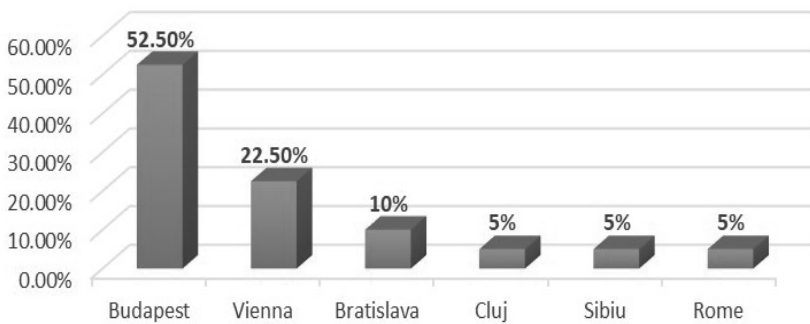
the would-be defenders’ provenance in order to display the breadth of the counties inhabited by Romanians.³³ Another factor weighing heavily in the decision was a potential attorney’s experience: more than half of them (55 per cent) were older than forty (Graph 1). The eldest in the group was the Slovak lawyer Štefan Fajnor (fifty-year-old). The youngest among them were twenty-eight-year-old Frâncu, the twenty-five-year-old publicist Valeriu Braniște, and the twenty-nine-year-old lawyer Ștefan Cicio-Pop, the nephew of the clergyman Vasile Pop, who had so aptly expressed the nation’s need to build a legal elite. However, none of the Romanians had yet turned fifty years of age, which highlights the national project with which we began our enquiry. The timing of this collectively-assumed endeavour had allowed the Romanians in Dualist Hungary to be well prepared to face the challenge of the *Memorandum* trial, a moment with grave implications for the nation. The Law Academies in Sibiu and Oradea had increasingly started to attract Romanian students beginning in the 1860s, and after

regarded from a professional standpoint. However, the pro-governmental adherents’ political conceptions, underpinned by cooperation with the Hungarian state authorities, made it impossible to co-opt any of them into the ‘defence bureau’ during the *Memorandum* trial. More details on the Romanian pro-governmental current can be found in Ovidiu Emil Iudean, *The Romanian Governmental Representatives in the Budapest Parliament (1881–1918)* (Cluj-Napoca, 2016).

³³ Pop, *Procesul Memorandului*, ii, 5. The provenance represents the city in which each individual’s law practice was located according to the official Hungarian schematismus *Tiszti Czim- és Névtára 1894* (Budapest, 1894).

the University of Cluj was established in 1872 Romanians from the surrounding counties could take up the study of law closer to home. Several factors contributed to the appeal of the Law Faculty in Cluj: the costs to attend it were lower than in other milieus; Romanian foundations awarded a high number of scholarships for law students, and the lectures were given by renowned university professors. At the same time, late-nineteenth-century Romanian students seemed to believe it was somewhat easier to obtain a degree in law from Cluj than from other university centres.³⁴

Graph 2. Universities where the members of the ‘defence bureau’ studied³⁵



Nevertheless, only one member of the defence counsel pursued an education in law at the University of Cluj (Graph 2). Two-thirds of the lawyers in the group had graduated from the University of Budapest, while one-third had completed their education at the University of Vienna. This distribution supports the notion that those selected to be on the defence counsel at this crucial moment were part of an elite among the legally trained Romanian individuals from Dualist Hungary, who were an elite segment within the entire Romanian society in the area. What is more, only three of the twenty members of the ‘defence bureau’ had not pursued an education in one of the

³⁴ Cornel Sigmirean, *Istoria formării intelectualității românești din Transilvania și Banat în epoca modernă* (Cluj-Napoca, 2000), 32–5, 99–109.

³⁵ For those who pursued their entire education in a single university centre, we assigned a value of 1 to the same centre; for those who studied in two centres, we assigned each centre 0.5. The resulting percentages in the table reflect this calculation.

two Austrian-Hungarian capitals. We should also consider that, according to the custom of the time, one could engage in academic peregrination at several universities, stretching an education over many regions. Many of those included in the present group had studied in both capitals at certain points in time, or had begun their studies at a local, Transylvanian Law Academy, and afterwards completed them within the framework of either the University of Budapest or that of Vienna. The two defenders who had not pursued an education in law had instead studied philology and theology, respectively.

The ages and educational backgrounds³⁶ of the members of the 'defence bureau' should be correlated with their professional pathways before the trial. While those who had not practised as jurists had generally channelled their interest towards journalism, their professional trajectories were anything but linear. Aurel Mureşianu, the publicist and editor of the *Gazeta Transilvaniei* had completed his law studies in Vienna and then began to train in a lawyer's practice in the Cisleithanian capital. When his father, Iacob Mureşianu, who worked as editor-in-chief of the newspaper, encountered health problems, the young graduate had to interrupt his training and take over the editorship. From that moment onward he dedicated himself entirely to journalism in service of the nation and of his family's legacy. Augustin Bunea, one of the other two publicists, had pursued an education in theology in Rome at the Pontificio Collegio Urbano de Propaganda Fide. He was then employed at the Greek Catholic archbishopric in Blaj in various administrative offices, and rose to the rank of the metropolitan secretary by 1894. At the same time, he was editor-in-chief of the archbishopric's newspaper *Unirea*. Valeriu Branişte, the youngest defender, had studied philology in both capitals and then worked for a brief time as a teacher in a gymnasium. In 1894, he edited the *Dreptatea* newspaper, after having worked for a few months on the editing board of *Tribuna*, one of the most widely circulated Romanian periodicals in the monarchy.

After graduating in law, all seventeen lawyers had sought a career in this liberal profession instead of seeking state employment. Evidence

³⁶ Biographical data was collected from the following works: Sigmireanu, *Istoria formării*; Mircea Măran, 'Emil Gavrilla et sa collaboration avec les Roumains', *Transylvanian Review*, ii (2017), 122–7; Szabó Miklós et al., *Erdélyiek külföldi egyetemjárása 1849–1919 között*, i–ii (Târgu-Mureş, 2014); Peter Kerecman and Rudolf Manik, *História advokácie na Slovensku* (Bratislava, 2011).

of this is the fact that all but one of them undertook their mandatory training in private legal practices, although they could have trained in various state institutions. The only exception among the group was Aurel Isac, the eldest defence counsel, who had also worked in the judicial and administrative state systems after having completed his studies. Nevertheless, even he had opened a private practice. Administrative or judicial offices involved a series of constraints that did not match the national principles espoused by the defenders. Their national allegiance is attested to by the extensive experience they had amassed defending other Romanian, Slovak, and Serb newspapers charged in press trials by the Hungarian state.³⁷

The trial itself unfolded in a tense atmosphere, taking place in the jurors' Court in Cluj. On the streets of the city, the Hungarian urban population's hostility to the authors of the *Memorandum* was countered by the unbridled support of thousands of Romanians who had travelled there from all around Transylvania. In the courtroom, the defenders sat behind the accused, following a pre-established plan so that potential conflicts could be deescalated.³⁸

During the first three days of the trial, the defence counsel's strategies included a series of protests presented to the presiding judge. The first cause of such a protest was the presence of gendarmes in the courtroom, which the counsel vehemently argued against. The lawyers Brediceanu, Petrovici and Frâncu took the stand, arguing that the presence of gendarmes was wholly unjustified, given that the accusations lodged against the NRP committee did not warrant the need for those in the courtroom to be protected by 'the agents of public safety'. In the counsel's opinion, the presence of these individuals was meant only to intimidate and limit the 'freedom of defence'. The trial continued with the calling of jurors. The attorneys again objected, arguing with clear proof that the list of jurors contained members of Hungarian political parties firmly opposed to the NRP, which made them anything but impartial. It would, therefore, have been 'impossible to reach a verdict of acquittal' with such a jury. The leader of the defence counsel then notified the presiding judge that two of the jurors

³⁷ On press trials in Dualist Hungary see Vlad Popovici, 'Romanian Political Journals from Transylvania and Hungary and their Lawsuits (1867–1914)', *Yearbook of the Iași Museum of Romanian Literature*, vii (2014), 93–109.

³⁸ Braniște, *Amintiri*, 238–40.

had even authored a denunciation against Rațiu, accusing him of having “raised his sacrilegious hand against the constitution of the homeland, against the integrity of the nation”. Even though he supplied the court with original documents regarding the two jurors’ lack of objectivity, the presiding judge refused to allow the objection. Frâncu was not dissuaded and continued to protest, this time against the relocation of the court from Sibiu – where press trials had been held until then – to Cluj, where the population and therefore the jurors were openly hostile to the Romanian nation. A final objection was lodged against the court interpreter, whose knowledge of Romanian was quite limited, and whose interpretation would be likely to distort the meaning of what had been spoken. Given this, Aurel Mureșianu solicited the right to use Romanian in the plenum, seeing as the presiding judge knew the language well. Moreover, Valeriu Braniște also asked that the debates occurring in Romanian also be taken down by the court stenographer, so that any erroneous interpretations could be clearly proven. All of this was for naught, as the presiding judge regarded all the defenders’ protests as unreasonable, basing the lawfulness of his argument on the Royal Court’s decision to relocate the trial to Cluj, and therefore to influence the composition of the jurors’ assembly. Moreover, he assumed responsibility for the presence of gendarmes and defended the interpreter’s interpreting skills.

During the questioning, the legal counsel intervened on numerous occasions, objecting each time a question was asked that clearly contravened the law. They also drew the court’s attention to the violence and abuse that both the accused parties and they themselves had been subjected to outside the tribunal. Besides having their personal correspondence censored, they had been victims of violent actions that had led the Slovak lawyer Miloš Štefanovič to state before the court that they “were not certain of their personal freedom” and that their “lives had been endangered”.³⁹

After the first three days of the trial, it was becoming increasingly evident that the presiding judge was determined to limit the defence counsel’s ability to conduct their defence, among other things by fining them in the amount of several hundred Gulden for various imagined offences. Given this unresolvable situation, the defenders

³⁹ *Procesul verbal al dezbaterii principale – transcrierea notelor stenografice* published in Pop, *Procesul Memorandului*, 5–69.

decided to withdraw from the trial as a final act of protest against the court's abuses. Like the Romanian public opinion, they were aware that the presiding judge was acting according to political instructions he had received from the Minister of Justice, and that their attempts to construct a law-based defence were doomed to futility. On the fourth day of the trial Miloš Štefanovič was chosen to give a statement protesting the situation and notifying the court that the entire defence counsel had resigned.⁴⁰ Thus the trial continued without a legal defence, and on the seventeenth day the sentence was handed down: all the accused parties were found guilty, with sentences ranging from one to five years in prison.⁴¹

Despite its denouement, the *Memorandum* affair did not constitute a failure for the Romanian national movement in Dualist Hungary. Its most significant accomplishment was likely the increasingly vast dissemination of the unionist project among the Romanians in Transleithania, a project that was perfected after the First World War through the creation of Greater Romania. Romanian public opinion regarded the accused parties in the trial as "martyrs for the national cause",⁴² and saw the defenders as able activists for the nation's interests. For some of the latter, their activity during the trial paved the way for them to later accede to important positions within the NRP. Moreover, the presence of a Serb and several Slovak attorneys marked a crucial moment in the process of collaboration between the nationalities in Dualist Hungary, the collaboration that would be made official during the Congress of Nationalities in 1895.⁴³

Besides displaying enthusiastic solidarity with its political leaders during the trial, the Romanian nation also evidenced a surprising degree of social progress. Having collectively assumed a national project almost half a century before, its leaders had rallied the Romanians in Dualist Hungary to rectify a conspicuous deficit within the professional fabric of the province. By the end of the nineteenth century, the Romanian

⁴⁰ Netea, *Istoria Memorandumului*, 167–9.

⁴¹ The National Museum of Transylvanian History, *Fund Ioan Rațiu*, doc. no. M2408.

⁴² Vlad Popovici and Alexandru Onojescu, 'Our Beloved Martyrs... Preliminaries to a History of Political Detention in Dualist Hungary', *Transylvanian Review*, Supplement 3 (2012), 383–93.

⁴³ Marius Eppel, 'Vasile Mangra și Congresul Naționalităților din anul 1895', *Altarul Banatului*, i–iii (2004), 111–18.

nation could count on the existence of a competent and consistent social-professional segment of legal elites, graduated from the top universities in the monarchy and having amassed vast experience, who were ready to take up the mantle in defence of Romanian national interests.

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SELECTED BIBLIOGRAPHY

Braniște Valeriu, *Amintiri din închisoare* (Bucharest, 1972).

Hitchins Keith, 'Ioan Rațiu and the Memorandum trial: new sources', *Acta Musei Apulensis*, 19 (1981), 335–47.

Hitchins Keith, *A Nation Affirmed: The Romanian National Movement in Transylvania (1860–1914)* (Bucharest, 1999).

Kerecman Peter and Manik Rudolf, *História advokácie na Slovensku* (Bratislava, 2011).

Netea Vasile, *Istoria Memorandului românilor din Transilvania și Banat* (Bucharest, 1947).

Polverejan Șerban and Cordoș Nicolae, *Mișcarea memorandistă în documente 1885–1897* (Cluj, 1973).

Popovici Vlad, 'Romanian Political Journals from Transylvania and Hungary and their Lawsuits (1867–1914)', *Yearbook of the Iași Museum of Romanian Literature*, 7 (2014), 93–109.

Popovici Vlad and Onojescu Alexandru, 'Our Beloved Martyrs... Preliminaries to a History of Political Detention in Dualist Hungary', *Transylvanian Review*, Supplement 3 (2012), 383–93.

Sigmirean Cornel, *Istoria formării intelectualității românești din Transilvania și Banat în epoca modernă* (Cluj-Napoca, 2000).

Teodor Pompiliu, Maior Liviu, Bocșan Nicolae, Polverejan Șerban, Radosav Doru, and Nicoară Toader, *Memorandul (1892–1894). Ideologie și acțiune politică românească* (Bucharest, 1992).

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