

**Civil Marriage as an Aspect of Modernization
in the Transylvanian Society at the End of the 19th Century.
Official Discourse and Social Reception as Mirrored
in the Press of the Age**

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Keywords: politico-ecclesiastical legislation in the years 1894–1895, the modernization and secularization of the Transylvanian society, change of mentality and attitude, the role of public opinion at the end of the 19th century

Abstract

Besides birth and death, marriage represents one of the fundamental demographic phenomena through which we can diagnose a population. The introduction of civil marriage into Transylvania by means of law XXXI, XXXII and XXXIII from 1894 represented a breaking-point which opened the way for extensive transformations regarding society and mentality in the communities referred to. The impact caused by the introduction of civil marriage equalled the announced changes: both the society and the authorities reacted in a specific way to the anticipated “forcible modernization”.

The present study investigates the discourse regarding the introduction of civil marriage from the Transylvanian press of the years 1893, 1894, 1895 (I am referring to a series of newspapers and periodicals such as *Foaia Poporului*, *Gazeta de Transilvania*, *Telegraful român*, *Unirea*, *Familia*, *Minerva*, *Vulturul*, *Calicul* etc.), analyzed on the basis of studies written on this issue and archival materials. Three interpretative levels are suggested: primary level – the official discourse of civil authorities regarding the necessity of these laws –, secondary level – the resistance of the clergy against the introduction of civil marriage seen as a measure with serious moral consequences – and the third level intending to analyze the public opinion and the attitude of Transylvanian people towards civil laws from the end of the 19th century.

All these categories of sources and the interpretative levels aim to diagnose and analyze the attitudes for or against (as well as the

arguments used by both sides) the introduction of civil marriage as a modernizing factor of the Transylvanian society at the end of the 19th century.

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Besides birth and death, marriage represents one of the fundamental demographic phenomena through which we can diagnose a population. The introduction of civil marriage and of the public register of marriages into Transylvania by means of law XXXI, XXXII and XXXIII from 1894 represented a breaking-point which opened the way for extensive transformations regarding society and mentality in the communities referred to. The impact caused by the introduction of civil marriage equalled the announced changes: both the society and the authorities reacted in a specific way to the anticipated “modernization”.

The present study aims to diagnose the attitudes and to interpret the discourse regarding the introduction of civil marriage in the press of the years 1893, 1894, 1895 analyzed on three levels: primary level – the official discourse of civil authorities regarding the necessity of these laws –, secondary level – the resistance of laic intellectuals and ecclesiastical persons against the introduction of civil marriage seen as a measure with serious moral consequences – and the third level intending to analyze the public opinion and the attitude of Transylvanian people towards the civil laws from the end of the 19th century.

From the effect of the phenomenon of secularization, continuing the ideas of the Enlightenment, civil marriage was introduced to the majority of the European states during the 18th and 19th centuries. The leader in this process was France during the revolution of 1789, followed then by England in 1837, Italy in 1866, Spain and Germany in 1870, Romania in 1864. The problem was resolved in the western part of Austro-Hungary in 1868 by a compromise, in Transleithania, the discussions on this theme lasting till 1894.¹ In contrast to the Old

¹ Aurelian Cosma, „Căsătoria civilă ca aspect al modernizării: atitudinea bisericilor române din Transilvania față de instituirea căsătoriei civile, reflectată în „Telegraful Român” and „Unirea” (Civil Marriage as an Aspect of Modernization: the Attitude of Romanian Churches in Transylvania towards the

Kingdom, where the introduction of civil marriage as an aspect of modernization was realized with the active implication of the Church,¹ in Transylvania all the competences of the church in the matter of marriages were transferred to the civil authorities after the laws of civil marriage and the public register of marriages had come into force. The long tradition of the superiority of religious courts in dealing with matrimonial issues would make the adoption and mainly the practical application of civil marriage – seen by the majority of the Romanian public opinion from Transylvania as a usurpation of the ecclesiastical authority incontestable in the domain – more difficult. The fact would have become the natural part of life and would have been assimilated if the Hungarian administrative authorities had not taken measures to urge the realization of the state dogma regarding the “unified and indivisible nation” within the confines of the “Great Hungary” much dreamed of.² In other respects, the minorities’ economic and social disadvantages in the dualist kingdom and the gradual creation of a quasi monopoly on public and administrative functions for the elite of the dominant nation or those “integrated” in it generated the abnormal situation when marriage was transformed into a means for exceeding the inferior social condition reserved for the non-Hungarian youth.³

The liberal government gave as a reason for the introduction of civil legislation at the end of the 19th century the necessity to homogenize matrimonial law as the expression of “the unified Hungarian national state”,⁴ basically a disguise for the policy of Magyarization pursued consequently by the authorities in Budapest after 1867. The “politico-

Introduction of Civil Marriage, reflected in “The Romanian Telegraph” and “The Union”), in Pavel Teodor, *Tradiție și modernizare în societatea transilvăneană 1850–1918* (Tradition and Modernization in Transylvanian Society 1850–1918), Cluj-Napoca, Editura Accent, 2003, p. 192.

¹ Adriana Gheorghe, “Secularizarea societății românești: de la registrele parohiale la starea civilă” (The Secularization of the Romanian Society: from Parochial Registers to the Marital Status), in *Studii și Materiale de istorie modernă* (Studies and Materials on Modern History), XVIII, 2004, p. 104.

² “Simptome de pace” (Symptoms of Peace), in *Dreptatea* (The Justice), 1894, no. 74, p. 1.

³ Pavel Teodor, „Partidul Popular Catolic, căsătorie civilă și asimilare etnică în Austro-Ungaria la sfârșitul secolului al XIX-lea” (The Catholic Popular Party, Civil Marriage and Ethnical Assimilation in Austro-Hungary at the End of the 19th Century), in *Annales Universitatis Apulensis*, 7, 2003, pp. 57–58.

⁴ “Figurile guvernanților” (The Figures of the Governors), in *Gazeta Transilvaniei* (The Transylvanian Gazette), 1894, no. 20, p. 1.

ecclesiastical” projects divided the Hungarian parliament into two antagonistic camps: on the one hand, the catholic clergy supported by the great conservative aristocrats protested vehemently against these laws being supported in the parliament by Albert Apponyi, the leader of the National Party, the Independents’ faction formed around Gábor Ugron and the wing of the dissidents from the governing party led by Szapáry; on the other hand, the allies of the liberal government were extremist Kossuthists,¹ the Independentist party led by Madarász, Károly Eötvös’ extremist left wing fraction and the representatives of Transylvanian Germans.² The disputed subject of the two camps was limited to the obligatoriness of civil marriage, the opposition proposing the facultative form of civil marriage as it was adopted by the Americans and the English, since they “have facultative civil marriage and because of this they are not less liberal than Prussia where civil marriage is obligatory.”³ The fiercest battle was fought in the house of magnates, where the vote of the representatives of the non-Hungarian churches counted as well. This is shown by the fact that initially the project failed in this house and it was passed only in June with a majority of four votes. The Crown tried to remain equidistant in this problem, preferring not to manifest any partiality publicly. However, the frequent governmental crises followed by the minister-president Wekerle’s audiences in Vienna, as well as the fact that the sanctioning of the laws introducing obligatory civil marriage and the public registers of marriages was postponed until the end of the year 1894 – though they had already been passed in June – show that the monarch approved the liberal programme of the Hungarian government only out of political considerations and was not led by sincere convictions.⁴

In Transylvania – as the Romanians belonged to an empire with many nations and religious denominations – Romanian journalism had a maybe more important role than in the Old Kingdom, where there were more numerous and varied possibilities and means for asserting the

¹ Lajos Kossuth (1802–1894), Hungarian politician, orator, journalist, one of the main leaders of the Revolution of 1848–1849, famous for his radical, nationalist political views. (Translator’s note)

² “Svârcolirile partidelor maghiare” (The Ferments of Hungarian Parties), in *Gazeta Transilvaniei*, 1894, no. 28, p.1.

³ “Declarațiunea lui Apponyi Albert” (Albert Apponyi’s Declaration), in *Gazeta Transilvaniei*, 1894, no. 25, p. 2.

⁴ “Căsătorie civilă” (Civil Marriage), in *Unirea* (The Union), 1893, no. 46, p. 369.

different sectors of the Romanians' cultural and political life.¹ Already from its appearance, the press transformed contemporary debates into a weapon while fighting for its ideals. Almost any subject from any interesting domain can be found among the editorial sources. Such a major event which received the attention of all the Transylvanian newspapers and magazines from the last decade of the 19th century was the introduction of civil marriage by the politico-ecclesiastical legislation of the liberal government in the year 1894. Its impact on the Transylvanian public opinion was increased by the larger context of this modernizing measure, context characterized by: the contention for the management of marital affairs between the state and the church, secularization, the policy of Magyarization, the increased ethnical self-consciousness of the peoples bereft of political rights.

In the Transylvanian press of the age mainly two distinct currents of opinion were crystallized, supported on the one hand by the newspapers with a denominational orientation which accepted the idea of the moral danger generated by civil laws, while on the other hand by the newspapers, led by the laic intellectuals, which emphasized the national aspect of the combat against the introduction of civil marriage. These were joined with slight differences by the other periodical publications of the age. The great variety of periodical or daily publications on the Transylvanian book market in the 19th century shows the differentiation of the Romanian society from Transylvania. In the 19th century the Transylvanian cultural agent, the intellectual, had a pregnant militant role. Each periodical, each editor and collaborator was at the same time a political fighter, a combatant on the great front of cultural unity.²

The role of the press in forming the public opinion was overwhelming, the press representing an efficient instrument for modelling consciousness. Examining briefly one by one the main periodical publications from Transylvania at the end of the 19th century, following their evolution, discussions and the specific attitude of each one regarding the introduction of civil marriage, we shall be able to

¹ Gheorghe Marica, *Studii de istoria și sociologia culturii române ardelene din secolul al XIX-lea* (Studies on the History and Sociology of the Romanian Culture from Transylvania in the 19th Century), vol. II, Cluj-Napoca, Editura Dacia, 1977, p.7.

² Mircea Popa, Valentin Trașcu, *Istoria presei literare românești din Transilvania de la începuturi până în 1918* (The History of the Romanian Literary Press in Transylvania from Its Beginnings to 1918), Cluj-Napoca, Editura Dacia, 1980, p. 9.

observe the main aspects of the problem as well as the reception by the society of the liberal politico-ecclesiastical measures, since the press represents one of those domains where the public opinion – partisan or not – of a people or a segment of population manifests itself completely.

The *Gazeta Transilvaniei* (Transylvanian Gazette), the most prestigious and long-lasting (107 years) Romanian political periodical is characterized by the great influence it had upon the Romanian public opinion, not only in Transylvania, but also on the other side of the Carpathian Mountains.¹ The *Gazeta* represented for the Romanians in Transylvania the paper from which they collected all the information, though it could not really express all the sentiments which agitated the Romanians.² In the issues from the year 1894 the subject of civil marriage occurs insistently both in editorials and the special rubrics – as “Political Chronicle” or “Civil Marriage in the Parliament” – dedicated to the parliamentary debates. Since its publication began, the *Gazeta* had been directly involved in all the contemporary political debates, so that it adopted a nationalistic tone, directed both against the liberal government and its policy of Magyarization. In order to underline the idea of political injustice Romanians were to suffer because of the mentioned laws, the newspaper used a pejorative and very ironic language, calling the representatives of the government “Mamelukes” repeatedly.³

For the Greco-Catholics of the province, the periodical *Unirea* (The Union) edited at Blaj represented the main forum for expressing their discontent with the new laws, which shattered their faith, with the supportive attitude of the other denominations and last but not least with the too compromising attitude of the other Romanian periodical publications. The *Unirea* was the periodical to contest maybe most vehemently the politico-ecclesiastical laws during the last decade of the 19th century. Under the slogan “God, Church, Nation!”⁴ or “For God, country and the throne!”⁵ the periodical from Blaj expressed most severely the clash between the church and the state (“bellum omnium

¹ Mircea Popa, *op.cit.*, p. 43.

² Nicolae Iorga, *Istoria presei românești de la începuturi până la 1916* (The History of the Romanian Press from Its Beginnings to 1916), Bucharest, The Journalists' Trade Union, 1922, p. 127.

³ “Cronica politică” (Political Chronicle), in *Gazeta Transilvaniei*, 1894, no. 5, p. 2.

⁴ “Anu vechiu și anu nou” (The Old Year and the New Year), in *Unirea*, 1893, no. 2, p. 3.

⁵ “Pro și contra” (For and against), in *Unirea*, 1894, no. 10, p. 73.

contra omnes”¹) condemning energetically the “exotic institution” of civil marriage initiated by Wekerle’s “Calvinist clique” who spoke the “freemasons’ dialect”.²

The newspaper *Telegraful Român*, the official paper of the orthodox Romanians in Transylvania was more moderate, though it adopted an approximately similar position to the one occupied by Greco-Catholics, condemning the liberal government. In the column *Revista politică* (Political Review) the periodical from Sibiu accused vehemently these politico-ecclesiastical laws, called “diabolical laws” (“legi drăcești”), because of the danger they held being the beginning of a “Kossuthist era” which would carry “the seeds of masked revolution”.³

The militant attitude towards the introduction of obligatory civil marriage adopted by the *Foaia Poporului* (The Paper of the People) can be easily understood if we consider the fact that its founders – Silvestru Moldovan and Ioan Russu-Șirian – had started their activity as journalists at the *Tribuna* (The Tribune), the latter being even Ioan Slavici’s nephew. This publication followed with the greatest interest the parliamentary debates and encouraged the readers to participate at the mass meetings it announced in each issue; it took a stand on the unjust policy and dubious methods of the government; it had already published the entire text of the matrimonial bill at the end of the year 1893.

The Justice in Timișoara, though it wished to be impartial, “contemplative and observant”,⁴ favouring visibly the nationalist point of view applauded the solemn protest of the Romanian National Party and the two Romanian churches in the name of “faith and nation”. The discourse of national identity specific to this publication was therefore built by combining the national and confessional aspects of the struggle waged by the Romanians from Transylvania against the introduction of civil marriage under the slogan: “defending our faith, we also defend our nation against destruction!”⁵ The editors of the periodical, Cornel

¹ “Românii și liberalismul” (The Romanians and Liberalism), in *Unirea*, 1893, no. 11, p. 87.

² “Anu vechiu și anu nou” (The Old Year and the New Year), in *Unirea*, 1893, no. 2, p. 1.

³ “La proiectul de căsătorie civilă” (On the Project of Civil Marriage), in *Telegraful Român* (The Romanian Telegraph), 1894, no. 10, p. 38.

⁴ “La încheierea sesiunii parlamentului ungar” (At the Closure of the Hungarian Parliament’s Session), in *Dreptatea*, 1894, no. 22, p. 1.

⁵ “Biserica și școala” (The Church and the School), in *Dreptatea*, 1894, no. 7, p. 3.

Diaconovici and Valeriu Braniște said in the *Foreword to the Readers* published in the experimental issue in 25 December 1893/6 January 1894 that it was decided “to offer a Romanian journal in Timișoara in order to fight alongside the other national organisations for the realization and validation of our legal aspirations and rights in the name of national solidarity.”¹

Even the literary-belletristic reviews, *Familia* (The Family) in Oradea edited by Iosif Vulcan and *Minerva* from Bistrița had shown their interest in the controversial problem of the introduction of obligatory civil marriage, *Familia* dedicating to it the columns “The Church and the School” and “What is the News?” and *Minerva* the entire space of the column “Miscellanea”. But these confined themselves to observing “the fate of the politico-ecclesiastical projects” or the manifestations related to these from a rather neutral position.²

The comics and the satirical journals on the other hand made the most malicious commentaries, in the spirit of their programme articles in which they postulated already from the beginning as their main aim “to scourge the general weaknesses, to hit without mercy the sinners, to discredit them by making them ridiculous, and to praise the good.”³ Thus, the *Calicul* (The Beggar) in Sibiu and the *Vulturul* (The Eagle) in Oradea expressed the Romanians’ discontent for the introduction of civil marriage, laughing it away, informing in this way the public about the novelties “craved by axe”, “patched” and “brazen-faced”. The attacks were aimed at “the enemies of the Romanian nation”, illustrated eloquently in caricatures which ridiculed the “notary priests, Israel’s daughters from Arad”, the ministers Wekerle, Csáky or Szilágyi and personified liberalism as Bánffy’s “corrupt daughter”. The linking up of the news with political commentary or jest, irony, satire or caricature served sometimes the militant attitude of some newspapers which

¹ Iulian Negrilă, *Istoria presei* (The History of Press), Arad, Multimedia Publishing House, 1997, p. 55.

² Emil Manu, *Reviste literare românești din ultimele decenii ale secolului al XIX-lea* (Romanian Literary Reviews from the Last Decades of the 19th Century) (the chapter “Transylvanian reviews at the end of the 19th century”), Bucharest, Editura Academiei, 1974, p. 43.

³ Lidia Grămadă, *Presa satirică românească din Transilvania 1860–1918* (The Romanian Satirical Press in Transylvania 1860–1918), Cluj-Napoca, Editura Dacia, 1974, p. 25 (the manifesto of the *Vulturul*, while the *Calicul* intended to be a *general remedy against all human maladies and weaknesses*, the author’s note).

managed in this way to define their critical intentions, to extend the semantic field of the significations and to communicate them to the public in a both lively and striking form, marking them at the same time by feigning a smile or laugh.¹

In the quasi-general opinion of these publications civil marriage was qualified as “Unjust and unfair, exceptionally harmful, revolting our Christian, Romanian and patriotic conscience, demoralizing, ruining family life and undermining the social and the state order.”²

As the end of the parliamentary debates came closer, the discourse of all the Romanian papers became more and more daring, accusatory, while they tempered their zeal after the sanctioning of the laws. We can find the echo of these debates almost until the end of the century, when some publications continued to observe helplessly the negative effect of these laws reflected in sombre statistics or they perpetuated a series of clichés present more or less in each publication. Most often the unfortunate example of the countries where civil marriage had been introduced before was referred to: “civil marriage brought only great, extremely great depravation to all the countries where it had been introduced. It corrupted the morals, shook the basis of faith and of churches, it devastated morality and piety in the people, it was for Christian faith like a cholera to human life and phylloxera for grapevine.”³ Thus, the overall picture of the introduction of obligatory civil marriage, seen through its negative consequences for ecclesiastical dogmas, is a dramatic one: people loosing their faith in the church and implicitly in God, the pauperization of the Romanian clergy of both denominations, the decay of morality as the number of “concubinages”, divorces, religiously mixed marriages and illegitimate children grew.⁴

The Romanian churches in Transylvania, both the Orthodox and the Greco-Catholic, usually considered civil marriage a “concubinage”, a sinful cohabitation, illegal from a canonical point of view, if it were not

¹ *Ibid.*, p. 5.

² “Sanctionarea” (Sanction), in *Unirea*, 1894, no. 53, p. 405.

³ “Căsătoria civilă” (Civil Marriage), in *Foaia Poporului* (The Paper of the People), 1894, no. 4, p. 37.

⁴ The deputy Iosif Hortványi, affirmed in the parliamentary meeting held on 24 February 1894 the fact that “out of the total number of brigands, frauds, vagabond children and other human scum 94% are sons born from a civil marriage”, his affirmation being based on the statistics made in the great German cities (the author’s note); cf. “Căsătoria civilă în dieta din Budapesta” (Civil Marriage in the Parliament of Budapest), in *Foaia Poporului*, 1894, no. 7, p. 71.

completed with the sacred act of religious marriage. Thus, “civil marriage ruins family life because it bereaves matrimony of its sacramental character and transforms it into a simple contract entered into for a limited time and with the possibility of renouncing the other party at any time. On the other hand, by means of divorce bereaving marriage of its indissolubility, it transforms it into a concubinage and it degrades the wife, the man’s faithful partner for better or worse, to the fate of a prostitute good only for satisfying a man’s beastly lust.”¹ The representatives of the Romanian churches from Transylvania opposed stubbornly the legalization of civil marriage and the introduction of the public register of marriages not because they were hostile to modernization and liberalization, but mainly because they had intuited that these laws would be used for the weakening of their own ecclesiastical institutions and of the denominational autonomy, the last defensive redoubts against the denationalizing offensive of the government from Budapest.² Against such tendencies the Greco-Catholic Romanians embraced the principles of the Catholic Church, seeming distrustful as regards the implementation of civil marriage which they saw as the source of all evil. On the pages of the review *Unirea* the Jews, the Protestants, the Orthodox Romanians were accused one after the other for the so called “tolerance” and passive complicity they showed towards the institution of civil marriage, the Catholic and Greco-Catholic denomination considering that they suffered the greatest loss because of these laws. The Romanian Orthodox Church reacted in the assembly of the metropolitan consistory – the supreme administrative organisation – issuing on the 25 August 1895 a circular in which it communicated to all the priests the decision taken by the National Ecclesiastical Congress regarding the “new reforms”: “The Congress, regretfully taking notice of the action started by the state to introduce institutions, which are meant to weaken the internal unity of the church and to undermine the religious moral basis of the ecclesiastical society, approves entirely of the steps taken by the episcopate against the introduction of those reforms, and it has learnt with pleasure that our prelates rose to the appropriate defence of church interests; at the same time it states that the Romanian Orthodox Church will take the lawful measures in the future as well in order to

¹ “Sanctionarea”, in *Unirea*, 1894, no. 53, p. 405.

² Pavel Teodor, *op. cit*, p. 60.

obtain the abrogation of those reform institutions which are harmful for the interests of the church.”¹

The majority of the Romanians in Transylvania at the end of the 19th century and the beginning of the 20th century considered that morality was only possible within the confines of Christianity, which alone permits a positive course of life. It was the typical attitude of a society going through a deep moral crisis. The papers giving voice to the ecclesiastical point of view promoted consistently during all this period the moral import of the fight against the introduction of civil marriage pleading vehemently for the unaltered preservation of Christian morals and institutions. After the laws in question had been enacted, the churches took all the necessary legal measures in order to conserve the ecclesiastical autonomy, as far as it was possible; the congresses, synods, all the church organizations disposed of the lacks so that these laws with their harmful effects should be met with adequate precaution and reserve.²

The xenophobe and anti-Semite accents were quite numerous as it was generally believed these laws were the doings of “chauvinistic Jews”. Eloquent is in this regard an exceptionally ironical picture on the process of national assimilation sketched by the review *Unirea*: “The Jew marrying a Romanian woman will have veritable Hungarians for children, as will have the Slovakian with the Romanian, Hungarian, Serbian woman.”³ An important aspect of the discourse is therefore the national one, the attempt to avoid ethnical assimilation, as: “civil marriage has as its aim to mix all the people in the great cauldron of

¹ Miron Romanul, *Instrucțiune cu privire la procedura, ce vor avea a urma organele, respective preoții și poporul dreptcredincios al bisericei gr. or. Române din provincia noastră metropolitană față de reformele nouă politice – bisericesci* (Instruction Regarding the Procedure the Organs, Respectively the Priests and the People Faithful to the Romanian Orthodox Church Are to Follow Against the New Politico-Ecclesiastical Reforms in Our Metropolitan Province), Sibiu, August 25, 1895, p. 1.

² Boiu Zaharia, “Căsătoria civilă și cultura poporului român” (Civil Marriage and the Culture of the Romanian People), in *Transilvania. Foia Asociațiunei transilvane pentru literatura română și cultura poporului român* (Transylvania. The Paper of the Transylvanian Association for Romanian Literature and the Culture of the Romanian People), no. 10, Sibiu, 1895, p. 308.

³ “Căsătoria civilă și sinoadele nostre eparhiale” (Civil Marriage and Our Episcopal Synods), in *Dreptatea*, 1894, no. 84, p. 1.

Magyarization.”¹ The Hungarian newspaper *Pesti Hírlap* considered the denominational character of marriage as an obstacle hindering the realization of “Hungarian national unity”. It recommended that “between Hungarians, Romanians, Serbians, Slovaks etc. should take place as many mixed marriages as possible, namely ties of blood from which fusion arises”.² The spirit of the Romanian people was in this way irreversibly contaminated through these “modernizing laws” which carried “the germs of putrefaction, open the way for immorality, anarchism, socialism and nihilism”.³ The political impact of the project was all the greater because it touched the delicate relation between the dominant nation and the national minorities of the empire: the institution of marriage, “regulated according to the requirements of the age”, was meant to create “the national unity of the citizens of different nationalities”, an aim that did not coincide with the principles of one or the other denomination, which gave priority to their own interests “over the citizens’ legal relations”.⁴ Emancipating the citizen from the authority of the church, the introduction of civil marriage assisted the liberal policy promoted by the dualistic state. The Transylvanian journalists considered “liberalism” to be no more than a “Jewish-Hungarian system of domination and exploitation”.⁵ The Transylvanian press of the age stigmatized the ideology on which government actions were based: “liberalism lays his sacrilegious hands on the family, so as to pull it from the safe and sacred harbour of the Church and to throw it into the ocean of human passions and political fluctuations.”⁶

Due to such instigations expressed by the press of the age, in the Romanian public opinion a bitter resistance was born – with xenophobic and traditionalist accents – to civil marriage and the modernization it implied: “New reforms alien to our customs and to the public sentiment of our people, uncorrupted as yet. We do not lack innovation unasked for by the local peoples and called for by some people who want to grasp the power in the state and to maintain artificially the discord between the

¹ “Cronica politică” (The Political Chronicle), in *Gazeta Transilvaniei*, 1894, no. 58, p. 2.

² “Căsătoria civilă în dieta din Budapesta”, *Foaia Poporului*, 1894, no. 7, p. 82.

³ “La proiectul de căsătorie civilă”, in *Telegraful Român*, 1894, no. 10, p. 38.

⁴ Daniela Mârza, *op. cit.*, p. 212–213.

⁵ “Cine susține liberalismul ungurescu?” (Who Supports Hungarian Liberalism?), in *Gazeta Transilvaniei*, 1894, no. 37, p. 1.

⁶ “Căsătoria civilă”, in *Unirea*, 1894, p. 2, *apud* Daniela Mârza, *op. cit.*, p. 212.

peoples of the country.”¹ From the perspective of the same discourse of refusal, as the continuation of the dispute between occidentalization and traditionalism in the Romanian space, the problem of “modernizing” the institutional and moral structures according to the so called “civilized” western world was also raised: “Neither shall we appear in the eyes of Europe as a constitutional state, a modern state by introducing civil marriage. We shall rather have a modern law according to pseudo-liberalism, we shall point out this law from the outside and take pride in it, as we have done with others, as in modern liberal institutions, and in reality its demoralising effects on the people will be unravelled so that we shall clutch our head (...). You will clothe the people in the garb of Western Europe by force in order to ruin it morally and to make it fall into the sinful arms of Western Europe.”²

Parish priests seemed also concerned about the effects of civil marriage, but due to different considerations. In the marriage licenses from the Collections of the Cluj–Gherla Episcopate appear frequent references to the increasing number of cohabitations, namely couples content to live only with the civil act, a situation the church wished to avoid by all means. Here is an argument reflecting this opinion: “since according to the present-day system he has made the necessary steps at the civil office of marriage, it is to be feared that because the denial of this license they might get around God’s gift and ecclesiastical blessing in the case of this marriage and get married – God save us – civilly, that, since morality has been highly respected by the people, this would have very grave consequences here;”³ or: “they got married civilly and lest they should receive a license they would be content to live in concubinage.”⁴ The priests’ fear proved to be well-founded, since soon after the introduction of civil marriage this became a means of blackmail that made easier to obtain a license for the couples whose marriage had canonical impediments. This was the case of a couple from Bârseul de Jos who said that “if they did not receive a license they will remain only with the civil marriage, that is, they will live in concubinage, which would be very dangerous, as it would set an example to be imitated by

¹ “Meetingul din Alba-Iulia” (The Meeting from Alba Iulia), in *Dreptatea*, 1894, no. 66, p. 2.

² “Advocații români și căsătoria civilă” (Romanian Lawyers and Civil Marriage), in *Dreptatea*, 1894, no. 48, p. 2.

³ Cluj County National Archives, the Collection of the Gherla-Cluj Episcopate (from now on DJANC, F.E.G-C), doc. 6532 /1894, p. 2, r.

⁴ DJANC, F.E.G-C doc.713 / 1904, p. 1, r.

others in whose case eventually there would not exist any impediment.”¹ A possible explanation to this practice could be the mental contagion consisting of the negative model set by the nearby cities: “we have reason to fear that the bridegroom, who has been living in the nearby city, Căvai, for several years and where he is the employee of ship mill, if the supreme church authority refused his request, getting into the citizens’ wave of temptations, will leave the Greco-Catholic religion as in the Catholic denomination he will be wedded with a religious ceremony as well.”²

The attitude of the Romanians in Transylvania, as revealed by the press, oscillated very much, from the blackest pessimism (“The Romanian says: we have reached the end of time!”³), to an almost utopian idealism [“A chaotic world may come/ Great waves of fire may come/ I wouldn’t even stir from my place!// As I have the strength of a Romanian/ And Romanians will never perish!” (“Vie-o lume încurcată/ Vie valuri mari de foc / Nici că m-or mișca din loc! / Căci român sunt în putere / Și Românii’n veci nu pere!”)].⁴

Each periodical publication bore the mark of an ideal, a creed it postulated, and its editors and contributors, through their education and intellectual formation, posed as the formers of public opinion and taste, each publication having a well determined category of readers to which they were addressed. Analyzing the intellectual formation and social background of the Transylvanian editors of this age, we observe that they were first-class personalities of Romanian culture and political life, who had studied law, history, theology or medicine at the universities of Budapest, Vienna, Cluj, Oradea or Bucharest. We should mention in this sense: Ioan Slavici, Iosif Vulcan, Valeriu Braniște, Corneliu Diaconovich, Ioan Russu-Șirian, Vasile Hossu, Aaron Florian or even George Barițiu,⁵ the founder of the Romanian press in Transylvania. The end of the 19th century in Transylvanian journalism coincided with the

¹ DJANC, F.E.G-C doc. 9542 / 1903, f. 1, r.

² DJANC, F.E.G-C, doc. 7663 / 1904, f. 2, v.

³ “Lupta poporului românesc” (The Fight of the Romanian People), in *Foaia de Duminică a diarului Dreptatea* (The Sunday Issue of the Newspaper *The Justice*), 1894, no. 18, p. 3.

⁴ “Adunări populare” (Popular Assemblies), in *Foaia Poporului*, 1893, no. 13, p. 111.

⁵ Lucian Predescu, *Enciclopedia României. Cugetarea. Material românesc, oameni și înfăptuiri* (The Encyclopaedia of Romania. The Thought. Romanian Material, Men and Deeds), Bucharest, Editura Saeculum, 1999, *passim*.

activity of a generation of editors at the height of their creativity, a generation which had appeared after 1848. This was a theoretically well trained and politically even better armed generation.¹

We shall not be able, however, to understand thoroughly the phenomenon of the introduction of civil marriage without investigating the structure of the press reading public to whom these publications were addressed and whom it inspired.² It is absolutely necessary to know how the debates of the age were received by the Transylvanian public opinion. This depended on the public which existed at a given moment, on its needs and tastes. The composition of the public is revealed by the lists of the subscribers which contain the readers' name, profession and address. The study realized by George Marica in the *Gazeta de Transilvania* shows that the majority of the subscribers were Romanian intellectuals, followed by a considerable percentage of clergymen (35–36% in Transylvania and even 53% in the Banat). After the priests, the most numerous subscriber group was that of the merchants (21%) of Braşov, a category which was to be gradually replaced by the mine owners and functionaries whose number would increase constantly. Other subscriber categories were: the teaching staff (29%), a small number of physicians and lawyers, and an even smaller group of officers, manufacturers, workers and tenants.³ The proportion between the subscribers from the urban environment and those from the rural environment was approximately equal, with a slight but constant increase of the latter ones. As we see, the Transylvanian readers of the *Gazeta* were mainly priests, merchants and functionaries, the middle and low bourgeoisie, and only very few were the noble readers (in contrast with the reading public from the other side of the Carpathian Mountains).

The introduction of civil marriage agitated the already effervescent spirits, the tension overcame all the Transylvanian society, and reactions were very varied. From February to June 1894, while the debate and the passing of the bill in the two houses of the Hungarian parliament lasted, the press described the picture of a life-and-death

¹ Mircea Popa, Valentin Traşcă, *op. cit.*, p. 162.

² Gheorghe Marica, *op. cit.*, p. 9.

³ *Ibid.*, pp. 28–29.

struggle, “from the rulers to the peasants”,¹ between the non-Hungarian nationalities on the one hand and the liberal government on the other. In addition to this there were a series of protesting assemblies. Such meetings were organized under the patronage of the two Romanian churches in each corner of the province beginning with the spring of the year 1893. From among the most imposing ones we mention the “National Conference” held in Sibiu on 23 June 1893 and the Mixed Congress that took place in Alba Iulia on 21 May 1894. Over fifty assemblies of protest were organized by the Romanian constituents in the different constituencies and counties such as: Sibiu, Blaj, Arad, Abrud, Bistrița, Făgăraș, Lugoj, Câmpeni, Dej, Seini, Sebeș, Brad, Oravița, Baia de Criș, Mediaș, Agnita, Sighișoara, Timișoara etc. The area of Cluj was less represented. It is not necessary to mention that the newspaper *Ungaria* (Hungary), published in Cluj and led by Grigoriu Moldovan,² did not contain a single reference to this problem in the years 1894 and 1895. As a counteraction, the government organized assemblies to support the projects in Cluj and Oradea, but mainly in Budapest, these being named “comedies” in the Transylvanian press of the age, since the majority of the participants were Protestant or Romano-Catholic Hungarians, and the few Romanians who took part at the manifestation held in March 1894 in Budapest were “people who had no occupation”.³ The aim of the assemblies organized by the government was to mislead the king, pretending that this actually reflected the “real public opinion”. All these depict a true “war between the church and the state”,⁴ generating only “discontent, debate, fight, turmoil on all sides”.⁵

The addresses uttered with the occasion of the assemblies protesting against or those supporting civil marriage, vastly detailed in the contemporary press of Transylvania and Budapest, had the merits of drawing the attention of the Western European intellectual circles which also organized meetings, such as that of Oxford or Belgium, in order to support the case of the non-Hungarian nations of the Austro-Hungarian Empire in the name of the true liberal principles. The representatives of the Romanian intellectuals in Transylvania saw hope and assistance in the internationalization of the unfortunate situation they were in: “the fact

¹ “Căsătoria civilă și sinoadele eparhiale”, in *Dreptatea*, 1894, no. 85, p. 2.

² Nicolae Iorga, *op. cit.*, p. 155.

³ “Atotputernicia statului” (The Omnipotence of the State), in *Gazeta Transilvaniei*, 1894, no. 46, p. 1.

⁴ “Căsătoria civilă”, in *Foia Poporului*, 1894, no. 2, p. 14.

⁵ *Ibid.*

that the great English nation too begins to embrace our cause encourages us in its defence, gives us faith in its success and fills our hearts with joy and gratefulness towards the illustrious organizers of the meeting.”¹ On the other hand, the more and more numerous articles from the prestigious European publications which pleaded the cause of the Romanians in Transylvania gave a stimulus to the struggle for national emancipation by making the Romanians aware of the political role they had in the area – “the political circles of the European states, hearing the moans of the peoples who groan under the actual policy of the Hungarian state, (...) recognize the importance of our element in the Orient.”²

The coming into force of the law in the autumn of the year 1894, did not result in the extinguishing of protests; reactions can be found in the Transylvanian press until the first year of the 20th century. As time went by, however, the resistance became moderate, and in accordance with the tendencies of the age, the laws XXXI, XXXII and XXXIII from 1894 were completed by new regulations a year later (we refer to the law no. 42/1895 accepting the Judaic religion and the law no. 43/1895 stating the freedom of religions). Under the modernizing pressure of the State the written marriage contracts were imposed at the beginning of the 20th century, which were meant to regulate according to the civil law the problems related to marriage.

The introduction of civil matrimonial law at the end of the 19th century marked decisively the modernization of the Transylvanian society. Nevertheless, secularization represented, without question, one of the aspects of modernization, so that the Romanian churches contested their subordination to the laic state. Between the liberal ideology and ecclesiastical dogma there was no solution of compromise. By the implementation of a laic matrimonial law, the presence of the State as an authority in everyday life of the individual was strengthened at the level of the collective mentality substituting in a great part the presence of the Church. However, the laic authority did not forbid religious marriage, which remained an option of the individual conscience. The way in which the Church structured this discourse of refusal suggests the rejection of an irreversible reality, the evolution of society towards secularization, which modified deeply the social and public role the Church had had until the end of the 19th century. A possible explanation of this attitude could be the fear of the new, unknown things, always

¹ “Causa română și englezii” (The Romanian Cause and the English), in *Gazeta Transilvaniei*, 1894, no. 50, p. 1.

² “Oameni de potcă” (Rotters), in *Dreptatea*, 1894, no. 28, p. 1.

associated with the evil, the lack of adaptation specific to archaic, eminently religious societies – such as the Transylvanian society at the end of the 19th century –, environments in which mentalities were slow to change, and the immobility was expressed through a bitter resistance to modernization. As any breach in the collective consciousness, the introduction of civil marriage turned the Romanian public opinion from the real problem to the search for culprits and their condemnation, whether they were the Jews, other denominations, liberalism or its policy of Magyarization, and mainly the State as the promoter of secularization and modernization.

Translated by Ágnes Korondi