



THE TRANSLATIONS OF HABSBURG BUKOVINA'S CONSTITUTIONAL ACTS FROM 1849/1850

Iulia Elena Zup

Romanian Academy Iași, Romania

The paper explores the translations of the Austrian imperial constitution from 1849, Bukovina's constitutional bill from 1849 and constitution from 1850 from German in Romanian, and the context of their publication. A comparison between the three translations is drawn, with an emphasis on the strategies used by the translators. The constitutional acts from 1849-1850 confirmed Bukovina's autonomy within the Austrian empire and had an impact not only on the political and cultural life of the province, but also of the other Romanian regions, as well as on the evolution of the Romanian legal language.

Keywords: Bukovina, Constitution, Translation, Autonomy, Romanian legal language.

Introduction

In the Eastern European region of Bukovina, the Northwestern region of the former Principality of Moldavia, occupied by the Austrian Empire in 1775, regained by Romania after the First World War, and divided between Romania and Soviet Ukraine by the 1940 Soviet ultimatum, the official state language during the Habsburg period was German. Although Romanian and Ruthenian were also official languages in Bukovina, German represented the *lingua franca* of the public servants, of the courts of law and later of Bukovina's bourgeoisie. As such, German played a very important role in the importation of the European political experience in Bukovina, with great consequences for the subsequent evolution of this province. In fact, German represented the means through which the central institutions in Vienna could control and acclimatise the local population. All laws, codes of laws and decrees were issued in German and had to be translated in Romanian, especially when the majority of the population consisted of Romanians (48,5% in 1850¹). For this purpose, experienced translators were employed. Most of them were noblemen² who could master both languages – Romanian and German – and had studied law at the University of Vienna. This university developed in the last decades of the 18th century from a Jesuit and scholastic institution into a modern academic educational establishment, whose goal was to form an

¹ Compare Constantin Ungureanu, „Populația Bucovinei în perioada stăpânirii austriece (1774-1918)”, *Bucovina sub stăpânire austriacă, Historia special*, 6 (2014), 36-44, here 41.

² Regarding the translators in Bukovina, see also: Iulia Elena Zup, *Übersetzen an der Peripherie: die Bukowina und ihre deutschsprachige Elite*. In: *Kulturen der Peripherie* [Jassyer Beiträge zur Germanistik XVIII], ed. by Andrei Corbea-Hoisie/Sigurd P. Scheichl, (Iași/Konstanz: Editura Universitatii „Alexandru Ioan Cuza“/Hartung-Gorre Verlag, 2015), 123-133.

enlightened and cultivated administrative corpus, especially within the faculties of Philosophy and Law.³ The translators represented the intellectual elite and fought for the rights of the Romanians in the region, their political and socio-cultural activity being directly or indirectly responsible for the subsequent acquisition of the autonomy of the crown land.

The present paper aims to analyse the translations of Bukovina's constitutional acts from 1849 and 1850 in comparison with the translation of the imperial constitution from 1849, as well as to point out their cultural and political implications.

The Imperial Constitution from 1849

The new imperial constitution is issued on the 4th of March 1849 in the larger context of the revolutions of the years 1848-1849. Through this constitution, the emperor grants Bukovina its autonomy within the empire, after being a military district between 1775 and 1786, then the largest district, Kreis Czernowitz (named after its capital, Chernivtsi), later Kreis Bukowina of the Austrian constituent Kingdom of Galicia and Lodomeria between 1787 and 1849.

The family which decides to publish the new imperial constitution, as well as the project for the provincial constitution, is also the Romanian family that played a major role in obtaining the new status of the province, namely the Moldavian noble (*bojar*) family Hurmuzachi of Greek origins, established in Chernivtsi. Eudoxius Hurmuzachi, who studied law and history in Vienna and could speak eight languages, among which of course German and Romanian, had drafted both autonomy petitions from 1848⁴ and used his influence at the Court in Vienna through his study colleagues so that Bukovina was granted the status of duchy. One of these helpful former colleagues was the interior minister Alexander von Bach, the brother of Bukovina's governor Eduard Bach.⁵ Alongside his activities as statesman, Eudoxius also translates into Romanian a series of important laws, such as the new versions of the Criminal Code, published in 1853, and of the Civil Code, which appeared in 1856-1860, but we assume that he also translated other important laws, such as the Criminal Code for Financial Crimes (the commercial code) from 1857.

The constitution is published alongside with its translation in Romanian (on the left side of the page) in no. 4/16th of March 1849 of the newspaper *Bucovina. Gazeta românească pentru politică, religie și literatură* (*Romanische Zeitung für Politik, Kirche und Literatur*), which was published by the Eudoxius' brothers, George and Alexandru Hurmuzachi, between 1848 and 1850 at Johann Eckhardt's printing house, the only printing house existing in Chernivtsi. The newspaper, in fact the first Romanian newspaper in Bukovina⁶, belonged to the family Hurmuzachi and appeared with some exceptions once a week.⁷ According to Ilie Luceac, in the years 1849-1850, Alexandru Hurmuzachi edited by himself the paper⁸, a fact that could mean that he was responsible for the publication, if not of both constitutional acts of 1849, than at least of the constitutional bill. Most articles appeared in *Bucovina* in Romanian – for the readers in Bukovina, as well as in other Romanian-speaking regions – and German – for the authorities in Vienna and other Austrian officials, in order to keep them informed about the situation in the Romanian regions.⁹ In fact, the magazine published also other laws, bills or administrative acts, even short articles

³ Mihai-Ștefan Ceașu, *Un iluminist bucovinean: boierul Vasile Balș (1756-1832)*, (Iași: Junimea, 2007), 142.

⁴ *Bukowiner Landespetition* and *Pro Memoria zur bukowiner Landespetition vom Jahre 1848*.

⁵ Kurt Scharf, „Die Landschaft Bukowina”. *Das Werden einer Region an der Peripherie 1774-1918*, (Wien: Böhlau, 2010), 172.

⁶ Constantin Morariu, *Părți din istoria românilor bucovineni*, (Chernivtsi: Editura autorului, 1894), 179.

⁷ Ion Lihaciu, *Bucovina. Gazeta românească pentru politică, religie și literatură* (*Romanische Zeitung für Politik, Kirche und Literatur*). In: *Prolegomene la un Dicționar al presei de limbă germană din Bucovina istorică (1848-1940)*, ed. by Andrei Corbea-Hoișie/Ion Lihaciu/Markus Winkler, (Iași: Editura Universității „Alexandru Ioan Cuza”, 2012), 212-218, here 213.

⁸ Ilie Luceac, *Familia Hurmuzachi: între ideal și realizare*, (Chernivtsi/Timișoara: Ed. Alexandru cel Bun/Augusta, 2000), 152.

⁹ Teodor Bălan, *Activitatea refugiaților moldoveni în Bucovina: 1848*, (Sibiu: Kraft & Drotleff, 1944), 45.

regarding the interpretation of certain articles. The magazine militated for the autonomy of the crown land and the interests of the Romanian nation within the Habsburg Empire, the proper use of Romanian and the spread of the Romanian literature.

The importance of the imperial constitution for this region relies in the fact that, within this act, Bukovina is confirmed the status of an autonomous province of Austria (requested in the petitions from 1848), a duchy with the capital at Chernivtsi. The Romanian version was written in the Cyrillic script, the script used for Romanian until around 1860, when the ruling prince of the Romanian principalities, Alexandru Ioan Cuza, officially introduced the Latin script, after a transition period that had lasted several decades.¹⁰ The translation, as well as the introduction and the comments at the end of the text, are not signed, but we can assert that the translation was made by one of the Hurmuzachi brothers and edited by Iraelie Porumbescu. The particularities of the Romanian text consist in the fact that the translator makes use of some strategies either because he is not confident which is the most appropriate version, especially when the translation was made at an accelerated pace in order to be published as soon as possible, or to ease the text's understanding, taking into consideration that the Romanian legal language was not at the same level of evolution as the German one. The strategies used by the translator are:

1. to offer another alternative in brackets: *Învățătura privată (casnică) – der häusliche Unterricht* art. 3 (en. homeschooling), *Cultivirea (învățătura) generală – allgemeine Volksbildung* art. 4 (en. general education), *Desem (icoane) – bildliche Darstellung* art. 5 (en. graphic representation), *Conduce (îndrepta) – leiten* art. 88 (en. lead), *autonome (neatârnată) administrare – selbstständige Verwaltung* art. 33 (en. autonomous administration), etc.
2. to mention in brackets also the German term: *Prezidița puterii imperiei (Reichsgewalt)* art. 3 (en. imperial power), *Teritoriul de vamă și de comerț (Ein Zoll- und Handelsgebiet)* art. 7 (en. customs and trade territory), *Regințe (Regentschaft)* art. 10 (en. regency), *Datoria militară (Wehrpflicht)* art. 25 (en. conscription), *Vecinitate (Leibeigenschaft)*, *relație urbarială (Unterthänigkeits)* art. 26 (en. serfdom, allegiance), *Prestare (Leistung)* art. 32 (en. performance), *Regulament (Geschäftsordnung)* art. 64 (en. internal regulations), *Amină (vertagt)* art. 69 (to postpone), *Cădițele (Befugniß)* art. 79 (en. authority, capacity), *Conflictele de competență (Kompetenzkonflikte)* art. 102 (en. conflict of jurisdiction), *Contribuțiile (Abgaben)* art. 108 (en. taxes), etc.
3. to give an explanation regarding a term: *din jos de (riul) En – unter der Enns*, introduction – en. under (the river) Enn, *parlamentul (general) imperiei – Reichstage* art. 37 – en. the (general) imperial parliament, *dietele (provinciale) – Landtage* art. 42 – en. the (provincial) state diets, etc.
4. to offer another version of the Romanian translation, as well as the German term: *Deplină posesie (în folosința deplină, Vollgenuß)* art. 42 (en. full enjoyment), *Despre interesele țerei (Landesangelegenheiten, adecă obiectele dietelor provinciale)* art. 35 (en. about the state's matters), *camera întâia (Oberhaus: casa de sus), camera a doua (Unterhaus, casa de jos)* art. 38 (en. upper house, lower house), etc.

Bukovina's Constitutional Bill from 1849

According to the imperial constitution, the autonomous provinces were to issue their own constitutions, which included regulations regarding the provincial diets. Responsible for the commission assigned to draft the constitution for Bukovina is Eduard Bach, the new provisory governor of the province. Until 1849, the constitution applied in Bukovina was that of the Kingdom of Galicia and Lodomeria, issued on the 13th of April 1817. The bill for the new constitution was published in the original version in German with the translation in Romanian in no. 29/21st of September and 31/5th October 1849 of the newspaper *Bucovina*. The bill containing 57 articles is preceded by an introduction dated on the 8th of September, in

¹⁰ The transliteration of the Romanian texts in this article from the Cyrillic script into the Latin one, as well as the translation in English, was done by the author herself.

which it is stated that the project was prepared by trustworthy men and that it legislated as much as possible the major interests of the province.¹¹ The project is a sum of the claims of the Romanians from the petitions, memoirs and other demands addressed to Vienna during the revolution from 1848-1849. In the publication patent signed by Franz Joseph, it is stated that the acknowledgement of this constitution was provisory and a civil governor was named as representative of the emperor in the province, at that time Eduard Bach.

The particularities of this translation are:

1. As in the translation of the imperial constitution, the translator offers a second alternative to the Romanian term, nonetheless this strategy is only seldom used: *Hotarele (frontiarele) – Grenzen* art. 2 (en. borders), *contribuție (bir) – Steuer* art. 5 (en. taxes), *deadreptul (direct) – direkt* art. 6 (en. directly), *tărguri (orașe) – Städte* art. 7 (en. towns), etc.
2. The use of terms of Latin origins, similar to the ones in German, such as *curatelă – Kuratoren*, *censu – Census* art. 7 (en. curator, census);
3. The translator makes analogies to the German text by:
 - a) the use of the passive form, frequently used in legal German, but which may sound unnatural in Romanian: *Cernăuțul se deciară de capitală a țării. – Czernowitz wird als Hauptstadt des Kronlandes erklärt.* art. 1 (en. Chernivtsi is declared the state's capital.), *propoziția se privește de lepădată – ist der in Berathung gezogene Antrag als verworfen anzusehen* art. 23 (en. the proposal will be considered ruled out).
 - b) the introduction of some new terms: *celor mai mari contribuenți – Höchstbesteuerten* art. 7 (en. people who pay the highest tax), *minorenii – Minderjährige* art. 7 (en. underage), *cvartiruirea oștilor – Einquartierung* art. 31 (en. billeting).
4. The German and Romanian texts contain spelling errors, but also the translation itself contains omissions of some words. If in art. 31 the translator might have chosen to translate *des Voranschlags und der Rechnungslegung des Landes* with *bugetul* (en. estimate budget and final accounting), in art. 17 the negation of the verb is omitted: *Deputații pot primi instrucții. – Die Abgeordneten dürfen keine Instruktionen annehmen.* (en. The representatives cannot be given instructions.)
5. Sometimes the German word order is maintained also in the Romanian version: *Închiderea mai timpurie o poate decreta însuși dieta – Den früheren Schluß derselben kann der Landtag ... selbst verfügen* art. 15 (en. The earlier end can the diet itself decree).

The translation introduces for the first time the term *crimă* for *Verbrechen* (en. crime) in art. 8, instead of using the terms *fapte rele criminale* – from the criminal code from 1788, or *fără de leagi* – the criminal code from 1807, both translated by Ion Budai-Deleanu. This is an indication of the fact that the translator might be Eudoxius Hurmuzachi, who also used the term in the translation of the new criminal code, published in 1853. One of the features of E. Hurmuzachi's style in the code was also offering an alternative to the Romanian term or mentioning in brackets the German one.

Bukovina's constitution from 1850

The constitution was sanctioned in a modified version on the 29th of September 1850, and was published in no. CXXXIX of *Reichsgesetzblatt (Foiea generală de legi și de actele guberniului pentru Imperiul Austriei)* on the 19th of October 1850. *Reichsgesetzblatt* was the annual publication of the central government and was translated into Romanian, but not regularly, by committees employing permanent translators. The text constituted of six parts: About the land, About the representation of the land, About the Landtag (diet), About the land's commissions, About the Landtag as the duchy's representative, and General provisions, and of a total of 62 articles. In the context of the reinforcement of the absolute monarchy in 1851, the constitution never came into force, because through the Patent from the

¹¹ *Bucovina*, no. 29/21.09.1849, (Chernivtsi: Eckhardt, 1849), 1.

31st December 1851 the imperial constitution from the 4th of March and all other successive laws were abolished. Nonetheless, the administrative autonomy of the province and the status of duchy were maintained with a short intermission in 1960.¹² The modifications consisted in:

- the number of the representatives was narrowed down from 48 to 24 (seven the wealthiest noblemen, five for the towns, 12 for the rural communities);
- the number of the mandates was reduced;
- the right to vote was conditioned by an increased annual tax.

A particularity of this translation is the use of the future tense, especially to render phrases in the passive form in German, but maintaining at the same time the prepositions used with passive: *Ducatul Bucovina, în lucrările țerei, se va represeanta de dieta țerei. – Das Herzogthum Bukowina wird in den Landesangelegenheiten vom Landtage vertreten.* art. 7 (en. The Duchy Bukovina is represented in the state's matters by the diet.). Alternatives of the Romanian term are only scarcely given.

The actual administrative separation from Kingdom of Galicia and Lodomeria took place not until 1854, and only through the enacting of the constitution from 26th of February 1861 was Bukovina's autonomy definitively recognized, a status held until 1918, when the province was recovered by the Romanian Kingdom. This constitution, which was published only in German in the form of the attachment "P" to the imperial constitution, contained only some of the provisions from 1850, having been drafted in fact after a standardised form provided by the Austrian authorities to all provinces. The number of the representatives was increased, and the democratic provisions were limited.¹³

Comparison of the Translations of the Constitutional Acts

By comparing the texts of the three translations (of the imperial constitution from 1849, the constitutional bill from 1849 and the constitution from 1850), the following conclusions can be reached:

1. All three translations contain alternatives for Romanian terms in the brackets, to ensure the proper understanding.
2. In comparison to the German texts, the legal Romanian language is at the beginning of its evolution, which will be consolidated only in the first decades of the 20th century.
3. All three Romanian texts contain inconsistencies in the spelling of the same word, even within the same text, e.g. *țarei, țerei – Land* art. 35, constitutional bill from 1849 (en. state), because the Romanian written language was different from one region to another and not definitively standardised.
4. The poorest translation is the last one, of the constitution from 1850, which was published in the official juridical newspaper *Reichsgesetzblatt*, in the sense that, in comparison with the earlier ones, it contained terms or term variants which did not enter the modern Romanian language:

German term	Romanian translation		
	Imperial constitution 1849	Constitution bill 1849	Constitution 1850
Verfassung (constitution)	Constituție	Constituție	Constituciune
Volksstamm (nation)	Națiune	Națiune	Năciune
Nationalität (nationality)	Naționalitate	Naționalitate	Năciunalitate
Kaiser (emperor)	Împărat	Împărat	imperătoriu
Grenzen (borders)	Marginele	Hotarele (frontierele)	terminii

¹² Mihai-Ștefan Ceaușu, *Der Landtag der Bukowina*. In: *Die Habsburgermonarchie 1848-1918. Verfassung und Parlamentarismus. Die regionalen Repräsentativkörperschaften*, vol. VII/2, ed. by Helmut Rumpler/Peter Urbanitsch, (Vienna: Verl. der Österr. Akad. der Wiss., 2000), 2171-2198, here 2173-2174.

¹³ Mihai-Ștefan Ceaușu, *Bucovina în sistemul parlamentar al Monarhiei de Habsburg (1848-1918)*. In: *Anualul Institutului de istorie „A. D. Xenopol”*, vol. XXXVII, (Iași: Ed. Academiei Române, 2002), 145-160, here 156.

Nonetheless, there are also some improvements in the use of some terms:

German term	Romanian translation		
	Imperial constitution 1849	Constitution bill 1849	Constitution 1850
Statthalter (governor)	Locțiitor	Locțiitor	Guvernător
Mitglied (member)	Mădular	membru	Membru
Reich (empire)	Imperie	imperiu	imperiu

5. Although the German texts contain identical or similar passages, the translator did not render the version offered by the previous translation(s).

Imperial constitution 1849		Constitution bill 1849		Constitution 1850	
6. Die Gränzen des Reichs und der einzelnen Kronländer dürfen nur durch ein Gesetz verändert werden.	Marginele imperiei și ale singuraticelor țeri ale coronei se pot strămuta prin o lege.	2. Die Grenzen dieses Herzogthums können nur über einen Vorschlag, oder mit Übereinstimmung der Landtage durch ein Reichsgesetz verändert werden.	Hotarele (frontiarele) acestui Ducat nu se pot strămuta decât numai la o propunere a dietei provinciale, sau cu învoirea aceleiaș prin o lege imperială.	4. Die Gränzen des Herzogthums dürfen nur durch ein Gesetz verändert werden.	Terminii ducatulului numai prin lege se potumuta.
78. Die Abgeordneten zu denselben werden durch directe Wahl berufen.	Deputații la acestea se alegu prin alegeri directe.	6. Die Wahlen der Abgeordneten zum Landtage sind direkt.	Alegerile deputaților la dietă se fac deadreptul (direct).	12. Die Abgeordneten zum Landtage werden durch unmittelbare Wahl berufen.	12. Alegerea deputaților la dietă se va face deadreptul (imediatu).
5. Abschnitt Von den Landes-Angelegenheiten 35. Als Landesangelegenheit werden durch die Reichsverfassung erkärt: I. Alle Anordnung in Betreff: 1. der Landescultur; 2. der öffentlichen Bauten, welche aus Landesmitteln bestritten werden; 3. der Wohlthätigkeitsanstalten im Lande; 4. des Voranschlags und der Rechnungslegung des	Cap V. Despre interesele țerei (Landesangelegenheiten, adică obiectele dietelor provinciale). 35. De interese ale țerei se declară: I. Toate ordinările în privirea 1. culturai țerei; 2. zidirilor publice, care se fac în cheltueala țerei; 3. institutelor de binefacere a țerei; 4. bugetului și a depuneri socotelelor țerei, a) atît veniturile din administrarea averei	-	31. Prin constituția imperială sunt declarate de trebi ale dietei provinciale: I. Toate dispoșiile privitoare. 1. la cultura țarei 2. la edificiurile publice, care se ridică din mijloacele țarei, 3. la așezămintele binefăcătoare	-	9. De lucruri ale țerei se deciară prin constituțiunea imperiului: I. Tote dispusăciunile, care se atingă: 1. de cultura țerei; 2. de edificătorele publice, care se facu din mijloacele țerei; 3. de așezămintele de facere-debine din

<p>Landes, sowohl a) rücksichtlich der Landeseinnahmen aus der Verwaltung des dem Lande gehörigen Vermögens, der Besteuerung für Landeszwecke und der Benützung des Landescredits, als b) der ordentlichen und außerordentlichen Landesaussgaben. II. Die näheren Anordnungen inner der Gränzen der Reichsgesetze in Betreff: 1. der Gemeindeangelegenheiten; 2. der Kirchen- und Schulangelegenheiten; 3. der Vorspannsleistung, dann der Verpflegung und Bequartierung des Heeres; endlich III. die Anordnung über jene Gegenstände, welche durch Reichsgesetze dem Wirkungskreise der Landesgewalt zugewiesen werden.</p>	<p>țerei, a dărilor impuse pentru scopurile țerei, din întrebuințarea creditului țerei, cît b) și despre cheltuețele ordinare și extraordinare ale țării. II. Toate ordinările mai de aproape între marginile legilor (generale) ale imperiei în privirea 1. intereselor comunale; 2. a intereselor bisericești – și a scoalelor 3. a îndatoririi la transporturi, la nutrire (hrănirea) și ținerea cvartierelor a oștilor. III. Ordinările despre obiectele, care sînt lăsate prin legile imperiei în competența puterii țerii (Landesgewalt).</p>		<p>e 4. la bugetul atît: a) al veniturilor țării din administrația averilor ei din contribuția provincială și din folosirea de creditul țării, cum și b) al cheltuielilor țării ordinare și extraordinare. II. Dispozițiile mai de aproape între termenii constituției imperiale, privitoare: 1. la treburile comunale, 2. la treburile eclesiastice și școlastice, 3. la cărăușiile publice, cum și la întreținerea și cvartieruirea oștilor; în urmă III. Dispozițiile asupra acelor trebi, care prin legi imperiale se vor concretiza activitatea potestății provinciale.</p>	<p>țeară; 4. de bugetul și răciunile țerei, atît a) în privința veniturilor țerei din administrația a ceea ce are ea, din contribuția ei pentru scopurile ei și din folosința de creditul ei, cît și b) în privința cheltuielilor ordinare și extraordinare. II. Cele mai de aproape dispoziții între marginile legilor imperiale: 1. asupra treburilor comunale, 2. bisericești și școlastice; 3. asupra angariilor de transport, susținemîntul și încortelarea oștilor. În urmă: III. Dispozițiile asupra acelor obiecte, care prin legile imperiale se asemnă sferii de activitate a potestății din țeară.</p>
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6. Taking into consideration the conclusions 3, 4 and 5, it can be asserted that the Romanian texts were not the work of the same translator.

Conclusions

The first two translations discussed here were the work of the Hurmuzachi brothers and as such, were published in their newspaper *Bucovina*. This can only mean that the texts were well known not only in the duchy itself, but also in the other Romanian provinces, because the Hurmuzachi family had many connections, and the newspaper was read also in Moldavia¹⁴ and Wallachia. The revolution, the demands on the emperor and the new constitution gave the Romanian principalities an impulse to continue the work for a Romanian national state. With the help of the Hurmuzachi family, Mihail Kogalniceanu drafts for the Moldavian revolution committee "The claims of the national party of Moldavia" (*Dorințele partidei naționale din Moldova*)¹⁵, which was also published in *Bucovina*. Thus, we can conclude that the translations of the constitutional acts were important not only for Bukovina's gaining the autonomy, but also were of importance to the founding of the Romanian Kingdom in 1881 by the influence exercised in the whole Romanian territory.

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¹⁴ In fact, the spread of the newspaper in Moldavia determened the Moldavian ruler Sturza to plead with the emperor to ban it. Compare Luceac 2000, 152.

¹⁵ Mihai-Ștefan Ceaușu, *Czernowitz und die Rumänen*. In: *Czernowitz. Die Geschichte einer ungewöhnlichen Stadt*, ed. by Harald Heppner, (Köln/Weimar/Vienna: Böhlau, 2000), 63-79, here 75.