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The ambiguities of kinship and ownership during housing restitution in Bucharest

Liviu Chelcea



It was in a pub that I first met Bartales, a 25-year old man at the time. A friend of mine who was familiar with my PhD research topic¹ told him about me and that I would like to interview him at some point. Explaining to him what I was interested in learning about was easier than it had been during interviews with older persons. Unlike many of my older interviewees, he assured me that he would tell me “everything” but that if I didn’t mind, it would have to wait for some other day. That evening there were too many people present and he wanted to drink. Together with another friend of his, we stayed until late that evening to drink “tea” (as they called the combination of Red Bull and vodka). We talked about Turkey (where Bartales had been traveling extensively in the countryside each summer for the last eight years, learning Turkish from the peasants had put him up.), how he had spent a night in the New York City Police Department under arrest for not paying the subway toll, and about American cities that we had both visited at different periods. I was struck from the beginning by his sharp language, keen sense of observation, vast travel experience, and blunt, funny and intelligent remarks.

His vast financial resources, much larger than that of an average person from Romania, were also a surprise to me. About a week later, he called me up on the phone and asked if I wanted to meet to talk about “that stuff”. We met that very day and spent about five hours talking about his family and relatives, the property they had lost and which they thought should own, about corruption and property in general. He was extremely well organized in his narrative, and open, too (which made things much easier for me).

He began first by telling me about the nationalized house where he and his family had lived from 1963 through 1998 as tenants. Like the vast majority of the population, his father was an employee of the state. However, he held a senior position as the director of a key cultural institution in Bucharest. Although he was not a Party member, he was a well-known name in musical circles. He was the descendant of a major Romanian pre-war personality of the musical scene and he had inherited that profession. Before 1990, Bartales’s family had not done much research about those whose house it was that they lived in. They knew that it had not been na-

¹ I.e., housing nationalization and restitution in Bucharest. The title of the dissertation is *State, Kinship and Urban Transformations during and after Housing Nationalization* (Bucharest, Romania, 1945-2004), University of Michigan, Ann Arbor, Dec. 2004.

tionalized, but rather it had become state property when it had been left vacant. The initial owners died without anyone left to inherit the centrally located and beautiful villa into which Bartales's family moved. After the 1989 Revolution, sometime in 1994-1995 (before legislation was passed allowing tenants to buy nationalized houses) they learned that someone had claimed the house in court. Initially they did not know who it was because as tenants they were not part of the case between the former owners and the state. After some investigations at the ICRA to which they belonged, they discovered that the claimant was an old physician and his niece, the daughter of the old man's brother. The old man was in his 90s, and according to Bartales, he was a cousin of the wife of the former owner. "Kinship relations my ass," Bartales added, "very close relative indeed. They were super-entitled [to a claim]." Ironically, it turned out that Bartales's father had been at some point a patient of the old physician's niece, herself a physician. As the real engine behind this claim, she assured Bartales's family that she would not evict them, that she respected them and that she would not "step over dead bodies". Nonetheless, she spent many hours explaining to them that they should understand that she wanted to get the house and that they should not be mad at her.

The first court decision was favourable to the claimants. The daughter of the claimant was a friend of Bucharest's mayor at the time, which as I'll show later in the study may be an important asset since the lawyers working for the Municipal Council can be soft on those cases. Bartales said that although he was quite young during those years, he remembers that his family had some good connections too. His mother was a close friend of the wife of an MP who was also a leading figure in the party to which the Mayor belonged. They asked the Attorney General (the highest hierarchical level in the Roma-

nian Juridical System) to declare the restitution verdict unconstitutional. Bartales's father found more archival material that apparently weakened the case of the claimants. The chances that the Attorney General would overrule the restitution decision increased because during those days, the Parliament voted for the pro-tenant Law 112/95 and the Romanian President (a vehement supporter of the tenants) disregarded the ideal separation of powers and instructed the judges not to rule in favour of former owners. The outcome was favourable to the tenants, as the Attorney General declared that the solution given by the lower court was invalid. There followed a period of stagnation regarding the ownership of their house, a period during which, Bartales insisted, lawyers and tricksters made huge fortunes. According to him, lawyers were contacting old persons telling them, "Listen, Grandpa, I can recover your properties: you give me the paper and the signatures here and I'll get you back the houses". If successful, the lawyers would take half of the elders' half, Bartales said.

After a while, however, the old physician's niece reinitiated the trial because she too claimed that new evidence was found. Things lingered on without any clear result, and the, about a year after the case had been reopened, Bartales's father got a phone call from the municipal administration. It was an unofficial discussion, and the person who called put forward a deal to the Bartales's family. The house where they had been living, the official said, had been unofficially booked for a very high state official who would like to turn it into his own private residence.¹ If they agreed to the deal, they were to be given another huge apartment (400square metres – actually larger than the current one) in another dream villa, also nationalized. Bartales's father hesitated, especially since he did not know what the new court decision would be.

The court trial lingered for a few more years,

¹ Later on, it turned out that the house was booked not for the high official himself, but for his son's family.

until 1998, when a man who stepped out of a latest-model Mercedes Benz rang the bell of their house. He introduced himself as a lawyer who, from that moment forward, was the legal proxy of the old physician. He said that the old physi-



cian had died the year before, but had delegated to him all the legal matters concerning the house. He told Bartales's family that he wanted to buy the house. When they told him "Well, but it is in the object of a court trial", he answered by saying that it would be taken care of. After one month, during which Bartales's father learned that the lawyer apparently was a former Political Police colonel, the municipal council

which held the ownership rights to the house stopped sending lawyers to the trail to defend its patrimony. That helped the lawyer to assume full ownership of the house. He showed again at Bartales's house, saying that he did not want to evict them. Instead he wanted them to accept some money and to go somewhere else. First he offered them 25 000 dollars, a substantial amount by Romanian standards, but very small compared with the prices for real estate on the market. With that money Bartales's family could easily have bought a more than decent apartment in one of the high-rise complexes built since the 1970s in the outer circle of Bucharest.¹ Bartales's father refused, saying to the lawyer (and to himself) that he had "done something for this country!", and that he cannot be thrown out in the street just like that. Moreover, the sum offered by the lawyer was still very little compared with what the villa would fetch on the real estate market. They refused, only to have the lawyer show up again the next day with the offer doubled, i.e. 50 000 dollars in cash. Bartales's family hesitated to accept this offer too, lest they should be cheated. They negotiated with the lawyer and they settled for an arrangement that stipulated that the lawyer would buy them a luxury apartment. This was centrally located, in a high-rise apartment built in the downtown of Bucharest right before the fall of Ceaușescu in 1989, during his ambitious plan to convert a huge central area into a highly modern administration centre. The apartment's price was around 46 000 dollars but it was still under construction at the time of negotiations. It belonged to the Municipal Hall and it should have been sold as a social housing. This meant that it was a heavily subsidized price and one could have got it only with insider knowledge and influence, two advantages which the "lawyers" seemed to possess. Although called "so-

¹ These are physically quite similar to the federal projects that popped up in American cities since the 1950s during the programmes of "slum" clearance, with the notable difference that the stigma and sometimes crime associated with them was not, overall, present in their state socialist equivalents.

cial housing”, compared with any other high-rise apartment constructed after 1950 it was a rather luxury apartment (two levels, several rooms, two bathrooms, centrally located). The only supplementary request the lawyer made was that Bartales’s house should be vacant by November, so that he could take control of it.

They agreed to the deal. Between November 1998 and April 1999 (until the construction and the connection to the utility networks of their new apartment were finished) they lived in the apartment of the sister of Bartales’s mother. The “lawyer” also offered similar deals to the two other families who lived in their former villa (although in much more modest conditions). When I asked about these two families, Bartales dismissed them quickly as “semi-rednecks” (semi-cocalari, i.e. poor and uneducated, in colloquial Romanian). In exchange for leaving the house, the lawyer bought them modest apartments in the periphery of Bucharest, in a more working class neighbourhood.

As if that were not shady and strange enough for Bartales’s family, another thing happened shortly before they were to vacate the villa won by the “lawyer”. Someone else contacted Bartales’s family. A very well-mannered man in his 60s showed up at their door, and, according to Bartales, after excusing himself a dozen times said that while browsing the papers left by his diseased mother, he discovered a will left by the initial owners of the house. They made his mother the sole heiress of whatever goods they had. He had just discovered this and insisted that he did not need the house and that he would be happy if they could find a mutually beneficial solution. The house itself was not an issue, since he would have been satisfied with some compensation. Bartales insisted that, finally, here was an honest claimant. But, he added quickly, acting in good faith regarding nationalize houses is a lost cause, since there was nothing this claimant could change.

DISCUSSION. Bartales’s family experience as tenants in post-1989 Bucharest touches on several key points. It touches on issues of class and housing before 1989 and afterwards. They lived in a central area of Bucharest, in exceptional conditions compared with the majority of the population. Houses like the one where Bartales’s family lived are now valued at around 1, 000, 000 dollars on the real estate market. Another domain of analysis contained in such stories has to do with the decisions that the tenants had to make. Confronted with the situation of their house being restituted and also with the highly improbable, but logically possible situation of being evicted, they faced several dilemmas and mobilized different resources. Are the claimants real relatives or are they just trying to make money? Could they trust the claimants’ promise that they could remain in the house after the restitution? Trying to cope with the trials, Bartales’s family also faced the prospect of practical decisions. Who from their family should go search the archives, sit in courts, and ask for information from the ICRAL? Who had the time to do that? Could they use their apparently extended networks of friends in high places? And were the “lawyer’s” words and offers reliable, taking into account his shadowy past and current dealings? Bartales’s family was peculiar in respect to the availability of financial resources and connections, as well as in the very high value of the house they occupied. The other issues were confronted by all tenants.

Bartales’s family was atypical in yet another respect. They were simultaneously tenants in a nationalized house, and claimants of nationalized goods. They had relatives whose properties had been confiscated by the state. The 1990s made them simultaneously supporters and adversaries of the nationalized housing privatization law. They were themselves claimants for nationalized property through two separate venues. One had to do with a person not related genealogically, but who, over the last 20 years (but

especially in the last seven to ten) had become part of their nuclear family. The other venue involved their direct blood relatives with whom they were in constant conflict. These were two separate cases, so I will describe them separately too.

When he was a child, Bartales's parents hired a babysitter for him. Like most of the Romanian active population, both his parents worked. Yet, what might be called middle- and upper-classes during the state socialist period sometimes employed elderly persons to teach their children prestigious foreign languages (German, English or French) and to look after them while the parents were away at work. This was the case of A. B., described by Bartales as "the person who raised me". A. B. did not have any children and although at the beginning she earned some money from tutoring and babysitting Bartales, she thereafter did it voluntarily. She was involved in babysitting children of "respectable families" as Bartales put it (i.e. persons with a higher class status and cultural capital during socialism) and teaching them French, the high culture language from before 1945 in Bucharest. She had just one other sister, also childless. They descended from a pre-communist landed family with many properties. Bartales said that he became attached to her and she to him. Apart from babysitting Bartales, A.B. ate and spent time together with his family. After Bartales grew up, she continued to visit them about three times every week. Since the mid-1990s, her health worsened as she approached her 90s. One time, she got a heavy flu and Bartales's family decided to keep her with them in their house. They rented out the one bedroom apartment where A. B. lived (in a semi-central area) for 100 dollars/month. That apartment had been in the early 1990¹ by the old woman, according to Bartales,

with money from them. When they moved out from their villa in 1999, they took her along to their new apartment in the high-rise.

According to Bartales, A.B.'s former family wealth was fabulous. Until 1921, A. B.'s parents had thousands of hectares. After 1921, with the money obtained as compensation for expropriation and with money made on the land that was still left to them, A.B.'s parents built houses for their three daughters (out of the five children they had). A.B.'s mother built these houses for her daughters, with the dowry she had received from her parents when she married. The houses were situated in a semi-central but valuable area of Bucharest. From the late 1980s to the present, they were occupied by some employees of an embassy and by the very offices of an ICRAL. Although I have not seen them, Bartales said that they were quite valuable, one of them, for instance, was valued at no less than 700 000 dollars in the late 1990s.² A.B.'s father also owned a house, but Bartales's family decided not to claim that one because after 1989 it was used by a holding company controlled by somebody described by Bartales (and by the mass media in general) as "super-Mafioso". Besides, they did not have all the necessary papers, which meant more time and energy spent on archives, lawyers and so on.

The trail for A. B.'s family house did not work out. They started relatively late, in 1998-1999, but the main problem, Bartales said, was that did not hire a "super-Mafioso" lawyer. They agreed that the lawyer would take the case for free, but if successful, he would get 35% of the money obtained by selling the properties. Instead of bribing and seeking connections, as Bartales viewed the situation, the lawyer was uninspired and cheap. The trail lingered for a while; therefore, when the new restitution law was

¹ This is the year when the apartments built and owned by the state were privatized to the sitting tenants.

² The sum of 700 000 dollars is huge in the Romanian context. A two bedroom apartment in the socialist high-rises built during the 1970s and 1980s is about 20 000 dollars. The average wage is about 100 dollars, although it tends to be higher in Bucharest.

passed in 2001, Bartales's family reformulated their "restitution" claims and waited for the administrative rather than the court decision.

As they organized their efforts to recover and appropriate A. B.'s would-be inheritance, Bartales's family faced a new challenge. A. B. made Bartales her universal heir, i.e. he was to inherit any current and future property rights. This elevated Bartales to the same legal status as a niece of A.B. who lived in Switzerland. Prior to initiating the restitution trials, Bartales's father had contacted the niece in order to let her know that they had begun the trial preparations and they were shortly going to register their case in court. He asked her if she wanted to join the restitution claim. The niece was rather unenthusiastic. She said that she left Romania for good and that she did not want to have anything to do with the claim and with Romania in general. After two years, however, the Swiss niece changed her mind. Her lawyer put forth claims on her behalf and sued Bartales's family for inappropriate handling of the inheritance rights. Bartales and his family, on the other hand, became rather angry at her for the way she behaved toward A. B., in the past, as well as her sudden interest in restitution: "The niece," Bartales said, "never helped A. B. It's true that she invited her to Switzerland a few times in the 1970s, but that ended as soon as A. B. gave her niece whatever was left of the family jewelry".

DISCUSSION. As for the majority of former owners, the claims formulated by Bartales's family are expressed mainly in the language of kinship and inheritance. The rights to inheritance have to be proven in order to qualify people as appropriate owners. In that respect, as nearly two generations had passed in the almost 50 years between nationalization and restitution, principles of descent become crucial. For Bartales and others, restitution reorganized the past in terms of kinship and degrees of closeness. The living and the dead are reviewed and given rank, appreciation or dismissal. These are some of the

issues that are worth discussing in a more in-depth manner. The story of the relation between A. B. and Bartales's family also touches on the issue of what makes kinship. As more recent studies have argued, behaviour and sharing make kinship rather than past genealogical connections. This theme is highly significant for tenants, who question whether the current claimants behaved like kin towards the persons whose houses they reclaimed after 1989. The conflict between Bartales's family and the niece of A. B. also points in the direction of conflict between relatives and the importance of material interests in the constitution and reconstitution of kin networks.

Through an additional restitution claim, Bartales's family was involved in another way in the changing of kinship and social relations. His grandfather had two first cousins. Both of them had unfortunate destinies. One of them (E.) died very young, while his other cousin (P.) became mentally ill and never recovered. Following his sickness, he was declared "legally incompetent", which meant that a tutor had to be appointed in order to manage the wealth formally owned by P. Bartales's grandfather assumed that function. His responsibilities were quite serious, since the wealth of the two cousins consisted of 50 apartments distributed in two apartment buildings in Bucharest, 50 hectares of land, a villa in Predeal (a nice resort town in the Carpathian mountains) plus a couple of commercial spaces in downtown Bucharest. The wealth that became Bartales's grandfather's responsibility was quite substantial, representing a commercially, profit-oriented (as described in chapter 1). The nomination of Bartales's grandfather as the administrator became a source of conflict between his side of the family and another branch of the family, represented by another relative (D.). D. accused Bartales's grandfather of cheating and unjust administration of the estate, a bitter conflict that was subsequently passed down to future genera-

tions and so on, according to Bartales.

This property rights dispute was different from the previous two in respect to the actors involved. In this latter case, it was Bartales who was the active participant, rather than his father. By the late 1990s, Bartales's father had become seriously ill, and Bartales had by then grown up and become a law student. Bartales's approach to the situation was rather blind to past conflicts. As he was aware of the conflict between his father and D., he chose to talk directly to D.'s son (T.). Before nationalization he had never met T., but together they managed to work as a team. Retrospectively, he recognized it as a smart move, saying, "We were enlightened enough to unite our efforts and to get beyond the dirt from the past". The major part of the potential inheritance (the 50 apartments) was lost because it had been sold to the sitting tenants (see the description of the privatization law above in chapter 4). The main properties that they sought to obtain were the land, the resort villa and the two

commercial spaces (one of which hosts a famous student underground club) and they agreed that whatever they obtained would be divided in equal shares.

DISCUSSION. This last story points to the conflict associated with the handling of wealth controlled by kin networks and especially to the relations created during and by restitution. A conclusion to be formulated is that one of the effects of restitution is the increase of kin solidarity and the resocialization of individuals as members of a larger genealogical and lateral field of relatives. It also raises the question of the meaning of the restitution. For Bartales, restitution was something to be dealt with pragmatically, rationally. Weighing potential financial gains against "dirt from the past" he had no doubt which was more important.

Translated by Liviu Chelcea