

## CONSTITUTIONALISM AND LEGALISM IN IULIU MANIU'S POLITICAL THINKING AND ACTIONS

Iuliu Maniu is undoubtedly a historical character whose political activity marked events of utmost consequence on the becoming of the Romanian nation. His struggle bore on the development of the Romanian National State, its institutional and political organization within Greater Romania and, subsequently, the resistance against the dictatorial regimes. Maniu stands out among the political figures of modern Romania, especially in the struggle for democratic evolution and assertion of the Romanians as a distinct nation, by all their positive features, atrophied by centuries of foreign domination, either political, by the Ottoman Empire and Tsarist and Soviet Russia, or embodied in the attempt to alter ethnical identity in Transylvania, the Banat, Bucovina and Bessarabia.

Maniu's personality is of present interest in the making of new democratic Romania. The Communist Totalitarian State, which laid its imprint on Romanian political thinking and mentality for almost half a century, operated a *tabula rasa* in the field of ideas, concepts, and models of democratic organization; and, if nowadays the reconstruction of new Romania is stalled, the reasons should be sought in the inadequacy of political practice. Which inadequacy is easily identifiable not as much in Romanian society as a whole, as in its representatives, called up to elaborate an entire legislation and concretize it through executive measures. In this respect, Maniu's example is significant to the entire political class, and his ideas are up-to-date for all those who are striving to organize a democratic society within the rule-of-law State.

The concept of the rule-of-law State, of which many Romanians first learned after 1990, was formulated in Romanian politics, among others, by Iuliu Maniu, who was strongly determined to put it into practice while at the head of the government. Against the prejudice that the Law is the appearance of things rather than their essence, Maniu opposed his lifelong efforts to fundament the development of all social, economic and political processes on Law, which was to regulate all the relations between State and society, the contradictions between its members included. In other words, instead of the arbitrary, the voluntarism and the personal will, Law was deemed to become the soul regulator. Hence the necessity for a complex legislation which would have encompassed all the problems of Romanian society, basing its evolution and development on the aspirations for liberty, justice and equity for an entire nation.

This goal has remained an imperative, as Law, good or bad, has hardly ever been the rule in the Romanian State; and it certainly was not in the communist period. The evolution from an Absolutist State to a State founded on the separation of powers, inaugurated in embryonic form in 1831 - during the Organic Regulations - was long and tedious. Owing to a backward and economically underdeveloped society, which had grown too well accustomed to the old customary ways - most of them pernicious -, the Romanian national State, created in 1859 and perfected in 1918, constitutionally based on liberalism and democracy, was unable to bring about a radical change in the mentalities of the governors and the governed, or to make Law and Legality the dominant factors in the government of society. For this reason, illegality and the arbitrary were more often than not prevalent factors, laying their imprint on political acts, especially in the communist years.

Iuliu Maniu, climbing on the political stage of Greater Romania at the closing of 1918, was immediately faced with a huge deficit of legality. He had witnessed a similar deficit in the Hungarian Kingdom when, as a deputy in the Hungarian Parliament and a political leader of the Romanian National Party, struggling for the rights and liberties of his nation, he had sensed the huge gap between the Hungarian legislation and the abusive acts of the governors. Thus, in Austria-Hungary, he had constantly faced the obstacles laid in the way of legality; and fought them too, with unmitigated energy.

Legalism, as opposed to revolutionarism, which implies a violent break with the past, is the contrary of the latter. It is a form of constant and tenacious political struggle against inequity and obsolete structures, in an attempt to break up the existing social and political framework. Maniu's legalism had its origins in the tradition of the national movement of the Transylvanian Romanians. It circumscribed political action, in the first, within the limits of the juridical and constitutional norms. It was an approach to political life adopted by the Transylvanian Romanians to begin with the *Supplex*

of 1791, and rather successfully concretized in 1848 by Simion Bărnuțiu, Maniu's forefather, who gave a legal basis to a political movement which would subsequently grow to impressive proportions, in spite of a host of restrictions forced upon the Hungarian State. Legalism was placing Maniu's political approach within the limits of governmental norms, in an attempt to overcome limitations that contradicted the encompassing principle which had inspired them and from which they had been derived. Especially until 1918, Maniu, while in Transylvania, would base his political actions on the principles of national rights and liberties, from which the authorities were rather reluctant to inspire themselves. These were fundamental ideas, which had governed democratic societies in Europe during the Enlightenment or the age of nationalities, and which became Maniu's political dogma.

When integrating into the political life of Greater Romania, Maniu realized the discrepancy between word and action, between Law and its narrow way of application. A long-enduring misconception, born under foreign domination, namely that Law was shape without meaning, had convinced many governors, including some of those who offered radical solutions, that a war for legality could not be won with a Byzantine mentality. This is the climate in which Maniu was getting involved politically, while noticing in sad surprise that the background on which the Liberals, with a prominent role in the creation of modern Romania, were considering the major post-war reforms was that of shallow democratic institutions. Hence his struggle for legality, all the more necessary as this deficit was no less apparent at the supreme level, that is in the institutional factor of balance, the King, rather prone to tilting the scales of power whimsically. Therefore, as far as political figures were concerned, the King would found his judgements on the opinion of some exclusive groups about the needs of Romanian State and society, rather than on the will of the nation. It was a shortcoming of political life in Greater Romania with which Iuliu Maniu would definitely not comply, especially as those who took such a stand considered themselves to be providential individuals, with a responsibility to the King, and less to the nation, seen as an object of manipulation during election campaigns. For this reason, Ion I. C. Brătianu and Vintilă Brătianu, Take Ionescu, Al. Marghiloman, Const. Argetoianu, and even Al. Averescu, would not become Maniu's political collaborators.

Constitutionalism was the supreme form of Iuliu Maniu's legalism. He valued the Constitution of 1866, which had belonged to the period of organization of modern Romania, with favorable consequences. He also contemplated its development within the new State extended to the level of ethnical community by inclusion of the most democratic principle of State organization. Centralism, excessive and paralyzing, would have been limited, thus making room for the autonomy of counties and even regions with extended attributions, without affecting the unity of the Romanian State. An equitable balance of power within the State, with the legislative bodies called on to play an important part, and, especially, the rigorous application of the British concept along which the King reigned, but did not rule, were two cardinal ideas in Maniu's political thinking and practice. This would be his approach to the elaboration of the Constitution of Greater Romania. Therefore, Maniu opposed the Liberal government, which, instead of seeing in the supreme law the object of elaboration of all political forces - like in 1866 -, had made of the Constitution of 1923 a unilateral product. This Constitution was all the more vulnerable under Maniu's attacks as it had been adopted by a forum that was the result of bogus elections. Furthermore, in 1926 it had been suffered the addition of a Law on the election bonus, by which the party at the lead was very unlikely to ever lose the power, since its maintenance or removal now depended on the King's decision. This is why, after the death of King Ferdinand I in 1927 and the setting up of a regency under the Liberals, Maniu and the entire National Peasant's Party acted for the return of prince Charles, seen as a guarantee for the introduction of the principle along which the King reigned, but did not rule.

The struggle for Constitutionalism took on unprecedented and unexpected accents during Charles' II reign, as Maniu's expectations for the development of Legalism and Constitutionalism were all proved wrong: the young monarch was an irreducible opponent to the principles for which Maniu and his Party were acting. Not content with a constitutional government, formal as it was, Charles II contemplated and eventually set up a dictatorial regime, with devastating effects on democracy and territorial integrity in 1938-1940. In the ten years of restoration of Charles II, Maniu grew into one of the most untreatable adversaries of the King. This caused his isolation on the political stage, and even within his own party, where he was little understood, but for a small group of followers.

During Ion Antonescu's dictatorship, under dramatic circumstances and enjoying a restricted liberty of movement, Maniu never desisted from making himself heard. And this, because he believed that his was a legitimate voice, one that had to be heard by the leader of the State, whose powers were unlimited. Hence the recognition even by the Marshal of Maniu's right to express his opinions and even protests - occasionally throwing the Marshal into fits of rage -, for Maniu was living proof of the crucial moment of 1918, when the Romanians in Austria-Hungary had become united with the fatherland. On the same grounds, Antonescu would go as far as to oppose Hitler himself; in answer to the demand that Maniu be physically liquidated, the Marshal pointed out with pride that Maniu could not be shut up, for his was the voice of the nation; therefore, a legitimate one. Equally legitimate to the Marshal had become Maniu's efforts to negotiate with representative of the United Nations a way by which the country would have parted with Hitler, while preserving its sovereignty, independence and territorial integrity, under serious treat by the Soviets in the spring of 1944. Drawing on the large adherence of his party, Maniu, who had grown to the stature of a national leader, prepared Romania's withdrawal from the anti-Soviet war and largely contributed to the coup of 23 August 1944.

In August 1944 - July 1947, Maniu - and the entire National Peasant's Party rallied thickly around him - rose energetically in defence of the country's legitimate rights to organize democratically, against the Communists, an implacable adversary overtly backed up by Moscow, the Soviet Imperialistic power which had gained a discretionary power, the like of which was never witnessed in Romanian history. It is his pursuit of legality and bold approaches to Vishinsky, Molotov and Stalin, in defence of Romania, within the all too narrow limits of the armistice and agreements of the three Great Powers, that placed him in contradiction with the law. That is, in contradiction with the lawless Russian rule, which subjected any agreement, even in its relations to the Great Powers, to the exclusive will of Moscow, the totalitarian superpower that had become the supreme law in a subdued Romania, reduced to vassalage, and deserted by the liberal and democratic powers, Great Britain and the U.S.A.

Iuliu Maniu's legacy in the struggle for Legality and Constitutionalism is therefore an extremely valuable asset to Romanian politics. Law, be it imperfect at a certain point in time, must govern in Romania. In this respect, Iuliu Maniu offered us his personal example. Having become the head of the Romanian Government on three different occasions, and seeing that he was unable to change a Constitution which, in certain points, he wanted more concordant with the democratic ideals, he complied with its principles, although he had not voted for it. He built his opposition to King Charles II and, later on, to the communists, on the very constitutional principles of 1923. He never ceased to advocate for "No to power for power", and, when sensing that he was becoming a mere pawn in the hands of some occult forces, he renounced his leading position. We can say without fear to be proved wrong, that today, 125 years since Maniu's birth, Legalism and Constitutionalism, which make his legacy to us, must become an axiomatic norm behaviour for the Romanian people.

APOSTOL STAN

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