

QUEEN ELIZABETH II OF THE UNITED KINGDOM AND KING MIHAI I OF ROMANIA OR MONARCHIC CONSTITUTIONALISM IN THE SERVICE OF THE NATION – BAGEHOTIAN PRESCRIPTIONS IN THE ROYAL DISCOURSE

Marina Cristiana Rotaru

Assist. Prof., Technical Construction University of Bucharest

Abstract: The Role of the Crown in the architecture of a constitutional monarchy was clearly described by Walter Bagehot, the British analyst, in 1867. The Crown is the dignified element which helps the executive, the efficient element, in its work. Symbolising the dignity of the office, and using the right to be consulted, the right to encourage and the right to warn, a constitutional sovereign occupies a unique position in the State, which allows the monarch to defend both the immediate and the long-term interests of his country.

Key words: monarchy, constitution, discourse, Walter Bagehot

Although it seems challenging to compare the role of a reigning constitutional monarch (Elizabeth II, who reigns in a country with no written constitution) with that of a non-reigning constitutional monarch (King Mihai I, who reigned in a country which has had written constitutions), the contradiction is only apparent. King Mihai has never acknowledged the Act of Abdication, which he has always considered null and void, his position being sustained by historic and constitutional proofs¹. Against an inauspicious fate which pushed the king into a long and enforced exile, he remained undeterred in his efforts to represent and fight for his country in accordance with the constitutional propriety expected of him. In spite of the unequal status of the two sovereigns, what allows a parallel between them is the fact that their actions are

¹ See Eleodor Focșeneanu, *Istoria constituțională a României 1859-1991*, (1992), București: Humanitas, 1998 [The Constitutional History of Romania 1859-1991, second revised edition]; Eleodor Focșeneanu, *Două săptămâni dramatice din istoria României (17-30 decembrie 1947)*, București: Editura ALL, 1997 [Two Dramatic Weeks in the History of Romania (17-30 December 1947)]; Mark László-Herbert, *Abdicarea Regelui Mihai. Documente politice inedite*, București: Humanitas, 2010 [The Abdication of King Michael. New Political Documents].

strictly limited by constitutional provisions, which is even more complex for a sovereign who no longer reigns. My approach of the manner in which the two monarchs have acted as representatives of their nations is circumscribed to Walter Bagehot's interpretation of the nature of a monarchic constitution and of the roles that such a settlement provides for the sovereign.

In *The English Constitution* (published in 1867) Walter Bagehot explains the mechanism of political power and the role played in the State architecture by the monarch as the head of State, the Prime Minister as the head of the executive and Parliament as the legislative body. In the chapter on the institution of the Crown and the role of a constitutional monarch, Bagehot manifests an extraordinary power of perception and intuition, many of his conclusions still being valid today. His insightful study is made even more convincing and applicable to the aims of this paper since Bagehot was not a staunch supporter of monarchy but, in fact, an analyst with republican sympathies, who considered that the British monarchy was a "disguised republic"². As far as the term "constitutionalism" in the title of this article is concerned, it is understood as "the legal and political acceptance of the superiority of the constitution over all other norms"³ while the adjective "monarchic" refers to the manner in which a constitutional monarch respects the superiority of the fundamental law.

Before investigating Bagehot's prescriptions for the role of a constitutional monarch, it is worthwhile to introduce those desirable attributes which the British analyst considers to be part of the making of a constitutional monarch: "The only fit material for a constitutional king is a prince who begins early to reign – who in his youth is superior to pleasure – who in his youth is willing to labour – who has by nature a genius for discretion. Such kings are among God's greatest gifts, but they are also among His rarest"⁴.

A prince need not, perhaps, start his reign at an early age in order to become a good king. But in spite of inherent difficulties accompanying each new start, such a sovereign may, in time, come to hold a unique

² Walter Bagehot, *The English Constitution* (1867), with an Introduction by R.H.S. Crossman, M.P., Ithaca, New York: Cornell University Press, 1966, p. 266. For a detailed analysis of Bagehot's republicanism, see Catherine Hajdenko-Marshall, « Le républicanisme paradoxal de Walter Bagehot (1826-1877) », published in *E-rea* [En ligne], Revue électronique d'études sur le monde anglophone, 1.2 | 2003, uploaded on 15 October 2003, retrieved 10 August 2013, available at: <http://erea.revues.org/278>; DOI : 10.4000/erea.278.

³ My translation (acceptarea juridică și politică a superiorității constituției asupra tuturor celorlalte norme), Sergiu Tămaș, *Dicționar politic. Instituțiile democrației și cultura civică*, București: Editura Academiei Române, 1993, p. 58. [Political Dictionary. The Institutions of Democracy and Civic Culture].

⁴ Bagehot, *The English Constitution*, p. 119.

position in the architecture of his kingdom. Elizabeth II was only 25 when she acceded to the throne. During her long reign, the country has experienced profound changes and the Crown has undergone an unprecedented process of transformation and modernization. The queen witnessed the disappearance of the British Empire and the birth of the Commonwealth, whose head she is; she was at the helm of the kingdom during the uncertain years of the Cold War; she has contributed, together with her ministers, to the process of devolution in Great Britain. In spite of her initial hesitation, the manner in which the queen tackled the crisis caused by the sudden death of the Princess of Wales proves that the monarch has learnt from her own mistakes. Decades of reigning have turned Elizabeth II from a shy and inexperienced queen into the depository of a vast experience in the art of leadership, which has helped her contribute to the political stability of the country.

If the Romanians had been able to keep their king on the throne, they would have now been able to celebrate seventy-six years of his reign, counting only from 1940 (the beginning of his second reign). A long reign is not necessarily a guarantee for success, but it allows a sovereign and his people to grow and mature together and form bonds which may develop into and sharpen a sense of national unity and common purpose. Counterfactual history cannot answer the question “What if the monarchy had not been overthrown in Romania?” but it is not far-fetched to believe that the king’s political sense and leadership qualities, steeled during the dramatic years of the Second World War when Romania was caught in a vise between Hitler’s Third Reich and Stalin’s Soviet Union, may have continued to be used in the service of the nation.

Bagehot maintains that a true constitutional sovereign must be able to put duty first and self second. On 21 April 1947, on her twenty-first anniversary, Princess Elizabeth gave voice to her commitment to her country in words which have become true: “There is a motto which has been borne by many of my ancestors – a noble motto, ‘I serve’. I declare before you all that my whole life whether it be long or short shall be devoted to your service”⁵. For sixty-four years, Elizabeth II has been reading State documents and secret papers keeping herself well-informed about her country’s affairs. The famous red leather boxes in which State documents are carried, follow the queen everywhere. The conscientiousness and attention to detail with which she reads these documents, and a clear understanding of her constitutional role, have

⁵ Speech by Princess Elizabeth to the Commonwealth from Cape Town, on her twenty-first birthday, 21 April 1947, while on an official tour with her father, King George VI, in John Hall (Dean of Westminster), *Queen Elizabeth and Her Church: Royal Service at Westminster Abbey*, London: Bloomsbury, 2012, p. 7.

become well-known and appreciated by her ministers who, not on few occasions were able to notice that the queen was aware of details which had slipped their attention. The sovereign's sense of duty, mirrored by her life-long service to the nation, reflects the queen's understanding of the fact that duty should always come first if her role is to remain meaningful.

The deep sense of duty also characterizes the personality of King Mihai I of Romania. No institution whatsoever can teach someone to become king. One learns by doing. Acceding to the throne for the second time at the age of 19, in 1940, a dramatic year in the history of the Romanian people, King Mihai came of age rapidly, under the pressures of the times. He worked for the good of the country both when reigning and when exiled, often in the direst of circumstances and in a painful loneliness. In spite of intense humiliations which the king was subjected to by the post-communist regime in Romania while he was trying to return to his country, Mihai I remained loyal to the oath he took to serve his country and agreed to lobby for Romania's integration into NATO and EU.

In Bagehot's view, another essential quality for a constitutional monarch is the talent for discretion. A constitutional king is not allowed to express his views publicly since this would jeopardize his strict political neutrality, but he is expected to learn to listen. Elizabeth II has weekly meetings with the Prime Minister, a practice which is not requested by constitutional provisions but which has been established by tradition because it has proved useful. This is a special meeting because there are no third parties, no microphones and no records being taken. Everything takes place in an atmosphere of full confidence, none of the two actors revealing anything of what they had discussed. In the queen's words, they are given the chance to "unburden themselves"⁶ knowing that what they were going to say was not to be used against them later, in the political arena. The queen is regarded by her Prime Ministers as a "unique confidante"⁷ who has secured their trust. The feeling of security, the guaranteed confidentiality of these meetings contribute to the crystallization of a sincere and open communication between the sovereign and the head of the executive, much to the benefit of the country as a whole.

This talent for discretion which Bagehot points at also characterizes King Mihai, who developed it from a fairly young age, by the manner in which he involved himself into and managed the preparation of the Act of 23 August 1944, showing maturity and courage. This kind of discretion characterized King

⁶ The 1992 BBC documentary *Elizabeth II R* directed by Ed Mirzoeff and scripted by Antony Jay. See also Bradford, *Elizabeth: A Biography of Her Majesty the Queen*, 1996, London: Penguin Books, 2002, p. 489.

⁷ Antony Jay, *Elizabeth R – The Role of the Monarchy Today*, London: BBC Books, 1992, p. 49.

Mihai's effort to plead Romania's case in his tours for the integration into NATO and EU in 1997 and 2002. The Romanian central press informed only very succinctly on the royal itinerary in spite of the fact that the tours were of a capital importance to the country's future. The apparent indifference of the Romanian media and the studied effort of the representatives of the republic not to keep the king into the limelight for too long (thus preventing public opinion from becoming aware of the king's lobby) did not deter Mihai I from accomplishing his mission.

But what are the rights of a constitutional king in Bagehot's view? A constitutional king has no political power, but he has got influence. He is and must be an arbiter of the political game rising above party politics. But how does a sovereign exercise this influence? Walter Bagehot mentions three rights: "the right to be consulted, the right to encourage and the right to warn"⁸. The weekly meeting between the queen and her Prime Minister is such an occasion when the monarch can use the three rights. But a monarch also performs in the public arena where these rights can be exercised. Such is the Queen's Address to the British Parliament during her Silver Jubilee in 1977 when voices supporting devolution for Scotland, Wales and Northern Ireland were heard. The queen said: "I number Kings and Queens of England and Scotland, and Princes of Wales among my ancestors and so I can readily understand these aspirations. But I cannot forget that I was crowned Queen of the United Kingdom of Great Britain and Northern Ireland"⁹. Thus, the queen points to the fact that although devolution is not a far-fetched ideal, it must be tackled taking into consideration a larger context, one that would not ignore her status, sanctioned by the Coronation service itself.

As guarantor of the Constitution, King Mihai used his right to warn by starting the Royal Strike (August 1945 - January 1946). This way, he was drawing attention to the manner in which the new communist-infiltrated executive, led by the Soviet-supported Petru Groza, was ignoring constitutional provisions. In 1990, King Mihai sent a letter to the Provisory Council for National Union (CPUN, in original) regarding the adoption of the electoral law, which was also dealing with matters of a constitutional nature. In the letter, the King warned about the danger that such issues "be discussed and decided upon by an assembly which, irrespective of the good will and patriotism of its members, has not been mandated by the people,

⁸ Bagehot, *The English Constitution*, p. 111.

⁹ Elizabeth II, The Silver Jubilee Address to Parliament, in Ingrid Seward, *The Queen's Speech: An Intimate Portrait of the Queen in Her Own Words*, London: Simon & Schuster Ltd., 2012, p. 112.

according to the normal procedures of a pluralist democracy”¹⁰. The Romanian sovereign was underlining the fact that a provisory body such as CPUN, non-mandated by the vote of the population, could not settle constitutional matters.

As far as the other two rights (the right to be consulted and the right to encourage) are concerned, in what contexts could they be exerted? The weekly meeting between Elizabeth II and the Prime Minister is such an occasion. Although the content of their meeting remains confidential, one can imagine that the sovereign, apart from discussing the day-to-day problems of running the country, those that affect the nation on the short run, may urge the chief of the executive to have in view the long-term interests of the country, too. The queen’s unique position allows her to build a long-term view which no other politician can canvass, a vision that comprises the country’s interests beyond the immediate present. Continuity, this invisible thread that connects the past and the present does not exclude and should not exclude the future. It is the monarch’s right as well as duty to encourage those politically responsible to prepare the future in advance. The Speech of King Mihai I before a joint assembly of the Chambers of the Parliament of Romania, on 25 October 2011¹¹ is a fine example of how a monarch can stimulate energies for the common good.

Monarchic constitutions, Bagehot claims, have two parts: on the one hand, “those which excite and preserve the reverence of the population – the *dignified* parts”; on the other hand, “the *efficient* parts – those by which it, in fact, works and rules”¹². Hence, the Crown is the dignified part, the imposing element in the State architecture, the one that supports the Government and which “attracts its motive power”¹³. The executive, the *efficient* parts, can only use this power. Bagehot’s conclusion is also sustained by Arthur Balfour, a former British Prime Minister and Ministry of Foreign Affairs, a politician

¹⁰ My translation („să fie discutate și decise de o adunare care, indiferent de buna voință și patriotismul membrilor ei, nu a primit mandat constituent din partea poporului, conform procedurilor normale ale unei democrații pluraliste”). Regele Mihai I, ‘Mesaj adresat membrilor Consiliului Provizoriu de Uniune Națională (C.P.U.N.)’ în Liviu Vălenaș, *Regele Mihai printre noi (1989-1999)*, Iași: Editura Ars Longa, 1999, pp. 272-274 [King Mihai I, ‘Message Addressed to the Members of the Provisional Council of National Union (C.P.U.N.)’, in Liviu Vălenaș, *King Mihai Among Us (1989-1999)*].

¹¹ The Speech of King Michael I before a joint assembly of the Chambers of the Parliament of Romania, 25 October 2011, available on the official website of the Romanian Royal Family at the link: <http://www.familiaregala.ro/stiri/articol/the-speech-of-his-majesty-king-michael-i-before-a-joint-assembly-of-the-chambers-of-the-parliament-of-romania-25-october-2011-10-am> (retrieved 9 May 2016).

¹² Bagehot, *The English Constitution*, p. 61.

¹³ Bagehot, *The English Constitution*, p. 61.

with a vast experience, who maintains that when the Government's efficiency is frustrated by obstacles inherent in the management of a whole country, it is the Crown, the *dignified part*, that provides the executive with the force that it needs but cannot provide for itself¹⁴. Why does the British government use Elizabeth II as its spearhead in defending national interests abroad? The sovereign, embodying the *dignified part* of the constitution, can accord the government part of her prestige and of the institution she represents in the business of running the country. In 2011, for instance, the queen made a state visit to the Republic of Ireland at the invitation of the Irish President, Mary McAleese. The queen's presence in Ireland was regarded as a symbol of the reconciliation between the two nations following the signing of the 1998 Good Friday Agreement which brought to an end a bloody era during which the queen herself had lost members of her family. The Agreement also settled fierce territorial disputes such as the relinquishment by the Irish of their territorial claims to Northern Ireland, thus making the royal visit possible. The queen's presence in Dublin closed the circle and sealed the Irish-British agreement with due gravitas.

Shortly after her State visit to Ireland, the queen received the president of the United States, Barack Obama, in his first visit to Britain since his election. Rumours about the president's alleged anti-British position quickly swept the corridors of Whitehall, the seat of the British government. The motive for the supposed reserved attitude of Barack Obama was that his Kenyan grandfather had been arrested, imprisoned and tortured by Kenyan forces loyal to the British Crown during the anti-colonial revolt of the Mau-Mau¹⁵ between 1952 and 1960. Against this background, the queen received the American president with full honours and organized a State banquet, proving an impeccable host. Why was such a banquet necessary? Did the queen hold the banquet for the sake of the performance? No, although a royal banquet at Buckingham Palace or Windsor Castle is a first-class performance. What Elizabeth II did was to honour her guest in a unique way and, as the dignified element in the State, smoothed the way for establishing good relations with the United States. The manner in which the British sovereign welcomed the American president also led to a human reconciliation, and in the world of diplomacy and State politics such rapports are not to be ignored.

¹⁴ Earl of Balfour, "Introduction" in Walter Bagehot, *The English Constitution*, London: Oxford University Press, 1928, p. xvii.

¹⁵ Andrew Marr, *The Diamond Queen. Elizabeth II and Her People*, 2011, London: Pan Macmillan, 2012, p. 3.

King Mihai's prestige greatly benefited Romania. It is not an accident at all that two Romanian presidents, Emil Constantinescu and Ion Iliescu, respectively, agreed that King Mihai should represent Romania in the two diplomatic tours for the integration of the country into NATO and the EU. The only Romanian able to do this was the king because his power of representation was unique. As the *dignified part* in the architecture of the State, he embodied that element of dignity and respectability that the country needed in her efforts for integration into the two European organizations.

On 26 March 1997, during the first NATO tour, King Mihai delivered a speech at the Royal United Services Institute in London. Referring back to his 1938 visit to the British capital, accompanying his father, King Carol II, King Mihai drew a clear and accurate picture of the unfavourable circumstances that sealed Romania's fate on the eve of the Second World War: his kingdom was caught between the hammer (Hitler's Germany) and the anvil (Stalin's Soviet Union), soon to be split between the two military giants. The king gave voice to the feelings of numerous Romanians who, at the time, hoped that the great democratic powers would rally to the defense of the rights of nations which they so fiercely supported: freedom, peace, self-determination. Then, Mihai of Romania revealed what must have been his own feelings of disappointment at the Western powers' inability (or, perhaps unwillingness?) to help, disappointment that Romanians may also have experienced:

Perhaps we were naïve, but we did hope for British assistance, and for the revival of the League of Nations. We got all the diplomatic assurances from the government, including security guarantees which, as we subsequently learnt, were never meant to be used¹⁶.

Then, the king continued and addressed the audience in a very direct manner, underlining that Romania remained behind the Iron Curtain not as a result of Romanians' embracing communist values willingly. Beginning with the second half of the nineteenth century, the modernization of the Romanian society showed a marked preference for the Western values in point of political institutions, social structures and cultural values. The fact that Romania became part of the so-called Eastern Block following the Second World War was the result of a *fait accompli* which Romanians could do nothing against, but accept with bitterness and hopelessness. Constitutional monarchy speeded up the absorption of Western values by the Romanian society and soon, the country, without totally relinquishing the old traditions of the Byzantium,

¹⁶ H.M. King Mihai, "Speech by His Majesty King Michael of Romania to the Royal United Services Institute, London, delivered on 26 March 1997" in Vălenaş, *Regele Mihai printre noi (1989-1999)*, pp. 514-515.

turned into an outpost of the Western world at the frontier with the Orient. The king points to Romania's unique position in unequivocal terms:

It may surprise you, therefore, to discover that I have come here today to demand nothing which I do not believe is ours already. I do not expect a reaffirmation of Romania's European identity, because I believe that is self-evident. Nor am I begging for Romania's admission into the North Atlantic Organization. I would like, however, to tell you that my country's membership in NATO is a *necessity* not only for the stability of Romania and its neighbours but for your security as well¹⁷.

These direct words, in accordance with historical truth, only the king could have uttered in front of the representatives of the Western World who, more often than once, heard only what they wanted to hear. The king's voice gave the necessary weight to the Romanian effort. He also endowed Romania with his majesty and personal prestige, contributing to his country's efforts with that kind of force which, as Bagehot had put it before, the Romanian political establishment needed but which they could not provide for themselves.

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