

2. Constitutional Monarchy

If you ask someone what kind of Government exists in Britain, one of the most common answers you'll hear is a "Constitutional Monarchy". In this essay I will consider how such a system might work and whether this is a good answer. Before I get to that however, I'd like to first discuss the historical and philosophical origins of the British system of government. In the previous essay (*From Magna Carta to Civil War*) I explained how Parliament evolved from an overseer to a chooser of Kings. In summary:

Way back in the 13th century, a revolt of big landowners, the Barons, against the tax-hungry King John, gave rise to a kind of negotiated peace treaty. Magna Carta became a largely symbolic protector of rights, limiting the power of the Monarch. Further revolts in defence of the charter gave rise to the Provisions of Oxford, which created regular Parliaments.

During the religious wars of the 16th century, monarchs had to turn to Parliament, as well as a civil service and what might be called "civil society" (the meaning of this will become clearer later). This process led to a struggle between Parliament and the Monarch. The 17th century culmination of which involved the execution of a King, a restoration and then, when events threatened to turn the clock back, an assertion of Parliament's power known as the "Glorious Revolution".

This is the historical evolution of the system. As far as the system's philosophical evolution is concerned, I think it is helpful to think about the lives and works of two key political theorists who lived through these latter events. The contrasting strands of thought they represent illustrate the creative tension that underpins the system.

Hobbes' *Leviathan*

Thomas Hobbes lived from 1588-1679. He had a long life, having been born in the reign of Queen Elizabeth and surviving well into the reign of Charles II. His most famous work is called *Leviathan*, which is the name of a giant sea monster from Hebrew and Babylonian mythology. The word has now come to mean what Hobbes used it to mean. The idea it now captures draws upon assumption about human psychology, that a look at Hobbes' life, times and character will help us to understand.

Graduating from Oxford at the age of 20, in 1608, Hobbes immediately got a fairly easy job, as a live-in tutor in a wealthy, liberal household. In this period he referred to himself as a "servant" and seems to have been safely protected from the world by his benefactor. He took a tour of Europe, where he learned the ancient languages and studied the classics. Later, he translated the ancient Greek writer Thucydides, who documented how dangerous and difficult life was under democracy in Athens.

In 1640, King Charles I angrily dissolved Parliament. Shortly after, Hobbes wrote and published a book called *The Elements of Law*. In it he suggests that Parliament should surrender its power to the sovereign King. When the Parliament was recalled, one of its first acts was to announce an investigation into those who had questioned its role. So Hobbes immediately fled the country and spent the next 12 years in France. Not only did he escape an investigation, he also escaped the horrors of the English Civil War.

In 1651, just after the Parliamentary leader, Oliver Cromwell had secured his dictatorship, Hobbes published *Leviathan*. Cromwell's period may have been dull, with the banning of football and Christmas, but it was liberal, in the sense that there was widespread freedom of speech. So in 1652, Hobbes felt safe enough to return home, back into the service of the household of his benefactor. In

fact, his ideas were quite liked by Cromwell, as far as we can tell, and he is talked of favourably in high places.

Hobbes lived the rest of his life in the big country house of his employer, during which time he wrote a book on religion. Despite the relative tolerance of the time, there is no tolerance for atheists. So Hobbes invents a religion, in which people have no soul and there is no spirituality. A minimal religion in which you can't ever know anything at all about God.

After the restoration of the monarchy in 1660, Hobbes still seems to be liked and protected by the powerful. In 1666, Parliament decided to start looking into heresies, and this time Hobbes, now a respected and confident 78 years old, decided not to flee but respond with an essay on the history and definition of "heresy".

In this essay, Hobbes defines heresy as any minority opinion. He argues that holding a minority opinion is not illegal and is protected from any kind of prosecution by King Charles II himself. Around this time, Hobbes also wrote a history of the civil war, in which he says that Charles II missed the opportunity to re-establish absolute power. If this blend of liberalism and absolutism seems a little contradictory, you can find the resolution in Hobbes view of human nature and what it means to be free.

First of all, Hobbes was a materialist. Natural philosophy, he believed, shows that there are no ghosts, spirits or magic. Humans are essentially animals. When you are dealing with them you must assume that they are selfish, even murderous, if that is in their interests. All humans are only driven by the taking of pleasure and the avoidance of pain.

If there were no laws, no Government and no power over us, people would tear each other apart. Hobbes calls this the "state of nature", and famously said that life in it would be "nasty, brutish and short". If you want to see how it works in practice, he says, just look at how one nation treats another. In the absence of a Leviathan over international politics, nations are brutal and cruel to each other.

In his early book *The Elements of Law*, Hobbes says you can escape the state of nature by giving up your rights to a sovereign. In *Leviathan*, he goes even further, explaining that by giving up all your rights to a sovereign, his acts become your acts. You become completely responsible for them and it is irrational to criticise them.

The cover of the book, specially drawn for the copy presented to the King after the Restoration, has a Leviathan that actually looks like the King and carries his symbols of Royal power. You can see why Hobbes' philosophy was liked by Kings, and Charles II in particular. It's also interesting how often it's spoken of favourably by leading Republicans, too. Having ideas that appealed to both sides is how Hobbes survived and won favour through these dangerous times.

The key to the appeal of *Leviathan*, and a key way in which it differs from the divine right of Kings, is that the sovereign doesn't have to be a special person chosen by God. The point is simply a personal surrender to a single point of power. The only question in politics is who can protect us from each other. Each individual, in fear of the state of nature, gives up their power in return for peace. This brings us to a final point about Hobbes philosophy and the resolution of his liberalism and absolutism: the psychological dimension.

It was a common belief at that time, as taught by the church, that God had given the light of reason to all people. This what gives us the power to see what is morally good and bad. Hobbes says that our morals are really shaped by our interests. What is good is whatever you want it to be. Human

nature is not about reason and morality, but about fear and insecurity.

When you believe you are choosing to be free, you are really just choosing to set free your animal passions. People often talk of the Will, but this is really just the appetites of the body. If there is such a thing, it can only mean the Will to pure, even violent, self-interest. This is the conflict inside us that leads to the state of nature.

We always have the power to choose. You can never forfeit the power to protect yourself, so you can always choose to defy or obey the law and the sovereign. If you choose to obey however, you have to give up your Will. In return you get the freedom that comes from security and peace. The freedoms we associate with liberal values are only possible if we are protected from each other by an absolute power. So there is no “social contract”, but a personal one. We are not part of one body, like a nation. We are each individuals, who have to make an individual contract with our sovereign.

Locke's *Two treatise on government*

Like Hobbes, John Locke was not a politician. He was a detached thinker, and like Hobbes, a cautious one. He started work on his political book 38 years after Leviathan, and 10 years after the death of Hobbes. Although it is said to have been completed 4 years later, he didn't publish it for another 5 years after that, and he did so anonymously.

Thinkers on the edge of politics often think for a long time. They are careful about what they say and when they say it. When it finally did come out, in 1688, it had the very bland title “Two treatises of Government”. The story of its background will, I think, help us grasp its content.

Under Charles II there had been increasing tolerance of Catholics. Charles' own son James, married and became a Catholic. This is what the Protestants, who were strong in Parliament, feared: a new Catholic King, who would change the Church, give power back to the Pope and perhaps even arrest and execute them.

In the meantime, a prominent member of Parliament, Lord Shaftesbury, got ill and was treated, perhaps saved, by a physician, who became a friend. That physician was John Locke. He became Shaftesbury's employee and helped him draft documents for Parliament. This fact is relevant because in 1669, Shaftesbury was on a committee writing a Constitution for the colony of Carolina, a new state in British North America.

Eventually, political tensions grew concerning the prospects of the Catholic Prince James. When rumours went around of a conspiracy to kill the King and the Prince, those who thought they would be implicated fled the country. They went to Holland knowing that there they would find a powerful, Protestant nobleman able and willing to come to England and take the throne. Lord Shaftesbury was amongst them, and he took Locke with him.

Locke was primarily a medical man and an experimental scientist. He was also an advocate of the new scientific method, freedom of thought and free trade. It was after he returned to England at the age of 56, after the “Glorious Revolution”, when that powerful, Protestant nobleman actually did become King, that he began publishing his works.

Two Treatises on Government was one of them, and gets its name from the fact that it is in two parts. The first is a critique of the idea of “the divine right of Kings”. The second concerns what is called “Natural Law”. It is this part that most interests us. It says that all humans have a natural, in-born sense of right and wrong: a moral sense, and the power of reason, which can examine that moral sense and describe it as rules. Although this was a common idea at the time, Locke gave it a

political twist.

Locke argued that the state of nature that Hobbes imagined, a war of all against all, is very unlikely because natural law would make people cooperate with each other. In fact, if a state of nature has ever existed it ended when societies were formed, and they were formed precisely because humans are aware of, and work together for the common good.

Hobbes' own argument about international relations backfires when we see that it's not the fearful anarchy he suggests. In it we see the desire for justice, mutual judgement and cooperation. We see the development of international institutions to prevent conflict. Put simply, we have sovereigns because it is useful to have an impartial judge to promote the common good. Our sense of natural law is not driven by fear and does not involve surrendering the Will. It is simply an agreement between rational beings.

If there ever was a state of nature, we would enjoy freedom yet feel insecure. So we reasonably and willingly unite with others for the mutual protection of what Locke calls "property". The use of this word can be misleading so some explanation is required. Locke does not only mean the things we own, but more broadly everything that belongs to us, including our life and liberty.

Another problem with the use of the term "property" is the question of slavery. Locke does use the word "slavery" but again its meaning is different in the context of his time. It was then commonly used to mean any kind of subjection to the arbitrary power of someone else. It did not distinguish between being under an absolute monarch or being owned by a master.

Locke says, first of all, that you can't sell or give someone absolute power over you. That just makes no sense as the conditions of a contract. Secondly, if someone attacks another person they have no right to enslave them. So an aggressor in an unjust war has no claim over the labour of the conquered. This seems to make slavery unacceptable but for one other possibility. If you fight in a just war and win, can you then demand that the conquered forfeit their freedom? Imagine if you are attacked, and then defeat your attacker. Can you claim something in compensation? Like for example, their labour, their enslavement?

Locke isn't 100% clear on the answer, which has led to the suspicion that he tolerated slavery. The Constitution of Carolina, which Locke helped to draft, is very clear about freedom and property, but doesn't mention slavery, even though it was widespread at the time. Locke may have been ignorant of African slavery and the Atlantic trade, or more likely pragmatically silent. I think there can be little doubt however, that the general principles of natural law outlined in "Two Treatises" do not allow it.

To clarify this point: you can't freely give away your freedom. Neither is it legitimate to take anything if you launch an unjust war. If it is a just war you can demand compensation, but not things that are contrary to natural law. Locke also says that according to natural law, what comes about through your labour, is your property. Property stands above Government, which exists to protect the property of individuals.

The Constitution

The people who ran the British state at this time, read Hobbes and Locke. The political theory of this period soaked into its institutions and settled into a system that became known as a "Constitutional Monarchy". The idea of surrender to an arbitrary authority (the sovereign individual) was blended with an idea of government based on natural law and the defence of property.

No simple, clear, written formula for British government has ever been proposed and agreed. In the absence of a text, it is commonly said that the British Constitution consisting of five sources:

1. Royal prerogative: We will come to this in a moment.
2. Statutes: There are laws that affect the constitution, like for example, the 1701 Act of Settlement, which established the role of the Monarch, or the 1911 Parliament Act that changed the powers of the House of Lords. When laws passed by the Parliament determine how the state itself works they can be seen as a source of the Constitution. Nevertheless, Parliament itself remains sovereign, in other words, all laws can be overturned by a majority decision.
3. Common law: This means “legal precedents”. When aspects of the law produce an ambiguity that is exposed in a Court, a Judge can “rule”, that is to say, make a judgement. It flows from the general principle that to achieve real justice, the same judgement should be made in two identical situations, otherwise at least one of them is flawed. Justified, recorded and available judgements of the past can therefore be cited in future cases. When these concern how government itself works, they are a source of the Constitution.
4. Conventions: This just means the way things are normally done. For example, every new intake of MPs is taught the procedures by those with experience. The procedures, like how and when to submit papers, speak, vote, etc., are Constitutional in practice. Some are elaborate and ceremonial. When the House of Commons is opened, for example, which happens twice a year, Black Rod, who is a servant of the Monarch, is shut out and bangs on the door. The Members of Parliament (MPs) then leave the chamber to hear the Monarch, who is never allowed to enter. These rituals, just like the procedures and language of Parliament, are learnt, upheld and passed on by MPs
5. Authoritative opinion: Any written opinion that is commonly considered to reflect the agreed practice of the past can be cited. An example is Walter Bagehot's *The English Constitution*, written in the year of reform, 1867 (see essay 3). In so far as this book is used for education and reference it is a valid source of the Constitution. It was never intended to be proscription but merely a description of how the system of government worked at the time (note that at that time it was normal to refer to Britain as “England”).

Finally, it is necessary to mention what some people regard as the 6th source of the Constitution: Europe. In Europe there is a Court of Justice and a Convention on Human Rights, both of which can be appealed to by British citizens. Their decisions are respected in Britain, although aren't legally binding. (This is nothing to do with the EU, by the way, so isn't affected by Brexit).

In summary, rather than a written Constitution, Britain has a Constitution embedded in numerous laws, legal precedents, generally accepted procedures and documented historical practice (statutes, common law, conventions and authoritative opinion). There is also the “Royal prerogative”, which I have singled out because it forms part of the tripartite balance of powers that deserves additional attention.

The three parts of this delicate balancing act are the Crown, Lords and Commons. You might see each as representing contending interests in society. The Crown is inherited power that is in a position to act in the interests of the nation as a whole. The Lords represent its landowners who are the custodians of its lands and the backbone of its defence. The Commons are its regular people who make and do everything else. How they operate and interact is “Constitutional Monarchy” in practice.

Crown

In 1688, Parliament shown its power by deposing a King and choosing another one. It consolidated its position with the Act of Settlement of 1701. This statute fixed the rights of all future English monarchs. It is endorsed by every King or Queen on their ascent to the throne. It therefore acts like a job description and contract. Parliament is legally empowered to remove a monarch who oversteps their powers. Nevertheless, these powers are substantial. The act allows a monarch to:

- Declare war
- Grant pardons to criminals
- Summon Parliament
- Dissolve Parliament
- Award honours, that is to say, medals such as O.B.E.s and Knighthoods.
- Appoint Bishops and Archbishops as Head of the Church of England
- Appoint Peers, that is to say, people to sit in the House of Lords
- Appoint Generals, Admirals, etc., as Head of the Armed Services
- Give or deny assent to Acts of Parliament, that is to say, she has to sign a law to make it official

These are sometimes described as “prerogative” powers, which implies that the monarch is free to choose whether and when to use them. Having agreed to the Act of Settlement, a monarch can, in theory, do any of these things without consulting Parliament.

In practice this does not happen. Presumably every King or Queen is aware (or is made aware) of the consequences of doing so. Not only are the powers limited but it is assumed that Parliament would have overwhelming popular support to countermand a monarch who attempted to arbitrarily use even these powers. Parliament has set a historical precedent by removing (and even executing) Kings who try to rule directly.

The fact that monarchs now have nominal but not practical power has been acknowledge in a linguistic distinction. It is sometimes said that a monarch “reigns”, but doesn't “rule”. To “reign” implies a more aloof or symbolic role. A monarch's “reign” is used to refer to a period of history, during which things are done in his or her name (we speak of “Her Majesty's Government”) while the monarchs themselves represent the nation as a whole and so stand above politics and are neutral on every issue.

History has bequeathed this arrangement. It is not necessarily the best and need not be eternal. There is far from common agreement on its merits and its current relevance. When debates occur some arguments are commonly heard. Here are those in favour of the monarchy:

- The monarch is the focal point of tourism and events that get international attention. For this reason it is good for Britain's economy.
- The monarch is a symbol of national unity.
- As Head of the Armed Services the monarch helps to preserve their independence from politics.
- The Royal family has been brought up to provide a model of morality to the nation.
- Having a hereditary Head of State, who is brought up to hold but not exercise powers, prevents those powers falling into the hands of people who would use them unwisely.
- Having a permanent office means that the monarch's experience can be a good source of advice to politicians.

Here are some commonly heard arguments against having a monarchy:

- It's very expensive. All the monarch's official engagements are paid for by the Government, and the Crown gets what is called the "Privy Purse" and payments on the "Civil List", which is £7.9m/year.
- The powers make it possible for Monarchs, perhaps mad or unschooled ones in the future, to subvert the proper operations of Government and the will of the people.
- Inherited power is simply wrong in principle. It is morally unjustifiable and it's embarrassing for a modern country to have it.

There are many Republicans in Britain. The current leader of the Labour Party in Britain, Jeremy Corbyn, is one. As leader of the second largest Party in Parliament, he is the leader of Her Majesty's (the official) opposition and is therefore a serious contender to become Prime Minister. Recently, he was filmed by a newspaper at an event not joining in to sing the National Anthem. Republicans generally dislike the song because it is strongly monarchistic. This became a minor political scandal.

Despite being firm in his position, he never publicly raises the issue of abolishing the Monarchy. His Party has said that if he becomes Prime Minister, no changes will be made to the settlement. Mr Corbyn and his Party seem to be well aware that the issue of the Monarchy is way down the political agenda.

The British monarch is also, by the way, the monarch of Australia. In that country the role is carried out by a "Governor-General" appointed by the King or Queen. The distance between the two countries and the fact that Australians still have memories of a Constitutional crisis in the 1970s, in which the Governor-General dissolved a minority government, means the issue continues to be relevant.

Despite opinion polls suggesting Australians were in favour of their country becoming a Republic, when it came to a referendum in November 1999, the proposal was rejected. Australia voted 55% to 45% to stay a Constitutional Monarchy.

As a final point on the Monarchy, I think it is worth noting that people's view of Monarchy is effected by the character of the Monarch. This is shown by the way changes in opinion about the individual often mirror changes in expressed opinion about the institution. The current Queen's popularity has varied over the years. Currently she is personally well-liked and reflecting this, people are reluctant to talk about the system. A poll done by the respected agency Yougov, in 2015, recorded that 71% of the British public are in favour of keeping the Monarchy.

The Lords

The Palace of Westminster, where the British Parliament sits, contains two large assembly rooms. One is called the House of Lords, or the "Upper House", and the other is called House of Commons.

The House of Lords was originally only for the Barons, but it has since expanded. Only the Monarch has the power to appoint members of the Lords who are known as "peers". However, recently (that is, since 1958) the Prime Minister has nominated peers and the Monarch has always approved them. There are three types.

The majority of peers are "hereditary" and given a seat by aristocratic birth right. In modern times they are mostly affiliated to the Conservative Party and there are a lot of them (760 by 1998 data).

The second, much smaller group, are the “Lords spiritual”: bishops of the Church of England. There are 26 of them. The 3rd type are the “Life peers” of which there are 500. Life peers have been created by the Prime Minister since 1958. The positions are given as an honour for service to society, and/or because the government believes they will be good or useful there.

Until 1911, the House of Lords could block legislation by rejecting Bills sent to it by the Commons. Since losing this power it has become a consultative body. It is thus preserved to embody experience, pointing out problems and suggesting amendments to Bills before they come laws. It retains the power to delay Bills for this purpose.

Until recently, there were also 28 Law Lords in the House and it acted as the Judicial system's final Court of Appeal. Put simply, if you were unhappy with a decision taken by a Court in Britain, you could appeal to a higher Court, and ultimately to the House of Lords. Since the reforms of 2010, these Law Lords have moved to a separate body called the Supreme Court.

As you can appreciate the role of the House of Lords has changed significantly over time. It is changing because it is widely seen as anachronistic yet there is no consensus on what to do with it. There have been several attempts to make it partly elected but agreement has not been achieved. For example, the Labour government under Tony Blair commissioned a report that was published in 2000 (The Wakeham report).

Not all of the changes the report proposed however, were accepted by the Government. Having accepted the idea of abolishing hereditary peers, the sticking point was Life peers, who are currently appointed by the Government. The report proposed giving this power to an Independent commission. The Government's Bill that omitted this change was rejected. The plan was withdrawn for further consideration and is yet to be revived.

The debate over this attempted reform raised another problem with the House of Lords; “patronage”. This occurs when people in Government appoint their friends, business associates or political co-thinkers into positions of power. Besides the serious danger of corruption it simply adds to the weight of Government supporters in Parliament, and may skew debate in its favour. This interferes with Parliament's role in holding the Government to account. The reformed House of Lords in effect, tips the balance of power away from the legislator and toward the executive.

Commons

The other assembly hall, or “chamber”, in the Palace of Westminster is the House of Commons. For generations, that is to say, before modern times, the Commons was too weak and servile to do anything but agree to the Monarch's taxes and return to the shires and towns to collect them. All other matters of law and administration were dealt with by the Lords. In modern times, the Commons took control of state finances, and after the Civil War, gained at least an equal share in all matters of state.

At the beginning of the 20th century, the Commons, spurred on by popular demand, attempted social reforms that were blocked by aristocratic interests in the House of Lords. This led to a Constitutional crisis, which ended with the Commons becoming the true legislature and elector of the Government.

Members of the House of Commons (MPs) propose and “read” (debate) Bills, and then, by majority vote, determine if they are to become “Acts” (laws). Only enactment by the Commons can make a law. Governments, that is to say, the executive that runs the state on a day-to-day basis, often have to change the law to achieve their ends. To do this they must submit Bills to the Commons. In fact,

Government Bills consume most of the Commons' time and energy, and there is little left for Bills put forward by individual members.

In the decades after the Civil War, marked particularly by the “Glorious Revolution” of 1688, a Party system gradually took shape in the Commons. Through the 19th and early 20th centuries, it evolved into an explicitly adversarial “2-Party system”. This process will be described in greater detail in essay 5. At the same time, the Commons gained authority and its structures changed. This process will be explained in essay 3. For now, I will briefly describe how the Commons works in practice today.

Britain is divided into 659 Parliamentary Constituencies, with 60,000-90,000 electors in each. Only a few exceptions to this size are allowed in the case of geographical units. The Isle of White, for example, has 108,804 electors, making it the largest. Orkney and Shetland has 34,552, making it the smallest. These are islands that are difficult to join to mainland constituencies.

At a general election everyone aged 18 or over, who has registered to vote, can vote. The person who gets the most votes in a Constituency wins and becomes an MP. This is a “First past the post” system. An effect of this system is that a candidate coming second in one Constituency might get more votes than a candidate who wins in another, yet they do not become an MP.

Anyone, except Police Officers, members of the Armed Forces, Civil Servants, or members of the House of Lords, can stand in an election if they register and pay a deposit, which is currently £500. There are also restrictions on people who have been declared bankrupt. If you get over 5% of the vote the deposit is returned to you. The deposit system is intended to deter spurious or saboteur candidates.

Typically, elections take the form of Party contests. Most candidates have the name of their Party next to their name on the ballot paper, and the vast majority of Constituencies are won by members of political parties. The 659 MPs elect the Government, which in practice is always the leadership of the majority Party or coalition in the Commons. They also elect a chairperson, called “the speaker”, who is obliged to give up any Party allegiance. They then “sit” in the Commons and “read” Bills. This means that draft laws, mostly from the Government, are discussed and voted on.

MPs can vote any way they want, however there is such a thing as the “whip”. The whip means that Party organisers insist that their MPs vote a particular way. The phrase “3 line whip” means that the party is very insistent. Sometimes you will hear it said that “an MP has had the whip withdrawn”. Being given the freedom to vote any way you wish might sound like a gift, but it is actually a punishment. It means that the MP has been thrown out of their Party in Parliament.

The phrase “a Parliament” can sometimes be ambiguous and a little confusing. It is sometimes used to mean the period of time between elections, which since 2011 has been agreed to be 5 years. It is also sometimes used as an abbreviation for “a Parliamentary session”, which occurs annually beginning ceremonially after the Spring recess, and interspersed with eight other recesses through the year.

MPs are indirectly controlled by their parties, that is to say, besides personal loyalties they usually need their parties to win elections. Once elected however, an MP is only accountable to his or her Constituents. In office, an MP can be influenced by “lobbying”. This word comes from the fact that people would meet in the lobby of the Palace of Westminster to persuade MPs, by one means or another, to vote a particular way. Now the word means any legitimate effort to influence an MP.

Conclusion

Walter Bagehot described *The English Constitution* (in his book of this title) as like an old man still wearing the clothes of his youth. In other words, it changes yet sticks to the ceremonies and symbols that create the impression of continuity. Writing in a year of radical change, 1867, Bagehot stressed the value of these “old clothes”. He believed that the dignity of power is important. The symbols remind people, both those who exercise power and those who are subject to it, that it is a serious, historically significant business.

The system is commonly called a “Constitutional Monarchy” in which a hereditary King or Queen is said to reign but not rule. This means that they have official powers which are tightly constrained. In the case of the British system, the Monarch's “prerogative” powers are set out in the Act of Settlement of 1701, reiterated with each new coronation and further constrained by statutes, common law, conventions and authoritative opinion.

There is a kind of paradoxical tension in the system. A monarch has inherited power, yet the web of rules that surround them make the exercise of that power limited or impossible. Some might say this makes the system strong but adaptive, others might say it merely obscures the reality of power.

One way to think of this is to consider some ideas that have influenced British political culture, exemplified by the works of Thomas Hobbes and John Locke. Hobbes had a pessimistic view of human nature. He believed that we need to surrender power to a Leviathan, a single point of absolute power, or live in fear and insecurity. This surrender is personal and necessary for psychological reasons.

Locke had an optimistic view of human nature. He believed that we naturally compromise and cooperate. We can choose how to organise ourselves and who should govern us. A good contract will take into account psychological needs, as well as mutual benefits. A Constitutional Monarchy might be the best way to represent power while ensuring it is exercised for the common good.

It is possible to see British political culture as containing both a pessimistic and optimistic view of human nature. The idea that we need symbols and people to bow to, so that we can live peacefully together, is pessimistic. While the idea that we can communicate and agree things for the common good is optimistic. The Constitutional Monarchy could be seen as arising from a blend of pessimism and optimism.

You may have noticed that I have not answered the question with which I introduced this essay: is “Constitutional Monarchy” a good description of the British system of government? I have left it unanswered because we further exploration of the historical context is required. The starting point for this essay was the Act of Settlement of 1701, from when the system could reasonably be said to balance three social interests: Crown, Lords and Commons. This lasted until the long transitional phase of 1832-1930.

Amongst the clothes of its youth: the ceremonies and symbols, may be included the characterisation itself. In other words, the old description of the system as a “Constitutional Monarchy” gives an outdated and partial impression of how it really works. In short, this may have been a fair description of the system in the 18th century, but the revolutionary events of the 19th century changed things. For this reason, the answer to the question is “No”, but I will leave the substantiation of this for the next essay.

I will conclude with a couple of additional remarks concerning why the Monarchy has survived in a modern society like Britain. Firstly, it is interesting how many people in Britain say they support the Monarchy because it is important for other people. There are a number of committed monarchists in

Britain, and others who feel it is necessary to accommodate their psychological need. For the latter, there is a sense that the existence of a symbolic Monarch is not important, while supporting it is necessary to reassure, communicate and compromise with people to whom it is very important.

Secondly, there may be a tendency in British culture (or perhaps human nature) to revere the past, or at least, be weary of radical and experimental change. Rather than fight for something new, British people have always tended to fight in the name of defending or restoring something old. Even the revolution of 1649, when the King was executed, was done in the name of historic “English liberties”.

This cultural stress on continuity may help to explain why Britain has no written Constitution. People would rather refer to old rules than write new ones. This tendency may also preserve long redundant symbols of the past, perhaps also incidentally preserving institutions with hidden, yet real power.

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References

- Bagehot, Walter (1867) *The English Constitution*
Collinson, Diane & Plant, Kathryn (2006) *Fifty Major Philosophers*
Hobbes, Thomas (1651) *Leviathan*
King, Anthony (2007) *The British Constitution*
Laslett, Peter (1988) *Locke: Two Treatise of Government*
Law, Stephen (2007) *The Great Philosophers*
Locke, John (1689) *Two Treatise of Government*
Loughlin, Martin (2013) *The British Constitution: a very short introduction*
Springborg, Patricia (2007) *The Cambridge Companion to Hobbes's Leviathan*
Tully, James (1980) *A Discourse on Property*