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**THE SURVIVAL OF BRITISH MONARCHY: TRANSITION FROM
ABSOLUTE MONARCHY TO CONSTITUTIONAL MONARCHY**

**BRİTANYA MONARŞİSİNİN VARLIĞINI SÜRDÜRMEŞİ: MUTLAK
MONARŞİDEN ANAYASAL MONARŞİYE GEÇİŞ**

Nurullah GÖRGEN*  

ABSTRACT

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With the death of Queen Elizabeth II, the British monarchy has come under scrutiny, sparking debates about its role in the British government, the future of the Royal family, and the potential transition to a republican system. This article aims to contribute to these discussions by examining the position of the constitutional monarchy in the United Kingdom and making a case for its continued existence in the near future. To accomplish this, the paper will delve into the unique transition from absolute monarchy to constitutional monarchy in the UK, illustrating how today's British monarchy has evolved within the bounds of law and democracy. Subsequently, the article will explore the concept of the British Constitutional Monarchy during its early stages, providing a foundation for understanding its contemporary meaning and significance and how it differs from the past. Finally, the article will assess the current position and role of the British monarch, considering their functions, powers, impartiality, and accountability. By doing so, the article aims to demonstrate that the constitutional monarchy within the British constitution poses no significant threat to the country; instead, it offers several benefits, particularly its unifying role.

* **Dr. Öğr. Görevlisi**, İstanbul Medeniyet Üniversitesi Hukuk Fakültesi, Anayasa Hukuku Anabilim Dalı/İSTANBUL, **e-posta:** nurullah.gorgen@medeniyet.edu.tr, **ORCID:** 0000-0002-7713-8273, **DOI:** 10.34246/ahbvuhfd.1398216.

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ÖZET

Kraliçe II. Elizabeth'in ölümüyle birlikte Britanya monarşisi, monarşinin Britanya hükümetindeki rolü, Kraliyet ailesinin geleceği ve cumhuriyetçi sisteme olası geçiş hakkındaki farklı görüşler nedeniyle tartışmaların merkezi oldu. Bu makale, Birleşik Krallık'ta anayasal monarşinin konumunu inceleyerek ve yakın gelecekte de Anayasal monarşinin varlığını sürdüreceğini iddia ederek bu tartışmalara katkıda bulunmayı amaçlamaktadır. Bunu başarmak için, bu makale Birleşik Krallığın kendine özgü mutlak monarşiden anayasal monarşiye geçişini ele alacak ve günümüz Britanya monarşisinin hukuk ve demokrasi sınırları içinde nasıl geliştiğini göstermeyi açıklamaktadır. Daha sonra bu makale, Britanya Anayasal Monarşisi kavramını günümüzdeki anlam ve önemini ve geçmişten nasıl farklılaştığını anlamaya yardımcı olacak bir temel oluşturmak için Anayasal monarşi kavramını erken dönemde ele alacak. Son olarak, bu makale Britanya hükümdarının işlevlerini, güçlerini, tarafsızlığını ve hesap verebilirliğini inceleyerek onun mevcut konumunu ve rolünü değerlendirecek. Bunu yaparak, bu makale Britanya anayasasındaki anayasal monarşinin ülkeye ciddi bir tehdit oluşturmadığını; aksine, başta birleştirici rolü olmak üzere çeşitli faydalar sunduğunu göstermeyi amaçlıyor.

Anahtar Kelimeler: *Britanya Monarşisi, Geçiş dönemi, Anayasal Monarşi, Monarşinin konumu, Britanya Hükümeti.*

INTRODUCTION

Queen Elizabeth II (1926 –2022), the longest-reigning monarch (over 70 years) in British history, passed away on September 8, 2022, leading to debates on the monarchy's future and the new King Charles III's role in the British government.¹ These debates encompass topics like whether the monarchy should be abolished in favour of a republic, the role of the new king in the British government and whether the position of the British monarch in other states would change.

This article aims to clarify that the current British monarchy is a constitutional monarchy devoid of significant powers, constrained by legal (such as conventions, Acts of Parliament, and judicial decisions) and non-legal instruments (such as people and the media). The monarch serves as the head of state with various roles but plays

¹ Ed Owens, *After Elizabeth: Can the Monarchy Save Itself?*, Bloomsbury Continuum, 2023; Robert Jobson, *King Charles: The Man, the Monarch, and the Future of Britain*, Diversion Books, 2019; RM Morris, "The Future of the Monarchy: The Reign of King Charles III" in Robert Hazell ed, *Constitutional Futures Revisited*, Palgrave Macmillan UK, 2008, <http://link.springer.com/10.1057/9780230595088_9> Accessed 6 November 2023.

a symbolic, non-political figure with some benefits. Consequently, the succession of a new monarch will not disrupt the functioning of the British government, irrespective of the individual characteristics of the monarch. The article argues that to comprehend the current and future position of the monarch in the UK, it is crucial to delve into the historical evolution of the monarchy. The role of the monarch in the British government system, developed over an extended period, requires historical analysis.

Examining the historical transition from absolute monarchy to constitutional monarchy is essential, as it elucidates the formation and operation of today's British government system and the continued existence of the monarchy. British political and constitutional history has significantly influenced both the nation and the world from a political and legal standpoint. Thus, the article's first section delves into the transformation from absolute monarchy to constitutional monarchy, dissecting pivotal political and constitutional events such as the Magna Carta, the Civil War, and the Glorious Revolution. The second section seeks to clarify the meaning of the British constitutional monarchy in its early stages. While the term has been used in the 19th and 20th centuries, its contemporary meaning and position differ. This exploration will consider the viewpoints of prominent constitutional law authorities during that period regarding the constitutional monarch. Finally, the article delineates the current position and role of the constitutional monarch, addressing functions, powers, impartiality, and accountability. Consequently, it underscores that the British monarch, as the present head of state, poses no legal or democratic issues; instead, their neutral and unifying characteristics allow them to continue as a valuable part of the British government system.

I. CONCEPTUAL BACKGROUND

The British Monarchy serves as a foundational point for delving into the historical development of executive power in the United Kingdom. Understanding the transition from 'Absolute Monarchy' to 'Constitutional Monarchy' is crucial for comprehending the current British government and why the monarchy endures in the UK. At First, it is essential to provide explanations for both concepts.

In the words of Bogdanor, 'Monarchy is a state ruled by a single absolute hereditary ruler.' An absolute monarch, as the hereditary ruler, may exercise their powers without constraints, either alone or through appointed servants. On the other hand, a constitutional monarchy, often referred to as a 'limited monarchy,' is a state led by a sovereign who governs in accordance with the constitution.²³ In this arrangement, the constitutional monarch cannot

² Vernon Bogdanor, *The Monarchy and the Constitution*, Oxford University Press, 1998, p. 1.

³ In the same vein, another way to illustrate this distinction is through the concepts of 'the

wield powers arbitrarily, as specific instruments, such as the constitution, conventions, or laws, impose limits upon their authority.

The transformation from an absolute monarchy to the present-day constitutional monarchy in the UK holds significant historical and political importance. This extended period of change has not only shaped the governance of the United Kingdom but has also influenced political and legal institutions worldwide, including the development of parliamentary systems, legislatures, cabinets, and the office of the prime minister.

While republicanism is the prevailing form of government in Europe today, it is worth noting that monarchy was the dominant system until the First World War. The British monarchy, one of the oldest in Europe,⁴ owes its continued existence to the transition from absolute monarchy to constitutional monarchy. During this transition, the monarch voluntarily relinquished or was compelled to surrender powers, initially to the cabinet and later to the office of the prime minister. These developments have significantly shaped the executive branch of government in the UK.

II. HISTORICAL EVOLUTION: FROM ABSOLUTE MONARCHY TO CONSTITUTIONAL MONARCHY

During the Anglo-Saxon and Norman periods,⁵ the monarch in England held nearly absolute power, wielding legislative, executive, and judicial

crown' and 'the monarch.' The former signifies that the monarch exercises executive power either personally or through servants acting on their behalf. Additionally, 'the crown' refers to the King in his official or personal capacity. The latter, on the other hand, implies that the person serves as the head of state and only carries out specific functions.

See more information:

Philip Norton, *The Crown*, in Bill Jones and Philip Norton eds, *Politics UK* 8th edn, Pearson, 2013 p. 277; Adam Tomkins, *Public Law*, Oxford University Press USA, 2003 p. 61; Peter Leyland, *The Constitution of the United Kingdom: A Contextual Analysis*, Fourth edition, Hart Publishing, an imprint of Bloomsbury Publishing, 2021, p. 93.

⁴ Bogdanor, p. 1–2.

In 1914, only three European countries had republican governments: France, Switzerland, and Portugal.

⁵ Anglo-Saxons: A Brief History / Historical Association, <<https://www.history.org.uk/primary/resource/3865/anglo-saxons-a-brief-history>> Accessed 6 November 2023; United Kingdom - Normans, 1066-1154, Monarchy | Britannica, <<https://www.britannica.com/place/United-Kingdom/The-Normans-1066-1154>> Accessed 6 November 2023.

The historical era known as the Anglo-Saxon period in Britain spanned nearly six centuries, from 410 to 1066 AD, while the Norman period lasted from 1066 to 1154.

authority. Nonetheless, even in these early eras, there were certain principles and practices that placed limits on the monarch's unrestricted exercise of power. For instance, the coronation oath required the monarch to pledge to 'forbid all rapine and injustice to men of all conditions.' Additionally, there was a prevailing belief that the king should consult with prominent figures before imposing extraordinary taxes or enacting laws.⁶

In Anglo-Saxon times, a body known as the 'Great Council,' composed of knights, earls, archbishops, and barons, played a role in advising the king on state matters. This council laid the groundwork for what would later become the House of Lords.⁷ These wise men offered their advisory counsel to the king, who initially exercised power without significant limitations.

Over time, the landscape began to change. According to Norton, three pivotal constitutional events emerged to curtail the absolute powers of the monarch: the Magna Carta, the Civil War, and the Glorious Revolution.⁸ These events hold immense significance in understanding the structure of the executive within the unique framework of the British Constitution.

Firstly, the Magna Carta, signed between King John and his barons in 1215, stands as the first major document to curtail the power of the monarch.⁹ This historic agreement arose when the Barons raised grievances about unjust tax collection and the unfair treatment they were subjected to by the king. The Magna Carta introduced specific rights for English freemen while imposing restrictions on the king's authority. Notably, Clause 39 of the Magna Carta states:

'No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.'

Additionally, Clause 40 states:

⁶ Norton, *The Crown*, p. 274–6.

⁷ Moyra Grant, *UK Parliament*, Edinburgh University Press, 2009 p. 2 <<http://ebookcentral.proquest.com/lib/kcl/detail.action?docID=434303>> Accessed 11 November 2018.

⁸ Philip Norton, "The Glorious Revolution Of 1688 Its Continuing Relevance", 42 *Parliamentary Affairs* 135, 1989, p. 135.

⁹ Tomkins, p. 40.

‘To no one will we sell, to no one deny or delay right or justice.’¹⁰

In addition, the Magna Carta set forth various conditions governing the king’s ability to collect taxes and explicitly prohibited arbitrary financial exactions. The Magna Carta marked a crucial milestone in the development of constitutional limitations on the monarchy’s power. The document granted substantial rights and freedoms to English freemen. However, it faced annulment at the request of King John, following intervention by the Pope, mere months after its creation.¹¹ Despite its annulment, the Magna Carta played an essential role in the advancement of constitutional governance and in curbing the absolute authority of the executive, both in England and globally.

The Magna Carta introduced the ground-breaking principle that the sovereign must govern the state in compliance with the law, rendering them accountable to the law. In essence, this established the concept that the sovereign is not above the law and is subject to legal constraints.¹² Moreover, the document safeguarded the rights of free individuals against the overreach of the monarch. Although the scope of such rights did not extend to all people at the time, it still represented a significant step forward.¹³

Over subsequent generations, the Magna Carta became regarded as a pivotal turning point in securing additional rights and freedoms. It was recognized as an acquired right upon which future demands could be founded. In the 17th century, the Magna Carta was wielded by parliamentarians as a powerful tool against Stuart Kings who asserted divine rights bestowed upon them.¹⁴

After the Magna Carta, the notion that the King was required to seek the consent and consultation of representatives from local groups, including burgesses and knights, for increasing expenditures gradually gained prominence. Consequently, in the 13th century, Parliament began to take

¹⁰ Tom Bingham, *The Rule of Law*, Penguin Books, 2011, p. 20.

¹¹ Owens.

¹² Bogdanor, p. 4.

¹³ Bingham, p. 21.

¹⁴ Ivor Jennings, *Cabinet Government*, 3 Edition, Cambridge University Press, 1969, p. 372–374.

shape as two distinct groups: the ‘Lords’ and the ‘Commons.’¹⁵ This division solidified in the 14th century, with each group represented by different actors in the parliament. Over time, the influence and importance of the Commons grew, especially in response to the King’s recurring demands for revenue, often related to the financing of wars. This shift in the balance of power between the Lords and Commons became particularly pronounced as the nation approached the 17th century.¹⁶ However, during the Stuart Kings’ reign,¹⁷ notably King James I and later King Charles I, a significant departure from the previous collaborative approach with Parliament emerged. Unlike the Tudor monarchs,¹⁸ the Stuarts contended that their authority and powers were divinely ordained, based on the divine right of kings. According to this perspective, the monarch’s authority was bestowed by God rather than by Parliament. Consequently, they maintained that Parliament’s origin and authority derived from the King’s grace, allowing the King to convene and dissolve Parliament at will, with no imposed constraints. The primary point of contention lay in King Charles I’s ambition to rule the country without reliance on Parliament.

Religious differences between Parliament and the King further exacerbated tensions.¹⁹ This culminated in the outbreak of the English Civil War (1642-1649). The conflict reached its zenith when King Charles I personally entered Parliament with his troops and arrested some members, intensifying hostilities.²⁰ Ultimately, the Parliamentarians emerged victorious in the struggle, leading to the execution of the King in 1649.

The period following the King’s execution saw the Parliamentarians,

¹⁵ Norton, p. 276; Grant p. 2.

¹⁶ Grant, p. 2–3.

¹⁷ The first monarchs of the United Kingdom were the Stuart dynasty, who ruled over England and Scotland from 1603 to 1714.

The Stuarts | The Royal Family <<https://www.royal.uk/stuarts>> Accessed 6 November 2023.

¹⁸ The Tudor Monarchs ruled England from 1485 to 1603.

An Introduction to Tudor England | English Heritage <<https://www.english-heritage.org.uk/learn/story-of-england/tudors/>> <Accessed 6 November 2023.

¹⁹ He married a Roman Catholic, Henrietta Maria of France, which caused considerable offense among English Protestants.

Charles I, r. 1625-1649, | The Royal Family, <<https://www.royal.uk/charles-i>> Accessed 6 November 2023.

²⁰ Peter Leyland, *The Constitution of the United Kingdom: A Contextual Analysis*, 3. Revised Edition, Hart Publishing, 2016, p. 16.

led by Oliver Cromwell, governing the country without a monarch and the House of Lords from 1649 to 1660. Following Cromwell's death in 1658, the monarchy was reinstated within two years, and Charles II, from the Stuart dynasty, was reinstated as the monarch. However, Parliament did not restore to him the extensive political, religious, and military powers he enjoyed in previous reigns.²¹ This shift in the balance of power between the monarch and Parliament was a direct outcome of the Civil War.

The English Civil War had a profound influence on the emergence of the constitutional monarchy. During the period from 1649 to 1660, England was governed without a monarch, demonstrating that the country could function without a king. When the monarchy was eventually restored, it was done so by Parliament rather than the King, further reinforcing Parliament's superior position over the monarchy. In essence, the absolute powers of the King underwent a significant reduction in favor of Parliament.²²

Catholic King James II, like his Stuart predecessors, also staunchly adhered to the doctrine of divine rights. As a result, he harbored the ambition to govern England without the need for parliamentary involvement, akin to the monarchs who preceded him. The religious conflict between the King and Parliament further intensified these tensions.²³ This conflict ultimately favored the Parliamentarians, leading to James II's expulsion from the country in 1688. Subsequently, the throne was offered to William of Orange, who was married to Mary, James II's Protestant daughter. This pivotal phase in English history is commonly referred to as the Glorious Revolution.²⁴

The Glorious Revolution held immense importance for the English constitutional system. It marked a turning point in multiple dimensions. Firstly, the longstanding struggle for authority between the monarch and Parliament now decisively swung in favor of the latter. Parliament emerged as the supreme authority in the country, wielding power over finance, religion, and political

²¹ Tomkins, p. 43.

²² Tomkins, p. 43.

²³ During his reign, there was widespread anti-Catholic sentiment and opposition to the concept of a standing army led by Roman Catholic officers in Parliament. Consequently, in 1685, James prorogued Parliament and ruled during its prorogation.

James II, r.1685-1688, <<https://www.royal.uk/james-ii>> Accessed 25 October 2023.

²⁴ Norton, "The Glorious Revolution Of 1688 Its Continuing Relevance", p. 137.

matters.²⁵ Secondly, when William and Mary ascended to the throne, their rule was subject to the conditions set by Parliament. They accepted the Bill of Rights in 1689, signifying their commitment to uphold the principles of constitutional monarchy. As Trevelyan aptly observed, ‘James had forced the country to choose between royal absolutism and parliamentary government,’ and the resounding choice was in favor of parliamentary governance.²⁶ This established the principle of parliamentary supremacy, giving Parliament the authority to determine the future monarch and the power to act when the monarch challenged or opposed it. As it well stated: ‘The Glorious Revolution not merely altered the succession; it also fundamentally changed the basis on which the sovereign reigned.’²⁷ Thirdly, the gradual erosion of the monarch’s powers commenced, with monarchs increasingly reliant on ministers for matters of state. This marked the beginning of the monarch as a symbolic figurehead, as highlighted by the statement, ‘From 1689 onwards, the supreme power in the state no longer lay with the sovereign alone, but with the sovereign in parliament.’²⁸ As Schwoerer aptly noted, the Glorious Revolution is among the most significant events in the constitutional and political history of both Eastern and Western Europe.²⁹

In the 18th century, despite earlier constitutional developments, monarchs still retained certain significant powers that they could exercise without parliamentary approval, including the right to appoint and dismiss ministers. This situation persisted until the ascension of George I³⁰ to the throne in 1714. Prior to this point, successive monarchs continued to play important roles in state affairs, albeit primarily through their appointed ministers.³¹ Notably, George I had limited proficiency in English and was more comfortable with

²⁵ Norton, “The Glorious Revolution Of 1688 Its Continuing Relevance”, p. 136.

²⁶ Norton, “The Glorious Revolution Of 1688 Its Continuing Relevance”, p. 137.

²⁷ Bogdanor, p. 5–8.

²⁸ Bogdanor, p. 8.

²⁹ Lois G Schwoerer, *The Declaration of Rights 1689*, Johns Hopkins University Press, 1981.

³⁰ When Queen Anne died in 1714 without an heir (all her children had died), another monarch was brought in from the continent, this time George, Elector of Hanover, under the Act of Settlement of 1701. Approximately fifty Roman Catholic relatives had stronger claims to the throne, which underscores the parliament’s power to determine who will be the king.

George I, r. 1714-1727, | The Royal Family, <<https://www.royal.uk/george-i>> Accessed 6 November 2023.

³¹ William R Anson, *The Law and Custom of the Constitution Volume 2*, Oxford University Press, 1935.

German and French. He had also little interest in the politics and affairs of state, and he opted not to attend cabinet meetings as the presiding authority. This significant development in the king's absence allowed ministers to convene without royal presence. This arrangement set the stage for the emergence of the prime minister's office, which gained prominence under the stewardship of senior minister Robert Walpole, who held the title of the First Lord of the Treasury. During Walpole's tenure, he wielded substantial authority compared to other ministers, effectively considering the first prime minister. The distinction between the head of state and the head of government became increasingly evident during this period, and it laid the necessary foundations for the establishment of the office of the prime minister.³²

Similarly, George II, who shared his predecessor's disinterest in politics, remained an ineffective figure in the executive branch. The influence of the Cabinet and its key ministers grew during the reigns of George I and George II. George II himself acknowledged this shift by stating in 1744, 'Ministers are the kings in this country.'³³

During the 18th century, as new political institutions and actors such as the prime minister, political parties, and the Cabinet came to the forefront, the political authority and powers of the monarchy continued to decline.³⁴ Notably, the personal choices made by monarchs played a significant role in shaping the position of the monarch within the executive branch. An illustrative example can be found during the reign of George III, which spanned from 1760 to 1820. George III made a deliberate effort to become actively involved in the affairs of the state. His active participation in Cabinet meetings allowed him to regain some monarchic powers and play a significant role in decision-making.³⁵ He also succeeded in appointing ministers of his preference and exerting influence over the House of Commons for an extended period.³⁶ However, over time, his powers were substantially diminished due to various factors, including periods of mental instability and the loss of the American colonies to the ministers.³⁷

³² Philip Norton, "The Core Executive: The Prime Minister and Cabinet" in Bill Jones and Philip Norton eds, *Politics UK*, 8. Edition, Pearson, 2013, p. 375.

³³ John Cannon and Ralph Alan Griffiths, *The Oxford Illustrated History of the British Monarchy*, Oxford University Press, 1988.

³⁴ Grant, p. 3.

³⁵ Stephen Buckley, *The Prime Minister and Cabinet*, Edinburgh University Press, 2006, p. 27.

³⁶ Norton, p. 276.

³⁷ Buckley, p. 27.

Consequently, beginning in the early 19th century, with few exceptions such as George III, the decline in the powers of the monarch—reflecting the transition from an absolute monarchy to a constitutional monarchy—continued.

In the 19th century, the emergence of pressure groups representing various ideological viewpoints led to their increased role as representatives of the public. These groups could broadly be categorized into two main factions: Reformers and Conservatives.³⁸ This evolving landscape of organized interests significantly contributed to diminishing the monarch's involvement in determining the government, as these pressure groups began to exert greater influence.

Notably, the watershed moment came with the passage of the 1832 Reform Act, which introduced substantial changes and marked a turning point in favor of parliamentary supremacy over the monarchy. This act brought about reforms to the electoral system, the abolition of seats in many boroughs, and an expansion of the franchise, even though the electorate remained relatively limited.³⁹ The period up to 1867 was characterized by a restricted number of voters, enabling the House of Commons to hold full authority in shaping the government. This further reduced the role of the monarch and the electorate as determinants of government formation during this period, often referred to as 'the golden age of Commons.'⁴⁰ In addition to diminishing the influence of the monarchy, the Reform Act of 1832 played a crucial role in shaping the contemporary party system. The expansion of the electorate, the development of a new party system, and changes in the electoral process collectively contributed to limiting the monarch's political influence, particularly during general elections.⁴¹

In 1837, Queen Victoria ascended to the throne, commencing a lengthy reign that lasted until 1901. At the outset of her reign, Queen Victoria exhibited a strong desire to actively exercise the powers of the sovereign.

³⁸ John B Owen, George II Reconsidered in Lucy Stuart Sutherland and others eds, *Statesmen, scholars and merchants: essays in eighteenth-century history presented to Dame Lucy Sutherland*, Clarendon Press, 1973.

³⁹ For instance, the 1832 Reform Act effectively prohibited women from participating in Parliamentary elections, as the definition of a voter was strictly limited to males.

Reformact1832, <<https://www.parliament.uk/about/livingheritage/evolutionofparliament/houseofcommons/reformacts/overview/reformact1832/>> Accessed 6 November 2023.

⁴⁰ Grant, p. 4.

⁴¹ Bogdanor, p. 16.

She perceived the government and ministers as her personal government and ministers, even taking the initiative in appointing the prime minister, making her the last monarch to do so based on her personal choice.⁴² During the early years of Queen Victoria's reign, she expressed support for specific politicians, including Prime Minister Lord Melbourne, and sought to play an active role in politics. However, as her reign unfolded and various political and social challenges emerged, combined with the influence of her husband, Prince Albert, Queen Victoria adopted a more impartial stance, distancing herself from political partisanship. This transition marked a crucial step in her acceptance of the role of a constitutional monarch. By the end of her reign, Queen Victoria no longer possessed the authority to make or veto ministerial appointments, nor could she compel the government to act in alignment with her personal preferences. This transformation signified the evolution of the sovereign into an impartial figure who remained above political parties and acted as 'nothing but a mandarin figure who has to nod its head in assent or shake it in denial, as his Minister pleases.'⁴³

From the early 20th century onwards, it becomes evident that the monarch held no significant political power or influence over government policies in the United Kingdom. The monarch lacked the authority to control Parliament, appoint ministers, or select the prime minister in accordance with personal preferences. Instead, these powers shifted to other key political actors and institutions, including the electorate, the cabinet, and elected politicians. In this transition, the cabinet and prime minister assumed an increasingly central role, wielding authority on behalf of the monarch. The monarch's role underwent a profound transformation, evolving from a position of active political engagement to that of a unifying and dignified figurehead, representing the nation. This role held moral significance, serving to unify the country.

III. THE CONSOLIDATION OF THE BRITISH CONSTITUTIONAL MONARCHY

As mentioned earlier, a constitutional monarch is a ruler who governs the state in accordance with the constitution and established rules. In contrast to an absolute monarch, a constitutional monarch does not possess unlimited

⁴² Frank Hardie, *The Political Influence of the British Monarchy, 1868-1952*, Harper & Row, 1970.

⁴³ Robert Blake, *The Crown and Politics in the Twentieth Century* in Jeremy Murray-Brown ed, *The Monarchy and its future*, Allen & Unwin, 1969.

powers and cannot rule the country arbitrarily. The UK monarchy serves as a prime example of this system. While the UK constitution is not codified and rigid (which might suggest that the monarch has significant powers), the monarch is primarily bound by constitutional sources, including conventions, Acts of Parliament, and judicial decisions, as well as non-legal sources such as public opinion and the media. This means that the survival of the monarchy today depends on its adherence to these sources.

In summary, a constitutional monarch is restricted in two ways. First, the constitution itself limits the monarch. If the monarch does not adhere to the constitution, they may be accused of acting unlawfully. The second limitation is that the constitutional monarch typically exercises most of their powers through ministers, a concept known as prerogative power, as discussed below. In essence, the constitution does not permit the constitutional monarch to effectively govern the country. In other words, they are often described as ‘a sovereign who reigns but does not rule.’⁴⁴ As evident, the King does not have the right to rule as a constitutional monarch. This raises the question that needs analysis: ‘What is the role of the monarch in the British system of government today?’ By addressing this question, the article aims to understand the position of the monarch as the head of state in the UK and analyse the extent to which the monarch’s presence is beneficial or not to the United Kingdom. To achieve this, the article will begin by discussing prominent constitutional authorities to analyse early literature’s discussions of the constitutional monarch. It will then focus on the current position of the monarch.”

A. The Early Stage of the British Constitutional Monarchy: Constitutional authorities

This section will explore the viewpoints of two notable figures in British constitutional law from different time periods: Walter Bagehot (1826-1877) and William Ivor Jennings (1903-1965). This exploration will help us understand the evolving relationship and changes in the position of the monarch from the early period to the present day.

Bagehot emphasized the vital role of the monarchy, situated in the dignified part of the constitution, within the English constitutional framework. He argued that the absence of a monarch could result in the downfall of the

⁴⁴ Vernon Bogdanor, “The Monarchy and the Constitution”, 1996, 49 Parliamentary Affairs 407, p. 407.

English government.⁴⁵ Bagehot offered several reasons to support the idea that the monarch still significantly influences the British constitution, government, and its people. The first reason he presented is the certainty and simplicity of monarchy. Many individuals are often unaware of who governs them and may struggle to comprehend the intricacies of the governmental system. The nature of the constitution, the roles of political actors, the dynamics of political parties, and the complex relationships within politics all contribute to this difficulty in understanding the governing authorities. The monarch serves as a straightforward and unifying figure that people can easily identify. Bagehot argued that the monarchy provides a comprehensible point of reference for the public. To illustrate this, he compared the British monarchy to republican governments like that of France. Bagehot asserted that many individuals find it challenging to grasp the structure of a republic with its complex institutions and actors. Therefore, the fact that the monarch is embodied in a single person makes it more accessible for people to offer their support and trust. Bagehot asserted that the second reason for the monarch's utility lies in its association with religion.⁴⁶ Religion is a fundamental societal element, and the monarch embodies a religious aspect. The sanctity of religion and loyalty to the king are interconnected, strengthening the British government by fostering trust, loyalty, and obedience among the people. Thirdly, the monarch serves as the head of English society, which comprises diverse classes. The monarch is the most suitable figure to represent all segments of society. Bagehot argued that if the monarch were not the head of state, the prime minister would assume this role. However, this scenario would bring certain disadvantages to English politics and society. The potential for the prime minister to change after elections every four or five years, coupled with their role as a political party leader, makes it challenging for them to be the head of the entire society. It is evident that a politically partisan prime minister will always draw attention based on their political affiliations, rather than being a monarch with political independence. This could lead to people's support for the head of state being determined by their political views, potentially dividing society along these lines. Bagehot argued that the British community requires a head of society who should represent all societal classes, remain politically neutral, and maintain an equal distance from political actors, making the monarch the best choice for this position. Fourthly, Bagehot noted that the monarch also

⁴⁵ Walter Bagehot, *The English Constitution*, p. 61 <<https://socialsciences.mcmaster.ca/econ/ugcm/3ll3/bagehot/constitution.pdf>> Accessed 23 April 2019.

⁴⁶ Bagehot, p. 64.

embodies the head of morality.⁴⁷ Lastly, the constitutional monarch acts as a disguise. It allows for the replacement of individuals unfit for participation in elective government without causing undue disruption. Particularly when the government faces challenges and weaknesses, the monarch plays a role in effecting necessary changes.⁴⁸

Bagehot emphasized that there were two misconceptions about the sovereign during his time in constitutional theory. Firstly, the sovereign was regarded as an ‘Estate of the Realm’ and a separate, co-ordinate authority with the House of Lords and the House of Commons. In the past, he noted that the monarch had such power, but it had become clear that the monarch no longer possessed such authority. The only power recognized as the monarch’s prerogative was the legislative veto, which was practically unenforceable. Even if both houses of parliament approved the monarchy’s death warrant, the monarch was obligated to accept it. The second misconception was that the sovereign served as the executive. In contrast to the past when the monarch held an active role as the executive organ, Bagehot argued that the sovereign now played no active part in the executive branch. Instead, other actors, particularly the prime minister, had active roles in the executive.⁴⁹

Bagehot stated that sovereignty could be highly beneficial when used appropriately, wisely, and at the right time. To achieve this, certain considerations needed to be taken into account. For instance, the monarchy should remain detached from political life; otherwise, it would become political and lose its ability to contribute effectively and maintain its respected position. This could also negatively impact its other roles. For example, in a hung parliament, the monarch’s personality might influence the decision regarding the appointment of the prime minister.⁵⁰

Bagehot also mentioned that a constitutional monarch possesses three key rights: “the right to be consulted, the right to encourage, and the right to warn.”⁵¹ The monarch does not have the authority to make government decisions, a responsibility that belongs to the ministers. However, the monarch can fulfil their role by offering advice and warnings, highlighting the

⁴⁷ Bagehot, p. 72.

⁴⁸ Bagehot, p. 73.

⁴⁹ Bagehot, p. 74–75.

⁵⁰ Bagehot, p. 75–84.

⁵¹ Bagehot, p. 85.

advantages and disadvantages of various decisions. Bagehot emphasized that the monarch's sagacity and character are crucial for using this right effectively. He also noted that if the monarch lacks these qualities, it is better for them not to express their opinion to prevent situations like the reign of George III. In fact, he went as far as to state that "Constitutional royalty under an active and half-insane king is one of the worst of governments."⁵²

Another the prominent scholar who analysed the British monarch and constitutional law is Jennings. He pointed out that the most significant advantage of the constitutional monarch is their impartiality and lack of affiliation with political parties. Unlike an elected president, the monarch has no political party connections, which means they hold no loyalty or indebtedness to any specific party. This impartiality is crucial in gaining the trust of all actors, and monarch's ideas could be effective in government.⁵³ The monarch can serve as a mediator, leveraging their prestige to resolve disagreements and reduce tensions among political parties and actors. The effectiveness of this role depends on the monarch's impartiality.⁵⁴ Another role of the monarch, as emphasized by Bagehot, is as a social figure. The monarch embodies not only the political but also the social aspect. They are easily understood by the public, representing the people and expressing their unity. This role helps prevent political parties from exploiting the nation's 'national' identity for political purposes.⁵⁵ Finally, the monarch also plays a role in the 'international governmental system of Great Britain.'⁵⁶ It is worth noting that the monarch rules not only in England but also in other countries, giving them influence beyond national borders.

Jennings also explored Lord Esher's concept of the dual personality of the constitutional monarch. According to this idea, the monarch can express and defend their opinions to ministers, striving to influence them. They can use delay tactics to impact ministerial decisions, even rejecting ministerial advice until they are left with a choice between accepting it and risking the loss of their services. In other words, when the monarch rejects ministerial advice, there are two possible outcomes: the minister can agree with the monarch,

⁵² Bagehot, p. 85–93.

⁵³ Jennings, p. 328–9.

⁵⁴ Jennings, p. 382–387.

⁵⁵ Jennings, p. 390–391.

⁵⁶ Jennings, p. 392.

justifying the decision, or the minister can persist in their advice, compelling the constitutional monarch to comply with it. Jennings noted that in these instances, the monarch has exercised free will, employing prerogatives of criticism, delay, personal influence, and remonstrance.⁵⁷ The limit for the constitutional monarch is reached when the prospect of losing their ministers becomes imminent. This limit reflects the principle that ‘the King can do no wrong.’ If the monarch were free to decide and insist on their ideas, they would become a ‘free agent’ with the potential to err.⁵⁸

Furthermore, the monarch will not act unconstitutionally as long as they follow the advice of ministers supported by a majority in the House of Commons. Ministerial responsibility is therefore essential to the preservation of the monarch’s existence and their avoidance of active involvement in political debates and desires. Jennings argued that, even though the monarch lacks the power to make the final decision and override ministerial advice, they do have the right to remonstrance. The monarch uses this right for two purposes: to address their own conscience and to place the entire responsibility for the advice provided squarely on the shoulders of the Ministry.⁵⁹ Jennings also claimed that personal prerogatives, such as the appointment of the prime minister, may be exercised by the monarch without the advice of ministers.

Jennings pointed out several disadvantages of being a monarch. Firstly, the monarch never assumes responsibility because doing so invites criticism. The monarch lacks the right to criticize as they must remain impartial and free from direct involvement in political matters. Secondly, the monarch cannot take an active position without becoming embroiled in political discussions, placing them in a very vulnerable position. Lastly, the monarch is often isolated from the general population. Their thoughts cannot be publicly expressed and are only shared with specific authorities and individuals. Consequently, being a monarch limits their freedom and necessitates living within a defined structure.⁶⁰

Similar to Bagehot, Jennings emphasized that the influence of sovereignty depends on the personality and ability of the current monarch. He provided Queen Victoria as an exemplary case, illustrating how her personality

⁵⁷ Jennings, p. 337.

⁵⁸ Jennings, p. 337.

⁵⁹ Jennings, p. 338.

⁶⁰ Jennings, p. 341.

significantly impacted British political history. She wielded influence over ministers, the prime minister, and the cabinet, shaping decisions. In contrast, King Edward, due to his different personality, had less influence on political life. Jennings also cited the example of King George V, who had connections with political parties and was considered a less favourable model.⁶¹

In essence, the influence of the monarch relies on their capacity for hard work, powers of perception, and their personality. It is essential to note that the monarch doesn't possess decision-making power but offers advice and attempts to guide decision-makers, including the prime minister and ministers.⁶² Therefore, the personalities of both the monarch and these individuals are pivotal.

IV. THE CURRENT POSITION OF MONARCHY

To comprehend the current role of the British Monarch, it is essential to explore their functions, powers, impartiality, and accountability. This article aims to demonstrate that the monarchy operates as a constitutional monarchy with no signs of absolute rule. As such, it continues to exist without posing a significant problem and offers several benefits.

A. Functions of Monarch

In the UK constitution today, the monarch serves various crucial functions. Firstly, as the constitutional head of state, the monarch performs essential constitutional duties that are vital for the establishment and functioning of the British government. These include specific formalities carried out exclusively by the monarch, such as granting Royal Assent to legislation, appointing the prime minister, forming a government, and dissolving Parliament. These functions are often referred to as constitutional functions.⁶³ Indeed, the monarch has the right to decide these matters according to their wishes, in practice, they act in accordance with established conventions. For instance, while the monarch possesses the formal right to refuse Royal Assent to legislation, this authority has not been practically exercised for centuries. The most recent instance of Royal Assent being declined occurred back in 1707 when Queen Anne withheld her assent from a bill related to the militia in

⁶¹ Jennings, p. 372–374.

⁶² Jennings, p. 378.

⁶³ Bogdanor, p. 410.

Scotland.⁶⁴ As seen today, it is merely a constitutional formality. The second role is the ceremonial function, in which the monarch undertakes various ceremonial duties. For instance, the annual Queen's/King's Speech during the state opening of Parliament is one of the most well-known ceremonial tasks. The third function is symbolic. The monarch not only holds the position of head of state but also symbolizes the nation itself. The monarch represents the unity of the nation and embodies the authority of the state. As a result, they actively participate in national ceremonies and commemorations as the head of the nation.⁶⁵ In 2019, Queen Elizabeth II engaged in approximately 300 public events, while Prince Charles participated in around 520. Notably, a total of 15 individuals from the royal family were collectively involved in 3,567 public engagements during the same year.⁶⁶ Additionally, in the capacity of head of state, the monarch represents the nation at the international level, enhancing the UK's presence on the global stage.⁶⁷

Another significant function of the British monarch lies in their role in international relations and diplomatic affairs. The monarch frequently appears on both national and international platforms and is often associated with recollections of 'imperial glory.' This distinctive characteristic sets the British monarchy apart from its counterparts in the Netherlands, Belgium, and Scandinavia.⁶⁸ Currently, British King Charles III serves two vital roles in foreign affairs. Firstly, as the head of state not only in the United Kingdom but also in some other countries (comprising 15 countries including the UK), including Canada, Jamaica, New Zealand, and Australia, which were former colonies of the British Empire. These countries have retained the UK monarch as their head of state, and the monarch carries out formal duties for them. In these nations, the monarch appoints governor-generals who represent the monarch and exercise specific powers on their behalf. For example, in Canada, the office of the governor general involves significant responsibilities, such as representing Canada abroad, signing treaties and declarations of war, summoning, proroguing, and dissolving Parliament, granting Royal Assent,

⁶⁴ Yann Allard-Tremblay, "Proceduralism, Judicial Review and the Refusal of Royal Assent", 33 *Oxford Journal of Legal Studies*, 2013, p. 379.

⁶⁵ Bogdanor, p. 410.

⁶⁶ UCL, What Is the Role of the Monarchy?, *The Constitution Unit*, 2021, <<https://www.ucl.ac.uk/constitution-unit/explainers/what-role-monarchy>> Accessed 6 November 2023.

⁶⁷ Leyland, p. 90.

⁶⁸ Leyland, p. 81.

and undertaking various ceremonial tasks that contribute to fostering a sense of identity and receiving foreign dignitaries.⁶⁹ Governor-generals are typically appointed by the monarch on the advice of the prime minister of the respective country and serve for five years. Secondly, the monarch serves as the head of the modern Commonwealth, comprising 56 countries, formed in 1949.⁷⁰ Although this position holds no constitutional function and is purely symbolic, it still plays an influential role in international relations.⁷¹

There are also other functions, such as the monarch serving as the commander in chief of the armed forces, calling elections, making appointments and granting honors, following ministerial advice and adhering to collective responsibility, and serving as the Head of the Church of England. As can be seen, the monarch is a vital part of the constitution.

B. The Powers of the Monarch: Royal Prerogative

The powers of the monarch, with their historical origins extending into the present day, play a fundamental role in defining the monarch's position within the British government. To grasp this concept, it is crucial to refer to legal scholars like Dicey, who described it as 'the residue of discretionary or arbitrary authority, which at any given time is legally left in the hands of the Crown.'⁷² Another notable definition comes from Blackstone, it is in its nature 'singular and eccentric; that it can only be applied to those rights and capacities which the King enjoys alone, in contradistinction to others, and not to those he enjoys in common with any of his subjects.'⁷³ In the modern context, the concept of prerogative remains highly relevant in facilitating the efficient operation of government.⁷⁴

Royal prerogative is typically divided into two categories: political

⁶⁹ The Governor General - Canada.Ca, <<https://www.canada.ca/en/canadian-heritage/services/crown-canada/governor-general.html>> Accessed 6 November 2023.

⁷⁰ Our History | Commonwealth, <<https://thecommonwealth.org/history>> Accessed 6 November 2023.

⁷¹ Robert Blackburn, *King and Country: Monarchy and the Future King Charles III*, Politico's Publishing Ltd, 2006, p. 10–12.

⁷² Albert V Dicey, *Introduction to the Study of the Law of the Constitution*, Roger E Michener ed, 8Rev Edition, Liberty Fund Inc, 1982, p. 282.

⁷³ Sir William Blackstone, *Commentaries on the Laws of England in Four Books*, George Sharswood ed, Liberty Fund, Inc, 1893, 162 <https://files.libertyfund.org/files/2140/Blackstone_1387-01_EBk_v6.0.pdf>.

⁷⁴ Leyland, p. 83.

prerogative (or general) and personal prerogative.⁷⁵ Political prerogative encompasses powers exercised by the government, including the prime minister, ministers, and other officials on behalf of the monarch. These prerogatives primarily concern how the state is governed, such as declarations of war and peace, issuing passports, defence of the realm, and prerogative of mercy. The monarch is not authorized to exercise these prerogatives independently. They are exclusively employed based on the advice of ministers, thus rendering the monarch's role non-accountable and non-political. On the other hand, personal prerogative refers to prerogatives that only the monarch can personally exercise.⁷⁶ While the monarch possesses considerable powers in this realm, such as appointing the prime minister, appointing and dismissing ministers, and granting Royal Assent to legislation, these powers are no longer exercised freely or arbitrarily. Various elements, including constitutional conventions, Acts of Parliament, constitutional principles (particularly the rule of law), restrict the monarch's use of these personal powers. Furthermore, non-political factors such as the media, non-governmental organizations, and public opinion also serve as checks on the monarch.

For instance, the prerogative power associated with the appointment of a prime minister plays a pivotal role in the relationship between the head of state and the head of government. Under normal circumstances and even in exceptional situations, the appointment of a prime minister follows different procedures, leading to debates about the extent of the sovereign's prerogative in this matter. Under typical circumstances, the leader of the majority party, determined through the general election results, is invited to the palace by the sovereign. In this scenario, the sovereign doesn't possess the authority to select the prime minister. Instead, the sovereign must appoint the party leader who holds the overall majority in the House of Commons as the prime minister.⁷⁷ Similarly, in the event of a prime minister's death or resignation, a new party leader is chosen through the party's electoral process and subsequently called to the palace by the sovereign for appointment as the prime minister. In cases of a hung parliament, where a single-party majority government isn't established after a general election, a debate arises about the monarch's discretion in appointing the prime minister. This situation has occurred five times in the UK during the 20th and 21st centuries (1923, 1929, 1974, 2010 and 2017).

⁷⁵ Leyland, p. 84.

⁷⁶ Leyland, p. 87–89.

⁷⁷ Blackburn, p. 86; Bogdanor, p. 84.

Some argue that the monarch can actively participate in appointing the prime minister during a hung parliament. Proponents of this view, such as Jennings, claim that the monarch can exercise their prerogative power to appoint a prime minister in such situations by stating that ‘There is no controversy that she need not accept advice as to the appointment of a prime minister’.⁷⁸ The argument is based on the absence of a clear rule for government formation during a hung parliament. However, it is quite difficult to accept this approach today. An opposing view holds that there is a regular procedure for appointing a prime minister even in a hung parliament. According to Blackburn, the process involves ‘the incumbent prime minister having the first opportunity to continue in office and form an administration.’ If they are unable to do so (and resigns or is defeated on the Address at the meeting of Parliament), the leader of the largest opposition party is appointed as the prime minister.⁷⁹

It is worth noting that prerogative powers, including political ones, are subject to various constraints imposed by parliament, judicial decisions (as demonstrated in the GCHQ Case), and established conventions. Therefore, the monarch does not have real powers that they can freely exercise, but instead, they serve as a symbolic figure that helps the system to continue functioning.

C. Impartiality and Accountability of the Monarch

As explained above, the modern constitutional monarchy in Britain mandates that the monarch refrains from taking an active role in the executive functions. As Bagehot aptly noted, the monarch’s involvement lies primarily in the dignified part of the constitution, not the effective part.⁸⁰ Thus, the monarch fulfils the vital duty of representing and uniting the entire nation by remaining impartial and abstaining from active participation in politics. This impartiality of the head of state in the United Kingdom is widely recognized as a significant asset.

In countries with republican parliamentary or semi-presidential government systems, the head of state (often called the president) and the head of government are typically separate roles. However, the task of representing the entire nation is more challenging in such countries compared to monarchical parliamentary systems. The main reason for this is that the

⁷⁸ Jennings, p. 394.

⁷⁹ Blackburn, p. 88.

⁸⁰ Bagehot, p. 44.

head of state in republican systems is usually elected, either directly by the people or indirectly through a representative body, typically the legislature.⁸¹ In such cases, presidential candidates are often former political figures or individuals supported by political parties, as securing their support is essential for election. This can lead to the elected president engaging in conflicts with other state actors, such as the prime minister or the government, justifying their involvement based on the direct mandate from the public.⁸² Irish, Polish, Lithuanian, and Romanian Presidents are examples of such cases.⁸³ In some instances, indirectly elected presidents also actively participate in political affairs, as seen in countries like Turkey and Italy.⁸⁴

It should be noted that the impartiality and non-political stance of the head of state depend on various factors, including constitutionally granted presidential powers, the personality of the president, and their relationships with other state institutions, particularly the legislature and the government. In a monarchical system, the head of state's position is determined through hereditary succession, making it easier for constitutional monarchs to maintain impartiality, as they cannot claim their decisions are legitimized by direct or indirect election. Nevertheless, there is still a possibility for an elected head of state to represent the entire nation impartially and avoid political affiliations. This can be achieved through constitutional provisions, such as the requirement for the president to sever ties with political parties after election, such as before the 2017 Constitutional amendments in Turkey, Article 101 of the 1982 Constitution.⁸⁵ Despite such measures aimed at ensuring impartiality and staying inactive in politics, the ability of representing the nation as the head of state remains controversial in republican parliamentary systems. There are many examples of this, such as Italy, Turkey, and Ireland.

Impartiality in political relations is a critical criterion for maintaining a

⁸¹ Margit Tavits, *Presidents with Prime Ministers: Do Direct Elections Matter?*, Oxford University Press, 2008, p. 1.

⁸² Maurice Duverger, "A New Political System Model: Semi-Presidential Government", 8 *European Journal of Political Research*, 1980, p. 165; Octavio Amorim Neto and Kaare Strøm, "Breaking the Parliamentary Chain of Delegation: Presidents and Non-Partisan Cabinet Members in European Democracies", 36 *British Journal of Political Science*, 2006, p. 619.

⁸³ Tavits.

⁸⁴ Tavits, p. 13.

⁸⁵ The Constitution of the Republic of Turkey 1982.

constitutional monarchy.⁸⁶ To ensure this in the UK, the monarch exercises most of their powers based on the advice of ministers. It is important to note that the term ‘advice’ here has a specific meaning. While the individual receiving the advice has the freedom to accept or reject it, in the context of a constitutional monarchy, it means that the monarch has no choice but to accept the advice of the ministers. These advisories are usually accepted, unless they clearly violate an Act of Parliament or the constitution.

A recent example of the significance of this principle is the case of *R (Miller) v The Prime Minister and Cherry v Advocate General for Scotland* (2019), also known as *Miller II*. In this case, Prime Minister Boris Johnson advised Queen Elizabeth II to prorogue Parliament under the prerogative power, for an unusually extended period, in an attempt to avoid further debates in Parliament regarding Brexit. This advice was met with controversy, with claims that the government was using prorogation to bypass parliamentary oversight. The UK Supreme Court ultimately declared the prime minister’s advice as unlawful.⁸⁷ Even in this case, Queen Elizabeth II accepted the advice of the prime minister to maintain her impartiality and non-political role. This allowed the prime minister to take responsibility for the decision, aligning with the principle of non-accountability of the monarch.

In essence, the monarch is not in a position to express political opinions or engage in political affairs. The monarch understands that rejecting ministerial advice could lead to irreparable consequences, including the resignation of the government or questions regarding the monarch’s role. Originally, the principle of acting on ministerial advice aimed to prevent the monarch from exercising powers arbitrarily and to safeguard the rights of Parliament and individuals. It was a means of balance. Today, its purpose is to shield the monarch from political influences and disputes, thereby upholding their impartiality. As a natural consequence of not possessing discretionary power, the monarch is not held accountable for their actions. Instead, responsibility lies with the ministers who provide advice and hold real power, answering to Parliament and the people.⁸⁸

⁸⁶ Bogdanor, p. 414.

⁸⁷ *R, on the application of Miller; Appellant v The Prime Minister; Respondent, Cherry and others, Respondents v Advocate General for Scotland, Appellant, Scotland*, The Supreme Court.

⁸⁸ The monarch’s liability in contract (section 1) and tort (section 2) was regulated by the Crown Proceedings Act of 1947.

See more information: Crown Proceedings Act 1947.

According to Anson, this principle imposes three key duties on the monarch:

a) The monarch should not seek advice from anyone but ministers on state affairs unless ministers' consent. b) The monarch should not make public statements on state affairs without consulting ministers. c) The advice of the cabinet should be accepted by the monarch and supported as long as the cabinet remains in office, as the monarch's servants.⁸⁹

All of these tasks are essential to keep the monarchy free from political influences and controversies.

CONCLUSION

In conclusion, the difference between constitutional monarchy and absolute monarchy is evident. The transition from absolute monarchy to constitutional monarchy in England occurred over an extended period, resulting in a monarchy that aligns with the constitution and poses no threats to the country, offering several benefits, as mentioned earlier. In contemporary practice, legislative, executive, and judicial powers are no longer exercised by the monarch. The executive authority that the monarch once wielded has transitioned to the cabinet and the prime minister's office, with various factors influencing the exercise of executive power, including the prime minister's personality, party's parliamentary strength, ability to control the party, cabinet members, political parties, parliament, and public opinion.

Over time, the monarchy has faced criticism in the media and public,⁹⁰ often focusing on issues like royal marriages (particularly, the death of Princess Diana⁹¹ and the tensions between Harry and Meghan and the rest of the royal family⁹²), economic costs to taxpayers, promotion of a class-based system, and scandals involving royal family members (particularly,

⁸⁹ Anson ; Bogdanor, p. 414.

⁹⁰ Leyland, p. 95–96.

⁹¹ See more information:

Robert Worcester, "The Power of Public Opinion: Diana, Princess of Wales", 39 Market Research Society. Journal, 1997, p.1.

⁹² See more information:

Ben Quinn, Prince Harry and Meghan v the Palace: Timeline of a Royal Crisis, *The Guardian*, 5 March 2021, <<https://www.theguardian.com/uk-news/2021/mar/04/sussexes-v-buckingham-palace-timeline-of-a-royal-crisis>> Accessed 7 November 2023.

allegations regarding Prince Andrew, such as profligacy and sexual abuse⁹³). Nonetheless, the monarchy remains a widely supported institution, particularly Queen Elizabeth II.⁹⁴ The British monarchy holds significant importance in the realm of constitutional affairs, as the reigning monarch, whether a King or Queen, symbolically embodies the nation as the head of state, strengthening the connection with the country's historical constitutional heritage.⁹⁵

It is worth noting that the British monarchy continues to evolve in response to changing laws and contemporary societal demands. This adaptability prevents it from becoming obsolete and contributes to its enduring support. A prominent example of this evolution is the Succession to the Crown Act of 2013, which marked a significant departure from the traditional male primogeniture system. Under the previous system, younger sons could supersede elder daughters in the order of succession to the throne. The Act also eliminated provisions that had previously disqualified individuals who married Roman Catholics from the line of succession.⁹⁶ As a result of the Act, the primogeniture principle now dictates that the eldest offspring, regardless of gender, is entitled to ascend to the throne.

As a result, it is highly likely that the British monarchy will continue to exist in the near future.

⁹³ Prince Andrew, Settles Sexual Abuse Lawsuit With Virginia Giuffre - The New York Times, <<https://www.nytimes.com/2022/02/15/nyregion/prince-andrew-virginia-giuffre-settlement.html>> Accessed 7 November 2023.

⁹⁴ The Most Popular Royalty in the UK | Politics | YouGov Ratings, <<https://yougov.co.uk/ratings/politics/popularity/royalty/all>> Accessed 6 November 2023.

⁹⁵ Leyland, p. 97.

⁹⁶ Succession to the Crown Act 2013; Succession | The Royal Family, <<https://www.royal.uk/succession>> Accessed 26 April 2021.

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