

Monarchy System in the Modern World (British)

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ABSTRACT –

In the midst of the epoch of democracy and Republic there are few nations left out in this world which still practice kingships or monarchy and reigned by the Crown. Most of the countries in Asia, Africa and American geographical arena have deemed to be adopted democracy as their ultimate norm. Howsoever this not exactly similar position in rest of the global arena, however it can be said that most of the countries which rest in western European Countries adopted democracy as their method to elect the governing authority who will be reigning over the realm for stipulated time period. These countries turn out to be mostly Constitutional Monarchy by nature and temperament, in all these nations monarchy plays an important role as a sovereign but tends to work as a mere rubber stamp for the nation, rather being called as a Titular head of the country.

Arriving to the main content of this topic around which the research paper pivots around is “Monarchy system in the Modern World” which primarily focuses on the Monarchical system of the Great Britain. until the last century a saying renowned across the Globe which goes like “The sun never sat on the British Empire”. Research paper deals with how The kingdom of Great Britain still deems to exist though Constitutional Monarchy conduct, it contains data what is the position of the King?, how does Kingship survives? Conservative temperament prevalent around the realm of the Kingdom importance of the Crown, symbol of the Commonwealth and the Conventions of the British Constitution, and also the role of the Honorable Crown conducting foreign relations and establishing churches.

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Powers & Positions of the British Monarch –

One of the salient features of the British Constitution is the great divergence between constitutional forms and the actualities of the Government. The position of the king is the most striking example of this divergence. In theory the king is an absolute monarchy. All the governmental powers vest with him, but in reality they are exercised by the crown which is an Institution. However, the nominal powers of the King are extensive and embrace all fields and functions of the government.

Following are the powers and positions of the King in British Monarchy –

1. **Executive Powers** – The king is the head of the state. All administrative powers are vested in him. He appoints the Prime Minister and all the civil and military officers and they remain in the office so long as it pleases his Majesty. He is the supreme commander of the armed forces. He declares war, makes peace, concludes treaties with foreign powers, sends and receives ambassadors and other diplomatic agents.
2. **Legislative Powers** – The legislative powers of the king are extensive. He summons, prorogues and dissolves the parliament. When a new session of the Parliament commences he reads to the members of both the chambers the Speech from the Throne. He assents to bills passed by Parliament he can refuse to any bill the King creates the peers.
3. **Judicial Powers** – The King is the fountainhead of the Justice. He has the prerogative of granting pardon to criminals or remitting or postponing their sentence. Judges are appointed by the King and all the criminal proceedings are started in the name of the King.
4. **Fountainhead of Honor** – The King is the fountainhead of honor. It means that all the honors, titles etc. flow from the King. He bestows decorations and titles such as peerage and knighthood upon those who have done meritorious service to the nation.
5. **Head of the Church** – The King is called “defender of the faith”. He is the head of the established Churches of England and Scotland. In that capacity he appoints archbishops and bishops.

Actual Position of the King -

In theory all above the powers are exercised by the King, but in reality they are exercised by various other agencies, the king must act on the advice of the ministers all his acts are countersigned by a minister who is responsible for the House of Commons. The King thus has no power he reigns but does not govern. When he has no power, he cannot be held responsible for the acts that are performed in his name. Therefore he can do no wrong. If any act done by his name be wrong, the minister concerned will be held responsible.

Position of the King -

There is a great divergence between the theory and practice of the British Constitution. The position of the King is the best illustration of this divergence. In theory the British King is an absolute monarchy. He is the head of the State; all the executive functions of the state are performed in his name. He appoints the Prime Minister, Ministers and all the civil and military officers and all of them hold office during his pleasure. He receives and sends ambassadors, declares wars, makes peace and concludes treaties with foreign powers. He is the supreme commander of the Armed forces. He summons, prorogues and dissolves the Parliament No bill passed by the Parliament can become law without his assent which he can deny. He is the fountainhead of Justice, appoints judges can pardon criminals or reduce or postpone their sentence. He is also the fountainhead of honoree bestows honors and titles such as peerage and knighthood on those who have rendered meritorious service towards the nation.

But all this is in theory. In reality the king has no powers. All his powers have been transferred to the Institution known as the Crown. He must and always does, acts on the advice of the ministers. All his acts are countersigned by a minister who is responsible to the House of Commons. He only reigns, but does no rule, He can do no wrong because he does nothing.

Why does Kingship survives? -

A question is often asked: Why does Kingship survives in England? England is a democracy. Sovereignty resides in the people who exercise it through Parliament. The King is mere a figure head in a Democratic political setup a hereditary monarchy is an anachronism. Some

of the reasons given for the survival of the Monarchy –

1. **Conservative Temperament** - The British are essentially conservative by temperament. They hardly like to give up an Institution which has been with them for ages. Monarchy is the oldest political institution in England. The British people have developed a sentimental attachment to the institution. The idea of the removal of monarchy has never been popular with them. Jennings rightly remarks “We can damn the government but we always cheer the King”.
2. **Services of the Monarchy** – Monarchy has performed some distinct services to the nation. An able monarch is not by any means a figurehead. He or she must be consulted and kept informed by the government ministers. In the words of Bagehot the Sovereign has the rights- the rights to be consulted, the right to encourage, and the right to war. The monarch receives the minutes of the cabinet meetings and usually visited by the Prime Minister before such meetings are held . A monarch of any considerable ability who has genuine interest in public affairs can easily exercise much influence with the Cabinet. His exalted station alone gives the weight to his advice. Besides a sovereign who has been on the Throne for a period of time is likely to have wider knowledge of public affairs than that possessed by almost any of the ministers. Even more important fact is that that the Sovereign’s personal fortunes are not affected by party politics as those of other people are, and therefore he can usually be depended upon.
3. **Leadership by Monarchy** - The monarchy furnishes the leadership for the British Society it presents social and cultural ideals before the people of England. During the past century it has had generally good effect in the matters of the taste, manners and morals. It personifies the nation, as the distinct age from any party or class and provides a useful focus of patriotism. In an age of lighting change, it lends a comfortable even if merely psychological sense of anchorage and stability “ With the King in Buckingham palace people sleep more quietly in their bed”
4. **Limitations of the Titular Head** - If Kingship were abolished, some titular head, and independent of the electoral influences would seem to be necessary in the place of the King. A parliamentary system of the Government cannot function without a titular head. In the Republican states where Parliamentary system of the government prevails there is always a provision for the president with some of the attributes of

the Kingship. But an electoral titular head does not command the dignity and respect that the King of England does. If the King of England is replaced by a weak head like the Indian President, the change will be of no good, Ian Gilmour is of the opinion is that “Free government lasts much better with a king than a President”.

5. ***Symbol of Commonwealth*** – The British King is not the only the symbol of national unity but also the symbol of free association of the members of the commonwealth including that of The Republic of India. The King provides the link which brings about the free association of sovereign nations. It can be thus safely concluded in the words of Herbert Morrison “No monarchy in the world is more secure or more respected by the people than ours”

Conventions of the British Constitution –

Meaning of the Conventions –

The conventions are the integral part of the constitution. It is not possible to understand the constitution of England without paying due attention to British Conventions. They have been described by Mill as “Unwritten maxims of the constitution” and by Dicey and Anson as “Customs of the constitution”. In the words of Ogg and Zink, they consist of “understanding habits” or practices which although only rules of political morality, regulate a large portion of the actual day to day relations and activities of even the most important of the public authorities. These conventions “clothe the dry bones of the law with flesh, make the legal constitution work, and keep it abreast of changing social needs and political ideas” Yet they are not known to the law and the courts are not bound to enforce them. They have no constitutional validity.

Importance of Conventions and Kinds of Conventions –

The British constitution is full of conventions. As such, it is difficult to prepare and exhaustive list of all these conventions however the most important conventions concerning the various branches of the government and other institutions of the UK can be classified as follows –

1. Conventions Concerning Kingship-

1. The King always accepts the advice of the ministers.
2. The King always assents to the Bills passed by the British Parliament.

3. The King neither attends nor presides over the cabinet meetings.
4. The King has ceased to exercise the veto power.
5. The King invites the leader of the opposition party to assume the office of the Prime Minister where the ruling Prime Minister is ousted by the no confidence motion in the House of Commons.
6. The King dissolves the House of Commons on the advice of the Prime Minister.

2. Conventions regarding Cabinet –

1. Cabinet is formed by the majority party in the House of Commons.
2. The Prime Minister must belong to the House of Commons.
3. Ministers must be the members of the Parliament.
4. The Cabinet is collectively responsible to the House of Commons.
5. If the Cabinet is defeated on some important question in the House of Commons, it can get the House dissolved and seek its re-elections, i.e. mid-term polls.
6. All royal prerogatives are actually exercised by the ministers.
7. The Prime Minister seeks approval for the declaration of war or peace and also on his foreign policy from the Parliament.

Distinction between Law and Conventions -

Conventions are not Law. They're different from laws some of the important distinctions between the two are as follows:

1. Conventions are unwritten, whereas laws are written.
2. Conventions are the products of growth, whereas laws are made by some institution, i.e. Parliament. Hence they are made at a particular point of the time whereas the starting point of the conventions remains obscure.
3. The violation of the conventions is not breach of law and the offender cannot be persecuted by any court of law. But it is not so with Laws.
4. Conventions are obeyed because they have moral sanction only, whereas the sanctions behind the law are the sovereignty of the State. Laws, thus have legal force.

Importance of the Crown –

1. ***The Crown is the Supreme Executive Head*** – All executive authorities are exercised in his name, it enforces national law. The crown appoints the Prime Minister, the other ministers and all the higher executives and administrative officers, judges, bishops, and officers of the Army, Navy and Air Force, regulates the conditions of services and suspends and removes these officers except judges from the service. The crown directs the work of the administrative branches and national services. It collects and spends according to the law, national revenues. It holds supreme command over the armed forces of the country.
2. ***The Crown conducts the Foreign Relations*** – It appoints ambassadors, ministers, and consuls accredited to the foreign states. All foreign negotiations are carried on in the name of the Crown. The Crown can declare war, make peace and conclude treaties with foreign powers. Treaties concluded by the Crown are not subject to ratification by the Parliament.
3. ***The Crown is the Integral part of the National Legislature*** – The Crown alone can summon Parliament, prorogue it and dissolve it. It alone can set in motion the process by which the new House of Commons is elected. Ministers of the Crown guide and control all that Parliament does. They prepare the King's speech, they decide what bills shall be introduced and they pilot them and try to get them enacted. No bills passed by the Parliament become the law unless it has received the Royal assent.
4. ***The Crown is the head of the established Churches*** – As the head of the Anglican Church in England, it appoints the Bishops and the archbishops. The convocations of Canterbury and York meet only by the license of the Crown and their acts require assent of the Crown as the head of the Church of Scotland its functions are insignificant.