

An Argument for Republicanism

British republicanism is an odd beast. It is torn between the constitutional, legal and moral arguments against the present monarchical system, and the personal arguments against the present monarchy.

This article will be an examination of the non-personal argument, though, as and when necessary, hypothetical misconduct by a monarch will be discussed, with the full knowledge that these events are sometimes very unlikely, sometimes likely, and sometimes have occurred in the past.

The United Kingdom is a constitutional monarchy; that is, it is not an absolute monarchy, where the monarch's word is law, but one where the monarch's powers are limited to an extent by a constitution built up from many separate documents, by custom, and by precedent. The experience of this transition in the UK has been a relatively calm one, in contrast to many European countries, with the notable exception of the Civil War.

Section 1: What rights does the monarch have?

In theory, the monarch of the United Kingdom has the absolute right to rule. The Crown is the only institution with the power to rule, and the people of the UK are not citizens of the UK, but rather subjects of the Crown. They do not have any actual rights by law, they have rights that the Crown sees fit to grant.

In practice the Crown gave up its right to absolute rule in the *1689 Bill of Rights*, which, while not granting any rights to the people, did grant certain rights to Parliament.

The rights that the Crown has now include:

- **The oath of loyalty** - public servants, members of the armed forces, and the police all swear on oath of loyalty to the monarch.
- **The right to be consulted, 'advise and warn'** - the monarchy has the right to advise and warn the government. The Prime Minister meets with the monarch on a regular (often weekly) basis but the proceedings of the meetings are secret.
- **The Queen's Speech** - the monarch visits the House of Lords at the start of every parliamentary session to read this speech, which sets out the bills that will be put forward that session by 'Her Majesty's Government'. However, this speech is now written by the government, leaving the monarch to a purely ceremonial role.
- **The power to enact legislation** - all legislation must receive the royal assent before it can become law, i.e. it will pass through the Houses of Parliament, but is not a law until the monarch agrees to it. No monarch has refused to sign a bill since 1707, but the right still exists.

The Royal Prerogative is, essentially, the rights that the monarch has that have in reality been passed to the Government of the day. The Royal Prerogative will be considered in a later section.

Section 2: What do these powers amount to?

In general, the powers the monarch holds are minor and mainly ceremonial. However, the power to enact legislation has the potential to be a major problem in the future, if Parliament ever passed a bill found by the monarch to be impossible for him/her to sign. An important consideration is the oath of loyalty. The oath is a personal oath to the monarch, and commands loyalty to them, and not to Parliament or the country. Thus, in a theoretical conflict between Parliament and the Crown, public servants, members of the armed services and the police would owe their loyalty to the Crown. While it is unlikely that a civil war would ever again occur in the UK, it is not completely impossible to imagine a situation where Parliament passes a bill which the Crown does not give royal assent to, and that the police therefore do not enforce.

However, this is a forced example. In reality, it is unlikely to the point of impossibility that the monarch would exercise these powers to the detriment of the government of the day. At this point, these issues pass from legal and constitutional arguments to moral ones, and this will be covered later.

Section 3: The Royal Prerogative - powers passed to government.

The Royal Prerogative is a catch-all term applied to a variety of powers. The ones generally covered are discussed below.

The power to choose the Prime Minister - When the need arises, most often after a General Election, the monarch calls the leader of the political party with the most seats in the House of Commons and invites him/her to form a government. The monarch would never call someone else, as the public outcry would be incredible. However, in a hung parliament, the monarch would have to show some discretion on who to call, essentially choosing, after the public have voted, who is to run the country.

The power to appoint and award honours - The decision about honours, peerages and bishoprics is made by government and passed to the monarch who then conducts the relevant ceremonies. The government also tells the monarch who to appoint as a Minister, unsurprisingly. The government also chooses who to appoint as judges, magistrates and other holders of public office.

The power to approve the dissolution of Parliament - The monarch decides when to dissolve Parliament and call an election, on the Prime Minister's advice. In practice, this allows the Prime Minister to choose the date of an election to his/her greatest benefit (as long as it is called within 5 years of the last one). It is unlikely the monarch would refuse to dissolve Parliament, but if Parliament could form another government without one (e.g. in a hung Parliament) an election may be refused.

The power to sign treaties - The government can sign treaties without checking with Parliament, though it should get Parliamentary approval afterwards. An example of the difficulties this can cause was shown by the Maastricht Treaty in 1993. The government of the day had already signed this treaty, but due to a number of their backbenchers being opposed to the treaty, it looked possible that the government would be defeated. Some members of the government stressed they did not actually need Parliamentary approval, due to the Royal Prerogative, but this did not eventually come to pass, with the government linking the passage of the motion to a 'Vote of Confidence' at a time when many of their backbenchers felt unwilling to face the electorate once more.

The power to declare war - Perhaps of most interest at the moment is the power of the government to declare war without seeking approval from Parliament. This was used during the first Gulf war, and Parliament was only asked to approve the action four days later. They did so.

However, it is not impossible to imagine a situation in which war is declared and Parliament does not give its approval. It is unknown what would happen at this point - as noted above, the armed services swear an oath to the monarch, in whose name war is declared. The opposition of Parliament may prove to be irrelevant.

All countries grant their government prerogative powers to a greater or lesser extent. The question is if the prerogative powers the UK government has received from the crown are too sweeping. The powers listed here would allow a government to declare and fight a war and then sign a peace treaty all without needing to seek Parliamentary approval. A UK government can choose who goes into the House of Lords, the second chamber of the UK democracy, meaning while one chamber, the House of Commons, is elected, the other is (following the removal of the majority of hereditary peers) chosen by the government of the day - the difference being, of course, peers are members of the House of Lords for life.

Section 4: The Moral Argument

The moral argument against a monarchy is, for me, a very simple one - I refuse to accept that anyone can automatically be my ruler because of the family they are born into. It is an expression of the democratic ideal - "that all men are created equal". For a country that wishes to call itself a democracy to have an unelected hereditary head of state seems to me to be farcical. In addition to this, the perpetuation of this system naturally leads to important effects in society. By saying that one family is superior to all others, you are creating a system that reinforces the habitual deference of the British subject - too often the population of Britain will blindly accept what is told them by those in authority, something which I believe is fundamentally harmful to any free society.

In conclusion, I would like to say that Republicans are not arguing for the sovereign of the UK to be dragged down to the level of subjects, but for the subjects of the crown to be raised to the level of sovereigns - to truly create a system where the people, collectively, are sovereign, and able to decide their own fate, and their own leaders.

<http://users.durges.org/~tar/rant3.live>

By Trevor Roberts