

What's Wrong with the Monarchy?



THE ANSWER TO MY QUESTION is not personal; it is not dependent upon the qualities of the reigning monarch. For example, we know that Queen Elizabeth II liked rather too much neat gin, we know that she revelled in the idea of being a simple, country woman, which involved a great deal of horse riding and hunting, but not much ploughing, muck spreading, or sheep dipping. We know that Charles III despite having only an amateur's interest in architecture, and a populist dislike of design innovation, felt able as the Prince of Wales, to wreck the careers of young architects whilst promoting his pet-project, Poundbury. This was a kitsch venture from the start that has never freed itself from architectural pastiche harking back to Georgian England and the Regency. Poundbury is a small town of fewer than 4,000 souls, a village really, which has a large town square named after the last

Empress of India, who just happened to be Charles's grandmother.

We know that Edward the VIII (subsequently the Duke of Windsor), was a fascist, and before the second world war, the whole family seemed enamoured with the Führer, until war broke out. Yet for most people this is a distant historical footnote and does not disturb or dislodge the sainted image of Queen Elizabeth II, the monarch who never put a foot wrong in her seventy-year reign, remaining resolutely neutral on political events and changes in social circumstances. True, she misread public feeling over the death of the People's Princess, Diana Spencer, but this was a small misstep when set beside the separations, divorces, and sexual scandals associated with her truly dysfunctional family. She rose above it all, saying nothing, doing little, as impassive and she was implacable in carrying out her duties as a constitutional monarch governed by the Parliament over which she apparently ruled.

Of course, since the revolution of 1688 when the William of Orange in league with the City of London, a large Dutch fleet, and thousands of soldiers, put himself and Mary on the throne, Parliament has been sovereign.

In February 1689 parliament approved the Declaration of Right. A month later William and Mary were proclaimed joint monarchs, sworn to uphold the laws enacted by Parliament. A new coronation oath was used where William and Mary solemnly promised "to govern the people of this kingdom of England, and dominions thereunto belonging, according to the statutes in parliament agreed on, and the laws and customs of the same". This was followed in December 1689 with the Declaration of Right which consolidated the primacy of Parliament, freedom of speech and debate in Parliament, and the free election of members of Parliament.

These developments did not constitute a comprehensive statement of civil and political rights, but they inaugurated a process in which, along with

the Act of Settlement 1701, Britain became a constitutional monarchy.

So far so good.

The problem however, is this: the powers of the Crown are exercised by the prime minister and government of the day without public or democratic scrutiny. It is true that we have had democratically elected prime ministers since 1928, but the monarchy provides a parliamentary structure, and an ermine-coated camouflage, for the exercise of undemocratic political power by the government of the day and an oligarchy of unaccountable royal and parliamentary officials.

It is often said that the monarchy is simply an ornament of our constitution, but this is untrue. Indeed, it is a lie, because under the rubric of monarchical authority much is done which prevents proper democratic oversight of the operation of the government and the management of the state. Recently it was fascinating to see the official recognition of Charles III's ascension to the throne at St James Palace. Here the Heralds decked out in marvellous tabards, like Jacks dealt from a pack of cards, flanked by royal trumpeters proclaiming the new King, while inside two hundred or so privy councillors witnessed Charles III signing documents which permitted the continued use of Her Majesty's seal until a new one could be produced.

Yet, who are the privy council? Members are appointed by the monarch on the recommendation of the prime minister. Currently, there are 700 members, but a mere three privy council members is enough to constitute a quorate meeting. These arrangements permit the government of the day from time to time to provide secret briefings for first ministers of the devolved administrations, ministers, former prime ministers, and other leading figures in the state. The briefings are privileged – which means that they must remain secret. The privy council does not do much, cannot do much, but remains a bulwark of the monarchy and the state.

Now in a democracy it is astounding that such an institution persists, except when you realise that half of our legislature is unelected; appointed by the monarch on the recommendation of the prime minister of the day. There are 808 hereditary peers of the realm: 29 dukes, 34 marquesses, 191 earls, 111 viscounts, and 443 barons. But don't panic, the House of Lords Act 1999 abolished the automatic right of hereditary peers to sit in the House of Lords, which today is largely the preserve of life peers appointed on the recommendations of prime ministers. In fact, there remain 92 born aristocratic lords elected from amongst the hereditary peers who are allowed to sit in the House of Lords and participate in enacting laws.

This is bizarre enough, but not as bizarre as the spectacle of half of our apparently democratic legislature being appointed by the monarch on behalf of sitting prime ministers. There is, of course, a Lords Appointments Commission which independently advises the prime minister and the Crown on who they should appoint to the Lords. These seven independent commissioners recommend and vet each candidate for ennoblement, although, of course, their independent status remains somewhat obscure.

A similar rigmarole is in place for the Justices of the Supreme Court. Such judges are appointed by the King on the advice of the prime minister. There is, as you will now suspect, an independent Selection Commission, composed of the President of the Supreme Court, an ordinary senior UK judge, a judge from the Judicial Appointments Commission, a judge from the Judicial Appointments Board for Scotland, and a judge from the Commission for the North of Ireland.

All in all, it's a marvellous merry-go-round of independent commissions in which the King advised by the prime minister, shapes the Supreme Court of the United Kingdom. This ensures that a self-perpetuating oligarchy of judges appoints itself, in a procedure supervised by the Lord Chancellor, free from independent democratic scrutiny.

The same might be said for the appointment of all our judiciary throughout the United Kingdom of Great Britain and Northern Ireland. The monarchical institution provides cover for privy councillors, peers, judges, and prime ministers, to conduct business, behind closed doors, shielded by royal prerogative, patronage, and privilege. The dressing up, the feathered hats, the robes, marching bands, bagpipes, horsedrawn carriages, and golden embroidery, mask a sinister reality in which much of government is neither responsible or transparent.

We live in a country where the elected prime minister appointed by the monarch chooses their cabinet ministers using royal powers as The First Lord of the Treasury in a private manner which echoes the selection of the privy councillors, the peers of the realm, and His Majesty's judges. The machinery of the British state is operated away from public scrutiny, more or less in secret because the monarchy is used to cloak its workings in obscure royal malarky.

The King has few powers, Parliament is sovereign, that much is clear. However, it is the monarchy, *the fact of the House of Windsor*, which transforms the powers of prime ministers, the privy council, the House of Lords, and our judicial oligarchy, into a right royal carry on. The Crown legitimates and endorses the management of our state in a manner more or less unseen, and uncontrolled by the public.

Clearly, we need at the very least, to disentangle the monarchy from the operation of the state. By all means keep the dogs, horses, and a few palaces, but let's end the pantomime in which the King opens Parliament, signs bills into law, appoints the privy council, the House of Lords, the Supreme Court, the judiciary, and permits the prime minister to select ministers without Parliamentary vetting or oversight. If our people want a monarchy, fine, but let's make sure that it is an ornament to our constitution and not a means of restricting the democratic management of the state.