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What's The Point of Constitutional Monarchy?

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ABSTRACT

The article examines the point of constitutional monarchy as a form of leadership. It considers five functions of leadership and examines the extent to which constitutional monarchy fits these functions. It concludes the best argument for monarchy is found in the role of leader as exemplar, the capacity to act as prototypical group member. As such, the monarch exemplifies the values of state membership, acting as a point of reference and reassurance. Moreover, as the monarch can embody a range of differing conceptions of prototypicality, she can possess different meanings for different state members, providing a shared point of identification for those who would otherwise disagree. However, the mode of selection of the monarch is problematic, making it improbable officeholders will invariably possess the capacity to fulfil the role and bringing moral costs. In consequence, monarchy is a time-limited constitutional form, a transitional mode of leadership.

KEYWORDS: Political philosophy, Monarchy, Constitutionalism

I. INTRODUCTION

This is an article about a particular type of leadership, that of constitutional monarchy. Though a great deal has been written about the powers of monarchy, far less has been written about its point, that is, the function or functions it plays within the constitution. The article begins by presenting constitutional monarchy as an ideal-type, identifying the characteristic structures of the institution that distinguish it from other constitutional forms. The second part of the article then identifies the possible functions of monarchy, asking what, given its structure, its role within the constitution might be. The article concludes by assessing the attractions of monarchy and argues that whilst monarchy may sometimes play a valuable role within the constitution, its structures and functions are in tension. The attractions of monarchy are contingent on the character of the person occupying the role, but the selection processes attached to the institution are such that it is improbable that the office will be consistently filled by someone capable of meeting its demands. When monarchy is working well, it is an asset to the state, but, in contrast to some other forms of leadership, it is, despite its longevity, a necessarily time-limited constitutional form, a transitional institution which will eventually give way to some other type of leadership institution.

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II. CONSTITUTIONAL MONARCHY AS AN IDEAL-TYPE

This article is concerned with the type of monarchy found in several states including the United Kingdom, Spain, the Netherlands, Sweden, and Norway.[1] Though these institutions differ in their details, they share a broad range of features that permit us to describe an ideal-type of constitutional monarchy, a model which captures the significant features of that office whilst acknowledging that its real-world instantiations will occasionally depart from the model, sometimes in significant ways. Given the focus of this article is on the functions of constitutional monarchy rather than an examination of its various manifestations, so is not an exercise in comparative constitutional law, this ideal-type can be sketched relatively broadly. Constitutional monarchy has four groups of attributes. First, it is a personal office, one held by an individual and, moreover, held by virtue of the identity of the office-holder. Second, it is a form of leadership, with the monarch possessing genuine, if limited, power over others within the constitutional order. Third, the office has symbolic significance, the monarch is identified by the constitution as head of state and is commonly identified as head of various institutions within that state. Finally, the office is one half of a paired form of constitutional leadership, with the monarch partnered with a prime minister, a second leader, who possesses an indirect democratic mandate.[2] Each of these four features requires further examination.

A. Monarchy as a Personal Office

Monarchy is a constitutional institution, established by the rules of the constitutional order. It falls within a subset of constitutional institutions, constitutional offices, which are institutions occupied by a single person. As such, it is similar in form to other offices such as citizen, judge, or legislator. Unlike these offices, though, there is only ever one monarch, and only one office of this type can exist in the constitution at a given point in time. There are other singular offices in the constitution, such as, for instance, prime minister, lord chief justice, or head of the Basingstoke Council taxi licensing team, but, in contrast with these offices, the monarch is a personal office in a further sense, in that it is held by virtue of the identity of the individual. Whilst there have been, and are, examples of monarchies that are based on election, the type of monarchy discussed in this article is hereditary, one conferred by right of birth.[3] As such, the office is never empty. Whilst other constitutional offices could, in principle at least, stand vacant for a time, there is always a monarch, though the line of secession may be disputed and we might not be sure who occupies the office. Constitutional monarchies present themselves as democracies and within democracies the existence of hereditary offices is very unusual. Though there are some other offices in European states that are hereditary, these are normally little more than constitutional relics, titles greatly enjoyed by their possessors but of no real constitutional moment. Monarchy, in contrast, is a hereditary personal office of great significance.

The oddity of a hereditary constitutional office is worth emphasizing. Though it is law that defines the entitlement to occupy the office, the underlying rationale of the law presents this entitlement as grounded in a bloodline, the monarch holds office because of their parentage. Most officeholders in democratic states can be removed from office without their consent. The monarch, in contrast, holds office until they die, become incapacitated, or choose to abdicate. This can change in exceptional circumstances. In a constitutional monarchy the legislature could alter the rules regulating the monarch to enable their removal, though in some monarchies such legislation would, under the existing rules of the system, require the assent of the monarch.[4] In addition, as Edward VIII and King Carlos I discovered, on rare occasions popular pressure is sufficient to trigger abdication. Absent these unusual circumstances, it is for the monarch to decide when and if

[1] This section is indebted to *The Role of Monarchy in Modern Democracy: European Monarchies Compared*, ed. Robert Hazell & Bob Morris (Oxford: Hart Publishing, 2020), which provides a detailed survey of monarchies of this type.

[2] In Spain the office that would commonly be described as a prime ministership is labelled a presidency.

[3] Though see, on the echoes of election in the English monarchy, Rodney Brazier, "A British Republic," *Cambridge Law Journal* 62 (2002): 352-5.

[4] The capacity of the legislature to eject the monarch is often unclear. Even if, under the existing legal structures, the King's assent was required for legislation ejecting him from office, it is possible that legislation that lacked such assent would still be treated as valid within the system in a time of crisis.

she exits office. A little like a piece of private property, monarchy is held at the discretion of its possessor, so long as that possessor retains the capacity to make use of it.

B. The Power of the Monarch

As well as being personal, the office brings discretionary power; it is a form of leadership, and not a mere honorific. In terms of legal powers, monarchs commonly, though not invariably, possess the right to veto legislation, to appoint the prime minister and members of the cabinet, and to summon and dissolve the legislature.[5] Of course, in a constitutional monarchy the monarch's capacity to exercise these powers is radically curtailed. It is, for example, vanishingly rare for a contemporary constitutional monarch to veto legislation, and their involvement in the appointment of prime ministers is normally limited. But even if these legal powers are heavily constrained by convention and political pressure, their bare existence renders them of constitutional significance. In part, this is because of the possibility of constitutional crisis, where, because of these legal powers, the monarch is put in a position where she is either compelled to intervene or put in a position where it is arguable that she ought to intervene. For example, the monarch might be compelled to intervene when she is required to appoint a prime minister, and the normal political processes that generate a candidate for her to appoint have failed.[6] Then the monarch must either pick between possible candidates, or appoint someone to structure the political processes to generate a candidate. In either case, the monarch is given some input into the choice of prime minister. Even apparently clear conventions can struggle to regulate the conduct of the monarch at the margins, especially when there is plausible disagreement over the content of those conventions. In the United Kingdom, for instance, there is disagreement over the duty of the King if advised to veto a bill by the Prime Minister.[7] Some say the King should always follow advice, and must veto, others say the point of the convention requiring the King to follow prime ministerial advice is to protect the position of Parliament in the constitution, and, in consequence, he should refuse.[8] Whatever is thought of the merits of these claims, the mere existence of the debate means that neutrality is not an option for the monarch.[9] At a moment of crisis the King would have to choose between the rival views. And finally, of course, the bare fact that a monarch possesses a legal power gives them a tool they can use. The risk they might try to exercise the power, even the possibility that they will consider its exercise, can shape the behavior of others in the system.[10] Robert Hazell, and others, have written of the United Kingdom's monarch as playing a "long-stop" role in the constitution, able to act in extreme situations.[11] That they can act in these situations, or even that they can plausibly threaten to act, confers discretionary power upon the monarch, and, given that it is for the monarch to decide when such situations have arisen, the "exceptional" pushes back into the ordinary.

Discussion of the legal powers of the monarch slides into a discussion of their soft power, the capacity of the monarch to influence and persuade, even when lacking the power to command.[12] Some, perhaps much, of the soft power of the monarch depends on the character of the individual holding the office and their ability to harness respect and influence, but the legal structures of monarchy protect and foster this influence, ensuring that the office comes with some capacity to shape state policy and decisions.[13] In part, this is due to the legal powers discussed in the previous

[5] Hazell & Morris, ch. 3. For the definitive discussion of the powers of the monarch in Westminster systems, see Anne Twomey, *The Veiled Sceptre: Reserved Powers of Heads of State in Westminster Systems* (Cambridge: Cambridge University Press, 2018).

[6] Twomey, *The Veiled Sceptre*, ch. 3.

[7] Ibid., ch. 9; Adam Tomkins, *Public Law* (Oxford: Oxford University Press, 2003), 63-4; Robert Blackburn, "The Royal Assent to Legislation and a Monarch's Fundamental Human Rights," *Public Law* [2003]: 205-210; Rodney Brazier, "Royal Assent to Legislation," *Law Quarterly Review* 129 (2013): 184-204.

[8] Robert Hazell, "Constitutional Functions of the Monarchy in the UK," in Hazell & Morris, 24-6; Robert Hazell and Timothy Foot, *Executive Power: The Prerogative, Past, Present, and Future* (Oxford: Oxford University Press, 2022), ch. 6.

[9] Robert Blackburn, "Monarchy and the Personal Prerogatives," *Public Law* [2004]: 546-63.

[10] Luc Heuschling, "Luxembourg: Grand Duke Henri's Refusal, in 2008, to Sign the Bill Legalising Euthanasia," in Hazell & Morris, 52-7.

[11] Helle Krunke, "The Monarch's Constitutional Functions in Denmark," in Hazell & Morris, 26; Brazier, "A British Republic," 361.

[12] Walter Bagehot, *The English Constitution*, ed. Richard Crossman (London: Watts & Co 1964), 111; Rodney Brazier, *Constitutional Practice* 3d ed. (Oxford: Oxford University Press, 1999), 184-9.

[13] Asif Hameed, "The Monarchy and Politics," *Public Law* [2016]: 401-409; Tomkins, *Public Law*, 70-72.

paragraph: even if not exercised, these powers still shape the interaction of the monarch and others in the constitution.[14] But it is also common for the monarch to be given protected access to the prime minister and other senior figures in government.[15] Whether they like it or not, and one minister robustly described his meetings with Queen Beatrix as "a nuisance,"[16] these audiences are often obligatory, sometimes with the obligation grounded in law rather than convention. The monarch's soft power can be significant and extensive.

C. The Ceremonial Roles of the Monarch

The third aspect of constitutional monarchy, its symbolic significance, is the hardest to pin down but might be of greatest importance. The monarch is standardly identified as Head of State, and acts as a figurehead for the state both domestically and internationally. In addition, the monarch is commonly identified as head of branches within the state, or is the object of loyalty oaths required of state officials. For example, in the United Kingdom the monarch is the commander-in-chief of the armed forces, whilst judges, members of parliament, and police officers in England, Wales, and Scotland all swear allegiance to the King. The symbolism of monarchy is an active form of symbolism, one buttressed by ceremony and ritual. The monarch is presented as the focal point for the state and many state institutions, and the parades, services, investitures, and garden parties attended by the monarch are important parts of the office.

D. Monarchy as Paired Leadership

Finally, constitutional monarchy is a paired form of leadership. A curiosity of leadership at the top of institutions is how often it is shared between two people—and, indeed, how rarely it is shared between more people than this. For instance, companies and charities often have a chairperson and a chief executive officer, and even in non-monarchical states leadership is often split between a president and a chancellor. Where such pairing occurs, it is reasonable to suppose that these leaders play different roles, not just in the sense of having different legal powers or jurisdictions, but meeting different leadership needs within the state. The combination of the two leaders may, it might be hoped, produce more than the sum of its parts. The monarch is partnered by a prime minister, a very different form of leadership office. Whereas the monarch's office is hereditary, the prime minister's office has a democratic mandate, mediated through the legislature. Partly as a result, prime ministers tend to be more transitory than monarchs, a monarch's reign often spans multiple prime ministers. By having such radically different modes of appointment, one that has clear implications for the relative legitimacy and powers of the offices, the risk of conflict, inherent in paired leadership models, is mitigated.

E. A Note on Governors-General

Those constitutional monarchies that possess a governor-general, such as Australia, Canada, Jamaica, and New Zealand, provide a variant form of constitutional monarchy. The powers of governors-general are, in broad terms, those of the monarch they represent, but their mode of appointment is radically different. Though nominally appointed by the monarch, governors-general are normally chosen by the governments of their states, and, though it is not invariably the case, the office is often held for a limited term. In these systems the monarch, back in London, becomes a remote figure, little more than a cypher, and the paired leadership characteristic of constitutional monarchies is between the governor-general and prime minister. In the next section the possible functions of a constitutional monarch are discussed. This discussion does not directly extend to systems which include governors-general. That the office of governor-general is grounded in a political appointment alters the types of functions the governor-general could play within the constitution, and the range of constitutional balances that might usefully exist between the governor-general and prime minister. For instance, the appointment process opens the possibility that the governor-general will have been selected for the skills they bring to the constitution. In addition, this process confers a political legitimacy on the governor-general that a constitutional monarch lacks: governors-general are, if indirectly, the products of a

[14] Paul Bovend'Eert, "The Netherlands: From Personal Regime to Limited Role," in Hazell & Morris, 39.
[15] Hazell & Morris, ch. 4.
[16] Rudy Andeweg, "Political Functions of the Dutch Monarchy," in Hazell & Morris, 69.

democratic process. Indeed, it could be argued that in these systems the monarch, as a constitutional figure, is in the process of atrophy, with a constitutional form emerging akin to a semi-presidential system, though without the direct election of the head of state.[17] It is possible that this, or something like it, could prove a durable constitutional model.

III. THE FUNCTIONS OF CONSTITUTIONAL MONARCHY

The term "function" is a loaded one in the social sciences. It is sometimes used as a way of explaining the emergence of an institution or practice, and provides a form of causal claim, one which seeks to explain why the institution exists within a community.[18] In this article, in contrast, "function" is equated with point, that is, the function of an institution is to be found in the need which it satisfies of the community of which it is a part. Consequently, the article is seeking to identify the justifications for monarchy rather than to explain its operation and existence. This understanding of function is tied to legitimacy. When we have reason to want to see this need satisfied, and when the institution is satisfying the need, this gives us a reason, though not necessarily a conclusive one, to support the institution, support which includes accepting its authority over us. It may be that this also supplies an explanation of the emergence or existence of the institution—perhaps people have, in the past, recognized that it meets this need and have supported it for this reason—but this is not necessarily the case. When we examine constitutional monarchy, the explanation of its emergence and flourishing may be found in the function or functions it currently plays in the constitution, but need not be. Constitutional monarchy could have emerged for reasons radically disconnected from those we have for supporting it in its present form.

The previous section presented monarchy as a particular type of constitutional leadership, one with real, if limited, discretionary power over others within the constitution. This section turns to the possible functions that leaders can play within constitutions and examines the extent to which the structures of monarchy, discussed in the previous section, map on to these functions. These functions are not exclusive, and most forms of leadership, including monarchy, engage multiple functions.

A. Technical Capacity

The most obvious reason for leadership within a group is that the leader brings technical capacity, that she possesses skills that help the group achieve its goals. This may be direct, where the leader is the most skilled person in the group and the others should follow her lead, or indirect, where the skill of the leader lies in the coordination of group members, helping them work together successfully. This is a form of transactional leadership: followers get a benefit from the actions and decisions of their leader, and this benefit grounds an argument for their acceptance of leadership, the leader's commands should be accepted, and their occupancy of office should be supported, because those within the group are more likely to achieve their goals through the leader than through their own decision-making. It is what Joseph Raz styled, perhaps overly expansively, the "normal" justification for authority: others in the group should accept the commands of the leader because, by so doing, they are more likely to act on the reasons that apply to them than if they relied upon their own judgement.[19] Sometimes this model of leadership is used to defend the leaders of autocratic states. In a bold argument for the legitimacy of China's leadership, Daniel Bell argues that China's political system produces leaders who are technically competent administrators, and who enjoy legitimacy for this reason.[20] Under this model of leadership, the process of selection should tally with the technical skills we hope the leader will possess. Exams and assessment are the most obvious modes of selection for leaders of this type, and, indeed, these processes are used within the Chinese system.[21] For some technical skills it could be argued that elections, both nationally and within political parties, provide an appropriate selection process. Max Weber argued that the

[17] Dean Knight, "Patriating our Head of State: A Simpler Path?," in *Reconstituting the Constitution*, ed. Caroline Morris, Jonathan Boston, and Petra Butler (London: Springer, 2011)

[18] Alexander Rosenberg and Tyler Curtain, *Philosophy of Social Science*, 5th ed. (London: Routledge, 2015), ch. 10.

[19] Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press 1986), 53-7.

[20] Daniel Bell, *The China Model* (Princeton, NJ: Princeton University Press, 2015). See also Frank Dikötter, *Dictators* (London: Bloomsbury, 2019), 130-3.

[21] Bell, *The China Model*, 168-175.

rough and tumble of British parliamentary politics provided a good testing ground for political leaders: those who rose to the top were able to communicate effectively and work constructively within committees.[22] These leaders possessed the technical political skills needed to marshal political power, drawing people together behind the policies of the state.

Arguments from technical capacity play an important part in the justification of many types of state leadership, but their significance for the discussion of constitutional monarchy is ambiguous. An oddity in discussion of constitutional monarchy is that it is commonly argued, sometimes in the space of a few pages, both that the monarch is politically inert, so there is no democratic problem with their existence, and that they possess technical skills of some sort, so we should be glad of their input into the constitution.[23] Looking back at our ideal-type of monarchy, many elements of this model imply a need for technical skill. Most obviously, the areas of discretion accorded to the monarch are ones which require some type of technical expertise to exercise successfully. Even the claim that the monarch has a "longstop" constitutional function in moments of crisis requires some level of skill, both in terms of their identifying the crisis and being competent to resolve it.[24] And the expectation that the monarch will engage with political leaders, through their regular meetings the prime minister and others, implies they will make some sort of contribution to the governance of the state. Robert Hazell moots that that monarch might play a 'mentoring' function in these meetings, acting as a sort of coach for the political leaders with whom they are paired.[25] For these meetings to have a point, the monarch must bring to them something of value, asking the right questions to enable her ministers to reflect on and develop their policies. Such a coaching role may require technical expertise of a different type to that found in relationships in which a superior conveys practical knowledge to a junior, but it is a form of technical expertise none the less, with the monarch needing to possess sufficient background knowledge in the relevant area to act as a mentor, and the educative skills necessary to enable them to help their mentees develop their own thoughts on the topic.

Older arguments for monarchy were grounded in strong religious claims: the monarch was selected by God or, more ambitiously still, was an emanation of God on earth.[26] If either of these arguments were accepted, the monarch might, indeed, be relied upon to possess the technical skills needed to acquit their office successfully.[27] God would have ensured that they possessed the skills to tackle the tasks they faced. Such religious arguments are no longer widely persuasive, and few, if any, would accept the monarch is likely to possess technical skills because of God's intervention in our affairs. Given that monarchy is hereditary, the chances of the monarch possessing a set of technical skills is likely to be roughly the same as any other member of the state, perhaps slightly higher than the median, given the effort and expense invested in the fledgling monarch's education. It is likely, indeed inevitable, that, over time, monarchs will be appointed who lack the technical capacity to successfully perform this function. If we want a leader to exhibit technical capacity, the hereditary principle is a very poor mode of selection. As a response to this, it might be contended that the monarch herself does not need to possess these skills, it is enough that those around her have these capacities and can advise her. But this just pushes the need for technical capacity back one step: now the monarch's technical skill rests in identifying competent advisors and processing their guidance successfully. Monarchs are rarely short of advice.

B. Decisional Capacity

A second leadership function is raw decisional power, the capacity to make a choice, and, by choosing, to end discussion and dispute within the state. Whereas technical capacity related to the

[22] Max Weber, "The Profession and Vocation of Politics," in Max Weber, *Political Writings*, ed. Peter Lassman and Ronald Speirs (Cambridge: Cambridge University Press, 1994), 342-4, see also 324-5.

[23] Helle Krunke, "Day-to-Day Functions of the Monarch in Denmark," in Hazell & Morris, 78; Robert Hazell, "Day-to-Day Functions of the Monarch in the UK," in Hazell &Morris, 80-82.

[24] See also Helle Krunke's discussion of the monarch as the guardian of democracy: Helle Krunke, "Modern Forms of Legitimisation of the Monarchy," in Hazell & Morris, 216-7.

[25] Robert Hazell and Bob Morris, "Towards a New Theory of European Monarchy," in Hazell & Morris, 271.

[26] King James I, "Basilicon Doron," in King James I, *Political Writings*, ed. Johann P. Sommerville, (Cambridge: Cambridge University Press, 1994), 12-13; Ernst Kantorowicz, *The King's Two Bodies* (Princeton, NJ: Princeton University Press, 1957), ch. 3.

[27] Even a wicked king was divinely chosen for a reason: King James I, "The Trew Law of Free Monarchies" in *Political Writings*,78-9.

special expertise possessed by the leader, decisional capacity requires no special knowledge or skill, merely the possession of a power. Indeed, taken by itself, under this model of leadership it does not matter what is decided, all that matters is that an effective decision is taken. This decisional capacity was central to Thomas Hobbes's account of the state and the sovereign. The existence of Hobbes's sovereign was justified by its capacity to make political decisions that were effective; almost irrespective of the substance of those decisions, what mattered was that the sovereign brought order, and, according to Hobbes, this order was preferable to the anarchy of the state of nature.[28] In Carl Schmitt's writings, which drew on Hobbes's work, the connection between decisional capacity and leadership is tighter still.[29] Schmitt's sovereign can remain in the background but steps forward at times of crisis to define the boundaries of state membership. The sovereign has the capacity to answer what was, for Schmitt, the foundational political question of the state, drawing the line between friend and enemy.[30] Sometimes Schmitt claimed, following Hobbes, that institutions can possess sovereignty, that, for example, the capacity could be vested in a legislature, but the process by which Schmitt's sovereign is identified cuts against this.[31] Schmitt's sovereign emerges at a moment of crisis, but, if an institution played the role of sovereign, what if the crisis then infects that institution? Then the institution would fragment, revealing a smaller group or sub-institution that could make the decision, and the fragmentation could continue, moving downwards, until finally a "sovereign" individual is revealed, the irreducible unit at which a decision can be made. Schmitt's account of sovereignty is, then, an account of leadership, one which is centered on the claimed necessity of an individual with decisional capacity for the existence of the state.

The persuasiveness of Schmitt's account of the constitution can be put to one side for now.[32] What it does provide, though, is a leadership model that turns on the bare capacity to decide. The utility of this decisional capacity could extend beyond the foundational question identified by Schmitt. Whenever we find ourselves in constitutional deadlock, when the rules and institutions of the constitutional system are unable to resolve a dispute, the existence of a person able to step in and resolve this deadlock is of value to the state. The legitimacy of this form of leadership is grounded in a combination of necessity and ability, in contrast to the technical skill in the previous section. Once more, it is a form of transactional leadership. We have reason to support that person in a position of leadership and to accept the decision that is made simply because we need a decision to be taken, and this person can take it.

It might be that, occasionally, monarchs exercise a decisional role when situations arise in which normally effective processes fail to produce an outcome.[33] Perhaps, for example, when the parties in the legislature are unable to identify a candidate for prime minister and the current holder of the office declines to continue to serve, or an appointment panel for a senior role is deadlocked. It is, though, hard to think of examples of where we would want the monarch to play this role. Most of the possible cases, when looked at closely, collapse back into the previous section. We do not simply want the monarch to decide, to play the role of a flipped coin, but, rather, we want the monarch to resolve the crisis in a skillful way, either by helping restore the effectiveness of the constitutional process, making it work once more, or by achieving the outcome that the process ought to have reached. In those very rare situations in which what is needed really is just a decision, and the merits of the options decided between are irrelevant, the capacity of the monarch to undertake this task will depend on their political capital, the extent to which their decisions will be accepted within the constitutional community. Where the constitution explicitly confers a power on the monarch, such as the power to appoint the prime minister, it is likely, though not inevitable, that

[28] Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 1991), 117-121.

[29] John MacCormick, "Teaching in Vain: Carl Schmitt, Thomas Hobbes and the Theory of the Sovereign State," in *The Oxford Handbook of Carl Schmitt*, ed. Jens Meierhenrich and Oliver Simons (Oxford: Oxford University Press, 2016).

[30] Carl Schmitt, *The Concept of the Political*, trans. George Schwab, (Chicago: University of Chicago Press, 1996), 49; Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab, (Chicago: University of Chicago Press, 2006), 12-13.

[31] Hobbes, *Leviathan*, 184; Renato Cristi, "Carl Schmitt on Sovereignty and Constituent Power," in *Law as Politics: Carl Schmitt's Critique of Liberalism*, ed. David Dyzenhaus (Durham, NC: Duke University Press, 1998).

[32] See further Nicholas Barber, *The Constitutional State* (Oxford: Oxford University Press, 2010), 121-123; Nicholas Barber, *The Principles of Constitutionalism* (Oxford: Oxford University Press, 2018), 28-29.

[33] Rodney Brazier, *Constitutional Reform: Reshaping the British Political System* 3d ed. (Oxford: Oxford University Press, 2008), 94-5.

the monarch's political capital will be sufficient to allow them to make a choice. In other situations, where the constitution does not provide an explicit power for the monarch to resolve deadlock, their political capital will depend on how they are regarded within the community, whether they have the respect and influence necessary to make the decision stick. The capacity of the monarch to play a decisional role in the constitution will be contingent on both the circumstances of the constitution and on the character of the monarch.

C. The Leader as a Product of their Mode of Selection

The last two models of leadership looked at what the leader, through their actions, can do for the group. The following models, in contrast, turn on the presence of the leader in office: rather than benefiting the state through their actions, under these models the bare presence of the leader bestows a benefit upon the state. The first of these models turns on the mode of selection. In many states the process by which the leader is selected is regarded as of inherent value. The democratic process is the most obvious example of this. Whilst there are many strong instrumental arguments for democracy, contending that it produces good government, the process is often regarded as intrinsically valuable, as a way in which states acknowledge the basic moral equality of people through their constitutional structures.[34] Everyone gets a vote, everyone's vote is given the same significance. More generally, the democratic process permits the creation of citizenship, the optimal form of state membership, one in which the constitution confers the maximum amount of political influence on an individual that is congruent with the moral equality of others in the state. When a leader is selected through democratic processes, the leader stands as a product of those processes, and, as such, benefits the state simply by their presence in office. They stand as a sign of the commitment of the state to this mode of selection, and the democratic process can only operate if their authority as leader is accepted. The function of the leader is, by their bare presence in office, to support and render viable their mode of selection. Under this model, their technical or decisional capacity is not significant. In some ways this is a more robust argument for the leader's legitimacy than that found in the two previous leadership models. Even if we disagree with the leader, we still have reason to accept her decisions and support her in office.

Democracy is the most obvious form of selection process that might be ascribed inherent value, but it is far from the only candidate. Under the old justifications for monarchy, those grounded in divine will, an argument of this type could be made for the monarch: perhaps we should accept the authority of the monarch because she had been selected by God, and her continued occupancy of office amounts to an expression of the faith of the community, and their embrace of His divine plan.[35] Once God is removed from the picture, the mode of selection of the monarch becomes a problem, not a strength. Having a leader selected by birth implies problematic claims about how authority and prestige are conferred within the state, ones that are set against the basic idea of constitutional equality that underpins citizenship.[36] One of the most significant of all constitutional roles, the Head of State, no less, is awarded by right of birth and, in consequence, is not an office other state members can aspire to occupy. This mode of selection implies a statement about how the community views entitlement and reward, a statement that has implications stretching beyond the selection of the monarch. It stands in opposition to social mobility and equality of opportunity, tying merit to birth. Moreover, it is a *family* rather than an individual that is rewarded and empowered, a social unit within which duties between family members will inevitably be in tension with their duties towards the state.[37] This aspect of monarchy, its hereditary nature, provides a standing argument against the institution: all else being equal, we should work towards its removal. All else is not, of course, equal, and the injustice of the mode of appointment may be counterbalanced by other advantages that the institution brings. But monarchy is an institution that requires a positive

[34] Jeremy Waldron "Participation: The Right of Rights," in Waldron, *Law and Disagreement* (Oxford: Oxford University Press, 1999); Ronald Dworkin, *Justice for Hedgehogs* (Cambridge MA: Harvard University Press, 2011), 388-392; Barber, *The Principles of Constitutionalism*, ch. 6.

[35] On the continuing links between monarchy and religion, see Ian Bradley, "The Religious Dimension of Monarchy," in Hazell & Morris, 94-106.

[36] Adam Tomkins, *Our Republican Constitution* (Oxford: Hart Publishing, 2005), 139–40.

[37] I am grateful to Ewan Smith for this point. See also Tom Nairn, *The Enchanted Glass*, 2d ed. (London: Verso, 2011), ch.1.

justification, and, because of the hereditary nature of monarchy, any debate over its future begins with a powerful argument against its existence.

D. The Leader as Exemplar

Social psychologists write of 'prototypical' group members, figures who embody the essence of the group.[38] These prototypes are constructions of the group, and possess a set of attributes characteristic of the group which serve to distinguish the group from other entities.[39] The prototype stands as a picture of what it means to be a successful group member. This need not be an actual person, and even fictional, or semi-fictional, figures, such as the Soviet Union's Alexey Stakhanov or China's Lei Feng could play the role, but real people, including leaders, can also act as prototypes within the group. There are instrumental advantages in having a leader who possesses the qualities of the prototype, advantages which may make the leader more likely to succeed in the first two models of leadership discussed in this section. The leader's prototypicality may, for example, mean they have a strong grasp of the values and beliefs of the group and are more likely, for this reason, to reach decisions that are counted as correct within group ideology.[40] Relatedly, their prototypicality may enhance their capacity to make effective decisions within the group, given their followers perceive them as oriented towards group values.[41] Alongside these instrumental advantages, there are also potentially intrinsic advantages for the group when the leader plays the role of group prototype. As prototype, the leader functions as an exemplar within the group, an embodiment of the group's values and beliefs. The leader then acts as a reference point, a means by which group norms are expressed back to the members, and acts as a source of reassurance about these norms. Moreover, as some may find it easier to connect with a person than an institution or set of rules, the prototypical leader serves as a point of identification within the group, embodying group norms in a relatable form. Where group membership is seen by a member as a positive feature of her identity, their connection with this person can be an important part of their connection to the group: in the prototypical leader they see an element of their own identity within the group, perhaps an idealized element, reflected back to them. Their identification with the leader becomes a strand of their identification with the group. As a consequence of this reflection, the prototypical leader is invested with charisma, a mode of legitimation that is as hard to understand as it is commonplace to experience.[42] As Max Weber wrote, a charismatic leader is one who is obeyed and supported because group members *believe in* her, rather than necessarily think her practically competent or legitimately selected.[43] They support and obey the leader because, by so doing, they affirm their support for a group which is constitutive of their identity.[44] To put it another way, charisma is a relationship based directly on attachment: charismatic leadership exists when followers are emotionally bonded to the leader. For those under the sway of charisma, charisma embodies a reason to support the leader that is analogous to those which underpin family relationships, reasons grounded in identity rather than in the practical, transactional, capacity of the other party to help us with our projects and goals. Perhaps, we could speculate, this structural similarity with family relationships points to the underlying basis of charisma, suggesting that charisma arises when leaders persuade their followers they are all members of a family group, a kinship unit, with the leader at its head. For the harder-headed, unswayed by the lure of charisma, there is a second, indirect, mode of legitimation that a charismatic leader brings. That some state members experience this form of attachment helps shore up the effectiveness of the state and, where the effectiveness of the state is an attractive goal, the leader's apparent prototypicality provides a reason to support her leadership, even to those who do not identify with her.

[38] Rupert Brown and Sam Pehrson, *Group Dynamics—Dynamics Within and Between Groups* 3d ed. (Oxford: John Wiley & Sons, 2019), 20, 110-112; Leonie Huddy, "From Group Identity to Political Cohesion and Commitment," in *The Oxford Handbook of Political Psychology*, ed. Leonie Huddy, David Sears, Jack Levy (Oxford: Oxford University Press, 2013), 749-750.

[39] Dann van Knippenberg and Michael Hogg, "A Social Identity Model of Leadership Effectiveness in Organizations," *Research in Organizational Behaviour* 25 (2003): 245.

[40] Ibid., 251.

[41] Ibid., 247.

[42] Ibid., 271-277.

[43] Weber, "The Profession and Vocation of Politics," 311-313.

[44] Wendy Brown, *Nihilistic Times: Thinking with Max Weber* (Cambridge MA: Belknap Press, 2023), 36-8.

This discussion of the prototypical leader is echoed in much of the writing on monarchy: of all the possible functions of monarchy, the monarch as a prototypical leader is, perhaps, the most plausible. In a brilliant, and sharply critical, essay on monarchy, William Hazlitt wrote:

> Man is an individual animal with narrow faculties, but infinite desires, which he is anxious to concentrate in some one object within the grasp of his imagination, and where, if he cannot be all that he wishes himself, he may at least contemplate his own pride, vanity, and passions, displayed in their most extravagant dimensions in a being no bigger and no better than himself. Each individual would (were it in his power) be a king, a God: but as he cannot, the next best thing is to see this reflex image of his own self-love, the darling passion of his breast, realized, embodied out of himself in the first object he can lay his hands on for the purpose. The slave admires the tyrant, because the last *is*, what the first *would be*. He surveys himself all over in the glass of royalty.[45]

The passage provides an evocative expression of the idea of the monarch as prototypical group member. For Hazlitt, royalty is a mirror, a glass, in that the monarch is seen to resemble each person who gazes upon her. Moreover, it is a mirror that distorts: the viewer sees the best version of themselves in the monarch, the aspects of their identity they find most attractive. The trick of monarchy, then, is that the monarch appears differently to each person or, to put it another way, contains a range of versions of the prototypical group member within themselves. Hazlitt doubtless saw this as a mark of the duplicity, or at least the hollowness, of monarchy: after all, as he robustly reminds us in the following paragraphs, monarchs are people, and often flawed people at that. However, the capacity of the monarch to both act as a prototypical group member and to satisfy multiple conceptions of what a prototypical group member should be, is a significant asset for the state: the monarch, through her person, serves to unify and strengthen the state. She unifies, by providing a point of identification that a wide range of state members can accept, and, by making the state relatable, gives a human face to its institutions and structures. As Walter Bagehot argued, the monarch, as a person, renders the constitutional system intelligible to the people.[46] She performs this role for people with a wide range of political (and, indeed, constitutional) views. Though they disagree over the direction of the state, they agree that the maintenance of this institution, monarchy, is part of that vision; the monarch provides them with common ground, a point of agreement. The monarch helps achieve what Dieter Grimm has described as the "integrative" function of the constitution, facilitating the containment and regulation of disagreement within the state.[47] Grimm writes that the constitution "is expected to unify the society that it has constituted as a polity, regardless of the difference of opinions and conflicting interests that exist in all societies."[48] If the monarch can act as a prototypical group member to a broad range of state members, she helps the constitutional order satisfy this function by enabling disagreement between state members to occur without that disagreement undermining their identification with the state.

This argument for monarchy, based on identification, should be distinguished from a superficially similar argument grounded in representation. It is occasionally argued that monarchy possesses a representative function, with the monarch representing the people as a whole within the governing apparatus of the state.[49] The argument turns the tables on democratic objections to monarchy: perhaps the monarch is more democratically legitimate that an elected official, as the elected official represents only the fraction of the community that voted for her, whereas the monarch represents all state members.[50] As with the argument from identification, the monarch plays

[45] William Hazlitt, "On the Spirit of Monarchy," in Hazlitt, *On the Spirit of Controversy and Other Essays* (Oxford: Oxford University Press, 2012), 206.

[46] Bagehot, *The English Constitution*, 82.

[47] Dieter Grimm, "Integration by Constitution' in Grimm," *Constitutionalism* (Oxford: Oxford University Press, 2016).

[48] Ibid., 144

[49] Thom Brooks, "No Rubber Stamp: Hegel's Constitutional Monarch," *History of Political Thought* 28 (2007): 99-103.

[50] A similar argument is sometimes made for the legitimacy of the courts: Christopher Eisgruber, *Constitutional Self-Government* (Cambridge MA: Harvard University Press, 2001), ch. 2; Kim Lane Scheppele "Democracy by Judiciary, Or, Why Courts Can Be More Democratic Than Parliaments," in *Rethinking the Rule of Law After Communism*, ed. Adam Czarnota, Martin Krygier, and Wojciech Sadurski (Budapest: CEU Press, 2005).

a unifying role in the state, but, now, the unifying function is accomplished through the active expression by the monarch of the popular will. The attraction of this argument may partly turn on a play on words. Hanna Pitkin has identified a range of meanings that can be ascribed to representation.[51] In one sense of representation, symbolic representation, a person can represent a group by *standing for* that group, being a symbol of the group both to group members and to outsiders.[52] In this sense, monarchs do frequently act as representatives of the people, after all, the monarch is head of state, and, as such, represents the state in various formal contexts. This account of the monarch as representative is congruent with the account of monarch as exemplar developed in this section. A second, distinct, set of senses of representation is substantive representation, where the representor acts *on behalf of* those they represent.[53] Ascribing this second sense of representation to the monarch is far more problematic. There is no reason to suppose the monarch will be able to identify the will or the true interests of the people successfully if the political processes of the constitution have failed to do so. In a constitutional monarchy, which, by definition, includes a functioning democratic element, it is unlikely that elected representatives will ignore the wishes or interests of the people on those rare occasions when there is a unified will or interest to be identified. Far more commonly, of course, there will be a range of wishes and interests contained within the mass of those who constitute 'the people', and one of the aims of the democratic structures of the state is to process and accommodate this disagreement. In these instances, the monarch could not speak for "the people" as this presupposes unity where there is, in fact, division. In the background of claims of this type lurks the hope that the monarch can transcend the messy compromises and defeats of the political world by accessing the true and undiluted will of the people, enabling the state to make decisions without these unattractive costs. But this is a fantasy: the monarch cannot both engage in political dispute and rise above it. The argument for the monarch as exemplar, in contrast, does not require the monarch to attempt to articulate the will of the people and to shape public policy, it merely requires that the monarch be present. The monarch as exemplar unifies through identification rather than action, and this allows her to act as a point of unity for those within the state who hold radically different political views.

These two points, the capacity of the monarch to render the state relatable through their person and the capacity of a diverse range of people to experience this relationship, may tie to a further observation raised by Bagehot, that the idea of there being a *family* on the throne is significant.[54] When monarchy is working well, it may succeed in establishing a form of charismatic leadership, one which brings a suggestion of the nation as a family, with the monarch as the head of that family unit.[55] The monarch's spouse, children, and sometimes even their wider family, are given prominence in the public realm, whereas the families of prime ministers rarely receive equivalent attention. In part, the monarch's family helps reinforce the relatability of the monarch. It grounds the monarch as family member, and, as most of us live within families, we can understand and empathize with the challenges this brings. It also broadens the points of identification by bringing a cast of royal characters of differing ages, genders, and identities through which people can engage the monarch. But a second reason could be that the prominence of the monarch's family encourages the impression that the office is grounded in kinship, with the implication that we, in our turn, are part of this kinship group. The royal family becomes understood as the visible part of the national family.[56] The relationship between the people and the monarch may, then, sometimes be grounded in the identification with, rather than rational endorsement of, the leader, and it is for this reason that it is a bond that can be shared with others who hold different political views.[57] As such, it may complement the second type of leadership with which monarchy is standardly paired. Prime ministers possess democratic authority, mediated through the legislature, and are chosen because of their political views. That the prime minister is elected through a competition in the

[51] Hanna Pitkin, *The Concept of Representation* (Berkeley, CA: University of California Press 1972).

[52] Ibid., ch. 5.

[53] Ibid., ch. 6. For our present purposes, it is unnecessary to distinguish between the various forms of substantive representation. For discussion, see Barber, *The Principles of Constitutionalism*, ch. 6.

[54] Bagehot, *The English Constitution*, 85.

[55] Ibid., 60.

[56] See generally, Wim Voermans, *The Story of Constitutions* (Cambridge: Cambridge University Press, 2023), ch. 3.

[57] Vernon Bogdanor, *Monarchy and the Constitution* (Oxford: Oxford University Press, 1995), 301.

state and is chosen for her policy platform hinders her capacity to establish an emotional, charismatic, bond with state members. It is her policy platform and democratic mandate, technical capacity and mode of selection, that normally legitimates the office. These are rational, rather than emotional, modes of legitimation. When monarchy works well, the pairing of monarch and prime minister allows the rational legitimation brought by the prime minister to be complemented and bolstered by the emotional connection established by the monarch.

Many scholars have identified this symbolic role as a core function of monarchy.[58] But it is far from inevitable that the officeholder, the monarch, will be able to play this role. Whilst the glamour of monarchy may be such that people are drawn to treat the holder of the office as a prototypical group member—the bestowing of crowns, the fancy ceremonies, and, indeed, the identification of the monarch as Head of State are formal indications that the monarch is worthy of respect and admiration—the capacity of the monarch to acquit this function will vary depending on the officeholder and the context in which they operate. To enable a wide range of state members to see you as a prototypical group member requires considerable skill. Partly, this requires the monarch to give the appearance of being above or outside of political debate, by avoiding expressing views that could alienate sections of the community. At the same time the monarch cannot simply remain silent, she must say enough to establish a character within the public realm: to play the part of prototypical group member, there must be something of substance with which people can identify. The monarch must engage in political discourse without being seen to do so. There are at least two ways in which this can be accomplished. First, the monarch may speak out on issues that are uncontroversial but important, such as mental health or the importance of caring for children, and when these views are expressed in sufficiently general terms, they can allow the monarch to establish a public profile that just about everyone can support. The potential longevity of a monarch's reign can make this tricky, as what is seen as uncontroversial today may become controversial in a decade's time.[59] Secondly, and more riskily, the monarch can express opinions which can be construed in different ways by different group members, or can present a range of statements in their public speeches such that people are able to pick and choose the elements they find attractive. For example, a monarch might speak on the virtues of nature and the need to protect our natural environment. For environmentalists, this sounds like a call to tackle pollution and climate change. For traditionalists, this is a call for the protection of older ways of rural life, the protection of, say, village communities with pubs, churches, hunting, and the local squire. For farmers, this is an endorsement of their management of the countryside. For those who love rambling, it is the preservation and enhancement of access to fields and woodland. The list could go on, but, skillfully presented, on such a topic, the monarch can be almost all things to almost all people. Sometimes this strategy can even be used in areas of political controversy. The monarch can drop hints, or have hints dropped on her behalf, that she is sympathetic to each side of the debate, containing the political contradiction within herself rather than rising above it. So, for example, on an issue like gay marriage the monarch might present herself to its supporters as a staunch upholder of equality, whilst to its opponents the monarch may play up the importance of the traditional family unit and her commitment to religious teachings. Given there are no mechanisms to compel the monarch to clarify her position—in contrast to a politician who might be faced with a vote on the issue—she can, on some issues, be plausibly thought to be both for and against a proposition.

As Hazlitt noted, for the monarch to succeed in this function requires the willing suspension of disbelief by her people.[60] Partly, this is because this is a trick performed in plain sight: we know that the monarch's speeches are written, and their actions choreographed, in such a way as to have this effect. Each side plays its part. The monarch gives her people enough material to create a character with which they can identify, but it is those people who then tailor this to fit their model of the prototypical group member. But the suspension of disbelief is also required as the monarch is, by virtue of her office, radically politically divisive. Though we are often told the monarch is above

[58] Robert Hazell & Bob Morris, "Towards a New Theory of European Monarchy," in Hazell & Morris, 279-80; Brazier, *Constitutional Practice*, 183-4; Bogdanor, *Monarchy and the Constitution*.

[59] Helle Krunke, "Day-to-Day Political Functions of the Monarch in Denmark," in Hazell & Morris, 74-6.

[60] Hazlitt, "On the Spirit of Monarchy," 209.

politics or politically neutral, the mode of selection of the monarch is, as we have seen, deeply and inherently political, cutting against the basic ideas of moral equality which should underpin the state. The institution of monarchy is grounded in the claim that respect and reward should be conferred by right of birth, that inherited privilege is legitimate. These are problematic political claims that many, perhaps most, would reject if they considered them directly.

Given that the office of monarchy is politically controversial, for the monarch to play an integrative function in the state is a challenge, but it is a challenge some monarchs clearly meet. Where the monarch can provide a symbolic focus for a significant portion of state members, the office of monarchy provides an important point of identification and attachment within the state. But the capacity of an office holder to play this role will vary. It is far from easy to appear to remain politically neutral in an office which is inherently politically controversial, and to engage in political debate in a manner which permits as many people as possible to think you support their vision of the state's future requires significant skill.

E. The Leader as Scapegoat

The final function of the leader is the converse of that discussed in the previous section. Whereas the last section discussed the role of the leader as the embodiment of the group's ideology, the leader can also become a counterpoint to it, an example of what the group defines itself against. The group then constructs and reinforces its identity by focusing on what it is not. Often, this definition by negation focuses on those outside of the state. The "enemy" in Carl Schmitt's work plays this role, a conceptually necessary threat against which members of the state define their constitutional identities.[61] The leader can also play this role: just as the prototypical leader in the last section reinforced group identity and solidarity by providing a symbol of the characteristics of the group, the scapegoat leader can play the same function in reverse.[62] The scapegoat provides a negative symbol of identity, an embodiment of the capacities that do *not* define the prototypical member. Just as the prototypical leader could draw state members together in shared recognition of the prototype, the scapegoat leader draws people together in shared condemnation of their leadership. The scapegoat leader further serves the state by acting as an insulator from the consequences of political mistakes. It was not the state that made these errors, but the leader, who did so by failing to embody and pursue the qualities of the prototypical state member. It is the leader, and not the state, that has failed. Such insulation can preserve the attraction of what might otherwise appear to be a failing state to its members. As has often been noted, successful, high status, groups tend to attract more support from their members than struggling or problematic groups.[63] The scapegoat leader helps maintain the success of the state by absorbing its failings and then, these errors absorbed, being ejected from office, leaving the state cleansed.[64]

The legitimacy of scapegoat leadership differs radially from the preceding models. Once a leader begins to play the role of scapegoat, the end point of the process is resignation or sacking, a sacrifice is needed, the scapegoat must be split from the state. But to play the scapegoat effectively, the leader must be able to lead before ejection, it must be credible to lay the problems of the state on the leader. Given the leader as scapegoat brings something of value to the state, there is reason to support them in office, just as there was reason to keep the original, non-metaphorical, scapegoats in good health before they were cast out. A scapegoat leader might remain in office for a considerable period, soaking up the blame for the problems of the state, especially, as is the case in a monarchy, if paired with a second, effective, leader.

Though potentially useful, scapegoating is cruel. To be rejected by a group that you identify with strongly, one that forms a core part of your identity, can only be hurtful and damaging. Compounding this, the scapegoat monarch is pilloried for failing in a role she did not choose to undertake, a role which the state pushed her into occupying, and for which she may never have

[61] Carl Schmitt, *The Concept of the Political*, 25-37; Benjamin Schupmann, *Carl Schmitt's State and Constitutional Theory: A Critical Analysis* (Oxford: Oxford University Press, 2017), 80-83.

[62] Clifford Geertz, "Ideology as a Cultural System," in Geertz, *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973), 205; Brown and Pehrson, *Group Dynamics*, 20-22.

[63] Henri Tajfel and John Turner, "The Social Identity Theory of Intergroup Behaviour," in *Psychology of Intergroup Relations*, ed. Stephen Worchel and William Austin (New York: Nelson Hall, 1986), 17-19.

[64] See Leviticus 16:21-22, where the original, and literal, scapegoat played exactly this role for a political community.

possessed the capacities to execute well. Moreover, sometimes, perhaps often, the elements for which she is blamed will have been features of the state as a whole and not the products of her personal, unfettered, decisions. Her scapegoating will sometimes be part of an act of forgetting by the state, a pretense that systemic failings were personal errors, and, by cutting away the person, an unjustified renunciation of the collective responsibility by state members for what has gone before.

IV. CONCLUSION: ASSESSING CONSTITUTIONAL MONARCHY AS A FORM OF LEADERSHIP

When we turn to real-world instantiations of leadership offices it is likely that they will combine a number of these functions, with the constitution providing multiple explanations of their legitimacy. Indeed, that might be a good thing: stable leadership may rest, in part, on there being a collection of reasons for people to accept and support the leader, rather than a single explanation of their authority, a single explanation which might prove fragile. When considering the inclusion of a form of leadership in the constitution, there are four groups of considerations which are of relevance: the importance of the function played by the office; the likelihood that those in the office will be able to satisfy this function; the risks brought by the creation of the office; and, finally, the potential for this function to be satisfied by other constitutional institutions or structures.

Recalling our discussion of the possible functions of monarchy, the first two, technical and decisional capacity, are, in the broadest of terms, vital to the state, but the particular elements of these capacities commonly linked to the monarch seem far from essential. The type of technical expertise the monarch is expected to bring to the constitution is vague, and, often, impossible to assess. The monarch may play an effective "mentoring" role and might, perhaps, act as a "longstop" in a crisis, but it is hard to assess the significance of these roles. It is possible the state would function perfectly well without them, and, in any case, the hereditary principle ensures monarchs are unlikely to play them any more successfully than others in the constitution. In terms of decisional capacity, this tends to be required in unusual and unanticipated situations, those which the constitution has failed to accommodate in advance of their occurrence. Perhaps a crisis of this type will never arise, perhaps, if it does arise, the monarch's intervention will make matters worse rather than better. In either case, of technical or decisional capacity, the hereditary nature of the monarch renders the exercise of these powers risky, a challenge to the democratic base of the constitution. If there are other good reasons for our having or retaining a monarch, technical and decisional justifications of their leadership role might add to their legitimacy, giving us extra reasons to value the office, but, by themselves, are far from sufficient to justify its creation or retention; it would be preferable to find other institutions in the constitution to cover these tasks.

This leaves us with the final two possible functions of monarchy, the monarch as scapegoat and, its mirror-image, the monarch as exemplar. The scapegoat as a possible function of monarchy can be dealt with relatively briskly. As it involves the eventual removal of the office, it could, at best, only provide a temporary argument for the keeping of monarchy—and the cruelty of the function is such that it would be hard to justify the inclusion of the office in the constitution on this basis.[65] It is the function of the monarch as exemplar, and, in so doing, the creation of a point of identification within the state, which provides the most plausible argument for the institution. Whilst there are other ways in which the state can achieve this, when monarchy is working well, its appearance of political neutrality, its grounding in a family, and its broader glamour, combine provide a relatable feature of the state, one which complements the rational arguments for legitimacy established through democratic and technocratic institutions. If a substantial portion of state members regard the monarch as a positive feature of the constitution, a feature with which they identify, this, in itself, gives us a strong reason to support the office. The presence of the monarch helps the state connect with its people, and helps draw together members of the state who hold differing political views.

[65] It is, perhaps, worth noting that the governor-general model of constitutional monarchy is better suited to the creation of scapegoats, given that the governor-general is commonly a fixed-term role and easy to replace.

However, it is very unlikely that monarchy will always play this role successfully. When an officeholder emerges who, because of their character or the broader political context, is unable to act as a focal point, or, worse still, begins to divide the state, the justification for retaining monarchy as an institution vanishes. Unlike those forms of leadership whose justification is partly grounded in their mode of selection, there is no intrinsic argument for monarchy. An elected presidency is intrinsically valuable because it helps realize the principle of democracy within the constitution; there is a strong reason to accept the legitimacy of an elected president, even if the officeholder is failing radically in the role. When a president is failing, there is an election in a few years' time at which the problem can be resolved, but when a monarch is failing, the cure is not so obvious. Monarchs are hard, though not impossible, to replace, and the range of replacements, given the hereditary nature of monarchy, is limited.[66] And, of course, once monarchy has failed, much of the glamour is lost and the underlying nature of monarchy, the unattractive claims of hereditary privilege on which it is founded, become exposed. Whilst the implications of the hereditary principle are ignored by the political community, the selection of the monarch through birth is an asset, appearing to put the monarch above politics, anchoring the monarch in family, and, perhaps, allowing a faint echo of those earlier religious arguments for monarchy to remain attached to the institution—or, as King James I put it, "adorned and furnished with sparkles of the Diuinitie [divinity]."[67] Once looked at squarely, though, the monarch's mode of selection becomes a liability, radically undercutting their role as an exemplar. Recalling Hazlitt's claim that monarchy depends, in part, on the self-deception of its followers, once this self-deception is lost it is unlikely to be restored—and it would be hard to argue that the state should seek to restore it.

In addition to the risks brought by the mode of selection, monarchy also brings with it moral costs. There are strong arguments of principle against the institution. As we have seen, monarchy cuts against the basic idea of constitutional equality that should underpin state membership, giving constitutional powers to one person that are not available to the rest. More generally, it includes within the ideology of the state a commitment to class privilege. By virtue of their family, the monarch is rewarded by the state with wealth, power, and respect, and it is likely that this aspect of monarchy radiates out into society more generally, beyond the constitutional order, a statement about the legitimacy of social inequality. Even if the monarch is popular with some state members, there are good reasons why others may feel alienated from the state because of the monarch's presence. Buttressing these arguments against monarchy is a wide range of alternative ways that states can use to establishing identification and integration. There are less problematic ways these ends can be achieved. For instance, institutions such as the constitution or legislature can provide a point of identification, and the state's presentation of its history and mission can draw people together.

For Graham Smith, in his recent book on monarchy, the arguments against the institution are decisive: as a matter of principle, the constitution should not tolerate an undemocratic institution to remain within its structures.[68] There are certainly attractions to such a conclusion, but there is also a case for pragmatism. When the monarch is succeeding in providing a point of identification for a significant portion of state members, and is not a significant cause of alienation for others, it might be a mistake to unsettle this position. We cannot be sure that alternative mechanisms of identification will be equally efficacious, indeed, as there are many forms of republic to choose from, the process of choice could alienate, creating winners and losers in the debate. More broadly, the act of removing a monarch who does have support, even minority support, will be destabilizing. The contents of those elements of the state which ground identification are often hard, or impossible, to rationally defend, in that they establish an emotion connection with the state rather than provide a rational argument for our support. This emotional connection is, nevertheless, exceptionally important in securing the support of state members for state institutions and for shaping the ways state members interact with each other. The principled arguments against monarchy show that a state must ensure that there are other ways of grounding this identification, and that it be possible to be member of the state without supporting the monarchy. Constitutional

[66] Brazier, "A British Republic," 365.
[67] King James I, "A Speech in the Parliament House," in *Political Writings*, 147.
[68] Graham Smith, *Abolish the Monarchy* (London: Torva, 2023), ch.3.

monarchies, with their paired leadership, often accomplish this, providing a republican narrative that runs alongside the monarchical.[69] State members can then ground their identification with the state on differing parts of the constitutional order. This is, though, a fragile argument for the maintenance of monarchy. When monarchy is working well, and it can work well for a long time, it is an asset to the constitution, but its mode of selection renders it a time-limited constitutional form. Whereas democracy provides a standing argument for republican institutions, even when those institutions are functioning poorly, when monarchy functions poorly the reasons for including it within the constitution disappear. As Bagehot put it, a good monarchy is invaluable, but a bad monarchy is irreparable.[70]

[69] Bagehot, *The English Constitution*, 94; Nicholas Barber, *The United Kingdom Constitution: An Introduction* (Oxford: Oxford University Press, 2021), ch. 22.

[70] Bagehot, *The English Constitution*, 120.

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