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THE MONARCHICAL INSTITUTION IN
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THE MONARCHICAL INSTITUTION IN CONSTITUTIONAL DEMOCRACY

by
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Abstract

The coexistence of monarchy and democracy in Belgium, England, Denmark, the Netherlands, Norway and Sweden was made possible by constitutionalism, and there have been several different kinds of constitutional monarchy. The distinctions between the "throne," the "monarch," and the "crown" become more significant in the later stages of constitutional monarchy than they were in the first stage, but these distinctions must on the whole be read into the constitutions, since constitutions are products of the first stage of constitutionalism. However, the fact that the constitutions can no longer be read literally does not signify that they are meaningless. Many constitutional provisions, especially those concerning succession to the throne, regencies, religion and marriage, deal with the monarch in person and can still be read literally. Other provisions originally intended to concern the monarch now must be construed to refer to the cabinet in its role of exercising crown powers. Monarchs legally may still exercise power through their ability to veto, but the widespread conception of the state as promoter of welfare has made exercise of this right inexpedient since the end of the first stage of constitutionalism, and monarchs are now mainly significant as symbols and ceremonial actors. Recently, however, royal influence has been successfully exerted through threats to abdicate. Although originating as a marriage of convenience, the union between the monarchical institution and democracy now appears to be more than merely convenient, although this is not fully appreciated in recent political thought.

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INTRODUCTION

In the following essay I have presented an analysis of the position of the hereditary monarch in modern constitutional democracy, with specific reference to Belgium, Denmark, the Netherlands, Norway, Sweden, and the United Kingdom.

My primary concerns have been to explain how the apparently incompatible institutions of hereditary monarchy and liberal democracy came to be united in these countries and to describe as closely as possible the place of monarchs in the modern life of these countries. Analysis of the place of the monarch in the twentieth century has involved scrutiny of the various constitutional provisions concerning the monarchs, of the extent to which actual practice corresponds to the letter of the constitutional provisions, and of the extra-constitutional functions that monarchs are thought to perform.

Something of a gap exists in the literature of political science at the point one would expect to find comparative studies of the monarchical institution. This gap may be a reflection of the prevailing idea that the amount of power wielded by constitutional monarchs under normal conditions is extremely small, but it may also be the product of an assumption by many political

scientists that power is the central concept in politics and that an institution lacking power is unworthy of serious study. The paucity of literature dealing comparatively with the constitutional monarch is justifiable if we can assume: 1) that monarchs have no power; and 2) that power is paramount in politics; and 3) that a person having no power is not a proper object of study by the political scientist. Without attempting to deny that power is a central concept in politics, I have examined the proposition that "monarchs have no power" and tried to demonstrate that it is at best an oversimplification. Even if it were necessary to grant the complete validity of this first proposition, however, my operational assumption in writing this essay has been that the third proposition is incorrect and that considerable insight into the political life of a nation can be gained through study of an institution which may be powerless in itself, but whose relationships with other institutions may prove very revealing.

I do not mean to imply, however, that the gap in political science literature regarding the constitutional monarch is entirely or even mainly a function of prevailing assumptions about the nature of politics. Other factors undoubtedly contribute to the lack of attention given to comparative examination of the monarchical institution. One of the factors has probably been the relatively small population of the European countries where monarchy has survived; the United Kingdom with its more than fifty million people is certainly no giant in twentieth century terms,

and the other five countries whose monarchs are discussed in this essay have a combined population considerably less than that of the United Kingdom. It is not unnatural for the political scientist to concentrate his attention on the major world powers rather than on the governments of small and often obscure countries. There seems in fact, and not unreasonably, to be a tendency for comparative analysts to concentrate their attention on the larger countries and on those in which crises, wars, revolutions, or expansion-oriented dictatorships constitute a threat to international stability. The constitutional monarchies do not fit in to any such categories. To acknowledge that this state of affairs is only natural is not to maintain, however, that the constitutional monarchies or constitutional monarchs should never be studied. Nor can one afford to assume that only the monarchy of the United Kingdom, as the prototype of constitutional monarchy, need be examined; even in the most obvious ways the United Kingdom is not a "typical" constitutional monarchy--unlike all the others it has no written constitution, for example.

Perhaps still another explanation for the scarcity of comparative analyses of the monarchical institution in the twentieth century can be found in the marked decline of controversy over monarchy as a form of government. As we will see in the following pages, there are still people who do not particularly care for monarchy, but who find present monarchies tolerable because the monarchs have apparently been relieved of all their former powers,

and who justify retention of the institution by pointing to the trouble that would be involved in getting rid of it. It is only natural that the decline of the passions formerly surrounding the arguments over monarchy should help to produce a decline in academic interest in the institution. Paradoxically, however, it is precisely because few people believe any more that existence of monarchy is of any significance one way or the other that it is now possible to attempt a detached study of the significance of monarchy.

Study of the monarchical institution is worthwhile, I believe, for several reasons. For one thing, the fact that people do not believe monarchy is significant is far from meaning that they are uninterested in monarchs and monarchy. Even in the United States, whose people have traditionally been suspicious of royalty, interest in monarchs is widespread. Any institution which can command the public attention paid to monarchs may be worthy of study, if only to determine why it is so interesting. A second reason for scrutiny of the monarchical institution is that it is at least potentially a factor in politics, not only in the existing monarchies, but also in countries where restorations might occur. Study of monarchy may also produce insights applicable to other institutions and issues whose proximity to our time and emotions prevents their being viewed dispassionately. But my primary objective in writing the following pages has simply been

to provide the basis for an understanding of monarchy as it operates in modern Europe. How has constitutional monarchy worked where it has survived? How can monarchy and democracy coexist in the same country? What is constitutional monarchy all about? What can we learn from the experience of constitutional monarchy? These are the questions I have tried to explore in the following chapters.

CHAPTER I

MONARCHY AND CONSTITUTIONALISM

"Clarence was with me as concerned the revolution, but in a modified way. His idea was a republic, without privileged orders, but with a hereditary royal family at the head of it instead of an elective chief magistrate. He believed that no nation that had ever known the joy of worshipping a royal family could ever be robbed of it and not fade away and die of melancholy. I urged that kings were dangerous. He said, then have cats."

Mark Twain, A Connecticut Yankee in King Arthur's Court

An apparent paradox is presented by the existence of a high office which is transmitted by inheritance within countries which are as democratic as any in the world. Many people in the not so distant past have felt that monarchy and democracy were completely incompatible and that to have both in one country at the same time would be an absurdity. Reinhold Niebuhr refers to the particular strength of this conviction in the United States, a conviction "which obscured developments of democratic justice in Europe, particularly those which proceeded without disturbing the institution of monarchy. For monarchy remained a simple symbol of injustice to the American imagination."¹ Even in the middle of the twentieth

¹ Reinhold Niebuhr, The Irony of American History (New York, 1954), p. 27. In the early years of the republic, "Even George

century it is not difficult to view the coexistence of monarchy and democracy--a coexistence which proves they are not at any rate totally incompatible--as an illogical state of affairs.²

Washington was not above suspicion, which was excited by the fact that his manner of life as chief of state retained some relics of regality. . . . The republicans did not object to the tassels and baubles of monarchy solely out of a distaste for pomp and circumstance. To them monarchy was the external sign of tyranny or despotism. Like all English-speaking Republicans of the age they equated Republican government with liberty." (Marshall Smelser, "The Jacobin Phrenzy: the Menace of Monarchy, Plutocracy, and Anglophobia, 1789-1798," 21 R. of Politics [1959], p. 245.) As recently as World War I, notes Churchill, "The prejudice of the Americans against monarchy . . . had made it clear to the beaten Empire that it would have better treatment from the Allies as a republic than as a monarchy. Wise policy would have crowned and fortified the Weimar Republic with a constitutional sovereign in the person of an infant grandson of the Kaiser, under a council of regency. Instead, a gaping void was opened in the national life of the German people . . . and into that void after a pause there strode a maniac of ferocious genius, the repository and expression of the most virulent hatreds that have ever corroded the human breast--Corporal Hitler." (The Gathering Storm [Boston, 1948], pp. 10-11.) Perhaps because of the need in World War I to distinguish allied monarchies (England) from enemy monarchies (Germany), and perhaps because of the bad consequences accompanying republicanism in Germany, Americans have become more sophisticated in their views of monarchy. In Japan after World War II, it was the "essential neutralism of the imperial institution that caused the responsible Allied authorities to permit the retention of the Emperor despite the fact that the war had been waged in his name. There was no reason why democracy, any more than militarism or ultranationalism, should not make use of the prestige value of this banner-in-the-flesh." (Kazuo Kawai, "The Divinity of the Japanese Emperor," 10 Political Science [1958], p. 6.

²Percy Black, The Mystique of Modern Monarchy (London, 1953), p. 68: "On the day when reason zealously enters the minds of men, the monarchy as a primitive social institution will crumble. A violent revolution will not be necessary, nor will even a minor revolution. By itself, monarchy will simply fade away. And reason raised to its rightful place in the unending evolutionary pageant will be a more lofty diadem than men ever dreamed. For then each of us will be a self-reliant sovereign."

It may well be true that in a certain sense monarchy and democracy are incompatible. One may mean by "monarchy" an absolute form of monarchy, and correspondingly "democracy" may be employed to mean an absolute or pure form of democracy--"government by the people." It is also true that, viewed simply as an existing entity, a government combining monarchy and democracy does not immediately appear to be a logical arrangement, that is, an arrangement which a reasonable person would propose if asked to "design" a government for a new country out of whole cloth. Between monarchy and democracy, however, there has been a third factor which has helped to harmonize them and whose development has exhibited some of the logic which is missing in a static view of modern monarchical-democratic government. This third factor is constitutionalism.

The order of the words in the title of this essay--The Monarchical Institution in Constitutional Democracy--is not entirely without significance. The monarchical institution existed before constitutionalism, and constitutionalism in the six countries to be studied predated, and helped to pave the way for, democracy. Although this essay will consist largely of an analysis of the legal and actual position of the monarch in modern government and of the functions served by the monarch, it will include a discussion of the relationship between monarchy and democracy; as an introduction the present chapter will examine the growth of the relationship between monarchy and constitutionalism.

If it is appropriate to speak of an association between monarchy and constitutionalism, it is doubly appropriate to speak of the growth of this association. The association was not something which took place over night. Two important features of constitutional monarchy are subsumed under the conception of it as having "grown." First, the process of reform by which absolute monarchy became constitutional was a gradual one; in contrast, the process by which absolute monarchy was converted into republic was abrupt and revolutionary.³ Secondly, although growth of the relationship between monarchy and constitutionalism was slow, it was extensive; early constitutional monarchy was therefore quite different from what is now known as constitutional monarchy, and several different stages of development can be identified.⁴

1. Origins of Constitutional Monarchy. One of the most significant features of constitutional monarchy was the process

³"L'Angleterre est arrivée à l'état le plus libéral que le monde ait connu jusqu'ici en développant ses institutions du moyen âge, et nullement par la révolution. La liberté en Angleterre ne vient pas de Cromwell ni des républicains de 1649; elle vient de son histoire entière, de son égal respect pour le droit du roi, pour le droit des seigneurs, pour le droit des communes et des corporations de toute espèce. La France suivit la marche opposée. Le roi avait depuis longtemps fait table rase du droit des seigneurs et des communes; la nation fit table rase des droits du roi. Elle procéda philosophiquement en une matière où il faut procéder historiquement: elle crut qu'on fonde la liberté par la souveraineté du peuple et au nom d'une autorité centrale, tandis que la liberté s'obtient par petites conquêtes locales successives, par des réformes lentes." Ernest Renan, La Monarchie Constitutionnelle en France (Paris, 1870), pp. 17-18.

⁴Emile Giraud, Le Pouvoir Exécutif dans les Démocraties d'Europe et d'Amérique (Paris, 1938), p. 254.

of reform by which it came into being. Limited monarchy first emerged in England, and England can with propriety be referred to as the prototype of the reforming approach to the correction of political abuses. In saying this, "reform" is intended to refer to a change in the hierarchical arrangement of political authority which is sanctified and made legal by the processes and persons constituting the old hierarchical arrangement of political authority. Reform might thus be called change by the "consent of the governing," for in general a political reform entails a certain loss of power by one accustomed to exercising power. There are two conceivable reasons for acquiescence in a reform by a person or persons holding some power or privilege relative to others. One is that he has become convinced that this is the right thing to do. The other is that this self-denying action is the least unpleasant alternative available. This analysis assumes of course that the person losing some power knows which side his bread is buttered on; it is also possible that his actions, done for other reasons, will result in a reduction of his power as an unpredicted consequence.⁵ Disregarding the reason for such an

⁵"As will become even more clearly apparent in the case of the English monarchy, the theory of feudal monarchy did not permit a king to levy general taxes without securing the approval of his people in some form. Philip's predecessors had used different devices--meetings of representatives of nobles and clergy, bargains with towns, and gatherings of local or provincial estates. The Estates General gave the crown the machinery necessary to do this on a national basis. Thus the Estates General was invented by the king for his own convenience and to strengthen his power. It seems obvious to us that such an institution might become a

action, however, the key element in our definition of reform remains its peaceful acceptance and implementation by members of the existing power structure.

English experience can be contrasted with that of France, which can fittingly be employed as the prototype of the revolutionary approach to the change of political institutions. "Revolution" is intended to refer to a change in the hierarchical arrangement of political authority which depends upon the processes and persons comprising the new hierarchical arrangement for whatever level of sanctification and legality it can achieve. Revolutions are plagued by some problems which do not necessarily accompany reforms. A reform has something for everybody: for those demanding change, a change, for those defending the existing order, the employment of the personnel and procedures of that existing order to effect the change. A revolution, on the other hand, gives everything to those demanding change, and gives nothing to those defending the existing order. A portion of the population is thus inevitably alienated from the new regime, some because of what it has done, some because of how it has done it. Many political thinkers have therefore been quick to maintain that "a revolution will be the very last resource of the thinking and the good."⁶

means of controlling the king, but it is unlikely that such a possibility occurred to Philip." Sidney Painter, The Rise of the Feudal Monarchies (Ithaca, 1951), pp. 40-41.

⁶ Edmund Burke, Reflections on the French Revolution (Garden City, 1961), p. 29. Aquinas, in his Summa Theologica, set down

For some time it appeared that England was going to follow the revolutionary path later to be followed by the French. In the first half of the seventeenth century, after a period of increasing disagreement and tension between the monarch and those controlling the parliament, a civil war broke out between supporters of these two camps. In 1649 the victorious forces of parliament executed the unfortunate king, Charles I. Parliament soon lost its grip on things, however, and for a good part of the following eleven years England was ruled as a "commonwealth" which in actuality resembled later absolutist republics. Oliver Cromwell, a

the basic rule for deciding when a revolution is justifiable; it is proper to overturn a tyrant unless the state will be so disturbed in the process that the subjects would suffer more from the consequent disturbance than they would from continuation of the tyrant's rule. Later writers tend to indicate that if this rule were followed there would be very few revolutions. Machiavelli noted that "He who desires or attempts to reform the government of a state, and wishes to have it accepted and capable of maintaining itself to the satisfaction of everybody, must at least retain the semblance of the old forms; so that it may seem to the people that there has been no change in the institutions, even though in fact they are entirely different from the old ones. For the great majority of mankind are satisfied with appearances. . . ."

(Discourses [New York, 1940], p. 182.) Spinoza warned of the dangers of establishing new forms of government, pointing out that kings were dangerous in former republics. "Here, however, I must point out that it is equally dangerous to remove a king, even though it is perfectly clear that he is a tyrant. For a people accustomed to royal rule, and kept in check by that alone, will despise and make a mockery of any lesser authority; and so, if it removes one king, it will find it necessary to replace him by another, and he will be a tyrant not by choice but by necessity." (A. G. Wernham [Ed.], The Political Works of Benedict de Spinoza [Oxford, 1958], p. 201.) Calhoun, in his Disquisition on Government, maintains that "the force sufficient to overthrow an oppressive government is usually sufficient to establish one equally, or more, oppressive in its place." (New York, 1854), p. 61.

dynamic leader of the parliamentary forces, was elected Lord Protector in 1654 and until his death in 1658 exercised about the same powers as had the absolutist Tudors.⁷ After Cromwell's death the problems of government and succession were so acute that advocates of restoring the monarchy were able to install the legitimate heir, Charles II, on the throne and thus to return to England the possibility of working out her political problems by the less than spectacular methods of compromise, reform, and muddling through. At other times, it is worth noting, similar periods of "republican" or parliamentary domination served to strengthen the appeal of monarchy in Sweden,⁸ Greece,⁹ Spain¹⁰ and Brazil.¹¹

Restoration England was still far from being a constitutional monarchy, but constitutionalism was soon to become firmly entrenched because of two events: the "Glorious Revolution" of 1688, and the Hanoverian succession in 1714. The reign of the restored monarch, Charles II, passed relatively smoothly, but then in 1685 his brother succeeded him on the throne as James II. Before he

⁷M. M. Knappen, Constitutional and Legal History of England (New York, 1941), p. 440.

⁸Dankwart Rustow, The Politics of Compromise (Princeton, 1955), p. 12.

⁹William Miller, A History of the Greek People (New York, c. 1924), p. 48.

¹⁰Louis Bertrand and Charles Petrie, The History of Spain (New York, 1934), p. 488.

¹¹Lawrence F. Hill (Ed.), Brazil (Berkeley, 1947), p. 34.

had done anything at all, James faced a considerable opposition because he was a Catholic. This fact was partially mitigated by the fact that his probable heir, a daughter, Mary (wife of Prince William of Orange), was a Protestant. Many Englishmen therefore felt that "in view of the probable short duration of Catholic rule, it was more important to preserve the tradition of a hereditary monarchy as a symbol of orderly government."¹² Soon, however, violations of the law by the king, especially his appointment of state officers in defiance of laws prohibiting Catholics from holding such offices and even the outrage of appointing "papists" to high places in the Church of England, inflamed the public. Open rebellion developed when the king announced that the queen had presented him with a baby son, who would certainly be raised as a Catholic, and who took precedence to the succession over his older but Protestant sister Mary.¹³

The first major step toward constitutionalism was taken when James was obliged to leave the country in fear of his life, the hopes of the anti-Catholics for a peaceful solution having been dashed. The previous English experience with revolution not having been habit-forming, great effort and ingenuity were devoted this time to portray the change in government as having taken place legally and within the existing "constitution."¹⁴ The

¹²Knappen, p. 446.

¹³W. E. Lunt, History of England (New York, 1945), p. 460.

¹⁴Thomas B. Macaulay, The History of England From the Accession of James II (New York, 1885), II, pp. 519-520.

departure was announced as an abdication, the infant son dismissed as a bastard, and the parliament called upon Mary and her husband William jointly to occupy the throne. William was conveniently close at hand, being in the process of invading the country at the invitation of the opposition to James.¹⁵ In putting two sovereigns on the throne at once, parliament established its henceforth generally unchallenged right to fix the rules of succession, which it further exercised in the Act of Settlement of 1701 giving the succession to the throne to the Electress Sophia of Hanover and her descendants.¹⁶ The position of the parliament as an independent center of power was firmly established by this "Glorious Revolution," and England was from 1689 in what will be referred to as the first stage of constitutional monarchy.

¹⁵Thomas B. Macaulay, Works (New York, 1906), II, p. 257.

¹⁶Knappen, p. 446. Blackstone notes that "Queen Mary was only nominally queen, jointly with her husband King William, who alone had the regal power; and King William was personally preferred to Queen Ann, though his issue was postponed to hers. Clearly, therefore, these princes were successively in possession of the crown by a title different from the usual course of descents." Commentaries on the Laws of England (New York, 1844), I, p. 163. On February 12, 1689 parliament declared "that William and Mary, prince and princess of Orange, be, and be declared king and queen, to hold the crown and royal dignity during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in, and executed by, the said prince of Orange, in the names of the said prince and princess, during their joint lives: and after their deceases the said crown and royal dignity to be to the heirs of the body of the said princess; and for default of such issue to the Princess Anne of Denmark and the heirs of her body; and for default of such issue to the heirs of the body of the said prince of Orange." Blackstone, I, p. 162.

The second major step in the direction of modern constitutionalism was taken when, by virtue of the Act of Settlement (1701), the throne passed to George I in 1714. By the time of the Glorious Revolution factions in parliament had crystalized into two more or less solid parties, Whigs and Tories. King William's efforts to govern in what had been the customary manner with a ministry made up of individuals from both parties proved unsatisfactory, and he had begun to weed out the Tories until he had a group of advisers made up entirely of Whigs, taking this step merely because it was easier to rule with ministers whose faction predominated in the House of Commons.¹⁷ The way was paved by William's actions for the aggrandizement of the cabinet which took place under George I and George II. It is well known how lack of interest and command of the English language prevented the first two Georges from assuming much of an active role in governing, permitting the strengthening of the parliament and cabinet to such an extent that even George III found it more expedient to try to work through them and manipulate them than to fight them openly. By the middle of the reign of George II (1727-1760) England was in what will be referred to as the second stage of constitutional monarchy.

¹⁷F. A. Ogg, English Government and Politics (New York, 1936), p. 47.

While England experienced a displacement of revolution by reforms, France saw reforms displaced by revolution after the equivocal behavior of the king fired the suspicions of the reformers.

As a prototype for revolutions, France cannot be said to be the first modern country to experience a revolution. The English had gingerly moved in a revolutionary direction, established the Commonwealth, and promptly restored the monarchy. The American colonies had successfully detached themselves from England and had in the process established a republican form of government, but they had revolted not so much against the monarchical form of government as against the concrete grievance that they were not being accorded the same rights of self government and representation as were the due of men of equivalent status in England. The American revolution might therefore be distinguished from the French by the fact that it was not a revolution seeking to bring about sweeping innovations in government--it was a conservative revolution--whereas the French was a developmental revolution seeking to make fundamental and extreme changes.¹⁸ In America there was not so much the denunciation of kingship--in spite of the efforts of Thomas Paine--but of George III, and that only after long restraint in the form of loyalty to king and protests against Parliament.¹⁹ A republican form of government was set up,

¹⁸ For a development of this thesis see Friedrich von Gentz, Three Revolutions: French and American Revolutions Compared (Chicago, 1955).

¹⁹ Charles H. McIlwain, The American Revolution: A Constitutional Interpretation (New York, 1923), pp. 2-6.

but it was not allowed to remain a legislature-dominated one for long. The Constitution of 1789 so strengthened the hand of the executive that after a little evolution had occurred it was possible to maintain that "in the Presidential office as it has been constituted since Jackson's time, American democracy has revived the oldest political institution of the race, the elective kingship."²⁰

In France, however, matters got much further out of control than they had in England or America. It had at first appeared that reforms cloaking new processes in old forms might be possible. Ferrero maintains that democratic institutions might have been more successful in France:

. . . if they had been embodied in the Old Regime system of aristo-monarchic legitimacies--by means of a regular and definitive cession of the legislative power on the part of the King. That was how the role of the parliament in England had grown up beside that of the royal power. Since the King was able to cede his own powers, the royal transmission would have been the sanction that would have legitimized the new legislative power, in the same way that the

²⁰ Henry J. Ford, The Rise and Growth of American Politics (New York, 1900), p. 293. Efforts to establish a "constitutional monarchy" in the United States have so far proved unsuccessful. Secretary of State Seward "confided to his N. Y. colleague in the Senate that Lincoln actually wanted him for a Prime Minister, and to a European envoy, that 'there is no difference between an elected president of the United States and an hereditary monarch. The latter is called to the throne through the accident of birth, the former through the chances which make his election possible. The actual direction of public affairs belongs to the leader of the ruling party . . . !'" Don K. Price (Ed.), The Secretary of State (Englewood Cliffs, N. J., 1960), pp. 31-32. But Seward did not get very far.

delegation of his authority by the King legitimized all the executive and judicial organs that administered France in his name.²¹

But the center of action, the States General, had not met within the lifetime of anyone present, in fact for 174 years, and its members thus lacked experience in practical politics. Matters soon came to a revolutionary head, and:

After 1790 the French Revolution took a different path from that of the English; it became a metaphysical revolution that proclaimed the new principle of democratic legitimacy as an absolute, almost religious in character, like truth, happiness, good, or salvation. The other principle, the Genius of the Old Regime, became nothing but error, evil, perdition, which had to be extinguished by pen and sword in every institution and in every mind.²²

This was a first rate mistake in tactics, for this meant that:

. . . the Legislative Assembly and the Convention which followed it, had no foundation at all; they were suspended in a vacuum. They could not be legitimized by the aristo-monarchic principle, which they denied, nor by the democratic principle, which the majority did not understand and which the elections made even more unacceptable by the incoherent and contradictory manner in which they applied it.²³

Even after the revolution had run its course, it was to prove difficult for France to achieve an enduring political stability. There were restorations, and then there were revolutions against

²¹ Guglielmo Ferrero, The Principles of Power (New York, 1941), p. 80.

²² Ibid., p. 98.

²³ Ibid., p. 99.

the restorations. Ironically, the most stable regime in France after the revolution would turn out to be the Third Republic; set up after the fall of Napoleon III by an assembly controlled by monarchists, it "temporarily" turned the country into a republic because of a disagreement over who should be king and defined the position of the presidency in a way which it was thought would make substitution of a monarch for the president painless and simple.²⁴ And while all the disruptions of revolution, uncertainty, and instability were operating in France, other European countries were gradually moving without revolutions towards a constitutionalization and democratization of their monarchies--their paths were far from smooth, but starting from the same base of absolutism as the French, they progressed in actuality faster than the French, and did it with a far lower human cost.²⁵

2. Types of Constitutional Monarchy. If one feature of the growth of the association between monarchy and constitutionalism was its gradualism, a second was its extent. Because of the extent of this growth, one can speak of "constitutional monarchy" as a single kind of government only at the expense of failing to make some useful distinctions. Constitutional monarchy did not develop in a vacuum. Like the republic, constitutional monarchy

²⁴Maurice Duverger, Institutions Politiques et Droit Constitutionnel (Paris, 1962), pp. 446-447.

²⁵Renan, pp. 17-18.

was a reaction against the excesses of absolute monarchy; a prime difference between these two reactions was, as noted above, that republics tended to be associated with abrupt and revolutionary origins, while constitutional monarchy was the result of a gradual restricting and restraining of the monarch's ability to act. The fact that restriction of the monarch was gradual meant that, short of total restriction, there was no obvious point at which the process of restriction must stop. There were, however, points at which the process might have stopped but did not (with the possible exception of the last), and these points may be regarded as stages in the development of constitutional monarchy.

There have been three main stages of constitutional monarchy. The first is referred to variously as "monarchie limitée"²⁶ or simply "monarchie constitutionnelle"²⁷; the second has been called "monarchie parlementaire"²⁸; the third, when recognized as a separate stage at all, has been aptly called "monarchie parlementaire et démocratique."²⁹ One way of summarizing the differences between these stages of constitutionalism is to say that the first

²⁶Duverger, p. 182; Giraud, p. 254.

²⁷Boris Mirkine-Guetzévitch, Les Constitutions Européennes (Paris, 1951), p. 23; Pierre Duclos, L'Evolution des Rapports Politiques depuis 1750 (Paris, 1950), p. 64.

²⁸Duverger, p. 191; Giraud, p. 254; Mirkine-Guetzévitch, p. 26.

²⁹Giraud, p. 254.

stage involves a separation of powers,³⁰ the second stage sees these powers reintegrated in the cabinet-parliament, and the third stage consists of an extension of the size of the electorate to which the parliament is accountable.³¹

The essential fact about the first stage of constitutional monarchy was that while the king had an independent existence and retained and employed extensive personal powers, he could not exercise them in the face of determined opposition by a majority in the parliament. The parliament also had an existence relatively independent of the king and exercised real powers, but its will could be blocked by the royal veto and dismissal of the ministers, and it is therefore appropriate to refer to this first stage of constitutional monarchy as the stage of separation of powers. John Locke, the theorist of the Glorious Revolution which brought England into the first stage of constitutional monarchy in 1689, had felt the legislative power in government to be too important to leave in the hands of any one person or institution and suggested that it be jointly exercised by king and parliament.³²

³⁰That is, the powers of legislation and execution are not concentrated in one man or one body of men; no reference to the judiciary is intended in this essay by employment of the phrase "separation of powers," although Montesquieu referred to the judiciary as one of the separated powers.

³¹Giraud, p. 254.

³²John Locke, The Second Treatise of Civil Government (Oxford, 1946).

Embodied in England after 1689, the separation of powers was taken up, in modified form, by Montesquieu and later French theorists, and was instrumental in the spread of the first stage of constitutional monarchy to nations on the European continent.³³

Another major characteristic of the first stage of constitutional monarchy was the requirement of the countersignature of a minister to validate the signature of the king.³⁴ Although the possibility was thus created that a minister could be held responsible for the royal actions he had sanctioned, in the first stage of constitutional monarchy this was more of a potential than a real restriction on the ability of the king to act, since in this stage of development the king remained free to choose and dismiss his own advisers and ministers. The real restraint on the monarch in this first stage was therefore his need to obtain parliamentary approval of new laws; the strength of the separation of powers lay in the fact that it was a compromise satisfactory or at least tolerable both to monarchs and parliaments, to monarchs in that their power was not taken completely away nor their continued existence threatened, to parliaments because it prevented the monarchs from doing anything offensive to their membership.

³³ Charles de Secondat, baron de Montesquieu, The Spirit of Laws (London, 1878); Benjamin Constant, De La Responsabilité Des Ministres (Paris, 1815); Benjamin Constant, Cours de Politique Constitutionnelle (Paris, 1861); Francois Guizot, On the Causes of the Success of the English Revolution (London, 1850).

³⁴ Edvard Therman, Kontrasignations-Institutet (Lund, 1955), p. 101.

The first country, after England, to begin the march toward monarchical constitutionalism was Sweden, which wrote the separation of powers idea into its constitution of 1809, the first of our monarchies, incidentally, to embody this device formally.³⁵ The practice in Sweden under this first stage pattern, which lasted with variations and modifications until 1917,³⁶ was a government by the king and a council chosen by him from the ranks of the bureaucracy and with restraints exercised upon it by the parliament (Riksdag). One of the notable restraints, a step towards but not an arrival at the second stage (parliamentary government), dated from the year 1840 when resignation of a minister under fire in the Riksdag established the principle that "the king's advisers, though he might choose them himself, must not be absolutely unacceptable to the majority in the estates."³⁷ Fundamentally, though, "the constitution of 1809, although it set up a system of checks and balances, had provided that 'the king alone shall rule the country,' which meant in practice that his power was curtailed only as much as was absolutely necessary."³⁸

³⁵Gunnar Heckscher, The Swedish Constitution 1809-1959 (Stockholm, 1959), pp. 7-8.

³⁶J. A. Lauwerys, Scandinavian Democracy: Development of Democratic Thought and Institutions in Denmark, Norway and Sweden (Copenhagen, 1958), p. 36.

³⁷B. J. Hovde, The Scandinavian Countries 1720-1865 (Boston, 1943), p. 527. See also Walter Sandelius, "Dictatorship and Irresponsible Parliamentarism--A Study in the Government of Sweden," 49 Political Science Q. (1934), p. 362.

³⁸Hovde, p. 525.

The Norwegian constitution of 1814 was based upon the separation of powers.³⁹ Norway had not existed as an independent country since 1380. From that year until 1814 the King of Denmark was also the King of Norway. At the end of the Napoleonic wars Sweden defeated Denmark, and by the Treaty of Kiel in 1814 Norway was surrendered by the Danish king to the Swedish. The Danish prince Christian Frederick, who was acting as viceroy of Norway until the change to Swedish rule could be completed, took advantage of the local resentment aroused by the projected transfer to let it be known he was in sympathy with Norwegian nationalism.⁴⁰ He provisionally granted to himself the title Regent and in this capacity "invited the Norwegian people to elect representatives for a national assembly. . . ."⁴¹ The specially elected constituent assembly promptly met and drew up a charter for an independent monarchical government, and the conniving prince Christian Frederick was unanimously elected King of Norway.⁴²

A Swedish invasion quickly brought about the abdication of Christian Frederick, however, and a partial union with Sweden was finally accepted by the Norwegians, with monarch and foreign policy

³⁹See Tonnes Andenaes (Ed.), The Constitution of Norway and Other Documents of National Importance (Oslo, 1951).

⁴⁰B. A. Arneson, The Democratic Monarchies of Scandinavia (New York, 1949), p. 33.

⁴¹Jorgan Bukdahl et al (Eds.), Scandinavia Past and Present (Odense, Denmark, 1959), II, p. 693.

⁴²Arneson, p. 33.

to be shared with Sweden.⁴³ Except for small changes to provide compatibility with the personal union with Sweden, the charter written by the constituent assembly was retained as the constitution of Norway, and the separation of powers was clearly incorporated.⁴⁴ The executive was to be the king plus the state council or cabinet.⁴⁵ The king would make the final decisions, but only after listening carefully to the advice of his council, each member of which was bound to state his honest opinion on the matter under consideration: "If a member of the Council found that the King's opinion conflicted with the law or would be harmful to the realm, it was his duty to protest and 'register his opinion in the minutes of the session.' Whoever failed to register his protest would be held to share in the responsibility for any resolution that was adopted."⁴⁶ The parliament was set up as a one chamber Storting which would divide itself into two parts to ensure full consideration of bills; if a bill was passed by three successive Stortings it was enacted without requiring the king's consent.⁴⁷ There is reason to believe that the framers of this constitution were familiar with the new constitution of the United

⁴³Bukdahl, II, p. 696.

⁴⁴See Andenaes.

⁴⁵Finn Sollie, "Control over Public Administration in Norway," 5 J. of Public Law (1956), p. 176.

⁴⁶Bukdahl, II, p. 694.

⁴⁷Ibid., p. 696.

States,⁴⁸ and this provision may also have been influenced by the similar provision for a limited veto in the French constitution of 1791.⁴⁹ Whatever the reasons for it, this provision was to play a key role in the later constitutional development of Norway.

The Netherlands, until the occupation of the country after the French Revolution, had been a rather loosely unified collection of provinces. Unification was achieved by the French after Napoleon imposed his brother, Louis, as king.⁵⁰ "It was, indeed, a blessing in disguise that the monarchy was forced upon the nation by Napoleon. The ancient factions . . . could never have joined in proclaiming the seven provinces a united kingdom. Louis Napoleon made the monarchy of the Oranges possible."⁵¹ When, in 1813, the Napoleonic tide was on the ebb, three noblemen at the Hague quickly "assumed provisional control of the Government on behalf of the Prince of Orange then in exile."⁵² When the Prince, who was no fool, returned to Holland, he made no effort to return to

⁴⁸Thomas K. Derry, A Short History of Norway (London, 1957), p. 134.

⁴⁹Frede Castberg, "La Vie Constitutionnelle de la Norvège, Comparée à celle des Grands Pays Occidentaux," 1 Travaux et Conférences, Faculté de Droit, Université Libre de Bruxelles (1954), p. 43.

⁵⁰Grant Duff, Studies in European Politics (Edinburgh, 1866), p. 292.

⁵¹A. J. Barnouw, The Making of Modern Holland (New York, 1944), p. 175.

⁵²A. J. Barnouw, Holland Under Queen Wilhelmina (New York, 1923), p. 91.

the old decentralized ways but merely took over the centralized administration left behind by the French.⁵³ A constitution was written and ratified in 1814;⁵⁴ although it appeared to provide for a separation of powers, the prince, as William I, soon took advantage of events to establish a personal regime, and it was not until 1840 that he was forced by parliament to concede some limitations to the royal power.⁵⁵ William abdicated in the same year, and from 1840 the Netherlands was in the first stage of constitutionalism.⁵⁶

With the support of the prevailing great powers, Belgium was made an integral part of the kingdom of the Netherlands when it was set up in 1814. The predominantly Catholic population of the southern Netherlands found itself with a disproportionately small percentage of the seats in the national parliament, and resentment against the government of William I was not long in building up.⁵⁷ In 1830, following the example set by the French in the replacing

⁵³Barnouw (1944), p. 177.

⁵⁴J. L. Motley, The Rise of the Dutch Republic (New York, 1898), p. 907.

⁵⁵Amry Vandenbosch and S. J. Eldersveld, Government of the Netherlands (Univ. of Kentucky, 1947), p. 12.

⁵⁶The immediate reason for the abdication was William's desire to marry a Catholic. Ernst Van Raalte, The Parliament of the Kingdom of the Netherlands (London, 1959), p. 4.

⁵⁷George Edmundson, History of Holland (Cambridge, 1922), p. 389.

of the reactionary Charles X with the moderate Louis Philippe, the Belgians proceeded to detach themselves from the Netherlands. At a performance of Auber's La Muette de Portici in the Brussels opera house, following the singing of a passage in the opera referring to freedom, a demonstration erupted which soon spread to the streets and turned into a successful revolution.⁵⁸

As a direct result of the experience with the autocratic William I, the Belgians were careful to spell out and enforce constitutional restrictions on the power of their monarch; consequently, from the time of the arrival of the elected founder of the new dynasty--Leopold I--Belgium moved into the first stage of constitutionalism.⁵⁹

Until well into the nineteenth century, Denmark remained under an absolute monarchy. That this regime was able to perpetuate itself so long is probably attributable to the fact that the nineteenth century monarchs in that country, though absolute, did not on the whole abuse their positions.⁶⁰ The growth of some popular demand for participation in the government had been recognized in 1834 by acts setting up elected advisory councils in the

⁵⁸B. H. M. Vlekke, Evolution of the Dutch Nation (New York, 1945), pp. 294-295.

⁵⁹Pierre Daye, Petite Histoire Parlementaire Belge (Bruxelles, 1939), pp. 16-19; Edmundson, pp. 389-398.

⁶⁰Palle Lauring, A History of the Kingdom of Denmark (Copenhagen, 1960), p. 214.

several regions and for the country as a whole.⁶¹ On the accession to the throne of Christian VIII, hopes were aroused that he would grant a constitution, since it had been this same man who, as the regent Christian Frederick, had been instrumental in the framing of the Norwegian constitution.⁶² No constitution materialized, however, and when his son, who was not particularly popular, succeeded him as Frederick VII, a minor crisis ensued. The threat of revolution almost drove the new king to abdicate, but cooler heads prevailed and talked him into placing himself at the head of the popular government movement rather than let himself be driven out of the country. "As the leader of his Danish subjects he should welcome in the middle of the national conflict the age of freedom, a popular ruler in a Europe where thrones were tottering."⁶³ The king decided that this was not a bad idea and appointed a new ministry to which he declared that "from that moment he regarded himself as a constitutional monarch, and that the ministry henceforward was responsible for the government of Denmark."⁶⁴ In the Fundamental Act of June 5, 1849, ratified by the king, Denmark was made a constitutional monarchy on the pattern of the Belgian constitution.⁶⁵ Denmark was thus the last

⁶¹J. H. S. Birch, Denmark in History (London, 1938), p. 238.

⁶²Lauring, p. 209.

⁶³John Danstrup, A History of Denmark (Copenhagen, 1948), p. 103.

⁶⁴Ibid., p. 104.

⁶⁵Lauwerys, p. 36.

of the six present constitutional monarchies to arrive in the first phase of constitutionalism.

The first stage of constitutionalism, then, entailed a wide dispersion of powers and the monarch still remained a person of great political importance. But it was not a stage which was destined to endure; even before the first stage of constitutionalism had been consolidated in some of the countries under scrutiny, in others a second pattern of government began to emerge, making it appear that the first stage was merely transitional and not a truly stable, self perpetuating form of government.

* * * * *

The second stage in the development of present constitutional monarchies was that of parliamentary or cabinet government. The parliaments used their powers of appropriation and legislation to make gradual inroads upon the freedom of the monarch to choose his own ministers. At first it was established that he could not appoint a minister against the wishes of the parliament. Then the king, for the sheer convenience of preventing breakdowns in government, came to appoint automatically the leader of the majority party or coalition in parliament as prime minister, to let him choose the rest of the ministers, and to let them govern as long as they could keep parliament under control. But as soon as the king no longer could appoint ministers freely, then the potential restriction of his power by the requirement of ministerial

countersignature became actual.⁶⁶ The result was the passing away of any true separation of powers under normal circumstances and the integration of power in the parliament-cabinet. Again, England was the first country to attain this second stage of constitutionalism. The seeds for this were planted almost as soon as the first stage had become firmly entrenched, when William III took to choosing as his advisers members of the party commanding a majority in the House of Commons. By 1742 the fall of the Walpole administration because of a lack of parliamentary confidence was a sign that the second stage of constitutional monarchy was in full bloom in England, although George III was to prove that there was still a lot of room for the monarch to maneuver.

By 1848 the liberals rose to power in the parliament of the Netherlands. William II, in order to stave off revolution in that year noted for its revolutions, agreed to liberal demands for a new constitution. The new constitution which was drawn up and put into effect aimed at abolishing the personal rule of the monarch by making his ministers responsible to the States-General for his actions.⁶⁷ Considerable room for maneuvering and latitude of power were left to the monarch, however, since while the constitution made ministers responsible to parliament, it did not require

⁶⁶This point is developed at some length in Chapter III, "Restrictions on the Office of the Monarch."

⁶⁷Barnouw (1944), p. 188.

that they be members of that body. This:

permitted the appointment to the Cabinet of eminent specialists who had never taken part in political life. It also permitted the formation of extra-parliamentary cabinets which did not start with majority support, but through their administration hoped to secure a majority for each individual measure on its merits. These extra-parliamentary cabinets became quite a feature of Netherlands political life. King William III had recourse to this means to preserve direct influence over the administration of the country.⁶⁸

The new constitution written in 1848 consolidated the gains attained at the abdication of William I, formalized the separation of powers, and paved the way for an early transition to cabinet government.⁶⁹ The second stage was entered in 1868, when the parliament demonstrated that it would no longer tolerate retention of a ministry in the face of majority dissatisfaction with it among its members.⁷⁰

Norway entered the second stage of constitutionalism in 1884 although Sweden, whose king also reigned over Norway until 1905, did not completely reach this stage until 1917. The earlier transition in Norway can be partly attributed to the organization of its parliament (unicameral with strong bicameral features⁷¹)

⁶⁸Vlekke, p. 307.

⁶⁹Vandenbosch and Eldersveld, p. 6.

⁷⁰B. Landheer (Ed.), The Netherlands (Berkeley, 1943), pp. 94, 96.

⁷¹James A. Storing, Norwegian Democracy (Boston, 1963), p. 73.

which offered less institutional resistance to exertion of a unified pressure for reform than did the peculiar institutions of Sweden, which are discussed later in this chapter. Another helpful feature was the absence of an absolute veto for the king; the provision making a bill law after being passed by three successive Stortings had been retained in the constitution when Norway succumbed to Swedish pressure for union in 1814. But probably the most important reason for this faster evolution was that in Norway pressures for constitutional reform were allied with sentiments of nationalism and pressures for national independence.

In the period between the establishment of the union with Sweden and the advent of cabinet government in 1884, the kings vetoed one out of every eight bills submitted by the Norwegian parliament and these included much of the most important legislation.⁷² In the 1870's a bill amending the constitution to force ministers to defend their proposals and actions before the parliament was vetoed by the king. The ministers had advised the king to veto the bill on the grounds that in exchange the Storting had refused to grant the cabinet power to dissolve it--this, the ministers were afraid, would excessively reduce the power of the cabinet in relation to that of the legislature.⁷³ In the 1880's the passage of this amendment for the third time raised the question whether the royal veto applied at all to amendments,

⁷²Lauwerys, p. 97.

⁷³Bukdahl, II, p. 848.

and if so if it could be overridden. Failure to agree on this question resulted in the impeachment by the Odelsting, one of the two parts⁷⁴ into which the Storting was divided, of all the members of the cabinet. The impeachment was tried by the High Court of the Realm, a body consisting of the members of the Supreme Court and the members of the Lagting, the second part of parliament. The Lagting members comprised a majority of the High Court, and it was therefore not surprising that in the struggle between the Storting and the cabinet the Court favored the Storting; in 1884 the High Court, in spite of the unanimous opposition of the professional judges from the Supreme Court, deposed the entire cabinet.⁷⁵ "The King . . . was finally forced to yield and appoint a new government headed by . . . the leader of the opposition in the Storting. This gave Norway her first parliamentary government."⁷⁶

⁷⁴It would not be technically correct to refer to the parts as "chambers." The Norwegian parliament is unicameral, but after each election the body chooses 1/4 of its membership to make up a house within the house--the Lagting--while the rest of the members of parliament meet in a body called the Odelsting. Certain matters are handled by the two bodies acting in cooperation, others by a joint session. For a brief description of this unusual system see Gunnar Hoff, "Norway's Three 'Tings,'" 5 Parliamentary Affairs (1952), pp. 445-448.

⁷⁵Karen Larsen, A History of Norway (Princeton, 1948), p. 458. For a detailed description of the crisis leading to cabinet government in 1884 see John W. Burgess, "The Recent Constitutional Crisis in Norway," 1 Political Science Q. (1886), pp. 259-294.

⁷⁶Lauwerys, p. 98.

In Denmark political tension accumulated around a running controversy over the meaning of the constitutional statement that "the King shall choose his ministers freely." One faction, the Venstre or "left," maintained the clause meant only that the king could "choose his ministers freely from amongst the members of the party holding a majority in parliament."⁷⁷ Conservatives preferred to interpret the clause in a strictly literal manner, thus according to the king a much more influential position in the scheme of things. For many years in the latter half of the nineteenth century the ministries were formed of conservatives by royal action and in the manner dictated by the conservative interpretation of the constitution. This was in the face of the fact that the Folketing, or lower chamber of the parliament, was solidly in the clutches of the Venstre. The result of the impasse created by this division of opinion was "the successful blockage of all public business by the disaffected parties in the Folketing. . . ."⁷⁸ This was especially embarrassing in the realm of appropriations, and for years the ministry was obliged, in order to obtain funds in the face of the hostility of the lower chamber, to govern by means of "provisional laws" based solely on the authority of the king.⁷⁹

⁷⁷Poul Hansen, Contemporary Danish Politicians: 45 Portraits with a Brief Look at the Development of Danish Parliamentary Democracy (Copenhagen, 1949), p. 18.

⁷⁸Birch, p. 379.

⁷⁹Lauring, p. 231.

It was only in 1894 that the road which was to lead Denmark out of its dilemma was opened up. In that year an agreement was reached between the conservatives and a moderate wing of the Venstre by which, in exchange for an agreement by the left to grant an appropriation for the fortification of Copenhagen, the right promised that irregular financial laws would be discontinued.⁸⁰ The full impact of this agreement was not felt, however, until after the elections of 1901 returned a greatly increased number of left candidates to the Folketing and reduced the right to only 8 seats out of 144. This made completely impossible a retention of the precarious position of the conservative ministries, which had held on since 1894, because of the prospect that no business could be conducted by any other than a ministry of the left. The ministry of the left was sent for, and since 1901 Denmark has been in the second stage of constitutional monarchy.⁸¹

Existence of an unusual organization of parliament helped to delay establishment of the second stage of constitutionalism in Sweden. The estates of the realm, dating back to feudal times, numbered four, and unlike their brethren elsewhere they did not unite to form two houses, but continued to meet separately. The existence of the four chambers made it impossible for a system of disciplined political parties to develop, although factions

⁸⁰Hansen, p. 18.

⁸¹Lauwerys, p. 36.

resembling parties in some ways had existed even before the end of absolutism. The resulting lack of unity among the estates permitted the kings to stall off the advent of cabinet government: ". . . the king and his friends were usually able to play the chambers off against each other [to] . . . withstand the demand for more thoroughgoing ministerial reconstruction."⁸²

After persistent demands in the more popular estates, the government introduced and secured in 1865 the passage of a bill abolishing the estates and establishing a bicameral parliament of which both houses were elective, one directly and the other indirectly. When it saw that passage of the bill was assured by the support of the necessary three estates, the chamber of nobles took the surprising step of bowing gracefully to the inevitable and voting to abolish itself, it being the main target of the reform plans.⁸³ This action was to make the establishment of cabinet government possible, but it did not make it immediate. Full-fledged permanently organized parties did not appear until the late nineteenth century. In the early part of the twentieth century the downfall of cabinets was occasionally accomplished by the Riksdag, but cabinets also continued to fall at the displeasure of the king. The cabinet remained bureaucratic in character, and "obtaining a post as state councilor was considered the crowning

⁸²Hovde, p. 528.

⁸³Rustow, p. 17.

glory of a successful official career."⁸⁴ This monarchical separation of powers was finally discontinued and parliamentary government introduced in 1917.⁸⁵

In the meantime the Swedish king, who exercised the royal veto as late as 1913 in Sweden,⁸⁶ lost his Norwegian dominions as the immediate result of another royal veto directed against the legislature of that country.⁸⁷ The Norwegian parliament passed a law providing for a separate consular service for Norway, claiming that the joint service with Sweden was being used to the unfair advantage of Swedish trade. The king promptly vetoed the bill. This veto provoked the Norwegians tremendously, and rather than waiting the king out and overriding his veto by the constitutional process, the Storting declared the king to be deposed and called a referendum to sanction complete separation from Sweden. Overwhelming approval for independence was indicated by the voters, and the Swedish king and parliament agreed to a treaty dissolving the union in 1905.⁸⁸ After another referendum Prince Karl of

⁸⁴Bukdahl, II, p. 841.

⁸⁵Nils Herlitz, Sweden: A Modern Democracy on Ancient Foundations (Minneapolis, 1939), p. 47.

⁸⁶Rustow, p. 174.

⁸⁷More precisely, the veto provided the Norwegians an excuse to do what they had increasingly been wanting to do. In this sense the veto may be said to have been a cause, not of, but for the ensuing secession.

⁸⁸Arneson, p. 35.

Denmark was invited to become King of Norway, and he assumed office as Haakon VII.⁸⁹ It is interesting to note that the Swedish king had employed his veto within a brief period of time in both his dominions, and that in one he got away with it while in the other it provoked a mild revolution. In Sweden, which was still in the first stage of constitutionalism, a royal veto was considered by the public to be within the bounds of propriety, while in Norway, which had been in the second stage for twenty years, a veto was not considered to be an appropriate function of the monarch.⁹⁰

Belgium has the distinction of having attained the electoral characteristics of the third (democratic) stage before it had ceased completely to have a monarchical separation of powers.⁹¹ Two reasons for this state of affairs may be found--one being that Belgium has had a succession of able men as kings, the other being that the constitution and political circumstances of the country have given these able men considerable scope for the employment of their royal talents.⁹² As commander in chief of the armies the

⁸⁹Lauwerys, p. 40.

⁹⁰The circumstances in which a royal veto might still be acceptable in a country which no longer is in the first stage of constitutionalism will be considered in a later chapter.

⁹¹T. H. Reed, Government and Politics of Belgium (Yonkers on Hudson, 1924), p. 90.

⁹²"L'action personnelle du monarque, depuis 1831, encore bien qu'elle se soit exercée avec infiniment de prudence et de discrétion, a néanmoins été constante, efficace, salutaire, et elle

Belgian king was not thought to be subject to the requirement of ministerial countersignature which limited him in his other roles. In World War I King Albert refused to heed the call of Prime Minister de Broqueville to leave the country, personally led the country's forces in the field of battle and did it with distinction.⁹³ Between the two world wars the kings were actively engaged in foreign policy matters, and in trying to form cabinets out of the splinter parties which proliferated in Belgium, even going so far as to refuse to dissolve parliament when this was requested by the ministers.⁹⁴ In World War II the king, Leopold III, also took personal command of the armed forces, but was forced to surrender them to the Germans. The results of a split between the cabinet in exile and the king during the war indicated that Belgium had finally and unequivocally reached the stage of cabinet government. The king refused to take the advice of his ministers to go to London with them, and surrendered along with his troops. Following the war Leopold was compelled, after a long crisis, to abdicate in favor of his son.⁹⁵ Thus Belgium was brought into

a certainement contribué à la stabilité de nos institutions." Maurice Vauthier, "La Constitution et le Regime Politique," in H. Lévy and B. Mirkine-Guetzévitch (Eds.), La Vie Juridique des Peuples (Paris, 1931), I, p. 14.

⁹³See Margret Boveri, Treason in the Twentieth Century (London, 1961), p. 99; Adrien de Meeûs, History of the Belgians (New York, 1962), pp. 344-354.

⁹⁴H. Speyer, La Reforme de l'Etat en Belgique (Brussels, 1927), p. 37.

⁹⁵J. H. Huizinga, A Political Biography of Paul Henri Spaak

the fold of the second pattern of constitutional monarchy.

* * * * *

Although the forms of government developed in the second stage of constitutional monarchy were apparently more stable and self-perpetuating than those of the first stage, a change outside or on top of the form of government took place in all of the countries under consideration. This change consisted merely of an extension of suffrage within the pattern of government of the second stage of constitutionalism from an initial point where the franchise was severely restricted through manhood suffrage and on to the enfranchisement of women to create a universal suffrage. In one sense then the change was so simple and gradual and its direct impact on the actual forms of government so minimal that it does not seem warranted to label the results a third stage of constitutional monarchy.

The facts about the transition can be stated very briefly. Norway was the first of our monarchies to arrive at suffrage for all adults. When cabinet government was established in 1884 only about half of the country's adult men could vote; in 1898 manhood suffrage was adopted for persons over twenty-five years of age. In 1913 suffrage was extended to women.⁹⁶ Denmark allowed all men

(New York, 1961), p. 226. See also Boveri, pp. 97-108; de Meelis, pp. 370-374; E. Ramon Arango, Leopold III and the Belgian Royal Question (Baltimore, 1963).

⁹⁶ Arneson, p. 37.

over thirty except for "domestic servants and apprentices" to vote from 1848. In 1915 suffrage was attained by all adults over thirty-five for the Landsting (upper house) while all over twenty-five could vote in Folketing (lower house) elections.⁹⁷ England gradually extended suffrage to all men during the nineteenth century. In 1918 the vote was granted to women over thirty and in 1928 universal adult suffrage was enacted.⁹⁸ Extensions of the voting privilege were made in 1887 and 1896 in the Netherlands; manhood suffrage became law in 1917 and the vote was extended to women in 1919.⁹⁹ In Belgium universal suffrage for men was reached in 1893, and women were given the franchise in 1920. Finally, Sweden enacted suffrage for all adults in 1921, having had manhood voting since 1909.¹⁰⁰

While the changes in the breadth of suffrage were from the superficial viewpoint outside the formal structure of government and only changes in degree, i.e. in the percentage of the people who could vote, in reality the extension of the suffrage may not have been a bad demonstration of the idea that a changing quantity becomes a changing quality. The very pervasiveness of the spirit of equality which accompanied the broadening of the franchise into

⁹⁷Ibid., p. 28. In 1953 the Landsting was abolished leaving Denmark with a unicameral parliament.

⁹⁸J. A. R. Marriott, Modern England 1885-1932 (London, 1934), pp. 12-13, 328-329.

⁹⁹Vlekke, pp. 321, 331.

¹⁰⁰Arneson, p. 47.

democracy could not help but make independent personal actions by the monarch more difficult than ever and to strengthen the hand of the cabinet in dealing with the king. Democracy may therefore with some propriety be classified as a third stage of constitutional monarchy in that it was accompanied by a more equalitarian spirit in the countries involved. Exercise of the expanded suffrage also may have helped reduce the ability of the monarchs to exert influence over the composition of their parliaments and thus reinforced the parliamentary tendencies expressed in the second stage of constitutional monarchy.¹⁰¹

The "illogical" association between monarchy and democracy was the result of the development of constitutionalism by men whose actions do not appear to have been unusually illogical. It can therefore be maintained that there is a method lying behind the present "madness," but it is not self evident that there was a madness in the method. The method--of rational opportunism and reform--was able to bring about a system of government in which a "loyal opposition" to government could simultaneously profess hostility to those wielding power (the ministers) and allegiance to the existence and continuing exercise of governmental power (symbolized by the monarch). And it was able to combine the benefits of stability with those of progress. The system of government

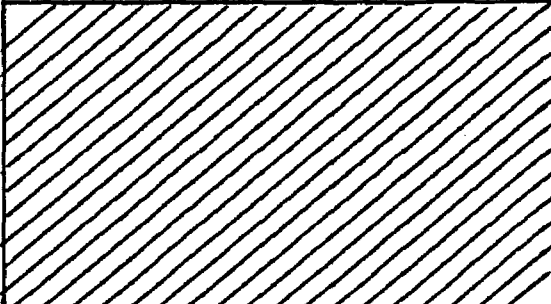
¹⁰¹ L. Dupriez, Les Ministres dans les Principaux Pays d'Europe et d'Amérique (Paris, 1892), I, p. 75.

thus evolved was a very complex one, however, and the formal analysis of the place of the monarchical institution in modern constitutional democracy which follows necessarily contains two elements. The first component involves analysis of the set of legal provisions pertaining to the monarch, his position, and his relationship with the conduct of government. The second component might be called, in contrast, a "factual," "descriptive," or "behavioral" analysis of the actual role of the monarch in the modern state. The second component is necessary because the constitutions of the present European monarchies often do not mean what they seem to mean. The first component is necessary because the fact that a constitution does not mean what it seems to mean does not signify that it is meaningless.¹⁰²

Furthermore, one of the fundamental distinctions which can be made by a student of government concerns the difference between man and office. If the actual government can be looked upon as a network of relationships between the individuals momentarily participating in its operations, the form of government can be regarded as the enduring relationships between the offices which are

¹⁰²"There is, however, a tendency among some sociologists, as among Communists and social reformers, to be unimpressed by what are called 'mere forms' or 'legalism,' that is to say the formal structure of government. It may well be that for too long political systems have been studied against the background of constitutions, but to dismiss constitutional documents as 'legalistic' is to neglect the importance of law as the embodiment of a continuing tradition of justice. Because in certain countries constitutions appear to be little more than scraps of paper it does not follow that they always are." Douglas Verney, The Analysis of Political Systems (Glencoe, 1959), p. 214.

held at different moments by different individuals. In dealing with constitutional monarchies, the term "throne" will be used to refer to the office, and the terms "king," "queen," "monarch" or "sovereign" to refer to the man. The expression "the crown" may be used to refer to the office as a synonym for "throne," but it will also and especially be used to refer to the powers exercised in the name of the monarch by his ministers, i.e. to the government. Analysis of the relationships between the throne, the monarch, and the crown will be cast in the following pattern:

	MONARCH (man)	CROWN (government)
THRONE (office)	II. Succession to the throne. III-A. Limitations on the throne which are limitations on the monarch.	III-B. Limitations on the throne which are limitations on the crown.
MONARCH (man)		IV. Relationship between the monarch and the crown (government).

Thus chapter II will deal with the succession to the throne, chapter III with limitations on the throne as they affect both the monarch and the crown, and chapter IV with the relationship between the monarch and the government.

CHAPTER II

SUCCESSION TO THE THRONE

"And if the education of princes necessarily corrupts those who receive it, what may one hope from a line of individuals each one of whom has been trained to rule others. It is an act of deliberate blindness to confuse monarchical government in general with government as conducted by a good king. To understand what the true nature of such government may be, we must take into consideration good and bad princes alike. For bad men do mount the throne, or perhaps it is that the throne makes them bad."

Jean Jacques Rousseau,
Social Contract

As any viable and lasting form of government must do, in a monarchy legal or customary provision is made to ensure that there will always be one person and only one person with a recognized first claim to the highest formal office in the land when a new occupant must be found. Failure to maintain a consensus as to the way in which it is to be determined just which individual is to assume the functions of a high office can lead to grave results, and the existence of such a consensus is therefore a most important matter in any state.¹ Likewise, the particular form assumed

¹See Guglielmo Ferrero, The Principles of Power (New York, 1942), for a discussion of the problems encountered when two principles of legitimacy which are incompatible are let loose in the same country. A good example of such a situation in a monarchy

by the consensus is of political significance since it reflects the values of the community and determines who will reign. Present European constitutional monarchies base eligibility to their highest office on hereditary right but disqualify contenders otherwise eligible from holding or exercising the functions of the office under certain specified conditions; the disqualifications may be temporary or permanent. But taken in its most general form the problem of succession, of the dynamic relationship between man and office, involves insuring that at any given moment the functions of the monarch will be performed. This means that provision must be made not only for the death of the monarch but also for occasions when the monarch, though alive, is unable to carry out his constitutional duties, and for the possibility that no person legally qualified to be monarch may exist when a new king has to be found.

1. Regency. A regency is the device employed when a monarch is alive but unable for any reason to fulfill his usual functions or when there is a vacancy of the throne. Basically there are five types of situations in which the establishment of a regency

occurred in nineteenth century Spain, when Ferdinand VII, lacking a son, tried to change the law excluding women from the throne to permit his daughter, Princess Isabel, to succeed him. The followers of his brother, Don Carlos, refused to acknowledge this change in the law, and the resulting struggles between descendants of Carlos and those of Isabel weakened the government and ended in a series of revolutions and republics. Louis Bertrand and Charles Petrie, The History of Spain (New York, 1934), pp. 456, 480, 484, 488.

may be called for, though there is some variation from country to country; what is considered a disability in one constitution may not be so considered in others, and even the same kinds of provisions are sometimes filled in with different details.

One condition requiring establishment of a regency which holds true in all six countries is when the heir succeeds to the throne before he is of age; he is not allowed to act as monarch until he has attained the age of majority. Just what is the age of majority depends on the country; four specify eighteen years and the other two twenty-one years of age. In Norway and Sweden, the two countries setting the age at twenty-one, the constitutions merely state that the heir must be of age in order to act personally,² and the age itself is specified by laws.³ In three of the other four countries the age is set at eighteen as a constitutional matter,⁴ while in the fourth, England, the "constitution" is composed of regular laws considered fundamental; anything involving the succession to the throne, however, is probably a "constitutional" matter.⁵

²Constitution of Norway, art. 39; Constitution of Sweden, art. 41.

³Johs. Andenaes, Statsforfatningen i Norge (Oslo, 1948), p. 88. Until May 13, 1921 the age in Norway was set at eighteen by law. For Sweden see Nils Andrén, Modern Swedish Government (Stockholm, 1961), p. 102.

⁴Constitution of the Netherlands, art. 31; Constitution of Belgium, art. 80; Constitution of Denmark, art. 7.

⁵"Constitutional law, as the term is used in England, appears to include all rules which directly or indirectly affect the

A second condition which may call for a regency in all six of these countries is a serious illness of the monarch. Thus the constitutions of Norway and Sweden provide for a regency "if [the king] is prevented by illness from attending to the government" and "should the king become too ill to perform his functions" respectively.⁶

In England up to 1937 no permanent legislation for a regency on account of illness existed and regencies were arranged on an ad hoc basis by the parliament. In January of 1937 the new king, George VI, asked parliament to make permanent legal provisions for regencies; it is now possible for any three of five persons specified ex officio⁷ to declare that they have evidence that the monarch is "incapable for the time being of performing the royal functions" and thereby cause a regency to be established. The monarch may also request a regency on his own initiative.⁸

The Netherlands likewise fixes two different ways in which a regency can be set up. First, "If the States-General in united

distribution or the exercise of the sovereign power in the state. . . . Its rules prescribe the order of succession to the throne. . . ." A. V. Dicey, Introduction to the Study of the Law of the Constitution (London, 1960), p. 23.

⁶Andenaes, p. 88; Robert Malmgrén, Sverges Grundlager och Tillhörande Författningar (Stockholm, 1961), p. 51; Constitution of Norway, art. 41; Constitution of Sweden, art. 40.

⁷The wife or husband of the sovereign, Lord Chancellor, Speaker of the House of Commons, Lord Chief Justice, and Master of the Rolls.

⁸Regency Act (1937), 1 Edw. 8 & 1 Geo. 6, ch. 16.

assembly are of opinion that the [desirability] exists, they shall so declare in a resolution which shall be promulgated by order of the president designated in the second paragraph of Article 111 and which shall enter into operation on the day of its promulgation." Or second, "Royal authority shall also be exercised by a regent in case the king has temporarily relinquished the exercise of royal authority by virtue of a law of which he has submitted the draft."⁹ In Denmark, too, the constitution provides that in case of illness a regency shall be established.¹⁰ Likewise in Belgium, there is the straightforward provision that "If the king becomes incapacitated to reign, the ministers, after having ascertained this incapacity, shall immediately convene the houses. The houses shall provide for the regency and guardianship."¹¹

Less uniformity prevails among the six countries on a third matter, that of a regency set up during the absence of the monarch. The Danish constitution refers to "absence" of the monarch as one of the conditions under which a regency is to be established. By a law passed in 1871 an absence is defined to include both a trip out of the realm and one to an out of the way part of the realm such as Greenland.¹² In England it is customary to establish a

⁹Constitution of the Netherlands, art. 40, 43.

¹⁰Constitution of Denmark, art. 9; Alf Ross, Dansk Statsforfatningsret (København, 1959), p. 482.

¹¹Constitution of Belgium, art. 82; Pierre Wigny, Droit Constitutionnel: Principes et Droit Positif (Bruxelles, 1952), II, p. 588.

¹²Constitution of Denmark, art. 9; Ross, p. 484.

regency when the monarch leaves the country; although the Regency Act (1937) provides permanently for the procedures to be employed in establishing such a regency, it does not require that such a regency be set up but only permits the monarch to do so "in order to prevent delay or difficulty in the dispatch of public business. . . ." ¹³ Although the Belgian constitution does not provide for a regency when the king leaves the country, a regency was set up during the exile of Leopold III after World War II; Leopold's younger brother, prince Charles, was made regent. ¹⁴ While the Netherlands constitution does not explicitly provide for a regency in case of absence of the monarch, ample authority to set up such a regency can be found in article 43, which allows the monarch to relinquish his powers temporarily. As Vandebosch points out, "This provision was added to the Constitution with the revision of 1922 to cover such possibilities as illness or visits to the colonies or distant countries." ¹⁵ More specific arrangements are made in the constitutions of Sweden and Norway. Sweden provides forthrightly that the king "shall not take part in the administration of the country or exercise the royal power so long as he is outside the kingdom. . . ." ¹⁶ Norway has a similar

¹³Regency Act (1937), art. 6(1).

¹⁴Paolo Biscaretti di Ruffia, "La Monarchia nello stato moderno," Il Politico (Dicembre, 1954), p. 452.

¹⁵Amry Vandebosch and S. J. Eldersveld, Government of the Netherlands (Univ. of Kentucky, 1947), p. 16.

¹⁶Constitution of Sweden, art. 39; Malmgrén, p. 50.

requirement.¹⁷ In addition to requiring a regency when the monarch leaves the country, both Norway and Sweden add a permissive clause allowing the monarch to delegate some of his duties while traveling inside the kingdom.¹⁸

A fourth situation requiring establishment of a regency can occur only in Denmark and Belgium. In these countries, although the heir to the throne automatically becomes king on the death of the incumbent, he cannot legally act as king until he has taken an oath to defend the constitution. In the period between the death of the king and the taking of the oath, which in Denmark may have already been done before the former monarch's death, both constitutions place the powers of the monarch in the hands of the cabinet.¹⁹

A fifth type of situation in the event of which some of the constitutions provide for a regency would be a vacancy of the throne because of the total lack of a legally qualified heir. The constitutions of England and Norway make no explicit provision for such an interim. The Norwegian constitution attempts to prevent development of a vacancy by allowing prior action by the king and parliament to choose an heir.²⁰ In England the Act of Settlement

¹⁷ Constitution of Norway, art. 41; Andenaes, p. 88.

¹⁸ Constitution of Norway, art. 13; Constitution of Sweden, art. 43.

¹⁹ Constitution of Belgium, art. 79-80; Constitution of Denmark, art. 8.

²⁰ Constitution of Norway, art. 7.

(1700) sets a precedent that in the face of an anticipated vacancy of the throne parliament will by statute elect a new dynasty. Denmark envisages the danger of a vacancy of the throne in her constitution, and empowers the Folketing to choose a new king and to provide for the line of succession.²¹ The constitutions of the Netherlands, Belgium and Sweden provide for the establishment of a regency during the interim until their parliaments have selected a new king.²²

Having determined the circumstances under which a regency should be established, the constitutions of our six countries proceed to specify the form which a regency is to take. Basically, there are three different ways in which a regency may be set up in these countries. The first type of regency simply invests the member of the royal family who is next in line to the throne with the temporary royal powers. The country in which this kind of regency is provided for in its purest form is Sweden. According to the Swedish constitution, in case conditions prevail which require a regency, "the government shall be carried on in the King's name by the heir apparent to the throne. . . ." If, however, the "prince who is heir apparent to the throne is not of age or is prevented by sickness or absence abroad from assuming the govern-

²¹ Constitution of Denmark, art. 9. "Dette sker altså ikke ved lov, med ved simpel folketingsbeslutning." Ross, p. 484.

²² Constitution of the Netherlands, art. 19, 42; Constitution of Belgium, art. 61, 85; Constitution of Sweden, art. 39, 42.

ment, then under such conditions the prince who is next entitled in the succession, and for who no similar obstacle exists, shall govern as regent in the King's name. . . ." ²³ Much the same arrangement was established in England by the permanent Regency Act of 1937: "If a Regency becomes necessary under this Act, the Regent shall be that person who, excluding any persons disqualified under this section, is next in the line of succession to the Crown." ²⁴ Regency by the person first in line to the throne is also provided for under the constitutions of the Netherlands and Norway, ²⁵ but with the limitation that in the event the heir to the throne is not qualified to act (because of illness, etc.) the regency does not pass to the next qualified person in the line of succession. The constitutions of both countries provide for a different kind of regency should the person who is first in line be unable to act as king. ²⁶ In Denmark most frequently the regency is conferred upon the heir to the throne. ²⁷

²³ Constitution of Sweden, art. 39; Malmgrén, p. 50.

²⁴ This provision is for the moment superseded by the Regency Act, 1953, whereby if a child of Elizabeth II and the Duke of Edinburgh succeeds to the throne, or if a regency is otherwise necessary, the Duke of Edinburgh is to be the regent if 1) he is alive, 2) the heir is not of age, and 3) there is no descendent of himself and the Queen who is eligible to act as regent. 2 Eliz. 2, ch. 1.

²⁵ Constitution of the Netherlands, art. 31; Constitution of Norway, art. 41.

²⁶ Constitution of the Netherlands, art. 32, 33, 35, 75; Constitution of Norway, art. 41.

²⁷ Denmark (Copenhagen, 1961), p. 118.

A second prevailing type of regency consists of a group of persons, acting *ex officio*, who hold offices designated by law. This kind of regency is called for under certain conditions by all of the constitutions. England's Act of 1937 provides that the wife or husband of the sovereign plus the four persons next in line of succession to the throne may take over the royal functions at the monarch's request if he is ill or outside the realm. In Sweden the council of state is required to act as regent in the event that no member of the royal house is available who is legally qualified to provide a regency of the first pattern. Additionally, the Swedish constitution provides for a partial regency if "the King goes on a military expedition, or visits distant localities of the kingdom," in which case three or more members of the council of state plus a president, either from the royal house or the council of state, are to be named by the king to exercise those portions of his powers he deems desirable.²⁸ In Norway the council of state is called upon to act as regent if the heir to the throne is too young to act as regent and until other arrangements can be made in the event the heir accedes to the throne while still a minor.²⁹ Furthermore, the king has the option of turning his powers over to the council of state while he is traveling within the kingdom.³⁰ The Belgian constitution

²⁸ Constitution of Sweden, art. 39, 43; Malmgrén, pp. 50, 52-53.

²⁹ Constitution of Norway, art. 40, 41; Frede Castberg, Norges Statsforfatning (Oslo, 1935), I, pp. 177-178.

³⁰ Constitution of Norway, art. 13; Andenaes, p. 91.

assigns the regency to the cabinet for the period between the death of a king and the swearing in of the heir or of a regent for the heir if he is not of age.³¹ A similar provision is found in the constitution of Denmark, but with the addition that alternative measures may be laid down by law.³² In the Netherlands, "In temporary emergencies, as in the absence of king or regent, or when there is no king or regent, the Council of State serves as regent."³³

The third kind of regency envisaged by the monarchical constitutions of contemporary Europe takes the form of a person or persons chosen specifically at the time a regency is needed, or, as in England before 1937 and to a certain extent after 1953, in case a regency might occur in the near future. This is obviously a residual category, since in the absence of an adequate provision for a regency by other processes it is the only recourse. It is also a more personalized matter than the other two kinds of regency, since instead of laying down a general rule which allows determination of the regent(s) on an objective basis it names specific persons. In the Netherlands the general provisions for a regency for the minority of the monarch, and for other regencies in the absence of an heir who can act as regent, can be classified under this third pattern. "The Regent is appointed by a law,

³¹ Constitution of Belgium, art. 79.

³² Constitution of Denmark, art. 8; Ross, p. 481.

³³ Vandenbosch and Eldersveld, pp. 16-17.

which may also regulate the succession in the regency until the time of the King's majority. On the bill of this law the States General deliberate and decide in joint session. The law, for the eventuality of the minority of his successors, is enacted while the king is still living."³⁴ Norway and Sweden, which both make the council of state regent in case of the absence of a legally qualified member of the royal family, also both modify this provision in the case of a minor coming to the throne. In such an event the royal regent or the council of state acting as regent of Sweden, and the council of state of Norway, continue to act as regent only until the respective parliaments have met and elected permanent regents to act for the duration of the minority.³⁵ In Belgium, this third pattern of regency is not merely a residual category or one of several provisions for a regency. With the exception of interim holding operations by the cabinet, it is the only formula for setting up a regency in Belgium.³⁶

³⁴Constitution of the Netherlands, art. 37; Vandebosch and Eldersveld, p. 16.

³⁵Castberg, p. 177; Andrén, p. 102; Constitution of Norway, art. 43; Constitution of Sweden, art. 41, 93.

³⁶The fact that a cabinet regency is used only in "interims" should not be allowed to obscure its importance in Belgium. "De plus, il peut être impossible de convoquer pendant longtemps les Chambres malgré la disposition pressante de l'article 82. Telle a été précisément la situation en 1940; pendant près de cinq ans, les ministres ont exercé les pouvoirs constitutionnels du Roi." Wigny, II, p. 596.

Although a regent or council of regency may be said in general to exercise the powers of the monarch, they do not always have precisely the same position in the state as does the monarch under normal conditions. In England, for example, "The Regent shall not have power to assent to any Bill for changing the order of succession to the Crown. . . ." ³⁷ This provision was also customarily inserted in laws setting up ad hoc regencies in England. The constitution of the Netherlands states that "The council of state, exercising royal authority, shall not exercise the right of dissolution." ³⁸ This would not apply of course to the heir to the throne or persons elected by the parliament acting as regent. In Sweden, the regent is prohibited from creating new nobles or raising the status of existing nobles; furthermore "all vacant posts of trust ³⁹ shall only be held until further notice by persons appointed by the regent." ⁴⁰ The most stringent limitation of all applies to the regent in Belgium: "No change in the Constitution shall be made during a regency." ⁴¹ Presumably an attempt by parliament to change the order of succession in England or to make any amendment to the constitution in Belgium could justifiably be met by the regent with a royal veto.

³⁷ Regency Act, 1937.

³⁸ Constitution of the Netherlands, art. 75; Roelof Kranenburg, Het Nederlands Staatsrecht (Haarlem, 1958), p. 277.

³⁹ High offices specified by list.

⁴⁰ Constitution of Sweden, art. 39.

⁴¹ Constitution of Belgium, art. 84; Wigny, II, p. 592.

2. Methods of Leaving the Throne. In analyzing the relationship between a man and an office, one finds that at some point the bond between man and office is dissolved. The office referred to as the "throne" differs from many other political offices in that it takes a fairly drastic reason to bring about such a separation of the man from the office. "Normally a reign does not come to an end except for death. An incapacity, even a definitive one, does not put an end to the term of office; it requires the establishment of a regency."⁴² The constitutions of the European monarchies set forth, explicitly and implicitly, three ways in which an incumbent can leave the throne, the first of which is to die. And death of the monarch is not taken for granted or covered with veiled terminology in the constitutions of our six countries; indeed, if anything, the constitutions appear to be somewhat morbid. England has gone so far as to title a piece of legislation the "Demise of the Crown Act."⁴³ The constitution of the Netherlands refers to the death of the monarch several times,⁴⁴ as do the constitutional documents of Sweden,⁴⁵ Norway,⁴⁶ Denmark,⁴⁷ and Belgium.⁴⁸

⁴²Wigny, II, p. 595.

⁴³1 Ed. VII, c. 5 (1901).

⁴⁴Constitution of the Netherlands, art. 12, 13, 14, 15, 16, 19, 26, 46.

⁴⁵Constitution of Sweden, art. 41, 42, 93, 94.

⁴⁶Constitution of Norway, art. 6, 39.

⁴⁷Danish Succession to the Throne Act, art. 2, 3.

⁴⁸Constitution of Belgium, art. 79, 81.

A second way in which the monarch can leave the throne is to abdicate.⁴⁹ Only two of the constitutions, those of the Netherlands and of Denmark, make any reference to the eventuality that the monarch may abdicate. Both mention it only in passing, saying that abdication will have the same legal consequences with regard to the succession to the throne as does the death of the monarch.⁵⁰ In fact, however, abdication is a constitutional possibility in all of the countries under scrutiny. In three of the countries there has already been an example of abdication during the twentieth century. Edward VIII of England abdicated in 1936, only a few months after his accession to the throne, in the face of a government which refused to allow him to marry a woman who was a divorcee and a commoner.⁵¹ In 1951, as the culmination of a prolonged controversy over his personal role in the Second World War, Leopold III of the Belgians abdicated in favor of his son Baudouin in spite of a 57% vote on his behalf by a popular plebiscite.⁵² In 1948 a different kind of reason lay behind the abdication of

⁴⁹See N. Ladhari, "L'abdication," 12 Revue Internationale d'Histoire Politique et Constitutionnelle (1953), pp. 329-337.

⁵⁰Constitution of the Netherlands, art. 15; Danish Succession to the Throne Act, art. 6.

⁵¹See Robert Sencourt, The Reign of Edward VIII (London, 1962).

⁵²For accounts of this period see J. H. Huizinga, Mr. Europe: A Political Biography of Paul Henri Spaak (New York, 1961); E. Ramon Arango, Leopold III and the Belgian Royal Question (Baltimore, 1963); Margret Boveri, Treason in the Twentieth Century (London, 1961), pp. 97-108.

popular Queen Wilhelmina on the 50th anniversary of her active reign. In this case there was apparently no very compelling reason (with the possible exception of poor health) except a desire to take a well-earned rest and to allow her daughter Juliana to become queen.⁵³ Even though the constitution of Norway makes no mention of the possibility of a royal abdication, Haakon VII, who had been on the throne since his election as king after Norwegian independence in 1905, was once requested by the parliament to abdicate. The circumstances were so unusual, however, that he refused to comply.⁵⁴ At the time the request was made, Haakon was at London with his cabinet, Norway was occupied by the Nazis, and parliament was obviously not itself. "If the Norwegian people really wanted him to abdicate, the King said in a letter to the Presidential Board of the Storting, he would conform to their wishes, but he insisted that he would never conform to the wishes of the German Army of Occupation."⁵⁵

The third way for a monarch to leave his throne is by what will here be referred to as "virtual abdication." Virtual abdication occurs when a monarch does something which under the constitution of his country makes him incapable of continuing to be king

⁵³New York Times, September 5, 1948. See also Ministry of Foreign Affairs, The Digest of the Kingdom of the Netherlands: Constitutional Organization (The Hague, 1962), p. 18. Rumors that Wilhelmina was contemplating such a step had been floating around as early as 1936. New York Times, August 6 and September 1, 1936.

⁵⁴Andenaes, p. 60.

⁵⁵New York Times, July 9, 1940.

or which provides the parliament with a plausible reason for declaring him deposed.⁵⁶ Examples of actions which some of the constitutions cite as leading to a removal of the monarch from the throne or which might by inference produce such a result are the marriage of the monarch without the consent of his parliament,⁵⁷ marriage to a person of a proscribed religion,⁵⁸ or his remaining outside of the kingdom in violation of the constitution.⁵⁹ But in general, any action by the monarch in violation of the legal restrictions put upon his person by his country's constitutional restrictions, restrictions which will be discussed in the next chapter, can be regarded as potentially resulting in a virtual abdication, with the possible exception of Belgium.⁶⁰

The possibility of an abdication or virtual abdication raises an interesting legal question about the effect on the line of succession of such forms of departure from the throne. A monarch may have children born before his dethronement as well as children

⁵⁶For a discussion of what is here called "virtual abdication" with particular reference to Norway but of wider validity see James A. Storing, Norwegian Democracy (Boston, 1963), pp. 42-43. A. B. Keith uses the expression "constructive abdication" in his discussion of James II, who fled but did not resign, and whose flight parliament interpreted as an abdication. Anson's Law and Custom of the Constitution (Oxford, 1935), II(1), p. 278.

⁵⁷Danish Succession to the Throne Act, art. 5; Constitution of the Netherlands, art. 17.

⁵⁸The Union with Scotland Act, 1707.

⁵⁹Constitution of Norway, art. 11; Constitution of Sweden, art. 91.

⁶⁰See Wigny, II, p. 596.

born afterwards; since one of the prime ingredients of a virtual abdication may be a marriage in violation of the constitution, these children may be the issue of more than one marriage by the monarch. The question arises whether any distinction is to be made between the rights to the throne of the children born before and the rights of those born afterwards. In England, where problems tend to be left to be dealt with on an ad hoc basis, the only case of abdication since the development of constitutionalism was that of Edward VIII, now the Duke of Windsor, in 1936. Since Edward, who resigned because of political pressures resulting from his proposed marriage, had not previously been married, there was no need to distinguish between children born of a first, legal or constitutional marriage, and a second, unconstitutional one. The act of abdication merely involved forfeiture by Edward of all rights to the throne for himself and his descendants.⁶¹ In the constitutions of the Netherlands and Denmark one of the two possible answers to the question of the status of the children is to be found. These constitutions define the status of the children of an abdicating monarch or prince forfeiting his rights because of marriage most precisely. The Netherlands basic law

⁶¹"I, Edward the Eighth, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Emperor of India, do hereby declare My irrevocable determination to renounce the Throne for Myself and My descendants, and My desire that effect should be given to this Instrument of Abdication immediately. In token whereof I have hereunto set My hand this tenth day of December, nineteen hundred and thirty-six, in the presence of the witnesses whose signatures are subscribed." Sencourt, p. 191.

states that "All children born of a marriage contracted by a king or queen without joint deliberation with the States-General, or by a prince or princess of the reigning house without consent granted by law, shall be excluded from hereditary succession, themselves as well as their descendants."⁶² The constitution of Denmark says that "the person in question shall forfeit his rights of succession to the Throne for himself and the children born of the marriage and for their issue."⁶³ It is clear from the wording of both provisions that only the children coming from the illegal marriage are excluded from the succession in these two countries.

A hint of the second possible answer to the question of the status of children born before the abdication is to be found in the constitutions of Sweden and Norway. The provisions, however, deal only with actions by persons in the line of succession and make no reference to the event of loss of the throne by the reigning monarch himself. According to the Swedish provision, if a prince marries without the consent of the king, "he shall forfeit all hereditary rights to the crown for himself, his children, and descendants."⁶⁴ Norway's constitution directs that if a prince marries without the consent of the king or accepts another crown without the consent of both king and parliament, "he, as well as his descendants, forfeit their rights to the Norwegian

⁶²Constitution of the Netherlands, art. 17; Kranenburg, p. 98.

⁶³Succession to the Throne Act, art. 5.

⁶⁴Andrén, p. 100; Constitution of Sweden, art. 44.

throne."⁶⁵ Thus while the constitutions of Denmark and the Netherlands provide the same legal consequences no matter whether an heir to the throne dies or renders himself disqualified, Sweden and Norway regard disqualification in a different fashion, since the succession rights of a deceased prince's children are not prejudiced while disqualification strips all of a man's children of a claim to the throne in these countries. In so far, however, as the king personally is mentioned in this connection the Danish-Netherlands practice is specified: the Norwegian constitution thus provides that "the King shall reside in the Kingdom and may not, without the consent of the Storting, stay outside of the Kingdom for more than six months at a time; otherwise he shall have forfeited, for his person, his right to the throne."⁶⁶

3. The Order of Succession. When the office referred to here as the "throne" is vacated, whether from death, abdication, or virtual abdication, a set of legal rules establishes a system of priorities and preferences which determine who is to be the new king. There are two elements to the system of priorities; one is a set of positive rules establishing eligibility, the other a set of negative rules establishing disqualifications. Basically, eligibility is related to descent from specified persons, primogeniture, and the salic rule, while disqualifications are raised

⁶⁵ Constitution of Norway, art. 36.

⁶⁶ Constitution of Norway, art. 11. Emphasis supplied.

in case of a prohibited marriage, religious affiliation, or acceptance of a foreign crown.

Five of the constitutions name a specific person from whom hereditary claimants to the throne must descend. In the Act of Settlement (1700) England's parliament proclaimed that "The most excellent Princess Sophia Electress and Duchess dowager of Hanover, daughter of the most excellent Princess Elizabeth late Queen of Bohemia daughter of our late sovereign lord King James the First of happy memory be and is hereby declared to be the next in succession in the protestant line to the imperiall crown . . . in default of issue of the said Princess Ann and of his Majesty respectively and that . . . the crown and regall government of the said kingdom of England France and Ireland . . . shall be remain and continue to the said most excellent Princess Sophia and the heirs of her body being protestants." The Belgian constitution states that "the constitutional powers of the King are hereditary in the direct descendants, natural and legitimate, of His Majesty Leopold George Christian Frederick of Saxe-Coburg. . . ." ⁶⁷ Since 1921 the Netherlands has limited hereditary succession to descendants of the then Queen Wilhelmina. ⁶⁸ The Succession to the Throne Act of Denmark (1953) similarly provides that "The Throne

⁶⁷ Constitution of Belgium, art. 60. This was the full name of Leopold I.

⁶⁸ Constitution of the Netherlands, art. 14. Desire to avoid succession of distant foreign relatives lay behind the amendment. Vandenbosch and Eldersveld, pp. 14-15.

shall be inherited by the descendants of King Christian X and Queen Alexandrine."⁶⁹ Sweden limits the hereditary succession to descendants of "HRH Johan Baptist Julius, Prince of Ponte-Corvo."⁷⁰ Only the constitution of Norway fails to incorporate such a restriction.

A common feature in all six of these monarchies is the rule of primogeniture, the preference of an older person over a younger, everything else being equal.⁷¹ Everything else is not equal, however, in at least one very important respect, that of the eligibility of women to become monarch. Three of the countries, Belgium, Norway and Sweden, exclude women or persons deriving their claim through a woman from inheriting the crown.⁷² In England, Denmark, and the Netherlands, on the other hand, a woman is eligible to become monarch, but must often bow to preference for a man, even if he is younger than she is.⁷³

⁶⁹Succession to the Throne Act, art. 1.

⁷⁰The Act of Succession. See Andrén, p. 99.

⁷¹A. B. Keith, The King and the Imperial Crown (London, 1936), p. 2; Kranenburg, p. 91; Ross, p. 479; Constitution of Belgium, art. 60; Constitution of Norway, art 6; The Act of Succession, art. 1.

⁷²Constitution of Sweden, art. 42, 94; Constitution of Norway, art. 6; Constitution of Belgium, art. 60.

⁷³At the time of the drafting of the new Danish constitution of 1953, social democrats and radicals wanted not only to remove the ban on women succeeding to the throne (which had been in effect since 1853) but also to accord the throne to the oldest child of the monarch without any regard to sex. This abandonment of male preferment had to be given up, however, in the face of strong conservative opposition. Jacques Robert, "Danemark: La

There are, of course, some complications. One problem is posed if the king dies leaving no male children, in the case of a country excluding women, or no children at all in a country allowing women, but also leaving the queen expecting a child. The sex of the expected descendant being uncertain, the line of succession may remain for some months ambiguous. Even worse, considerations of sex aside for the moment, the status of the new arrival may still be open to argument. Three of the six countries avoid this danger, at least, by statements in their constitutions. The Netherlands constitution decrees that "The unborn child of a woman pregnant at the moment of the death of the king shall, in respect of the right to the crown, be considered as already born. If still-born, it shall be deemed never to have existed."⁷⁴ Norway likewise provides that "Among those entitled to the succession shall be reckoned also the child unborn, who shall immediately take his proper place in the line of succession the moment he is born into the world after the death of his father."⁷⁵ A similar provision is found in the Swedish Act of Succession.⁷⁶ The other constitutions are silent on this point. Even the three countries explicitly providing for such an eventuality, an example of which

Constitution du 5 juin 1953," Revue du Droit Public et de la Science Politique en France et à l'Etranger (janv.-mars 1954), p. 74.

⁷⁴Constitution of the Netherlands, art. 16.

⁷⁵Constitution of Norway, art. 6.

⁷⁶Art. 2; Malmgrén, pp. 5-6.

occurred within the last century in Spain, are not theoretically immune from periods of suspense. In Norway and Sweden doubt as to whether the child was a male or female would prevent a resolution of the succession until it was born--if it turned out to be a female recourse would have to be made to more distant male heirs, while if it were a male he would be king at birth. If a deceased Netherlands monarch already had daughters, but no sons, the unborn child would become king if it were a male, but a female would, by the primogeniture rule, have to give way to her oldest sister.

The rules of succession in the countries excluding women from the throne, with the above exception, are straightforward and for the most part uniform. Older sons precede younger, and male descendants of a previously deceased older son are preferred over the younger sons of the king.⁷⁷ In the event that no qualified heir exists, the choice of a new monarch devolves upon the national parliament.⁷⁸ When women are allowed to inherit the crown, but discriminated against in favor of men, the problem inevitably arises of just where the line is to be drawn between the different requirements of primogeniture, of male preferment, and of exhaustion of an older line before a younger child or his descendants become next in line for the throne. In Denmark, on the one hand, a daughter in the royal family has exactly the same

⁷⁷ Constitution of Belgium, art. 60; Constitution of Norway, art. 6; Swedish Act of Succession, art. 1.

⁷⁸ Constitution of Belgium, art. 85; Constitution of Norway, art. 7; Constitution of Sweden, art. 94.

status as would a younger of two sons. If she has no brother, the oldest daughter is heir to her father in exactly the same manner as his son would be, and assumes her father's rights to the succession if he, as the oldest son of the king, should have preceded the king in death.⁷⁹ The same rules hold true in England.⁸⁰

According to the constitution of the Netherlands, on the other hand, women are not simply to be treated as younger than all the sons of a man. A series of rules is set forth giving, as in all of our countries, first claim to the throne to the oldest son of the king, and second place to the oldest male heir of a previously deceased oldest son of the monarch.⁸¹ At this point, however, the rule restricting the line of succession to an oldest son and his descendants until that line is exhausted before turning to that of another of the king's children does not hold true in the Netherlands. The constitution states that in the absence of a male heir the crown is to go to the oldest surviving daughter of the king.⁸² A different pattern of succession than is to be found

⁷⁹Succession to the Throne Act, art. 2.

⁸⁰Thus Victoria became Queen of England because her previously deceased father, the Duke of Kent, would have become king if he had been alive when William IV died. If the Netherlands rule had applied the throne would have gone to Ernest Augustus, younger brother of the Duke of Kent. See Roger Fulford, Royal Dukes--The Father and Uncles of Queen Victoria (London, 1933), p. 243.

⁸¹Constitution of the Netherlands, art. 11; Kranenburg, p. 96.

⁸²Constitution of the Netherlands, art. 12; Vandenbosch and Eldersveld, p. 14.

in Denmark and England is the result (figure 1).⁸³ What the Netherlands system boils down to is a combination of the standard "parentelic" rule of succession, permitting a man's children to represent his claim if he has died, for transmission of the crown through and to males, with the archaic "gradual" rule of succession, which awards the inheritance to the person separated from the last king by the fewest gradui (steps or joints) in the family tree, for the transmission to or through women.⁸⁴

⁸³There are therefore the following differences between succession in the Netherlands, on the one hand, and in England and Denmark on the other hand: 1) The oldest daughter of the king stands closer in the line of succession to the throne than does the oldest daughter of the king's deceased oldest son. Precisely the opposite is true in England and Denmark, where the exhaustion of the older line must include that of females before a younger line can be considered. 2) Passage of the succession to the oldest surviving daughter means that there may have been a still older daughter who already had died, but who left a male heir; if women were treated like younger brothers this male heir, being the oldest son of the oldest child of the king, would come to the throne. In the Netherlands, the younger sister of his mother would be given prior consideration. 3) The moment when a person in the line of succession happens to die, descendants and other considerations being equal, can completely change the order of succession. If the king has only two children, a son and a daughter, and the son has only a daughter, then the son stands first in the succession, and if he becomes king his daughter will stand to succeed him on his death. If, however, the son dies before the king does, then the king's daughter suddenly jumps from third in the line of succession to the first, and all of her children and their heirs will be given preferment over the daughter of the king's son.

⁸⁴M. M. Knappen, Constitutional and Legal History of England (New York, 1942), p. 220.

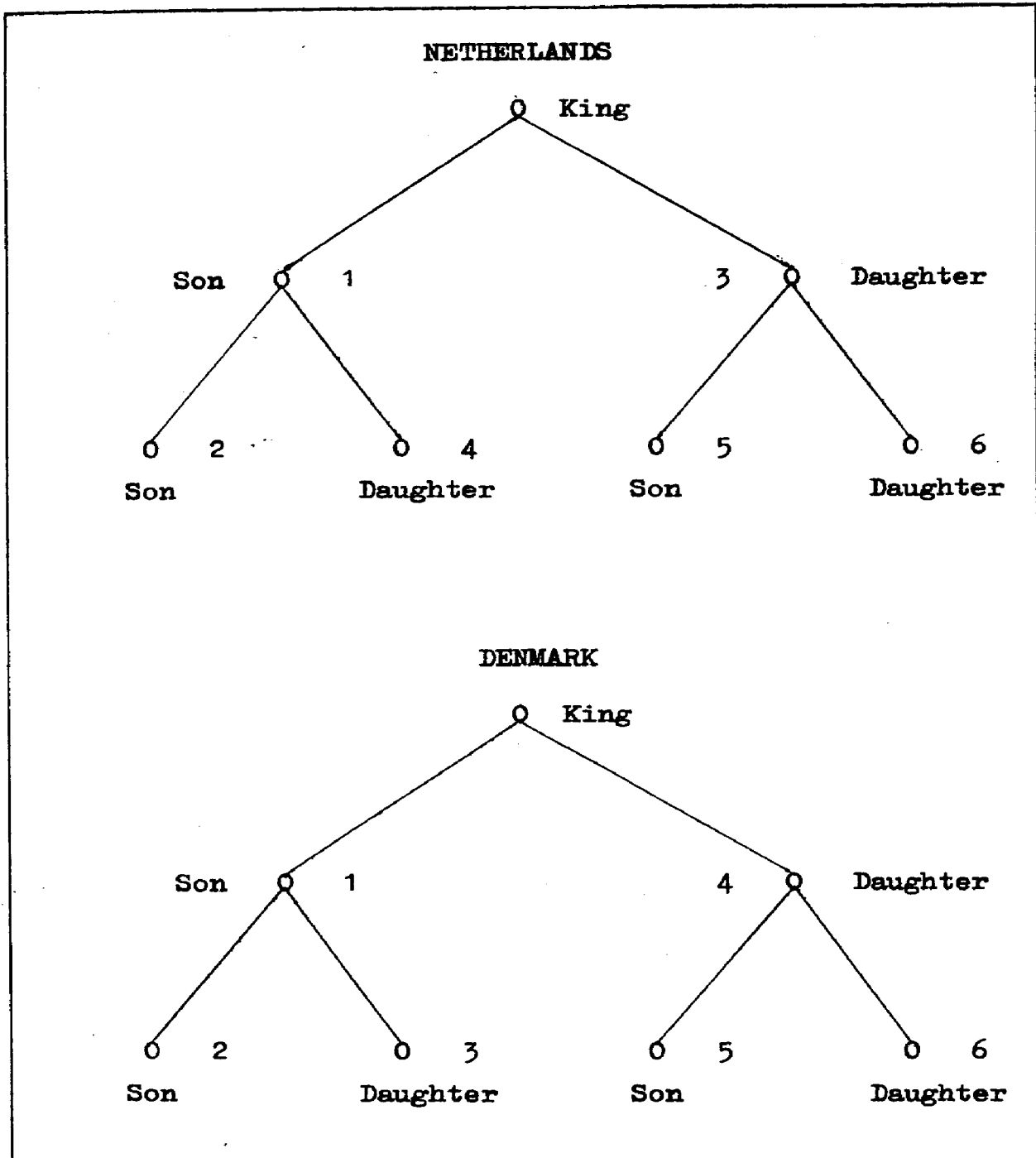


Figure 1. Given a state of affairs in which there is a king, who has a son and a daughter, each of whom in their turn have a son and a daughter, all of the people with a lower number must die or be disqualified before a higher number can succeed to the throne.

All of the constitutional stipulations regarding eligibility are accompanied by requirements which may result in disqualifying a person otherwise eligible. It is perhaps significant that whereas stipulations about eligibility concern themselves with what the person is, the provisions for disqualification are oriented more to what the person does or has done. Except for recourse to murder, therefore, there is little a person can do about making himself more eligible to succeed to the throne, but it is not at all difficult to do something that results in disqualification. One of the main ways a person in the line of succession can disqualify himself is by a failure to adhere to a required membership in the state church. In England there is both a positive and a negative religious requirement; one must be both not a "papist" and willing to "joyn in communion with the Church of England as by law established."⁸⁵ The three Scandinavian monarchies require the king to be a member of the Lutheran Church.⁸⁶ That the technicalities of the rules of succession are not merely unimportant and legalistic trivia has occasionally become very clear with regard to the religious requirement. During the very beginnings of constitutional monarchy the relevant laws in England were a direct reaction to the emotions aroused by the adherence of James II to Catholicism.⁸⁷ And the most recent

⁸⁵Act of Settlement (1700); Union with Scotland Act (1706).

⁸⁶Constitution of Norway, art. 4; Constitution of Denmark, art. 6; Constitution of Sweden, art. 2.

⁸⁷W. E. Lunt, History of England (New York, 1945), p. 460.

demonstration of the importance attached by the public to the religious affiliations of potential successors to the throne occurred early in 1964 when a political crisis threatened to develop in the Netherlands over the conversion of Princess Irene to Catholicism and her engagement to a Spanish prince.⁸⁸ Thus, although the Netherlands has no formal requirement of religious affiliation in its constitution, the popular attitudes reflected by such provisions elsewhere (with the exception of Belgium) are no less present.

A second major way in which a person can disqualify himself from succession to the throne is to marry in violation of the constitution. All of the constitutions provide in some form for a restriction on the right of persons in the line of succession to the throne to marry. Norway, Sweden, Denmark and Belgium provide that a prince who has married without the consent of the king may not inherit the throne.⁸⁹ While only the Danish provision explicitly states that the consent is to be given by the king-in-council, in a constitutional monarchy such a consent is recognized to be a political act requiring the countersignature of a responsible minister.⁹⁰ In England consent of the king is

⁸⁸News American, February 14, 1964.

⁸⁹Constitution of Norway, art. 36; Constitution of Sweden, art. 44; Danish Succession to the Throne Act, art. 5; Constitution of Belgium, art. 60.

⁹⁰Wigny, p. 601. "L'accord du Roi est un véritable acte de gouvernement pour lequel le contreseing ministériel est nécessaire. . . ."

likewise required for the marriage of any descendant of George II except for descendants of princesses who had married into foreign families--after the person has turned twenty-five, however, the consent requirement may be waived, but parliament may prevent the marriage by expressing its disapproval.⁹¹ In the Netherlands consent to the marriage of a member of the line of succession must be granted by a law, but the strict text of the constitution provides that violation prevents only women from taking the throne, although it prevents all children resulting from such a marriage from succeeding.⁹²

A third major way in which a prince may disqualify himself from a right to the throne is for him to accept the crown of a foreign country so as to create the prospect of a "personal union" between the two countries. England does not formally restrict the right of a prince to accept such a foreign throne. Only Sweden specifically bars the succession to a prince who has accepted a foreign crown without the consent of the king and the parliament.⁹³ Denmark, Norway, and Belgium, however, forbid the king to wear a foreign crown without the consent of parliament (and in the case of Norway and Belgium a two-thirds majority), so that in effect

⁹¹Royal Marriages Act (1772). Keith (1936), p. 39. There can be no doubt that a country requiring in fact consent of the cabinet to marriage of the king himself would prevent accession to the throne of a prince who had married without its consent.

⁹²Art. 17. See Kranenburg, p. 98.

⁹³Act of Succession, art. 8.

a prince accepting such a crown against the wishes of parliament would forfeit his right to the throne of his own country.⁹⁴ The Netherlands presently totally prohibits its king from wearing a foreign crown, with the same consequences for the heir as in the other countries.⁹⁵

Personal unions still remaining a possibility in spite of the constitutional limitations placed upon their creation, it remains to consider briefly the consequences of the technicalities of the order of succession when a monarch reigns simultaneously in two countries. It is possible to distinguish between two different forms in which a monarch may be shared by independent countries. One form exists when the rules of succession in the two countries are identical, the other when the rules are not identical.⁹⁶ Obviously, it is only in the unions where the rules of succession are not identical that the particular form of the rules becomes

⁹⁴ Constitution of Denmark, art. 5; Constitution of Norway, art. 11; Constitution of Belgium, art. 62.

⁹⁵ Constitution of the Netherlands, art. 21; Kranenburg, p. 21.

⁹⁶ "Bij beide is er één persoon, de monarch, die als orgaan functioneert in twee zelfstandige systemen. Bij de personele unie is het gemeen-zijn van de monarch niet opzettelijk als doel nagestreefd, doch door de toevallige successie van dezelfde persoon in beide landen teweeggebracht, 'also in rechtlichen Sinne zufällig,' een 'communio incidens,' zegt Jellinek. Is dit daarentegen door de staatsordingen der betrokken landen wel als doel gesteld, dan spreekt men van een reële unie. Het eerste geval heeft zich voorgedaan bij de personele unies Engeland-Hannover en Nederland-Luxemburg; het tweede bij Noorwegen-Zweden en Oostenrijk-Hongarije." Kranenburg, p. 21.

significant. A vestige of the possibility of personal unions still remains in the modern Commonwealth, in which Elizabeth II is not merely Queen of England, but is also Queen of an independent Canada, an independent Australia, etc. Personal unions, however, were much more plentiful during the last century or so than they are today; since the French revolution at one time or another monarchs have been shared by England and the kingdom (originally principality) of Hanover, the Netherlands and Luxembourg, Belgium and the Congo Free State, Sweden and Norway, Denmark and Iceland, and Russia and the Grand Duchy of Finland. During the nineteenth century divergencies between the rules of succession in the member states of a union accounted for the separation of England and Hanover in 1837 and of the Netherlands and Luxembourg in 1890.

In the case of England and Hanover the reason for the dissolution of the personal union was straightforward. The long rule of George III was ended by his death in 1820 at the age of 82. Because of his advanced age at death his sons were themselves well along in life at the time. The oldest, George IV, ruled for only ten years before his death at the age of 68. George IV leaving no descendants, the throne of England-Hanover passed to the next oldest son of George III, William IV. William lasted only seven years and died in 1837 at the age of 72. Like his older brother, William left no legitimate descendants. The next oldest son of George III had been Edward, Duke of Kent (1767-1820),⁹⁷ and the

⁹⁷ Interesting developments might have ensued if Edward had become king. He was quite an enthusiast of Robert Owen's plans

late Duke had a daughter, Princess Victoria, born in the year before he died. Finally, there was the next youngest son of George III, Prince Ernest Augustus. By the law of England, which exhausts an older line before crowning a member of a younger line of the royal family, Victoria inherited the rights of her deceased father and became queen on the death of William IV. By the Salic law of Hanover, a female could not sit on the throne, so Victoria's uncle, Ernest Augustus, became king, ending the personal union.⁹⁸

In the case of the separation of the Netherlands and Luxembourg, the reason was not simply an exclusion of women by Luxembourg. Two sons of William III had preceded him in death leaving no heirs, and the earlier death of William's younger brother had left him the last male in the Netherlands royal family. Neither

for transforming the human race. "In spite of this it seems a little idle to speculate whether the Duke of Kent was a Socialist. Owen, by taking a slightly unfair advantage, did his best to persuade the world that he was. For, many years after the Duke was dead, Owen published a statement that the Duke of Kent had spoken to him at a séance with the agreeable news that there were no titles in the spirit world. Jeremy Bentham and President Jefferson had strongly corroborated this important piece of news." Fulford, pp. 194, 196-197.

⁹⁸The personal union was not necessarily ended forever, however. Much to the horror of public opinion in England, where as early as 1810 Ernest Augustus was "so unpopular that he was almost a rival to Napoleon for the national ogreship" (Fulford, p. 205), if Victoria were to die leaving no children the English throne would have devolved back upon her uncle as the next in line. "There was therefore a strong desire that she should marry and have children to avoid the unpleasant possibility." (Alvin Redman, The House of Hanover [New York, 1960], p. 332.) For an account of the personal union see A. W. Ward, Great Britain and Hanover; Some Aspects of the Personal Union (Oxford, 1899).

the Netherlands nor Luxembourg excluded women from the throne, so it might have been thought that when William died in 1890 his daughter, Wilhelmina, would succeed him on both thrones and thus maintain the personal union. This indeed would have been the outcome, had it not been for a very strange set of circumstances. In 1783 representatives of the four branches of the House of Nassau had concluded the "Family Pact of Nassau" to the effect that "the various branches mutually insured their respective possessions and acquisitions in the event of the extinction of one or another of the lines. No succession in the female direction was to be possible so long as in any branch whatsoever there existed a male representative in any one of the different lines."⁹⁹ The Dutch constitution took precedence over this agreement paving the way for Wilhelmina to become queen, but the agreement had been confirmed for Luxembourg by the Treaty of Vienna, the Treaty of London of 1867, and by the constitution of Luxembourg itself.¹⁰⁰ The nearest agnate (a person related exclusively through males) of William in the House of Nassau was the Duke Adolf of Nassau, who was happy to find a job, having been deposed some years earlier when Nassau was absorbed by Prussia. Adolf became Grand

⁹⁹C. J. P. A. Herchen, History of the Grand Duchy of Luxembourg (Luxembourg, 1950), p. 191.

¹⁰⁰Raymond Fusilier, Les Monarchies Parlementaires (Paris, 1960), p. 568.

Duke of Luxembourg, and the personal union was terminated.¹⁰¹

As we have seen the relationship between the man and the office in monarchy is by no means a simple one. Under specified conditions the monarch may hold the office but not act as monarch, and several forms of regency may be set up to act for the monarch when such conditions prevail. Death as well as several types of forbidden action may lead to a separation of the man from his office and result in a new man being called upon to fill the office. The new man gains his eligibility on the basis of what he "is," but may lose it again on the basis of what he "does." And where one monarch reigns in two different countries the rules applied in transferring the office to a new man may result as a side effect in a dissolution of the "personal union" between the two countries. Even the rules surrounding succession to the throne, however, appear to be straightforward when compared to the pattern of relationships to be found between the throne, on the one hand, and the monarch and the crown (government) on the other hand, a matter to which we now turn our attention.

¹⁰¹The constitution was amended in 1907 to modify the Family Compact. Thus when Adolf's son, William IV of Luxembourg, died in 1912, his daughters Marie-Adelaide (r. 1912-1919) and Charlotte (r. 1919-1964) succeeded to the throne. Fusilier, p. 569.

CHAPTER III

RESTRICTIONS ON THE OFFICE OF THE MONARCH

"The worship of royalty being founded in unreason, these graceful and harmless cats would easily become as sacred as any other royalties, and indeed more so, because it would presently be noticed that they hanged nobody, beheaded nobody, imprisoned nobody, inflicted no cruelties or injustices of any sort, and so must be worthy of a deeper love and reverence than the customary human king, and would certainly get it."

Mark Twain

If one is to understand constitutional monarchy, not only must a fundamental distinction be made between man and office (monarch and throne), but also between the office and the powers associated with the office. We have been referring to the office as the "throne"; the term "the crown" will be used to refer to the powers of that office. Under absolute monarchy it was unnecessary to make any distinction between the office of the monarch and the powers of that office, since the monarch exercised those powers personally. With the development of constitutionalism, however, the powers of the crown have largely come to be exercised in fact by a council of ministers who are responsible for their actions to their parliaments.¹ As has already been noted, modern

¹Herbert Tingsten, "Stability and Vitality in Swedish

constitutional monarchy was not an abrupt development, and several different stages of constitutionalism were passed through by the various countries, including a first stage in which many of the crown powers were still exercised personally by the kings within limitations imposed by the parliaments. Since the present written constitutions of monarchical Europe were largely products of this first stage of constitutionalism, or are closely related to preceding constitutions dating from this period, the provisions concerning the powers of the monarch were originally intended to be interpreted quite literally as referring to the personal powers of the king.²

One finds, therefore, that the constitutions, with the exception of the Danish constitution of 1953, generally "specify 'king' when 'crown' would convey a more precise meaning. . . ." ³

The Swedish constitution provides that "such members of the council of State as are present, being held responsible for their advice, with the consequences specified in Articles 106 and 107,

Democracy," 26 Political Quarterly (1955), p. 142; Gustaf Petré, "Quelques Problèmes Constitutionnels Actuels dans les Pays Nordiques," 10 R. Internationale de Droit Comparé (1958), p. 721; P. J. Oud, "The Burgomaster in Holland," 31 Public Administration (1953), p. 111; P. de Vischer, "La Fonction Royale," R. Generale Belge (Sept. 1949), pp. 676, 679.

²Petré, p. 721; Frede Castberg, Norway and the Western Powers: a Study of Comparative Constitutional Law (London, 1957), p. 8; Amry Vandenbosch and S. J. Eldersveld, Government of the Netherlands (Univ. of Kentucky, 1947), p. 37; Pierre Daye, Petite Histoire Parlementaire Belge (Bruxelles, 1939), p. 21.

³William C. Foster, "Legislative Research in Sweden," 9 Western Political Quarterly (1956), p. 58.

are under the obligation to express and explain their opinions, which shall be entered in the minutes; nevertheless, it is reserved to the King alone to decide."⁴ Likewise the Netherlands constitution provides that "The King, alone, decides, and he shall in each instance notify his decision to the council of state."⁵ A similar statement is in the constitution of Norway: "Every one who holds a post in the council of state is in duty bound to express fearlessly his opinions, to which the King is bound to listen. But it remains with the King to take a resolution according to his own judgement."⁶ The constitution of Belgium, written some fifteen years after the drafting of that of Norway and the original one of the Netherlands and more than twenty years after the adoption of the basic Swedish constitutional documents, has no such sweeping provision, however.⁷

Although one grants that it is necessary to make a distinction between the office of the monarch (throne) and the powers of that office (crown), it is not easy to define abstractly the actual legal position of the king as a person. Public disagreement over

⁴Constitution of Sweden, art. 9.

⁵Constitution of the Netherlands, art. 77.

⁶Constitution of Norway, art. 30.

⁷See André Mast, "Belgique: Une Constitution du Temps de Louis-Philippe," Revue de Droit Public et de la Science Politique en France et à l'Etranger (Nov.-Dec. 1957), pp. 987-1030. The constitution of 1831 has been revised only twice, perhaps because of a hesitance to risk inflaming linguistic divisions by stirring matters up. (Mast, p. 991).

the scope of the independent actions which a constitutional monarch may with propriety take has not been lacking, and the disagreement may manifest itself as an uncertainty regarding the degree to which the monarch can legitimately exercise crown powers. There is no doubt, however, that the powers of the throne--no matter who is exercising them--are restricted by the constitutions of all of the countries under discussion; although it is not always possible to be certain under which classification discussion of a particular limitation on the office of the monarch would be more appropriate, this chapter will for convenience be divided into two sections, the first dealing with limitations on the throne which are limitations on the monarch, the second with restrictions on the throne which are limitations on the crown, which is to say on the cabinet.

1. Restrictions on the King. Two kinds of restrictions on kings will be considered, those on the person of the king, or what he is, and those on the actions of the king, or what he does. The distinction between what a person is and what he does is especially important in a constitutional monarchy, since one of the basic differences between the outlook of reformers--whose efforts resulted in the constitutionalization of monarchy--and the outlook of the revolutionaries who overturned monarchies to establish republics, was that the reformers opposed their king only when his actions did not meet with their approval, whereas revolutionaries

came to oppose kings merely because they were kings and without any reference to their behavior.⁸ As the previous chapter pointed out, eligibility to be king tends to rest on what a contender is--descent, age, sex, etc.--while disqualification tends to be a function of what the person does. When it comes to restrictions on the king, therefore, the most important limitations are on his actions since by becoming king he has already demonstrated that what he is is compatible with the constitution.

Nevertheless, there are some restrictions on monarchs based on what they are. A reasonable manifestation of such a restriction is the provision in each of the six countries preventing the king from acting on his own behalf until he has reached a specified age--generally eighteen years.⁹ There can be no doubt that this is not an invidious classification, since it is demonstrable that there is a clear relationship in such a case between what a king is and what it is possible for him to do.

The opposite is true of a second kind of restriction on the person of the monarch, a restriction based on sex. None of the

⁸"La situation de la France ne fut nullement celle de l'Angleterre; à côté de la droite, de la gauche et du centre, il y eut un parti irréconciliable, négation totale du gouvernement existant, un parti qui ne dit pas au gouvernement: "Faites telle chose, et nous sommes à vous;" mais qui lui laisse entendre: "Quoi que vous fassiez, nous serrons contre vous." Ernest Renan, La Monarchie Constitutionnelle en France (Paris, 1870), p. 57.

⁹A. B. Keith, The King and the Imperial Crown (London, 1936), p. 46; Constitution of the Netherlands, art. 31, 36; Constitution of Norway, art. 35, 39; Constitution of Sweden, art. 41, 93; Constitution of Belgium, art. 80, 81; Constitution of Denmark, art. 7, 9. In Norway and Sweden the heir is of age at twenty one years.

six monarchies fails to restrict the right of women to ascend the throne. Three of the countries, Norway, Sweden, and Belgium, deny women any possibility of inheriting the crown.¹⁰ It must be noted, however, that exclusion of females from the hereditary succession in these three countries does not totally preclude a female from acting as monarch or even becoming the sovereign of the country. In the first place, under some circumstances the parliaments of Belgium and Sweden are called upon to elect a regent, and there is no indication that a woman cannot be chosen for this office. Secondly, when there is no qualified heir to the throne, the constitutions of all three countries provide for election of a new monarch, again without any explicit prohibition of the election of a woman (except indirectly in the case of Sweden, which refers to the time when "the king-elect assumes the government."¹¹) The other three countries, England, Denmark, and the Netherlands, permit women to inherit the throne, but restrict their right to do so by giving them an inferior status in the line of succession.

A third and final major restriction on what the monarch is is the requirement in England, Norway, Sweden and Denmark of specified religious affiliations. The religious requirement is in fact an interesting mixture of a restriction on what the king

¹⁰ Constitution of Norway, art. 6; Constitution of Sweden, art. 42; Constitution of Belgium, art. 60.

¹¹ Constitution of Sweden, art. 42.

is and a restriction on what he does, and thus constitutes a point of transition between the two types of restrictions. It is a restriction on what he is from the standpoint that religious affiliations tend to be a product of childhood training rather than of conscious choice; it is a restriction on what he does in that a change in religious affiliation is a matter of conscious choice. The English requirement goes back to the provision in the Act of Settlement (1700) giving the succession to the "Princess Sophia and the heirs of her body being protestants." The Act also required "that whosoever shall hereafter come to the possession of this crown shall joyn in communion with the Church of England as by law established." To further emphasize the point the Union with Scotland Act (1706) stated that "all papists . . . shall be excluded from and for ever incapable to inherit possess or enjoy the imperial crown of Great Britain. . . ." The constitution of Norway declares that "The King shall always profess the Evangelical-Lutheran religion, and maintain and protect the same."¹² In the constitution of Sweden is the requirement that "The King shall always belong to the pure evangelical faith, as adopted and explained in the unaltered Augsburg Confession and in the resolution of the Upsala Synod of the year 1593."¹³ Denmark's constitution provides simply that "The King shall be a member of

¹² Constitution of Norway, art. 4; Frede Castberg, Norges Statsforfatning (Oslo, 1935), I, p. 175.

¹³ Constitution of Sweden, art. 2; Robert Malmgrén, Sveriges Grundlager och Tillhörande Författningar (Stockholm, 1961), pp. 5-6.

the Evangelical Lutheran Church."¹⁴

Although it is not too obvious that restrictions on what the king is are political restrictions, they are in effect political in that they are grounded in the expectations and needs of the people in their countries. An acting boy monarch could gravely impair the symbolization of the steadiness of the state, so a regent acts for the monarch until he is of age. A reigning queen could conceivably rub against the national grain in countries where this has not traditionally been possible. A plausible reason for the religious restrictions on the king is that in three of the four countries (England, Norway, Sweden) the monarch is given religious responsibilities in addition to his civil duties. The problems encountered in England during the reign of James II, a Catholic who was vulnerable to the charge of using his command over the Church of England to subvert its traditional policies, demonstrate that if a country is to have an established church it is prudent to require the monarch, as head of that church, to be a professor of the same faith.

In restrictions on the actions of the king we find a much wider and more interesting set of possibilities than are to be found in restrictions on what the king is. Two different kinds of restrictions are set up around a modern constitutional monarch; there are procedural limitations on what he can do, and there are

¹⁴Constitution of Denmark, art. 6.

substantive limitations on what he can do. Of these kinds of restrictions the procedural are by far the more important. The most important of the procedural restrictions on the monarchs of these six countries is the requirement that in order for the royal signature¹⁵ to be valid in matters of government the signature must be accompanied by the countersignature of a minister.

By the constitutions of modern monarchical Europe the kings are considered irresponsible and inviolable. In England this fact is referred to by the expression "The king can do no wrong."¹⁶ The constitution of the Netherlands provides that "The King shall be inviolable. . . ."¹⁷ Similarly, in Norway, "The king's person shall be sacred; he cannot be blamed nor accused."¹⁸ The Swedish constitution states that "The person of the King shall be held sacred and revered; he shall not be subject to any prosecution for his actions."¹⁹ In Belgium "The person of the king is inviolable. . . ."²⁰ And Denmark provides that "The King shall

¹⁵And, in practice, any royal action producing political consequences. This can be a very broad matter. In Belgium, for example, a commission set up in 1949 to report on the place of the king concluded that the rule that the king does not act alone should apply to all actions or abstentions "susceptibles d'avoir une incidence politique directe ou indirecte." deVischer, p. 681.

¹⁶A. B. Keith, Anson's Law and Custom of the Constitution (Oxford, 1935), II(2), p. 336.

¹⁷Constitution of the Netherlands, art. 55; Roelof Kranenburg, Het Nederlands Staatsrecht (Haarlem, 1958), pp. 112, 139.

¹⁸Constitution of Norway, art. 5.

¹⁹Constitution of Sweden, art. 3; Malmgrén, pp. 6-7.

²⁰Constitution of Belgium, art. 63.

not be answerable for his actions; his person shall be sacrosanct."²¹ One need only note the uniformity of the terminology with which these constitutions provide for the immunity of their monarchs from prosecution to conclude that such immunity is basic to monarchy.²²

The traditional and legal irresponsibility of monarchy is made compatible with constitutional monarchy by the requirement of countersignature. The requirement is a matter of formal law in the five countries with assembled constitutions and is highly sanctified tradition in England. The Netherlands provides that "All royal decrees and decisions shall be countersigned by one of the heads of the ministerial departments."²³ In Norway "All resolutions taken by the king shall in order to become valid be countersigned. The resolutions relating to military command shall be countersigned by the person who has introduced the report; other resolutions shall be countersigned by the Prime Minister or, if he has not been present, by the first of the members of the council of state present."²⁴ The constitution of Belgium declares

²¹ Constitution of Denmark, art. 13.

²² Indeed, as the symbol of the unity of the state, it is difficult to imagine how a monarch could be anything other than immune from political or legal attack. See Charles E. Merriam, Systematic Politics (Chicago, 1945), pp. 183-184.

²³ Constitution of the Netherlands, art. 79; Amry Vandenbosch and S. J. Eldersveld, Government of the Netherlands (Univ. of Kentucky, 1947), p. 38.

²⁴ Constitution of Norway, art. 31.

that "No decree of the King shall take effect unless it is countersigned by a minister, who, by that act alone, renders himself responsible for it."²⁵ Denmark's constitution provides that "The signature of the King to resolutions relating to legislation and government shall make such resolutions valid, provided that the signature of the King is accompanied by the signature or signatures of one or more Ministers."²⁶ In Sweden, the constitution goes so far as to provide that "Should the minister find any decision of the King to be in conflict with this instrument of government, he shall make a representation in the council of state concerning it; should the King notwithstanding insist upon promulgating the order, it shall be the minister's right and duty to refuse his countersignature or signature thereto and, as a consequence, to resign. . . ."²⁷

²⁵ Constitution of Belgium, art. 64.

²⁶ Constitution of Denmark, art. 14.

²⁷ Constitution of Sweden, art. 38; Malmgrén, pp. 47-49. One might infer from this statement that the right of refusal of countersignature extends only on constitutional grounds and cannot be invoked over mere disagreement about the desirability of a policy. In fact, the liability of the minister to be held accountable by parliament for his actions means that he could not afford to be a yes man for the king; the clause must be construed as merely emphasizing the necessity of countersignature. Furthermore the monarch is relieved of most temptation to attempt to uphold a policy against the "advice" of his ministers by the probability that resentment of his activities would make the opposition reluctant to form a ministry should the present one resign. This analysis should hold true not only in Sweden, but in any monarchy in which public opinion has reached a point which is satisfied by nothing less than conformity to the requirements of cabinet government.

It should be emphasized that although countersignature is an important feature of constitutional monarchy, it has not been exclusively a feature of cabinet government nor even of the earlier forms of constitutional monarchy. Even under absolute monarchy countersignature (or the use of an official seal as is still often the procedure in England²⁸) was employed, not to pinpoint responsibility for the substance of policy, but to ensure that the correct administrative procedures had been followed or that a decree was in the form intended by the monarch when he gave orders to a subordinate.²⁹ With the coming of constitutional monarchy countersignature did not have to be invented out of whole cloth but merely assumed an additional function, that of being a tool in the hands of the ministers which helped them to usually have their own way when the king did not agree with them. Countersignature can be called the key personal limitation on the modern monarch, because most of the other limitations on his actions take the form of the requirement that a minister assume responsibility by giving his countersignature before the king can act.

A second kind of procedural limitation on what the king does makes it unconstitutional for him to give his assent to certain

²⁸ A. V. Dicey, Introduction to the Study of the Law of the Constitution (London, 1960), p. 25.

²⁹ See Edvard Thermanius, Kontrasignations-Institutet (Lund, 1955).

types of measures requiring his signature to become valid. One form of this restriction applies only when the monarch is not acting for himself and a regency has been set up to act for him. Thus in England the Regency Act (1937) provides that "The Regent shall not have power to assent to any Bill for changing the order of succession to the Crown or for repealing or altering an Act of the fifth year of the reign of Queen Anne made in Scotland entitled 'An Act for Securing the Protestant Religion and Presbyterian Church Government.'"³⁰ The Belgian constitution goes even further, stating that "No change in the Constitution shall be made during a regency."³¹ In the Netherlands if the council of state is acting as regent it cannot dissolve the States-General,³² and in Sweden a regent may not "confer any rank or title of nobility, raise persons to the rank of count or baron, or confer the dignity of knighthood. . . ." ³³ The second form of restriction of the right of the monarch to give his assent is to be found in the Danish constitution of 1953. Certain kinds of bills are potentially subjectable to a popular referendum in Denmark, and in the period of grace during which such a referendum may be invoked the king is

³⁰ 1 Edw. 8 & 1 Geo. 6, ch. 16, art. 4(2).

³¹ Constitution of Belgium, art. 84; Pierre Wigny, Droit Constitutionnel: Principes et Droit Positif (Bruxelles, 1952), p. 592.

³² Constitution of the Netherlands, art. 75.

³³ Constitution of Sweden, art. 39. This provision is practically a dead letter, since no titles of nobility at all have been given out since 1902. Nils Andrén, Modern Swedish Government (Stockholm, 1961), p. 102.

not to give his assent; if the referendum is invoked the monarch of course does not give his assent until after the votes have been counted.³⁴

The extent to which a monarch's public utterances should be subjected to the procedural limitation of ministerial counter-signature has sometimes been a matter of considerable controversy. No problem exists with regard to the "speech from the throne" with which monarchs open a session of their parliament; it is agreed in all of the countries that this speech shall be, first of all, written by the ministers to express their own policies, and second, not used as a vehicle for the introduction of rampantly partisan or spectacular and potentially controversial proposals of policy.³⁵ The problem arises, however, of how far the pattern of the speech from the throne should be held to apply in addition to the other public statements of the monarch. To what extent, to borrow an expression, should the monarch be "muzzled"? One view is that the king has a complete right to express his views to the public and to try to convince them of the merits of his proposals, and that this can be distinguished from autocratic decisions and actions by the monarch. In Belgium during a debate on the propriety of a statement by Leopold II in 1904; this view

³⁴Constitution of Denmark, art. 29.

³⁵Raymond Fusilier, Les Monarchies Parlementaires (Paris, 1960), p. 255.

was upheld by the rightist leader Woeste: "One goes too far in saying that the King's ministers must accept responsibility for all that the King says or writes. . . . The Government is responsible only for the King's acts: that is, for acts portending or possibly portending some change in public policy. . . . Such acts apart, . . . the King has the right to give expression to his own opinions, sentiments and wishes, without the Government accepting responsibility. If this were not the case, the King would be less than the meanest citizen."³⁶

In February of 1914 a case arose in Sweden in which this doctrine was even defended publicly by the king. A parade of demonstrators had taken place before the palace urging faster steps to modernize the country's military forces than were being taken by the present Liberal ministry. The king, Gustav V, appeared at one of the palace porticos, welcomed the demonstrators, and declared his agreement with them on the issue. "You are here with me to make it known to everyone that no demand is too great and no burden too heavy when it concerns the preservation of our ancient liberty and the safeguarding of our future. . . . In both good and evil days the ties between the king and the people shall with the help of God never be broken." He closed with the assurance that he would never compromise on a question he believed

³⁶S. K. Panter-Brick, "Constitutional Monarchy: A Comment on a Belgian Practice," 7 The Cambridge Journal (July, 1954), pp. 606-607.

concerned the security of the nation.³⁷ This speech to the demonstrators upset the Swedish cabinet profoundly, with the result that "The whole Cabinet intimated its desire to-day to resign, and in both chambers the king's speech was severely criticized." Cabinet members evidently felt that "the speech was tantamount to severe censure of their policy and that the language was stronger than a constitutional monarch was justified in using."³⁸ Consequently, the cabinet resigned and, although the opposition was reluctant to cooperate, Gustav managed to form a new cabinet over the issue of the "Sovereign's right to give free expression publicly to his opinion on political matters without previously consulting the ministers." Said the king, "I will not deprive myself of the right to speak without restraint to the Swedish people."³⁹

It is arguable that the position that a king may say what he wishes is untenable in a constitutional monarchy, because his very words may be considered a political action in that they can

³⁷O. Fritiof Ander, The Building of Modern Sweden: The Reign of Gustav V 1907-1950 (Rock Island, Illinois, 1958), p. 18.

³⁸New York Times, February 8, 1914.

³⁹New York Times, February 11, 1914. Gustav evidently changed his mind about this issue. On February 20, 1914 the New York Times reports that Gustav sent a message directly to the people of Sweden against the advice of his cabinet because he thought that a statement of the Prime Minister had not made it sufficiently clear that he and the entire cabinet were agreed that Sweden could not intervene militarily in Finland. "It is on my own initiative that I today extraordinarily surmount my Cabinet in order to make the following proclamation. . . ." (Emphasis supplied.)

produce political consequences. A more moderate position than the one allowing a king to speak his mind freely envisages a rule which is not obviously incompatible with constitutionalism: it holds that it is proper for a monarch to state his personal views publicly as long as he has cleared his proposed text with his ministers.⁴⁰ There are two different ways a speech made under such conditions could be regarded. The sanction of the cabinet may be construed as applying merely to the delivery of the speech by the king and not to its content; in this way the cabinet could assume responsibility for allowing the monarch to say something but not accept what is said as a statement of government policy.⁴¹ Or the cabinet may find it approves of the views proposed to it by the monarch and assume responsibility both for the fact that he says it and for the substance of his discourse. The latter is what happened in Belgium in 1936, when a statement by Leopold III inaugurated a dramatic shift in Belgian foreign policy away from dependence on collective security.⁴² Originally he had called the cabinet on his own initiative and spoken of the changes needed to meet a changing world situation. "The ministers were undeniably impressed by the exposé that the King had made. The veteran Socialist, M. Vanderveld, suggested that it be published--

⁴⁰Thermaenius refers to this as an "oral countersignature" (p. 106).

⁴¹Panter-Brick, p. 607.

⁴²New York Times, October 15, 1936.

a suggestion that is thought to have been not unconnected with the belief that his party's objections to the proposed increases in defence expenditure and length of service would thereby be more easily overcome. The King and the other ministers agreed and it was immediately published, in its original form, that is, an address by the King to his ministers."⁴³

Another example of such a speech was given by George V of England in July of 1914 with regard to the Irish question which had long been a bone of contention in English politics. He appealed to a meeting of leaders of all parties he had summoned to forget party squabbles long enough to cooperate in insuring domestic tranquility.⁴⁴ Prime Minister Asquith later took it upon himself to say he had seen the speech and agreed to its delivery ahead of time.⁴⁵ There is no question, however, that the speech was written by the king on his own initiative and that it was published only with the unanimous consent of those present at the meeting.⁴⁶ An editorial in the English Daily Graphic defended the king's action in the following terms:

That the King's intervention will be criticized by party politicians is inevitable. They are primarily concerned with the triumph of the parties to which they respectively belong, and

⁴³Panter-Brick, p. 604.

⁴⁴Denis Gwynn, The History of Partition (Dublin, 1950), p. 118.

⁴⁵New York Times, July 23, 1914.

⁴⁶Gwynn, p. 118.

it spoils their game when an authority whose words carry greater weight than their own appeals for peace.

Allowance must be made for . . . the corporate vanity of the House of Commons. The members of that house like to flatter themselves that they alone are capable of regulating all the affairs of the British Empire, and it hurts their pride that eight men should be invited to make a settlement outside of Parliament.

But the House of Commons had nearly two years to deal with the Irish problem, and all it succeeded in doing is to bring the country to the verge of a civil war. From this calamity there is no way of escape through the ordinary machinery of party government, and therefore the King rightly makes a new departure in appealing to political leaders to lay aside party strife in order to work together for national peace.⁴⁷

A third view of the propriety of royal expression of personal views or desires is that a constitutional monarch should never say anything on matters relating to politics that has not been put into his mouth by the cabinet. This view was clearly stated in editorials in two English papers in connection with the speech of George V on the Irish problem. Said the Daily News: "The speech of the King is the speech of his Ministers approved by the King. On this occasion it was the speech of the King submitted to his Ministers. This new departure suggests the relations of the German Emperor to his Ministers rather than of the relation of our monarch to his ministerial advisers." The Chronicle maintained that: "He has . . . the fullest right to influencing his

⁴⁷New York Times, July 22, 1914.

Ministers by private expression to them of his personal views, but the moment he speaks or acts in public, at least on matters of political controversy, there is only one plain rule--he must leave his personal views and phrases entirely behind him and utter none but the Ministers' words."⁴⁸

While the substantive limitations on the actions of the king imposed by constitutional monarchies are considerably less important than are the procedural limitations, they are not without some significance. A king may be limited, first of all, in his ability to enter into marriage. No restrictions are overtly placed on the right of the monarch to marry in the constitutions of Norway, Sweden, and Belgium, which only provide that a prince who marries without the consent of the king may not inherit the throne.⁴⁹ The constitutions of the Netherlands, England, and Denmark, on the other hand, in addition to restricting the royal princes, limit the right of the monarchs themselves to marry. In England a monarch may not marry a "papist" without losing his crown.⁵⁰ But there is no legal requirement for a procedure--such as countersignature or parliamentary consent--to approve the monarch's marriage. Nevertheless, as the experience of Edward VIII

⁴⁸New York Times, July 23, 1914.

⁴⁹Constitution of Norway, art. 36; Constitution of Sweden, art. 44; Constitution of Belgium, art. 60.

⁵⁰Union with Scotland Act (1707).

in 1936 indicates, the king is in fact unable to marry anyone who is unsatisfactory to the cabinet.⁵¹ The Netherlands and Denmark both require the consent of parliament to the marriage of their monarchs.⁵² Strangely, the constitution of the Netherlands explicitly requires a queen who marries without such consent to abdicate, but does not state a similar fate for a king.⁵³ With the development of constitutionalism, however, these technical differences have been swept away by the view that, marriage of the monarch being an act with potential political consequences-- especially since a foreigner is often involved--, it must be covered by the countersignature of a responsible minister, even in countries formally imposing no restrictions at all on the monarch's marriage.⁵⁴

A second substantive limitation on the actions of monarchs concerns their right to accept the crown of a foreign country so as to create a personal union. It was with the possibility of a personal union in mind that the English Act of Settlement (1700)

⁵¹ See Robert Sencourt, The Reign of Edward VIII (London, 1962).

⁵² Constitution of the Netherlands, art. 17; Danish Succession to the Throne Act, art. 5. The intention of William I of the Netherlands to marry a Belgian Catholic evoked popular hostility which led to his abdication on 7 October 1840. Ernst Van Raalte, The Parliament of the Kingdom of the Netherlands (London, 1959), p. 4.

⁵³ Kranenburg, p. 98.

⁵⁴ Thus when Leopold I of Belgium was married this was countersigned by a minister in spite of the lack of any formal requirement for such a sanction in the Belgian law or constitution. Fusilier, p. 377.

set forth "That in case the crown and imperiall dignity of this realm shall hereafter come to any person not being a native of this kingdom of England this nation shall be not obliged to ingage in any warr for the defence of any dominions or territories which do not belong to the crown of England without the consent of Parliament." Like England, Sweden does not restrict the right of its monarch to wear a foreign crown. Three of the countries, however, Norway, Denmark and Belgium, require parliamentary consent before the monarch can accept a foreign crown, and the Netherlands totally prohibits such an acceptance.⁵⁵

Closely related to the subject of personal unions is a third substantive limitation concerning the residence of the monarch within the kingdom. The Netherlands provides that "In no cases can the seat of government be removed outside of the Realm."⁵⁶ Norway restricts its king so that he "shall reside in the Kingdom and may not, without the consent of the Storting, stay outside of

⁵⁵ Constitution of Norway, art. 11; Constitution of Denmark, art. 5; Constitution of Belgium, art. 62; Constitution of the Netherlands, art. 21. See Castberg, I, p. 175; Alf Ross, Dansk Statsforfatningsret (København, 1959), p. 480; Wigny, p. 567: "Ces fonctions sont si essentielles que les constituants n'ont envisagé qu'avec inquiétude l'acceptation par le Roi d'un autre trône. Dans une cession personnelle, créée par la superposition de deux couronnes sur la même tête, les intérêts nationaux seront-ils suffisamment défendus? La Nation peut-elle compter non seulement sur l'impartialité, mais sur le dévouement total, exclusif, de son chef?" Until 1922 the Netherlands constitution provided that the monarch could not wear the crown of another country with the exception of Luxembourg. (Kranenburg, p. 21). This exception was removed in 1922.

⁵⁶ Constitution of the Netherlands, art. 21; Kranenburg, pp. 21, 96.

the Kingdom for more than six months at a time. . . ."57 The constitution of Sweden gives the parliament *carte blanche* to do what it pleases if the king remains outside the country for more than twelve months and does not heed formal requests for his return.⁵⁸ Even England for a while restricted the monarch by a provision in the Act of Settlement "That no person who shall hereafter come to the possession of this crown shall go out of the dominions of England, Scotland or Ireland without consent of Parliament." This provision was, however, repealed soon after the accession of George I. Belgium and Denmark made no constitutional statements on the matter of the royal residence.

A fourth limitation on the monarch's actions is perhaps the most important substantive restriction--the king's range of discretion in the formation of new cabinets is restricted. Formation of new cabinets is one of the few functions which are still generally considered a legitimate sphere for personal royal activity, but even so none of the monarchs under scrutiny comes close to being unlimited in the exercise of this power. Although no formal restrictions on the king are specified by the constitutions of England, the Netherlands and Denmark, they still must obviously appoint a group of persons which will not be unacceptable to their parliaments. In England it is a custom that such ministers will be a member of parliament, because nothing else is

⁵⁷Constitution of Norway, art. 11.

⁵⁸Constitution of Sweden, art. 39, 91; Malmgrén, pp. 106-107.

acceptable to parliament.⁵⁹ None of the other five countries restricts the monarch to members of parliament. Belgium incorporates only one simple restriction on the king in cabinet formation; he cannot appoint any member of the royal house as a minister.⁶⁰ The constitution of Norway is more restrictive, not allowing the king to appoint persons other than Norwegian citizens who are at least thirty years of age. Also he can appoint no fewer than eight ministers.⁶¹ Sweden constitutionally requires the king to appoint none other than individuals who are "capable," "experienced," "honorable," "generally respected" and native subjects of Sweden. In addition until 1953 he could not appoint ministers who did not "profess the pure evangelical faith."⁶² It must be remembered, however, that the most important limitations

⁵⁹ However from time to time there have been exceptions-- Gladstone, Smuts, and MacDonalld sat on the cabinet for periods as long as nine months without a seat in either house. (Ivor Jennings, Cabinet Government [Cambridge, 1959], p. 60.) More recently the Prime Minister himself, Sir Alec Douglas-Home, was in neither house in the period between his resignation from the House of Lords and his election to the House of Commons.

⁶⁰ Constitution of Belgium, art. 87. "Ainsi a-t-on voulu réagir contre un abus du régime néerlandais. Le roi Guillaume avait nommé ministres deux de ses fils. C'était une manière d'éluider le contreseing et la responsabilité ministérielle devant les Chambres." Wigny, p. 701.

⁶¹ Constitution of Norway, art. 12.

⁶² Constitution of Sweden, art. 4. Since 1953 only ministers submitting "matters relating to the divine worship or religious instruction of the Church, the exercise of clerical functions, or the promotion and official responsibility within the Church" have to be members. Andrén, p. 103.

on a king's power of appointment are political rather than legal. A consideration of these political restrictions will take place in the following chapter.

2. Restrictions on the Crown. Many of the constitutional restrictions which were originally aimed at the monarch as an individual have, since the development of cabinet government, become restrictions in fact on the institution of the crown, which is to say on the cabinet ministers who have assumed a great many of the powers formerly exercised personally by the king. An example of such a power is that of declaring war, a matter which is of such obvious importance that there is no thought that it still is, or ought to be, a personal prerogative of the king. In Norway, Sweden, England and Belgium the constitutions put no limit on the right of the "monarch" to declare war, which means that the cabinet now has a legally free hand in the matter. Denmark, however, forbids the crown to declare war without parliamentary consent except for defense measures to repulse actual invasion.⁶³ The constitution of the Netherlands forbids the king to declare war without previous consent of the parliament.⁶⁴ This restriction on the monarch of the Netherlands is significant; although it specifically uses the word "king" in stating the restriction, the clause was not inserted into the constitution until 1922, by

⁶³ Constitution of Denmark, art. 19; Ross, pp. 221, 234.

⁶⁴ Constitution of the Netherlands, art. 59.

which year constitutionalism was so firmly entrenched that personal declaration of war by the sovereign was unthinkable.⁶⁵ Although it says "king," the intent was clearly to limit the cabinet.

A second type of restriction on the monarch whose impact is on the cabinet defines the power of the crown to make and in some cases, to denounce treaties. Norway empowers the "king" to "make and denounce treaties," but restricts this right by stipulating that "Treaties bearing on matters of special importance, and, in any case, such treaties as, according to the Constitution, necessitate a new law or a decision on the part of the Storting in order to be carried into effect, shall not be binding until the Storting has given its consent thereunto."⁶⁶ Much the same limitation is imposed on the monarch's right to make treaties by the Swedish constitution.⁶⁷ Belgium provides that "The King . . . makes treaties of peace, of alliance, and of commerce," but limits this by adding that "Treaties of commerce, and treaties which may burden the state, or bind Belgians individually, shall take effect only after having received the approval of the two houses."⁶⁸ The Netherlands constitution goes even further in restricting the

⁶⁵Amry Vandenbosch, "Formulation and Control of Foreign Policy in the Netherlands: A Phase of Small Power Politics," 6 J. of Politics (1944), p. 431.

⁶⁶Constitution of Norway, art. 26; Castberg, pp. 143, 448.

⁶⁷Constitution of Sweden, art. 12; Malmgrén, p. 18.

⁶⁸Constitution of Belgium, art. 68.

power of the crown with regard to treaties. The countries cited so far restrict the power of the crown to make a treaty but do not limit the right of withdrawing from or denouncing treaties. The constitution of the Netherlands, however, provides that "Adherence to, and denunciation of, treaties shall be done by the King, solely by virtue of laws," which means the consent of the States-General.⁶⁹ A more or less similar rule applies in Denmark, where the requirement is that "without the consent of the Folketing the King shall not undertake any act whereby the territory of the Realm will be increased or decreased, nor shall he enter into any obligation which for fulfillment requires the concurrence of the Folketing, or which otherwise is of major importance; nor shall the King, except with the consent of the Folketing, terminate any international treaty entered into with the consent of the Folketing."⁷⁰

A third type of restriction on the crown may be seen as the basis in several of the countries for maintenance of a professional career system in the civil service and for judicial independence. In Norway high officials other than a list of specified ones (who can be dismissed at the will of the crown) "may only be suspended

⁶⁹Constitution of the Netherlands, art. 60. This restriction, like that on the declaring of war, was added in 1922. See H. F. Panhuys, "Pays-Bas: La Revision récente des dispositions constitutionnelles relatives aux relations internationales," R. du Droit Public et de la Science Politique en France et à l'Etranger (av.-juin 1955), p. 336.

⁷⁰Constitution of Denmark, art. 19.

by the king, and shall then at once be prosecuted before the tribunals; but they may not, unless judgement has been pronounced against them, be removed from office, nor may they, against their will, be transferred to another place."⁷¹ In Sweden, "Persons occupying judicial positions, both higher and lower, and all other officials or employees other than those [high officials] mentioned in the preceding article, may not be removed from their posts by the King, except after enquiry and sentence, nor shall they be promoted or transferred to other posts except on their own application."⁷² The Belgian constitution conspicuously fails to assign to the king the right to dismiss officials other than ministers, and the constitution recognizes no prerogative attached to the crown—"The king shall have no other powers than those which the Constitution and the special laws, enacted under the Constitution, formally confer upon him."⁷³

A fourth kind of restriction on the crown relates to the provisional measures, regulations, ordinances, etc. which may be laid

⁷¹ Constitution of Norway, art. 22. Strictly speaking this limitation applies only to the "embedsmenn" ("public official") class and not to the "tjenestemenn" ("civil servant") employee. The first group contains only about five percent of all officials; the rest enjoy a high degree of legal security against arbitrary dismissal, however. Finn Sollie, "Control Over Public Administration in Norway," 5 J. of Public Law (1956), p. 189.

⁷² Constitution of Sweden, art. 36.

⁷³ Constitution of Belgium, art. 65, 66, 78. The latter provision is interpreted strictly in Belgium, in contrast to provisions regarding the parliament, which are broadly construed. de Vischer, p. 677.

down by the crown. In England and Belgium the monarch is forbidden to suspend the operation of laws or to fail to see to their execution.⁷⁴ Belgium makes no allowance for provisional laws. Denmark allows provisional laws to be issued by the crown while the parliament is not in session, but restricts this power to one of issuing laws that do not conflict with the constitution.⁷⁵ In the Netherlands administrative measures (ordinances) framed on the authority of the king may not incorporate a penalty unless the States-General so provide by a law and fix the penalties.⁷⁶ In Norway "The King may issue and repeal regulations concerning commerce, customs, trade and industry, and police; they must not, however, be at variance with the Constitution or the laws passed by the Storting. . . ."⁷⁷

The form and organization of the executive departments, left to the discretion of the crown in most of these countries, may be the subject of a fifth kind of restriction on the powers of the crown. In Sweden, although the crown is unrestricted in its allocation of duties to the various departments, the total number of such departments must be determined by law rather than by the crown.⁷⁸ A similar requirement in the Norwegian constitution on

⁷⁴Bill of Rights (1689); Constitution of Belgium, art. 67.

⁷⁵Constitution of Denmark, art. 23.

⁷⁶Constitution of the Netherlands, art. 57.

⁷⁷Constitution of Norway, art. 17.

⁷⁸Constitution of Sweden, art. 5; Malmgrén, pp. 10-11.

a more specialized aspect of administration provides that the military forces of the kingdom "may not be increased or reduced without the consent of the Storting."⁷⁹ England forbids not only the change in size of the armed forces but also the mere maintenance of a standing army in peacetime without the consent of parliament.⁸⁰ Otherwise, the countries leave the details of executive organization to ordinances of the crown.⁸¹ Typically, the introduction of a merit oriented career public service in England in 1855 was affected by an Order in Council.⁸²

A sixth kind of restriction on the crown in several countries affects the power of the king to sign or approve certain kinds of measures. While these, like all of the restrictions presently being considered, appear aimed at the king, such restrictions not only are in actuality a restriction on the cabinet and even the parliament, but they also serve to make it the potential duty of a monarch to refuse to sign a bill, though it is generally constitutional dogma that personal exercise of the royal veto is incompatible with the present form of constitutional monarchy. There

⁷⁹Constitution of Norway, art. 25.

⁸⁰Bill of Rights (1689).

⁸¹Constitution of the Netherlands, art. 79; Constitution of Norway, art. 12; Constitution of Sweden, art. 5; Constitution of Denmark, art. 14. The authority may be limited by laws, however, and especially through the budget. See Sollie, p. 182; Johs. Andenaes, Statsforfatningen i Norge (Oslo, 1948), p. 90.

⁸²Fritz Morstein Marx, The Administrative State (Chicago, 1957), p. 86.

are two types of such restrictions on the crown, one based on the status of the throne at the moment, the other based on the status of the parliamentary act in question. The first type of restriction is found, in various forms, in four countries, and applies only during regencies. In England when a regency has been set up by parliament, it has been customary to include a provision that the order of succession may not be altered during the period of regency. This customary provision was incorporated in the permanent Regency Act of 1937. The Belgian constitution goes even further in declaring that during a regency the constitution may not be amended at all.⁸³ Similar restrictions on the regent apply in the Netherlands, where if the Council of State is acting as regent it cannot dissolve the States-General,⁸⁴ and in Sweden, where any regent is forbidden to "confer any rank or title of nobility . . ." etc.⁸⁵ Presumably the regent of any of these states would be in a strong position to refuse if he were requested to validate any such bills or actions with his signature.

The other kind of restriction on the signing of bills is to be found only in Denmark. In that country the introduction of a unicameral parliament in the new constitution of 1953 had been strongly opposed by those fearing hasty actions by such an

⁸³Constitution of Belgium, art. 84.

⁸⁴Constitution of the Netherlands, art. 75.

⁸⁵Constitution of Sweden, art. 39.

unchecked body.⁸⁶ To partially fill the functional void left by abolishment of the upper house and to help mollify the critics, clauses were introduced into the new constitution providing for a referendum under certain conditions, a referendum which is the "only important conservative guarantee embedded in the constitution."⁸⁷ In section 29 of the new constitution is the provision that "The age qualification for suffrage shall be such as has resulted from the Referendum held under the Act dated 25th March, 1953. Such age qualification for suffrage may be altered at any time by Statute. A Bill passed by the Folketing for the purpose of such enactment shall receive the Royal Assent only when the provision on the alteration in the age qualification for suffrage has been put to a Referendum in accordance with subsection (5) of section 42, which has not resulted in the rejection of the provision." A more general provision applies much the same process to bills on which within three weekdays after passage, the constitution provides that one third of the members of the Folketing may demand a referendum: "Except in the instance mentioned in subsection 7, no Bill which may be subjected to a Referendum . . . shall receive the Royal Assent before the expiration of the time limit mentioned in subsection (1) [three week days], or before a

⁸⁶Jacques Robert, "Danemark: La Constitution du 5 Juin 1953," R. du Droit Public et de la Science Politique en France et à l'Etranger (janv.-mars 1954), p. 71.

⁸⁷Svend Thorsen, "How Denmark Has Placed the People Above Parliament," 11 Parliamentary Affairs (1957-1958), p. 57.

Referendum requested as aforesaid has taken place."⁸⁸ Finally, special provision is made that "Where a Bill relating to the expropriation of property has been passed, one-third of the Members of the Folketing may within three week-days from the final passing of such Bill, demand that it shall not be presented for the Royal Assent until new elections to the Folketing have been held and the Bill has again been passed by the Folketing assembling thereupon."⁸⁹

A seventh restriction on the crown which is of major significance if not importance pertains to the royal prerogative of pardoning convicted persons. Although in general the crown has the right to grant pardons,⁹⁰ several of the constitutions impose restrictions to prevent the crown from pardoning ministers who have been impeached and convicted. These provisions were originally designed to prevent the monarch, himself immune from prosecution, from conniving with his ministers;⁹¹ they now might potentially serve to prevent the rest of the cabinet from conniving to relieve one of its members from legal responsibility for his actions. England provides simply "That no pardon made

⁸⁸ Constitution of Denmark, art. 42; Ross, pp. 252, 291.

⁸⁹ Constitution of Denmark, art. 73.

⁹⁰ Keith (1935), II(2), p. 29; Constitution of the Netherlands, art. 70; Constitution of Norway, art. 20; Constitution of Belgium, art. 73; Constitution of Sweden, art. 26; Constitution of Denmark, art. 24.

⁹¹ Keith (1935), II(1), pp. 103-104; Wigny, p. 661: "Ainsi a-t-on voulu maintenir la plénitude de la responsabilité ministérielle."

under the great seal of England be pleadable to an impeachment by the commons in Parliament."⁹² In Belgium "The King shall not have power to grant pardon to a minister sentenced by the Court of Cassation except upon request of one of the two houses."⁹³ Similarly in Denmark "The King may grant Ministers a pardon for sentences passed upon them by the High Court of the Realm only with the consent of the Folketing."⁹⁴ Norway does not totally restrict the power of the crown in such cases but provides that "In the actions which the Odelsting causes to be brought before the high court of the realm no other pardon than exemption from capital punishment may be granted."⁹⁵

It has been seen that limitations on the office referred to as the "throne" fall into two general patterns because of the development of a constitutionalism in which the cabinet exercises the powers of the crown. On the one hand the incidence of the restrictions may lie on the monarch as an individual and may affect both what he can be and what he can do, the latter particularly through the requirement of ministerial countersignature. On the other hand the incidence of the restrictions may lie on the ministers in their capacity of exercising the powers of the crown.

⁹²Act of Settlement (1700).

⁹³Constitution of Belgium, art. 91.

⁹⁴Constitution of Denmark, art. 24; Ross, pp. 256-257.

⁹⁵Constitution of Norway, art. 20.

Constitutional monarchy, one sees, is considerably more complicated than was absolute monarchy. To think about absolute monarchy it is necessary only to distinguish between man and office. In analyzing constitutional monarchy it is convenient not only to make the distinction between man and office (king and throne), but also to distinguish between the office and the powers of that office (throne and crown). The office symbolized by the throne therefore can be said to have the following main components:

1. The man occupying that office (the monarch);
2. The person(s) acting for the man occupying that office (the monarch himself or the regent(s));
3. The powers of that office (the crown);
4. The persons exercising the powers symbolized by the crown (the cabinet).

Having discussed the relationship between man and office in chapter II and the relationships between the office and the man, on the one hand, and between the office and the powers of that office as exercised by the cabinet, on the other hand in this chapter, we will now turn to a consideration of the relationships between the two main components of the institution of the throne, the monarch and the cabinet.

CHAPTER IV

RELATIONSHIP BETWEEN MONARCH AND GOVERNMENT

"Once in a long time I get a chance to give a little push in the right direction--what I think is the right direction."

Emperor Willem in Robert A.
Heinlein, Double Star

Under "absolute" monarchy the monarch was the government. The ministers were his ministers in every sense of the word, and their function was to give advice and to carry out the decisions of the king. With the growth of constitutionalism the formal relationships between the king and his ministers tended to be preserved, while the actuality of the power to make final decisions was gradually transferred to the council of ministers. Thus it may be said that in general the twentieth century constitutional monarch only formally holds the powers of his office and the cabinet, which is responsible before the parliament and electorate, exercises those powers for him. This is by no means to say, however, that the monarch no longer has anything to do with the exercise of his powers in the sense that he has been shoved completely to one side. As the present chapter will try to show, monarchs still have a personal involvement in the conduct of the government, which is to say in the formation of the cabinet,

the operation of the cabinet, and the fall of the cabinet, as well as in the conduct of foreign relations.

1. Formation of the Cabinet. Several different types of cabinets have been employed under constitutional monarchy. In the early formative stage of constitutionalism ministers were still considered to be personal servants of the king, subject of course to the restrictions imposed by constitutions and parliaments, but dependent on the personal confidence of the monarch for their continued existence.¹ Such "royal" cabinets no longer have a place since the passing away of the separation of powers and the reunification of power in the parliament-cabinet; all contemporary cabinets might therefore be referred to as "parliamentary," as distinguished from "royal" cabinets.² In order to be considered a parliamentary cabinet, however, the ministers need only be acceptable to a majority of the members of parliament, and several different kinds of such a cabinet are possible. In its strictest sense, a parliamentary cabinet can be composed entirely of members of parliament who are members of the majority party or of parties which comprise a governing coalition. Such cabinets are found mainly in England, since continental practice leans toward

¹"L'action du pouvoir exécutif [ministers] est elle dangereuse, le roi destitue les ministres." Benjamin Constant, Cours de Politique Constitutionnelle (Paris, 1861), I, p. 20.

²For the distinction in concepts see Roelof Kranenburg, Het Nederlands Staatsrecht (Haarlem, 1958), pp. 126-127.

inclusion of a greater or smaller number of ministers who are not members of parliament and the Netherlands and Norway go so far as to declare the two functions incompatible.³

The question of parliamentary membership aside, there are three distinct types of cabinets to which recourse has been had in modern constitutional monarchies. The ordinary cabinet consists of members of the party or coalition of parties which can command a working parliamentary majority; except in England these members need not, often are not, and sometimes cannot be members of parliament.⁴ In a period when the monarch finds it difficult or impossible to form such an ordinary cabinet, whether because of conditions in the parliament or because of conditions in the country, he has occasionally set up a "business" cabinet consisting of civil servants or experts on the subject of the crisis of the moment. The business cabinet does not seek positive indications of majority support in parliament for its existence--although it cannot survive in the face of majority hostility--but rather seeks to secure a majority for each of its proposals on an ad hoc basis. A third kind of cabinet is frequently set up in

³A member of parliament may become a minister, but he then may not act as a member of parliament. See James A. Storing, Norwegian Democracy (Boston, 1963), p. 47; Amry Vandenbosch and S. J. Eldersveld, Government of the Netherlands (University of Kentucky, 1947), p. 43. In the Netherlands there is a three month grace period before the minister must resign from the States-General. Constitution of the Netherlands, art. 99.

⁴Douglas V. Verney, The Analysis of Political Systems (Glencoe, 1959), p. 28.

periods of international crisis (or acute domestic dislocations). This is known as a "national" cabinet and includes representatives of all major political parties represented in the parliament.⁵

The process of forming a cabinet is potentially, and sometimes actually, one of the most important governmental matters in which the monarch still plays a significant personal role.⁶ In modern England this function of the monarch has usually been a formality in which the acknowledged head of the party commanding a majority in the House of Commons is called upon as a matter of course to form a cabinet. Only in cases where a coalition is being formed or the leader of the majority party (if it happens to be the Conservative party) is not clearly identified does any doubt remain in England as to who will receive the royal favor;⁷ this was the case as recently as 1956, when the abrupt resignation of the Eden cabinet amid the uproar over the Suez invasion left Conservative party leadership up in the air. The role of the monarch is potentially quite different in the other five countries because of the existence in them of a multiparty rather than a two party political system. Multiple parties reduce the

⁵Kranenburg, p. 127.

⁶Gustaf Petré, "Quelques Problèmes Constitutionnels Actuels dans les Pays Nordiques," 10 R. Internationale de Droit Comparé (1958), p. 437; J.-P. Hooykaas, "Le rôle du Monarque dans l'Etat Moderne," IV Travaux et Conférences, Faculté de Droit, Université Libre de Bruxelles (1957), p. 97.

⁷Herbert Morrison, Government and Parliaments: A Survey From the Inside (London, 1960), p. 77.

probability⁸ that any one party will be able to control a majority of the votes in the relevant chambers of parliament; establishment of an alliance between two or more parties will probably be required in order to secure a workable cabinet.⁹ Given such a situation, the monarch cannot be as restricted as he is in England, since there are presumably several different combinations

⁸A multiple party system does not make control of parliament by one party impossible, of course, nor does absence of an absolute majority for one party mean that a one party cabinet is impossible. In Norway, "In the years immediately prior to 1940, it was usually impossible for any single party to command a majority in the Storting. In every case except during World War II, where a genuine coalition existed, the largest party would form a minority government and secure the support needed for its maintenance from one or more of the other parties. From 1945 to 1961 the Labor party held an absolute majority in parliament and thus needed no continuing support from any of the other parties." Storing, p. 48.

⁹It has been suggested that a multiparty system is more likely to function smoothly in a monarchy than in a republic. "As in so many other matters, so in the cabinet system also, the Weimar constitution combined too many discordant elements and was drafted with too little realistic consideration for the traditions of German politics and administration. If, instead of the popularly elected president, who, in spite of his national majority, was looked upon as a partisan, the system had been built around an hereditary monarch, it is possible that it would have worked as well as the constitutional parliamentary monarchies of Holland and the Scandinavian countries are working, for in all of them the party systems are very similar to that in Germany. There are many parties and they are fairly well organized and connected with economic interest groups. On the whole, it is probably true that a cabinet system directly dependent upon parliamentary support is very hard to combine with a republican organization of government. France, though making a success of this combination for a while, encountered profound difficulties in recent years, and her military defeat suggests caution in placing too much confidence in the precedent it establishes." Carl J. Friedrich, Constitutional Government and Democracy (Boston, 1941), p. 371.

of parties which could form a working parliamentary majority, since persons other than party leaders may have a better chance of being able to work with men from other parties, and since members of the cabinets need not be members of parliament.¹⁰

In forming a cabinet, the monarch may either confer personally with leading members of parliament and of the parties or appoint an "informateur" who does the conferring and reports on the political situation to the monarch. Strictly speaking, the monarch does not form the cabinet as such, even when a personal decision is to be

¹⁰In Sweden there has been some debate over possible principles of cabinet formation which could be invoked in a multiparty situation so that the monarch would not be required to make a personal choice. Rustow (The Politics of Compromise [Princeton, 1955], pp. 212-213) lists the following possible rules which have been advocated:

1. That the king always should call upon the leader of the largest party in parliament whether or not it has a majority.
2. That the king should always call upon the leader of the party whose number of parliamentary seats showed the greatest single gain in the last elections (this could be the smallest party).
3. That the offer should go to the party at the center which is most likely to attract majority support from either side.
4. That the king should always call the leader of the party mainly responsible for the fall of the outgoing cabinet.

None of the advocated rules has enough of a logical priority to attract the support of everybody or even of anybody consistently, since interests favored by one rule one year might profit by another rule the next. Thus a certain amount of flexibility is left, by default of the parties to agree on rules, in the process of cabinet formation. Since at any rate the person called upon to form a cabinet must construct one that can get along with parliament, and if unable to do so must step aside in favor of another royal appointee, and since the king is a member of no party, the king is not too liable to be charged with excessive partisanship for his actions in these matters.

made; rather he chooses the individual who will attempt to form the cabinet. In England, Sweden, Norway and Denmark the monarch personally conducts the negotiations concerning appointment of a prime minister, without the intervention of an "informateur."¹¹ The Netherlands and, since 1935, Belgium, have occasionally made use of an informateur to report to the monarch before it is determined who is to be asked to form the new cabinet.¹²

The question has not failed to arise as to whether the royal action of appointment of a new cabinet or prime minister should be covered by the responsibility of a minister. In England, Peel, in 1834, maintained that "by accepting office he would become responsible for the dismissal of the Whig Government." But "it is now well recognised that in forming a Government the Queen acts on her own responsibility."¹³ In Norway the problem of responsibility is "solved" by having the outgoing premier countersign the appointments of the new cabinet. In Sweden "The procedure is for the outgoing minister of justice to perform the duty of countersigning the royal acts, approving resignations, his own as well as those of his colleagues, and also the appointment of each of the new

¹¹ See A. B. Keith, The King and the Imperial Crown (London, 1936), pp. 82-138; Nils Andrén, Modern Swedish Government (Stockholm, 1961), p. 104; Raymond Fusilier, Les Monarchies Parlementaires (Paris, 1960), p. 284; Alf Ross, Dansk Statsforfatningsret (København, 1959), p. 364.

¹² Ernst Van Raalte, The Parliament of the Kingdom of the Netherlands (London, 1959), p. 40; Raymond Fusilier, "Le Pouvoir Royal en Belgique," Politique (janv.-mars 1959), p. 6.

¹³ Ivor Jennings, Cabinet Government (Cambridge, 1959), p. 89.

cabinet's members."¹⁴ Much the same procedure as in Norway and Sweden is employed in Belgium, where "It is established tradition that the outgoing Prime Minister countersigns the nomination of his successor and that the latter countersigns the resignation of his predecessor and the nomination of his colleagues." The question has arisen in Belgium, however, of what should be done if none of the outgoing ministers is willing to accept responsibility for the appointment of the new prime minister. "In this case the new Prime Minister can countersign his own nomination."¹⁵ In the Netherlands the more sensible attitude is maintained that "the ministers themselves are responsible for their own appointment. They must realize that they are responsible to Parliament for the fact that they became ministers. . . ." ¹⁶ Even so, however, "The decree nominating a new minister is countersigned by a functioning minister before the new ministers have been sworn in by the king."¹⁷ The practice in Denmark, when there is a complete change in the cabinet, is for the incoming prime minister to countersign and thus accept responsibility both for the dismissal

¹⁴Edvard Thermaenius, Kontrasignations-Institutet (Lund, 1955), p. 107.

¹⁵Pierre Wigny, Droit Constitutionnel: Principes et Droit Positif (Bruxelles, 1952), p. 610. Wigny goes on to point out that "Il est vrai qu'au moment où il signe l'arrêté, ce personnage n'est pas encore ministre; son contresigning est sans valeur. Mais c'est la une objection scolastique. Elle applique rigoureusement le texte et trahit l'esprit de la Constitution."

¹⁶Van Raalte, p. 39.

¹⁷Fusilier (1960), p. 528.

of the former cabinet and for the appointment of himself and the rest of the new government.¹⁸

In his capacity of appointing the cabinet the monarch has found it prudent to maintain a strict impartiality towards all of the political parties with which he may have to work. In the present century, however, there have been notable obstacles to the practice of such an impartiality raised by parties which were hostile to the very institution of monarchy. The problems have centered, of course, around the socialist parties, have been acute to a degree inversely proportional to the pragmatism of the parties involved, and have become less acute as the parties have ceased to be in the clutches of doctrinaires. Keir Hardie,¹⁹ writing in the English publication The Labor World in 1914, to cite the sort of things said about a king, declared that "King George is not a statesman. He is not the pleasure-loving scape-grace which his father was before him, but, like his father, he is destitute of even ordinary ability. Born in the ranks of the working class, his most likely fate would have been that of a street corner loafer, and this is the man who is being made a tool of by the reactionary classes to break the power of democracy and weaken and finally destroy the power of Parliament."²⁰

¹⁸ Denmark (Copenhagen, 1961), p. 142; Ross, p. 367.

¹⁹ Once compared to Jaurès by George Bernard Shaw, in the introduction to his Heartbreak House.

²⁰ New York Times, July 24, 1914.

One of the first kings to begin the process by which socialist parties became gradually reconciled to constitutional monarchy was Albert of the Belgians (r. 1909-1934). Before his accession to the throne in 1909 the leaders of the Belgian socialist party issued the following statements:

Albert I will govern like his uncle with the support of the banks, the big industries and commercial houses. He will not be able to govern without them, and if he wished to separate himself from them, he would be broken-- he will necessarily be the tool of those who enrich themselves through the work of the laborers by oppressing them. Between Socialism and Monarchy there is no possible reconciliation and when official Belgium prepares itself to acclaim Albert I--a loud clamor of hope and defiance will rise from the workers' breasts: Vive la Republique Sociale!²¹

By 1919, however, it was reported that "King Albert is most popular with his people and moves about freely among them without any armed guard or secret service men. The leaders of the Socialist Party openly declare that they are against all kings but that they are pro-Albert and attend functions at the palace, which they never entered before the war."²² Even so, socialists in general were to remain hostile to monarchy for many more years. When Albert toured the United States in 1919 amid great acclaim, he was pointedly refused an official invitation or welcome to visit several cities, among them Milwaukee. The socialist mayor of

²¹ Jonathan F. Scott, Twilight of the Kings (New York, 1938), p. 34.

²² New York Times, June 28, 1919.

Milwaukee, Daniel Hoar, stated that "The newspapers have correctly reported my attitude in the matter. I felt that to invite a king, even of Belgium, to the city would be a violation of the principles for which my party stands. It concerns the divine right of kings and that sort of thing."²³

In England, dutifully aware of the need to maintain impartiality in his relations with the leaders of all parties potentially able to form a government, King George V in March of 1923 dined privately for the first time with Labor party members of parliament. The dinner took place in the home of Lady Astor and "It was said that the King had made known his desire to meet the leaders of the Labor Party in such a manner."²⁴ Lady Astor was reported to have kidded Labor members about their wearing of the customary "knee breeches" worn on formal occasions attended by the monarch. The reaction, a large number of letters critical of the meeting of their leaders with the king, soon appeared in the Labor press.²⁵ A few days later a group of parliamentary members from Scotland signed and published a statement denouncing the idea that attendance by their party leaders at court functions was endorsed by Labor members of parliament and maintaining that such attendance was a purely private matter. One of the signers, David Kirkwood, declared in an interview that "Lady Astor asked

²³New York Times, October 31, 1919.

²⁴New York Times, March 9, 1923.

²⁵New York Times, March 13, 1923.

me to go to her dinner party and I declined. I did not do this out of any disrespect to the King, but the King is not only the head of the State, he is the pinnacle of a system which some of us are here to smash--the capitalist system."²⁶ The propriety of dining with the king, and the king's dilemma with regard to the Labor party, were pointed out by another Labor member of parliament, J. H. Thomas: "On the constitutional side he could only repeat what he had already said in Parliament, that if the Labor Party came into power they would find the King prepared to accept their advice as readily as the advice of the Liberal or Tory parties. If, when the King invited the political leaders to dine at Buckingham Palace, Ramsay Macdonald had been ignored as leader of the Opposition, it would have meant that the Labor Party had been deliberately flouted, and the first people to raise it as an issue and to create agitation would probably have been those who now took the opposite view."²⁷

The royal question did not cease to arise, in England and elsewhere, even after a demonstration of impartiality such as was given by George V. In 1926 a labor union speaker was reported as demanding to know why the nation should foot the king's bills. "What is the King of England? He is neither tinker nor tailor, soldier nor sailor, nor anything else." He went on to add that "We have got to meet force with force, organized force. When

²⁶New York Times, March 16, 1923.

²⁷New York Times, March 19, 1923.

people talk . . . about community, they forget there are 2,500,000 miners alone. Take away these and the railwaymen and dockers and there are only a few jockeys, Bishops, and politicians left. We are the only people concerned about the community. We are the community." In 1927 socialists and labor leaders at Glasgow refused to eat with the king at ceremonies dedicating a new bridge. In 1930 Queen Wilhelmina of the Netherlands opened a new canal lock at Ymuiden. "The only outward feature was that the Labor members of the Amsterdam City Government refused to witness the inauguration for fear of the Communists. They were unwilling to assist at a ceremony at which the Queen would be cheered." By 1936, however, the attitude of the people at Amsterdam had changed sufficiently that the socialists for the first time sent a delegation to greet Queen Wilhelmina on her arrival for her annual visit to the city.²⁸ Since World War II one might safely say that the socialist parties have been as willing to deal with their monarch as have the other parties. In Denmark, at the time of the writing of the new constitution of 1953, only the Communists proclaimed themselves republicans.²⁹ In Sweden a republican motion introduced privately into the parliament in 1958 was overwhelmingly rejected; although the social democrats still keep a demand for

²⁸New York Times, February 26, 1926; April 17, 1927; April 30, 1930; May 24, 1936.

²⁹Jacques Robert, "Danemark: La Constitution du 5 Juin 1953," R. du Droit Public et de la Science Politique en France et à l'Etranger (jan.-mars 1954), p. 74.

republicanism in their program, party leaders repudiate any idea of attaining this goal.³⁰ Although the socialists have thus fallen into line in practice if not in theory, the Communists, being a disloyal opposition rather than a part of the loyal opposition, have not become reconciled to the continuation of monarchy. The likelihood is quite small, however, that the Communists could attain a sufficient number of parliamentary seats in these countries to require the monarch's calling upon them to form a government without becoming, through the compromises necessary to attract a large vote, less doctrinaire.

2. Operation of the Cabinet. The king is involved in the conduct of government business by the cabinet in several ways. Certain formalities of cabinet operations may be carried out by the monarch, he may participate in the determination of policy informally by giving advice to the ministers, and he may even act independently of the cabinet in extreme cases.

Besides a large amount of inscribing official documents with the royal signature, monarchs participate in the mechanics of cabinet operations in two main ways, one being presidency over formal meetings of the council of ministers, the other being delivery of a speech written by the cabinet at the opening of a session of parliament. In England ever since the days of George I

³⁰Petrén, p. 725; Herbert Tingsten, "Stability and Vitality in Swedish Democracy," 26 Political Quarterly (1955), p. 144.

and George II, who did not understand English very well, it has been the practice for the ministers to meet by themselves for business purposes and to notify the king through a minister of the decisions taken. When an action calls for the presence of the monarch it is not the cabinet that meets but the Privy Council.³¹ In the continental countries, where the monarch does preside regularly over his council of ministers, earlier informal meetings of the ministers settle most details except the formalities involved in registering a decision.³²

Except in Belgium, where the custom of a royal speech from the throne has been abandoned since 1910,³³ another of the duties of the monarch is to present a general report of the cabinet's activities and concerns during the ceremonies opening a session of parliament. It is conventional that the speech from the throne, which is written for the monarch by his ministers, not be used for the enunciation of spectacular plans or ideas on controversial matters of policy; nevertheless it may set the tone and general focus for the proceedings of the session by virtue of the types of matters talked about--economic, diplomatic, etc.

³¹Keith (1936), p. 248.

³²Fusilier (1960), pp. 43, 196, 339, 443, 521; Finn Sollie, "Control Over Public Administration in Norway," 5 J. of Public Law (1956), p. 176; Richard C. Spencer, "The Swedish Pattern of Responsible Government," 21 Southwestern Political Science Q. (1940), p. 58.

³³J. A. Temmerman, "Constitutional Customs in Belgium," 6 Parliamentary Affairs (1953), p. 344.

While the involvement of the monarch in cabinet business is ordinarily most visible when he attends a formal meeting of the ministers or opens parliament, these are not necessarily the most significant relations he has with the ministers. As far as public appearances are concerned, the personal role played by the monarch in the formulation of policy is extremely nominal. But this appearance is an inevitable consequence of the constitutional rule that a minister must assume responsibility for all government decisions and that the monarch should not publicly take sides on potentially controversial policies. One recalls Bagehot's statement that "It is . . . an accepted secret doctrine that the crown does more than it seems"³⁴ with some hesitance, however. It is obvious that the monarchs could not be doing less than they seem to be in the realm of the formulation of government policy, for in the modern state both in official theory and in appearance the monarch does not do anything personally. On the available evidence monarchs might either be doing more than they appear to be, or just what they appear to be doing. It seems to be a reasonable assumption that the actual amount of influence exerted upon ministers by monarchs would vary from monarch to monarch and in different countries and that much would depend on the personality of the particular monarch, since any real influence must be

³⁴Walter Bagehot, The English Constitution (London, 1888), p. 60.

based on persuasion.³⁵ The argument, dating from Bagehot, that the monarch is capable of exerting persuasive influence on affairs, is based on two features of monarchy. The first is that the monarch receives information about cabinet decisions and has the right to "be consulted," to "encourage" and to "warn." The second feature of monarchy conducive to the exercise of influence is the life tenure of kings: "In the course of a long reign a sagacious king would acquire an experience with which few ministers could contend."³⁶

There is some evidence that royal influence is, under modern constitutional monarchy, indeed exerted and, less frequently, exerted effectively. In early 1918 in the Netherlands a feud arose between the minister of war and the commander-in-chief of the army. "According to rumor, Minister de Jonge wished to remove Snijders as Commander-in-Chief for failure and apparent unwillingness to prepare the Eastern as well as the Western defense of the country. According to the rumor the removal did not take place because the Queen refused to sign the order for removal, on the grounds that such action at the time would be bad for the morale of the country and might be interpreted abroad as a sign of weakness."³⁷ A former minister in England writes that "George VI

³⁵ Emile Giraud, Le Pouvoir Exécutif dans les Démocraties D'Europe et D'Amerique (Paris, 1938), pp. 138, 142.

³⁶ Bagehot, pp. 75-76.

³⁷ Amry Vandenbosch, "Formulation and Control of Foreign Policy in the Netherlands," 6 J. of Politics (1944), p. 438.

twice discussed particular death sentences with me when I was Home Secretary. He expressed his views ably and reasonably and, naturally, I gave them every consideration. However, I did not feel able to accept His Majesty's view in either case, and when I respectfully told him so he accepted my decision with every good grace."³⁸ During World Wars I and II the kings of Belgium assumed personal command over the country's armed forces, actions resulting in notable success and popularity in the first instance, tragic failure and controversy in the second.³⁹ In Norway during World War II King Haakon reportedly threatened to abdicate if his ministers, in a state of temporary demoralization during the first days of the Nazi invasion, were to surrender as they were thinking of doing.⁴⁰ King Gustav V of Sweden was able to browbeat his ministers into allowing German troops to be transported in sealed trains through neutral Sweden to occupied Norway by a similar threat to abdicate.⁴¹

But there is also some evidence that in his capacity of giving advice to the ministers a monarch may not play a very important role, especially in England. In 1930 Philip Snowden, Chancellor of the Exchequer, was to present the budget to the

³⁸Morrison, p. 81.

³⁹See Lt. General Emile J. Galet, Albert King of the Belgians in the Great War (New York, 1931); E. Ramon Arango, Leopold III and the Belgian Royal Question (Baltimore, 1963).

⁴⁰Petrén, p. 725.

⁴¹Fusilier (1960), pp. 97, 201.

House of Commons on April 14. The day before, it was reported that Snowden "today motored to Windsor Castle and disclosed to the King the secrets he will reveal to the nation tomorrow."⁴² This was hardly an early enough notice for the king to have a chance to make any suggestions to be considered by his minister.

A still more blatant example of the same lack of even formal solicitude for the king's opinions was reported during the crisis concerning Edward VIII's marriage plans in 1936. The subject matter at issue this time was ceremonial, an area in which constitutional monarchs are still personally active. The New York Times reported a "revealing incident at the palace today, which threw a flash of light on the King's attitude toward his Ministers and his increasingly contemptuous treatment of them. The King was asked to approve the new blue uniforms that the government had intended to issue to the troops at coronation time." Apparently the minister assumed that royal approval would be automatic. "But when the King saw them he rejected them emphatically. He objected to their color, their facing, their buttons. It was his right to do so, yet at the same time it was a slap at one of his Ministers and it threw the War Office into confusion" (it having already invited reporters to inspect them the next day!). The Times added, quite gratuitously, that "An absolute monarch might have done this sort of thing in the olden days."⁴³ It is obvious that

⁴²New York Times, April 14, 1930.

⁴³New York Times, December 3, 1936.

the person who was being treated with contempt in this episode was not the minister but the king.⁴⁴ Typically, the criticism of the royal action was not based on substance and the name calling indulged in by the Times only reflected the nasty overtones the royal situation was beginning to take on in England.⁴⁵

⁴⁴Similar incidents in Belgium are noted by Huizinga. In January of 1939 the Spaak government had honored a Dr. Martens, accused of German sympathies during World War I, Flemish nationalism, etc., by appointing him to the Flemish Academy of Medicine. "At the time there were already some militant Walloons as well as Left-wingers who, on the grounds of the role the King had played in Belgium's return to neutrality, his mother's German origins, and his sister's marriage to the Italian Crown Prince, suspected him of secret sympathies with the two dictatorships. They had seized upon Dr. Martens' appointment as further evidence for these insulting suspicions. And it was Spaak's fault that they had been able to do so. Not only should he have realized what an outcry this appointment would provoke, but also [he] had been negligent in not putting the King in full possession of the relevant facts when he asked for the royal approval. He had not told him that the Flemish doctor remained a very controversial figure, amnesty or no amnesty. Worse, he had allowed the appointment to be published before the King had attached his seal, thereby wittingly or unwittingly forcing his hand. No wonder Leopold felt justified in reading Spaak and his Ministers a severe lecture about "abuse of the principles of our constitution . . . endangering even the position of the Head of State. . . . I am often asked to approve decisions that have already been made public. . . . Such indiscretions are unacceptable. . . . Such practices prevent the Head of State from exercising his constitutional functions. . . ." (pp. 96-97).

⁴⁵Conversely, in an editorial criticizing the Fascist Oswald Mosely two years earlier, the Times had implicitly assumed another picture of the British monarch: "His [Moseley's] pretense of loyalty to the King can have deceived nobody. . . . Sir Oswald is the man who would be King; could his enterprise succeed; and George V would be a dummy." (April 28, 1934). There is no doubt a fine distinction to be made between a dummy and a king who is not even to be allowed to reject proposals for the uniforms to be worn at his own coronation, but it is beyond the hairsplitting capacity of the author.

Paradoxically, the logic of his situation probably dictates that a constitutional monarch can exercise effective personal influence only in very trivial matters falling within his ministers' extremely restricted "zone of indifference"⁴⁶ and in extremely important matters; the realm in between might be referred to as the "influence gap." When the monarch is able to change the mind of a minister by the sheer logic of his arguments, influence may be said to be exerted, of course, but there is nothing the monarch can ordinarily do about it if the minister fails to be convinced except to accept the minister's "decision with every good grace."⁴⁷ But as Neustadt has noted, persuasiveness is more effective when it is "not just two men reasoning with one another."⁴⁸ It helps to have some sanctions, some actions which can be taken or threatened in order to modify the decisions of the minister. In fact, sanctions are at the disposal of the constitutional monarch, but they are ordinarily unusable for the same reason that one does not swat a mosquito with a steamshovel: they are disproportionately large.

In considering sanctions, however, we are getting not merely at the power of the king to advise his ministers, but also at the

⁴⁶C. I. Barnard, The Functions of the Executive (Cambridge, 1954), pp. 168-169.

⁴⁷Morrison, p. 81.

⁴⁸Richard E. Neustadt, Presidential Power (New York, 1960), p. 34.

more fundamental power of the king to act in ways other than the ministers would prefer. The power of the king to act independently consists mainly of two elements, the power to veto or refuse royal sanction to proposed laws and executive orders, and the power to abdicate. In all of the countries here discussed except Norway the monarch has the legal right to an absolute veto upon parliamentary bills. This is the one monarchical act which unequivocally does not require, in five of the six countries, the countersignature of a responsible minister--the constitutions referring specifically to the matter clearly provide that countersignature is necessary to make the monarch's signature valid, but do not provide that countersignature is required to make the monarch's lack of a signature valid.⁴⁹ The constitution of the Netherlands states that "He [the king] shall have the right to approve or disapprove the bills passed by the States-General."⁵⁰ Sweden provides that "Neither the King without the approval of the Riksdag, nor the Riksdag without the consent of the King, shall have the power to make new laws or to repeal existing laws."⁵¹ The king

⁴⁹In Norway the monarch is required to sign either the bill or a declaration that he refuses to sanction the bill; in either case countersignature is necessary. This unusual custom dates back to the dissolution of the personal union with Sweden in 1905 when the Swedish monarch vetoed a bill setting up separate foreign consulates for Norway. "Regjeringen nektet å kontrasignere Kongens beslutning om å nekte sanksjon på konsulatloven og begjaerte sin avskjed. Senere har det ikke vaert bestridt at Statsrådet har denne rett til å nekte kontrasignatur." Johs. Andenaes, Statsforfatningen i Norge (Oslo, 1948), p. 103.

⁵⁰Constitution of the Netherlands, art. 73.

⁵¹Constitution of Sweden, art. 87.

must also consent to amendments.⁵² Belgium's constitution puts the legislative power collectively into the hands of the king, the House of Representatives, and the Senate, and provides for royal participation in constitutional amendments.⁵³ The same provisions are found in the Danish constitution.⁵⁴ Only Norway deviates from this pattern, specifying as it does that "If a bill has been passed unaltered by two different successive Stortings and separated from each other by at least two ordinary elections between them, without any divergent bill having been passed by the Storting in the period between the first and the last passing, and is then submitted to the King with the petition that His Majesty will not refuse his assent to a bill which, after the most mature deliberation, the Storting considers to be for the benefit of the country, it becomes law, even if the royal assent is not accorded before the Storting separates."⁵⁵

Except in Norway, then, there is no legal obstacle to exercise of an absolute veto by the monarch. It has been said that if an English monarch, for example, were to attempt independently to squash a bill, the parliament need only pass a bill requiring the monarch to sign the bill in question or to sign all

⁵²Constitution of Sweden, art. 81; Robert Malmgrén, Sveriges Grundlager och Tillhörande Författningar (Stockholm, 1961), pp. 92-93.

⁵³Constitution of Belgium, art. 26, 131.

⁵⁴Constitution of Denmark, art. 14, 88; Ross, p. 287.

⁵⁵Constitution of Norway, art. 79.

bills,⁵⁶ and that the monarch would be legally required to sign his own death warrant.⁵⁷ A logical contradiction exists in such an interpretation of the position of the monarch. If a monarch (other than the Norwegian) vetoed a bill against the advice of his ministers, parliamentary passage of a bill requiring him to sign the former bill would be self-defeating, since any such passage would merely reinforce the realization of the fact that the monarch legally may veto bills; the second bill could similarly be vetoed, and if some one were to object that the monarch did not have the legal power to do so, he could be asked why parliament has passed such a bill if this were true. Such attempts to prove that a monarch (other than the Norwegian) does not enjoy a legal absolute veto must therefore be regarded as ill advised.

The fact remains, however, that the royal right of veto has not been exercised in recent years, the last instance in the six countries having occurred in 1912.⁵⁸ The reason for this fact is

⁵⁶C. F. Strong, Modern Political Constitutions (London, 1952), p. 140: "It is fruitless to speculate on what would happen if the King refused his assent, because he never does. Presumably, if any monarch did refuse to sign a bill, a statute would be passed to say that he must."

⁵⁷Jennings, p. 338, quotes Lord Esher: "In the last resort the King has no option. If the constitutional doctrines of ministerial responsibility mean anything at all, the King would have to sign his own death-warrant if it was presented to him for signature by a minister commanding a majority in Parliament. If there is any tampering with this fundamental principle, the end of the monarchy is in sight." One wonders, of course, whether the monarch might not prefer the end of the monarchy to the end of the monarch.

⁵⁸Lester B. Orfield, The Growth of Scandinavian Law (Philadelphia, 1953), p. 263.

based not on law but on the consequences that could be reliably foreseen to ensue were a bill supported by the cabinet and a majority of parliament to be vetoed by a monarch. The cabinet, faced with an action which its members could easily and perhaps even sincerely cause to be interpreted as demonstrating the monarch's lack of confidence in them, would no doubt resign, proclaiming loudly that His Majesty was flouting the public will. The opposition party or parties would either refuse to form a new cabinet under the circumstances, which would gravely embarrass the monarch, or they would have to form a cabinet backed, unless some support could be gained from dissident elements in the former governing majority party or coalition, by a minority of the members of parliament. Under these circumstances the new cabinet would either immediately be destroyed by a vote of no confidence, leaving the whole problem unsolved, or it would have to dissolve the parliament if this is possible⁵⁹ and call new elections in which the royal actions would become a partisan issue. Even if the "king's party" happened to win such elections the neutrality of the monarch and his general effectiveness as head of state might be heavily compromised.

One must hasten to note that the envisaged consequences do not follow a royal veto as an inherent result of the nature of the universe, but because of the particular kinds of attitudes toward

⁵⁹The weak position of the Norwegian monarch is reinforced by the fact that parliament cannot be dissolved in Norway.

propriety which exist among the people in the countries presently under constitutional monarchy. Thus it is that monarchical behavior which proved perfectly acceptable during the early stages of constitutionalism and produced no dire political consequences would today be the occasion for a first rate constitutional crisis. There has been a shift in outlook toward propriety which can probably be attributed to a change in the prevailing notion of the nature of the state. At the time constitutional monarchy first appeared in the various countries under scrutiny, a negative outlook toward the state was on the ascendancy, an outlook which emphasized the dangers and evils which might be occasioned by state action.⁶⁰ The mental climate in which a monarch operated during the first stage of constitutionalism was therefore one in which the presumption was against any action by the government. Monarchs still enjoyed a great prestige through their hereditary legitimacy, a legitimacy which was later to be gradually preyed upon by believers in the solitary principle of democratic legitimacy.⁶¹ A monarch who exercised a veto over legislation, because of the negative view of the state, was not seen as wielding the same kind of arbitrary power as would be involved if his

⁶⁰"The do-nothing kings have been much abused; God give us their indolence rather than the activity of a usurper!" H. B. Lippmann (Ed.), Prophecy From the Past: Benjamin Constant on Conquest and Usurpation (New York, 1941), pp. 51-52.

⁶¹See Guglielmo Ferrero, The Principles of Power (New York, 1942).

will were to be law without the consent of a parliament.⁶²

The negative state was thus a Calhounian state in which a "concurrent majority" was required to initiate governmental actions but any one center of power could prevent them.⁶³ The monarchs found such a system tolerable, because it left them in actuality a great deal of power to prevent things from happening which were to their distaste. Members of parliament also found the system tolerable, because it allowed them to prevent the monarch from doing things that they found distasteful and was thus far more congenial than absolute monarchy had been. A state based on a true separation of the legislative power into several more or less powerful institutional centers, however, was not destined to survive very long outside of the United States. In the case of the monarchies it appears to have been an unstable form. One of the reasons constitutionalism of this first stage passed away was that the people living in the constitutional monarchies began to accept the doctrine, imported from the revolutionary republics, that a person holding his office because of the accident of birth should not be allowed to exercise any power in the government because it was undemocratic. Heredity was transformed in the

⁶²"Mais ice deux choses sont confondues, le droit de maintenir ce qui existe, droit qui appartient nécessairement au pouvoir royal, et qui le constitue, comme je l'affirme, autorité neutre et préservatrice, et le droit de proposer l'établissement de ce qui n'existe pas encore, droit qui appartient au pouvoir ministériel." Constant, I, p. 26.

⁶³See John C. Calhoun, A Disquisition on Government (New York, 1854).

popular eye; instead of conferring legitimacy upon the person involved it came to be seen as doing precisely the opposite.⁶⁴ Even more important, the disappearance of first stage constitutional monarchy was probably precipitated by the spread of ideas emphasizing the positive ability of government to improve the lot of the people. Now that government could do nothing without the consent of elected representatives, the presumption against the desirability of legislation began to be reversed and social legislation of various kinds was widely proposed and discussed as a positive good benefiting the masses.

Once the focus of attention had shifted from the effort to prevent abuses of government power to the effort to employ that power positively to maximize social welfare, the right of a monarch to veto proposed laws supported by a parliamentary majority could no longer be exercised with impunity. Such behavior would make the monarch vulnerable to the criticisms that he was frustrating the "will of the people" and that he was really hostile to the welfare of his subjects. Criticism in this vein could only be reinforced by pointing out that in England, the original inspiration for constitutional monarchy, the royal veto had not been used since 1707 and that the veto was therefore inherently improper.

⁶⁴A glimpse of this attitude may be perceived in Mr. Harold Wilson's reference in 1963 to Sir Alec Douglas-Home, England's first Prime Minister chosen from the House of Lords in half a century, as an "elegant anachronism."

Although exercise of the royal veto has undeniably and understandably passed into disuse, this does not prove that a monarch would never be justified in refusing to sign a bill or even that he would never be able to "get away" with it. As to justification, it must be remembered that a constitutional monarch always lives in the midst of a potential dilemma. In order to remain an effective monarch he is supposed to remain above parties and not become identified on one side or the other of partisan policies. On the other hand a monarch is also an individual in his own right and hence may feel a duty to behave responsibly, which is to say take the action possible in given circumstances which will produce the best possible total set of consequences when measured by his own values. Now it is obvious that in most matters of policy which will arise there will be no tension between maintaining a neutral attitude towards a proposed policy and responsible behavior, since opposition to a mildly bad policy by the monarch may produce such bad side effects with regard to public tranquility and the neutrality of the monarch as to more than nullify any gains from the avoidance of adoption of the policy. For a constitutional monarch most of the time responsibility will not only permit but require non-partisanship. But the monarch may be asked to assent to a policy, to put his vast prestige behind a policy, which he feels will produce a much worse set of consequences than would his veto. His duty as king will be to give his assent; his duty as a man will be to behave responsibly and use

all the means at his disposal, chief among which is his occupancy of the throne, to prevent adoption of the policy. The more general rule, responsibility, must prevail over the more specialized, and therefore occasionally inadequate, rule of non-partisanship and neutrality. Justification may therefore exist for the exercise of a royal veto.

A more difficult problem is raised in considering how the monarch can get away with using his veto in the face of the public attitudes discussed above. One factor in determining whether he can get away with it is the expectation of the monarch with regard to the personal consequences a veto will produce; he who expects little is difficult to disappoint. And, it might be added, difficult to browbeat. If a king is willing to accept the possibility of his enforced abdication or even the establishment of a republic as a price he is willing to pay in order to do his best to prevent employment of the policy, then it is going to be almost impossible to prevent him from getting away with it though it may be possible to prevent him from succeeding. Furthermore, the very fact that he is willing to face the possibility of such distasteful personal consequences may be employed by the monarch as a weapon in his fight, to demonstrate just how strongly he feels about the matter, and to convince the public that he is not acting out of any selfish motivations but merely from a devotion to the public welfare. With the monarch taking care to emphasize that he is opposed merely to the proposed policy and not to the people who

propose it, thus leaving them a more or less graceful path of retreat (a precaution nineteenth century revolutionaries often neglected to take), it is not at all impossible to imagine that the policy might be successfully defeated.

If, however, the king does not believe a proposed policy quite bad enough to risk his crown or the perpetuation of the monarchy over, one wonders whether he has no alternative between the extremes of abject submission to the will of his ministers and the theatrics of a battle to the death. The constitution of Denmark suggests a slightly less drastic alternative, when it provides that under certain conditions the king may not give his assent to a bill before a referendum is held and approves the bill.⁶⁵ No law would necessarily be required, however, to allow use of the veto in an analogous fashion in any of the countries except Norway. The monarch enjoys a right of veto, an absolute veto, in all five of the other countries. There is no reason why a monarch who disapproved of a bill could not announce that he would refuse to give his assent until the bill had been approved by an advisory referendum. Opposition to such a move by the ministers would be very difficult, since it would appear that the monarch was on the side of the "popular will" and the ministers against it and furthermore that the ministers did not believe they had the confidence of the country. Again, the ministers could be appeased by emphasizing that the king is critical not of them but

⁶⁵Constitution of Denmark, art. 29.

merely of their one proposed policy. If the referendum agreed with the monarch he could safely afford to refuse absolutely to sign the bill and the ministers would not dare to protest. If the referendum approved the bill, the monarch could sign it without having lost much face in his pose as the friend of the people, remarking that because of his doubts about it he had wished the fullest public consideration before he signed it into law. Hence by invoking the referendum the monarch would stand the possibility of getting his way yet not incur any risk if he should fail.

Kingsley Martin reports that "Lord Lansdowne took the extreme line [in connection with the Home Rule crisis] that since the Parliament Act had destroyed the power of the Lords to kill a bill, the power reverted to the Crown; the King, in his opinion, could force a dissolution or insist on a referendum."⁶⁶ Martin's reply is that "I cannot myself see any answer to the simple argument that for the King to refuse his Prime Minister's advice means the extinction of democratic institutions."⁶⁷ This is clearly an untenable conclusion, since if the Prime Minister's advice were to destroy democracy (as in Italy) a refusal to accept the advice would constitute a defense of democracy.⁶⁸ For Martin, the

⁶⁶Kingsley Martin, The Magic of Monarchy (London, 1937), pp. 69-70.

⁶⁷Ibid., p. 70.

⁶⁸"She [the queen] would be justified in refusing to assent to a policy which subverted the democratic basis of the Constitution, by unnecessary or indefinite prolongations of the life of

content of the minister's advice does not matter, yet if democracy is only a means to an end, not an end in itself, it may be virtue incarnate to oppose actions proposed "democratically," which are intrinsically no better on account of their origin than they would be if proposed by the most absolute of monarchs. Furthermore, even if we allow Martin to posit democracy as the supreme value, a veto conditional upon a referendum is a strange cause for the "extinction" of democracy!

3. The Fall of the Cabinet. A cabinet may leave office for any one of several reasons. One reason for the fall of a cabinet, which is the one with the longest history, may be its dismissal by the monarch. In all six countries the monarch still has the legal right to dismiss any or all of his ministers.⁶⁹ That exercise of this right while the cabinet retains the backing of a majority of the national parliament may no longer be prudent was indicated by the experience of King Christian of Denmark when he dissolved the

Parliament, by a gerrymandering of the constituencies in the interests of one party, or by fundamental modifications of the electoral system to the same end. She would not be justified in other circumstances. . . ." (Jennings, p. 412). Note the double standard implicit in the argument which affirms a procedural morality but denies a substantive morality except as it changes a procedure.

⁶⁹Keith (1936), p. 140; Wigny, p. 612; Constitution of Belgium, art. 65; Constitution of Sweden, art. 35; Constitution of the Netherlands, art. 79; Constitution of Denmark, art. 14; Constitution of Norway, art. 22.

cabinet of Premier Zahle in 1920.⁷⁰ The king was not even entirely without public support in the matter, because Zahle had stated he regarded the question of disposal of the "second Schleswig zone" as settled in favor of Germany in a recently held plebiscite, and there was great opposition to this acquiescence.⁷¹ Trade unionists and socialists, however, visited King Christian and informed him they would call a general strike unless he revoked his dismissal of the premier. When the king refused this demand and continued his support of the new cabinet he had appointed under Premier Liebe, the socialists proceeded with their plans for a general strike and called for the establishment of a republic.⁷² The upshot was that the king had to back down, dismiss his new premier, install a non-partisan compromise ministry, and promise new general elections.⁷³ This was the last

⁷⁰"Derefter opfordrede Kongen Zahle til at indgive Ministeriets Demission, men ogsaa dette naegtede Statsministeren under Henvisning til Flertallet i Folketinget. Men han lagde, som Edvard Brandes senere skrev, selv Kongen i Munden 'at han, Kongen, naturligvis kunde afskedige sit Ministerium.' Kongen, som havde sagt til Statsminister Zahle, at han meget nøje havde undersøgt sin konstitutionelle Beføjelse, meddelte derefter Statsminister Zahle, at Regeringen var afskediget." Folkestyrets Konger (Odense, 1949), p. 225.

⁷¹The National Tidene commented: "The Zahle Ministry--that uncanny Government whose chief stood convicted a liar by the upper house and, having lost the majority in the lower house, still clung to power trying to damage Denmark's noblest powers to the last--now is happily deposed. The King, fully grasping the seriousness of the situation, did his duty and used his constitutional power." New York Times, March 30, 1920.

⁷²New York Times, March 31, 1920.

⁷³Folkestyrets Konger, p. 226; New York Times, April 5, 1920. See also Eric Bellquist, "Government and Politics in Northern

instance recorded in any of the six countries of a monarch dismissing his cabinet on his own initiative.

While the monarch retains the legal right to dismiss the cabinet, his influence in the twentieth century has tended to lean in the opposite direction. Resignation is potentially the principle recourse of the cabinet if the monarch should refuse to do what it wishes. Especially in England such a disciplinary resignation could place the monarch in an impossible predicament, since even if the opposition should prove willing to assume office it would be unable to govern (being a minority in parliament) without calling and winning a general election in which the monarch might become a partisan issue. The danger of a resignation of the cabinet precipitated by the monarch's action was cited, typically, in 1920 by the king's secretary in answering an appeal that George V use his prerogative to release the Lord Mayor of Cork from the jail where he was apparently dying of a hunger strike.⁷⁴ And the impossibility of the king's position is only magnified when the leader of the opposition promises beforehand that he will not consent to form an alternative government if the present one resigns over an issue involving the monarch. This was exactly what Attlee, as leader of the opposition, promised during the crisis in 1936 over the desire of Edward VIII to marry

Europe: An Account of Recent Developments," 8 Journal of Politics (1946), pp. 384-385.

⁷⁴New York Times, September 1, 1920.

Mrs. Simpson.⁷⁵ The result was that Edward was faced with the very restricted alternatives of complete submission to his cabinet or abdication. Because of their vulnerability, monarchs lean over backwards to prevent their cabinet from leaving office through any avoidable royal fault.

The monarch may also take positive measures to try to avoid the fall of his cabinet. An example occurred in Belgium early in 1934, when King Albert intervened to prevent a crisis that threatened to topple the cabinet. The cabinet had promised to reinstate some officials who had been removed from their posts on accusation of treasonous activities during World War I, in return for socialist and Christian democratic support of some appropriations for new fortifications. A loud outcry thereupon arose from former soldiers throughout the country, and it became apparent that, no matter whether the cabinet kept its bargain with the other parties or broke it, the existence of the cabinet would be endangered. Albert managed to prevent the situation from getting out of hand by proposing that all the cases of officials requesting reinstatement be referred to a special committee which would investigate individual circumstances and make a fair decision in each case.⁷⁶

Not only may the king avoid offending the cabinet by his own actions and try to keep coalitions from breaking up, but he may

⁷⁵New York Times, December 1, 1936.

⁷⁶New York Times, January 5, 1934.

occasionally refuse to accept the resignation of the ministers. In Belgium the 1930's saw a great instability of cabinets, and in 1930, 1933, and 1940 the monarch refused to accept the resignation of his ministers.⁷⁷ Huizinga notes the situation in 1940 which called forth the royal refusal:

A fortnight after the invasion of Norway and Denmark had shown how slender were the hopes of keeping out of the war, with the German forces poised for the attack that was to materialize in another fortnight and with London and Paris clamoring for the right to forestall it, at that time of all times this Prime Minister of his had chosen to offer the resignation of his Cabinet. While the nation needed more than ever to stand united its representatives had fallen out over some trifling linguistic reform on which the Government had staked its existence and suffered a defeat in the Chamber. What a moment and what a reason for one of those recurrent crises that had so often taken weeks and weeks of bargaining to resolve! Making the most of his royal prerogatives Leopold told his Prime Minister to sort out his problems somehow and get on with the job which, thanks to second thoughts both in his Cabinet and in Parliament, turned out to be perfectly feasible.⁷⁸

A coalition cabinet in occupied Denmark likewise resigned in August of 1943 "after refusing to accede to Nazi demands that Danish saboteurs be tried by German courts. The king failed to accept the cabinet's resignation; as a result the German military

⁷⁷Fusilier (1960), p. 365; "Entre 1918 et 1940, à l'exception des deux années 1922 et 1928, s'est produite, chaque année, au moins une crise ministérielle. On enregistre parfois, en 1925, en 1932, en 1936, en 1937, en 1939, et en 1940, au moins deux crises dans l'année."

⁷⁸J. H. Huizinga, Mr. Europe: A Political Biography of Paul Henri Spaak (New York, 1961), p. 109.

commander proclaimed a state of emergency and the king was virtually made a prisoner.⁷⁹

The monarch, of course, is only one possible cause of the downfall of a cabinet. Cabinets may also fall because of a split in a ruling coalition, because of a falling out among the leadership of a ruling party, or because of a loss of the support of parliament after national elections or an unsuccessful vote of confidence. Indeed, these are the way most cabinets succumb in modern Europe, but they do not entail any special participation by or threat to the monarch,⁸⁰ who is left, however, with the task of picking up the pieces and negotiating formation of a new government. One further possibility exists, in which a cabinet is replaced without actually "falling," and the invoking of which may be either at the initiative of the monarch or at that of the cabinet; it may be deemed prudent, perhaps because of a tense international situation, to bring all major parties into the cabinet. Although the initiative for such a step may be taken by the king, this does not necessarily indicate a personal

⁷⁹John T. Bernhard, "Empirical Collectivism in Denmark," 13 J. of Politics (1951), p. 627. All normal government remained suspended until liberation in May, 1945.

⁸⁰With one possible exception. Except in Norway, where the parliament is elected for a fixed period and cannot be dissolved, ministers who have lost the support of their parliament have the option of dissolving the parliament or the relevant house thereof and appealing for support to the electorate. The right of the monarch to refuse in exceptional cases to grant such a dissolution to his ministers has been discussed, although such a right might open the monarch to charges of favoritism no matter which way he acted. See Petré, p. 274; Giraud, pp. 134-135; Keith (1936), p. 140; Fusilier (1960), p. 457.

intervention, since even if formation of a non-partisan government were desired by the present ministry, it might be very convenient for the cabinet to allow the king to make the formal call, to which it will then graciously accede. Even if it were a personal intervention it is one of a relatively "safe" kind, since it first of all does not readily open the monarch to charges of favoring one party over another,⁸¹ and secondly it is usually a matter of foreign relations which is the basis for the call and foreign relations, which tend to be at least formally bi-partisan, have traditionally been a field in which the constitutional monarch could afford to become personally involved.

4. The Monarch and Foreign Relations. Because of essential differences between foreign policy and domestic policy, it is convenient to conclude a consideration of the relationship between the monarch and the government with a separate discussion of the relationship of the monarch to the conduct of foreign affairs.

Active personal participation by the monarch in matters of foreign policy has been slower to die than has active participation in ordinary domestic matters. The prolongation of royal participation in foreign policy has been a reflection of several comparative advantages enjoyed by monarchs in foreign as against domestic policy matters. First, it is not always as easy to identify

⁸¹See, however, the denunciation of George V by H. G. Wells for his role in the cabinet crisis of August 1931. New York Times, July 31, 1932.

particular alternative foreign policies with particular parties as it is to equate domestic policies and domestic parties. Personal intervention by the monarch in a foreign policy matter is therefore not readily regarded as an act favoring one party over the other(s).⁸²

Secondly, it must be remembered that the monarch is chief of state, the prime minister chief of government. In ordinary times there is a clear distinction between the functions that are appropriate in a chief of state and those appropriate for the head of government. But foreign policy decisions are most important when international tension is high, since trivial matters or action may be the spark inflaming an aggravated situation. International tension, however, has the effect of drawing the people of a country closer together, smoothing over or submerging differences over foreign policy even within parties, and causing people increasingly to equate state and government. A coalition cabinet may be formed, a process in itself which gives to the monarch an added significance for the moment, since he no longer has a loyal opposition. It may become for the moment unsafe publicly to denounce even the government, because the concept of loyal opposition cannot be tolerated by the captain and crew of a vessel that is in danger of sinking. There is in effect a blurring

⁸²" . . . the fundamental principle of constitutional monarchy is that in party politics the Crown should not take sides. It can have real influence on policy, but it should never be brought into political controversy." Jennings, p. 330.

of the distinction between state and government, and no country can tolerate opposition to the state. This phenomenon has been noted in the United States, where the two roles of chief of state and head of government are united in the presidency, by Herman Finer, who sees this union of two roles even in good times as a danger in limiting criticism of the government because it is too easy to label it as a subversive opposition to the state.⁸³

During the period of tension it is less likely that activities by the monarch which in normal times would be considered functions of government will be considered inappropriate by the population. A minister will at any rate be reluctant to risk creating a constitutional crisis over some royal action, since it would put him in the unenviable position of appearing to oppose the state in its hour of peril; democracy has at any rate been put on the shelf until the climate is more favorable again, and the times call for men to act responsibly rather than legally or in accordance with rigid customs. The potential room for royal maneuvering is hence greatest at the very moment when decisions on foreign policy are the most important.

A third reason the constitutional monarch may participate more actively in foreign policy matters is that monarchs have traditionally been an international class in Europe. Members of the royal houses are all related to each other, often more closely

⁸³See Herman Finer, The Presidency: Crisis and Regeneration (Chicago, 1960), p. 103.

than one might suspect. Both Queen Elizabeth II and her husband Prince Philip, for example, are descendants of Queen Victoria of England, though Elizabeth was the daughter of an English king and Philip was born a Greek prince. In the days when monarchs not only reigned but also ruled, the connivings of the royal match-makers were only equaled by the employment of force as a means of extending the influence of a particular royal house. The interest of the monarch has therefore traditionally tended to be drawn to foreign affairs.⁸⁴ Such interest is not hindered by the fact that it is the monarch who sends messages of "goodwill" to chiefs of foreign states congratulating them on birthdays and holidays, and condoling them on the death of a member of the royal family or a great disaster. Furthermore the monarch numbers among his many ceremonial duties the receiving of the credentials of new ambassadors to his country and is not lacking in opportunity therefore to discuss international affairs with those who are engaged in them.⁸⁵

Until very recently monarchs have enjoyed a fourth advantage over their ministers in that, not being pressed for time, they could afford to travel to the far reaches of the world and acquire a certain personal familiarity with some of the countries with

⁸⁴Keith (1936), pp. 261, 280, 299, 320.

⁸⁵Paradoxically the desire to avoid more tiresome ceremonies impelled Victoria to use her influence against conversion of legations into embassies, ambassadors having the right of audience with the sovereign. Keith (1936), p. 279.

which their country had dealings at the same time as they acquired, through the publicity attending such trips, a reputation for being a man of the world. In diplomacy even a superficial knowledge of the customs and attitudes of the people in a foreign country may help to avoid actions which would cause unwanted reactions, and travels could make a monarch of some value as an adviser to his ministers if for nothing else than his having sized up the personalities of the foreign leaders with whom he met.⁸⁶ Up to the coming of the jet passenger transport, ministers could not often afford to go very far from their country because their duties were so pressing that to be absent for more than two or three days would be undesirable. Since 1955, therefore, the comparative advantage in favor of the monarch, who can afford to take a slow boat, has probably disappeared.

Finally, constitutional monarchs have sometimes played a greater personal role in the field of foreign affairs because of a special relationship they enjoy vis-à-vis the military forces. All six of the countries regard the monarch as the head of the armed forces.⁸⁷ There seems in some of the countries, however, to be a deeper reality to the personal role of the monarch as head of the armed forces than might be inferred from scrutiny of the

⁸⁶Keith (1936), p. 262, notes a similar value in the correspondence between monarchs which characterized the nineteenth century.

⁸⁷Constitution of the Netherlands, art. 61; Constitution of Norway, art. 25; Constitution of Sweden, art. 14; Constitution of Belgium, art. 68; Constitution of Denmark, art. 19.

respective constitutions, whose provisions on this matter might easily be interpreted in the same manner as provisions on domestic matters, with the word "king" being read to mean "crown" and the crown powers being exercised for the king by his ministers. This deeper reality of personal activity is not as surprising as it might seem, since again it becomes of importance precisely when the country is in a situation of crisis and the differences between state and government have become blurred. Only the constitutions of Norway and Sweden contain any statements which might be construed to give the king a special role in "matters of military command." Both of them exempt such matters from being dealt with in the council of state and allow the king to deal privately with the relevant head of a department or other person. In Norway the "person who has introduced the report" must countersign the king's orders.⁸⁸ The constitution of Sweden requires the king to make his decisions "in the presence of the head of the department under whose authority this matter falls." The head of department, if he objects to the decision proposed by the king, must enter his objection in a document and the king must affix his signature to show that he is aware of the objections.⁸⁹

Constitutions aside, however, there is some evidence that

⁸⁸ Constitution of Norway, art. 31. "I praksis vil imidlertid den høieste militære kommandmyndighet som regel bli delegert til de høiest militære chefer." Frede Castberg, Norges Statsforfatning (Oslo, 1935), p. 251.

⁸⁹ Constitution of Sweden, art. 15.

there is, or has been, something special about the relationship of monarchs and the military. Just before the outbreak of the first world war, the crisis over Irish independence had shaken England for month after month. King George V was attacked in parliament, and his attackers cheered, for his alleged part in securing the retention of some cavalry officers who had threatened to resign if they were to be ordered to enforce a policy (coercion of Northern Ireland into united home rule under Southern Ireland) with which they did not agree. Unionists in parliament asserted that the king had saved the country from civil war. The English being as they are always ready to view with alarm any indications that their king has a mind of his own, it is significant that one newspaper could comment on this affair in the following terms:

It must be remembered that the King has a special constitutional right to intervene in any matter affecting the officers of either the Army or the Fleet. In both cases the officers hold commissions direct from his Majesty, and when they resign they resign directly to the King, not to the civil ministers temporarily at the head of the services in Parliament.

In that way the monarch has a perfect constitutional right to have a direct voice in matters affecting his officers, and there is no justification whatever for any suggestion that his intervention was not warranted or justifiable in the strictest interpretation of the constitution.⁹⁰

During the first world war Charles Petrie reports that King George "was undoubtedly the main factor in the removal of the then Sir

⁹⁰New York Times, March 25, 1914.

John French from the command of the British troops on the Western Front. . . ."91

Early in her long period of active reign Queen Wilhelmina of the Netherlands seemingly demonstrated a special royal position over the navy in that country. She sent the Geilderland, a cruiser, to South Africa after the Dutch-oriented Boers there had just been defeated by the English "thus bestowing on the defeated honors which seemed to ignore the defeat. The Queen did this in spite of her councilors, one of whom called her act 'a slap in the face of England.'"92 Wilhelmina's refusal to allow dismissal of the head of the Dutch army during World War I was noted earlier in this chapter.

The country in which a special royal relationship to the armed forces has been the most undeniable in the twentieth century has been Belgium.93 Before World War I King Albert had successfully resisted a movement to get him to renounce his constitutional title of commander in chief.94 On August 4, 1914, in the face of

91 Charles Petrie, Monarchy in the Twentieth Century (London, 1952), p. 98.

92 New York Times, April 9, 1916.

93 In 1949, however, a commission set up to report on the proper place of a constitutional monarch unanimously agreed that in the future the king should not personally exercise the power of military command. The commission split badly over the propriety of past exercise of this power by Albert and Leopold III, and the agreement for the future was based on the new circumstances of the NATO alliance and the clear undesirability of having the king personally subordinated to the unified command of the alliance. P. de Vischer, "La Fonction Royale," Revue Generale Belge (Sept. 1949), p. 691.

94 Galet, p. 3.

an ultimatum from Germany regarding the free passage of troops, Albert personally presided over a joint session of the houses of parliament and appealed for his subjects to spare no sacrifice to preserve an independent Belgium. He, and the Queen and royal children who were also present, were all loudly cheered and applauded by the assemblage. The premier rejected the ultimatum, and the socialist Vandervelde was added to the cabinet so that the country would have all-party government.⁹⁵ The country was of course immediately invaded when the ultimatum was rejected, and on August 7 Albert left to join the troops at the front.⁹⁶ When it became apparent, after two months, that the war was not to be brief, the king vowed to remain with his troops. By the time the war was three months old it was common knowledge that Albert was not merely moving among his troops to stimulate morale, which he was indeed doing, but that he was the "real, active directing Commander in Chief of the army" as the New York Times put it.⁹⁷ As a king and a heroic general of one of the armies of the victors in the war, Albert achieved such a great popularity and prestige both in Belgium and abroad that his influence in governmental matters, and not merely military or foreign affairs, was immense until his death in 1934.⁹⁸

⁹⁵New York Times, August 5, 1914.

⁹⁶New York Times, August 8, 1914.

⁹⁷November 9, 1914.

⁹⁸The war itself was not without its strains. Albert wrote bitterly in his diary on February 27, 1916, that "These politicians

Likewise Albert's son and successor on the throne, Leopold III (r. 1934-1951), took an active interest in military matters. He was particularly devoted to strengthening the country's defenses, but was not able to strengthen them enough. Hence when the country was invaded in May of 1940 and Leopold imitated his father by taking over personal command of the Belgian armies,⁹⁹ things did not work out as well for him as they had for Albert. Albert had managed to keep control over a small amount of Belgian territory even at the worst moments in World War I and his military policies had been successful. The invasion of Belgium was handled far more efficiently by the German forces in World War II, and it soon became impossible to continue fighting within the country. Leopold, like Albert, had promised that whatever happened he would share the fate of his troops. This promise may have helped to stiffen the resistance of the Belgian forces and prolong their struggle for a few days and was no doubt good tactics on the part of Leopold. Because of the promise, however, Leopold felt it a point of honor to refuse to accept the advice tendered him by his ministers that he take refuge with them in London and set up a

think they are enhancing their own glory by affecting a diehard and aggressive patriotism which accords perfectly with the care they take to keep as far away from the danger as possible. The monarchy evidently stands in their way, therefore they also try to cast a slur on the actions of the monarch. Events will crush these pygmies, who believe that realities can be moulded to their poor ideas." R. Van Overstraeten (Ed.), The War Diaries of Albert I (London, 1954), p. 95.

⁹⁹New York Times, May 11, 1940.

government in exile. Leopold decided to remain with his troops when they surrendered, and he was put under a sort of house arrest by the conquerors.

The fact that he had refused to take the advice of his ministers in itself need not have occasioned the political disaster which befell Leopold after the end of the war. Nor did his remarriage during the war¹⁰⁰ make his enforced abdication necessary, even though it had broken the emotional ties of sympathy that had united the people of Belgium with him since the death of Queen Astrid in the crash of an automobile he was driving. The refusal to take ministerial advice was used as a weapon to beat him over the head with. But it must be remembered that the refusal to take his ministers' advice was a decision taken in wartime, in a time when the usual distinctions between state and government become so befogged that a monarch can afford to take a more personal approach to policy matters than is possible in peacetime. The chief reason for the political disaster must therefore be reckoned to be the failure of Leopold, who had been carted off by the departing Germans, to return to Belgium as promptly as he could after the country's liberation. Instead, he stated he would not return until he was assured he would be accorded a favorable reception. It is thought that had he returned promptly he would have been received with all due respect. The people would still have been in the mental atmosphere of a war,

¹⁰⁰Fusilier (1960), p. 377.

in which efforts to smear the king would have seemed subversive. By remaining out of the country and demanding assurances, Leopold gave the country time to return to more of a spirit of partisan bickering, to the usual distinction between state and government, and allowed his past actions to be made an issue and judged by peacetime standards.

By putting himself in the middle of a partisan storm Leopold drastically reduced any future usefulness he might have had as a chief of state. To be sure, he won 57% of the votes in a referendum on the express issue of his return. But the very holding of such a referendum was enough to indicate Leopold was no longer an acceptable chief of state--it is not enough for only 57%, or even 75%, of the people to approve of the chief of state, the state being a matter for unanimity (which is why it should not govern) and the government in a democracy being a matter for majority decision (which is why it should not equate opposition with subversion).

We have seen that constitutional monarchs fulfill several formal functions relative to the cabinets of their countries. The monarch may take the initiative in negotiations leading to the formation of new cabinets, present the views of his ministers in public discourses, preside over formal meetings of the cabinet, and facilitate or hinder the fall of the ministry. In extreme cases he may also act differently than the ministers would like to

see him act, but the power to veto and the threat of abdication are too unwieldy to be suitable implements of influence in ordinary matters. Especially in foreign affairs during periods of crisis, the monarch has played a special role far into the twentieth century, but even in foreign affairs there are indications that active personal influence is on the wane.

In concluding the analysis of the legal and political relationships between the throne (office), the monarch (man), and the crown (the powers of the office as exercised ordinarily by the cabinet), we are still some distance from a complete appreciation of the place of the monarchical institution in constitutional democracy. Accordingly the following chapters turn to a consideration of the functions served by constitutional monarchs above and beyond their participation in government, and to an examination of the images of monarchy to be found in twentieth century political thought.

CHAPTER V

FUNCTIONS OF THE MONARCH

"It's a shame to have all this rubbish and show while people are starving outside. You're a gang of lazy, idle parasites, living on wealth created by the people."

McGovern, M. P., shouted to George V after speech opening Parliament, Nov. 21, 1933.

On the one hand, it has often been argued that in a constitutional democracy it is not proper for the monarch to take any part in the actual governing of the country. On the other hand, it is also argued that if the monarch does not take much part in the work of the government it is bad policy to maintain the royal family and establishment at public expense.¹ This second viewpoint requires the assumptions, however, that the only possible functions a monarch can serve are directly related to governing, and that a monarch cannot serve a function if he does not do anything. Both of these assumptions are false, and the present chapter is devoted to an analysis of the functions served by the monarch outside of his direct participation in the work of the

¹Thomas Paine wrote of the English crown: "It signifies a nominal office of a million sterling a year, the business of which consists in receiving the money." W. M. Van der Weyde (Ed.), The Life and Works of Thomas Paine (New Rochelle, 1925), VII, p. 34.

government. The chapter will be divided into two parts, the first discussing the functions served by actions of the monarch, and the second dealing with the functions which are served merely by the existence of a monarch.

1. The Actions of the Monarch. There are at least five types of things constitutional monarchs do outside of the realm of direct participation in governing (the formulation, sanctification and administration of public policy) which give at least a partial return for the costs of keeping up the royal family. Royal travels may smooth relations with foreign countries, conferring of honors on people and things may result in the benefit of the state, good examples may be set for his subjects in time of crisis, as a non-abstract model of "correct" behavior the monarch may be a wholesome influence on the way his subjects conduct their personal lives, and his handling of ceremonial duties frees the ministers for more important matters.

One of the traditional activities of monarchs has been travel; monarchs have been wanderers ever since the poor transportation facilities for commodities of the middle ages compelled courts to move periodically from one royal manor to the next to use up locally produced food received as feudal dues. Not only do monarchs travel about their own kingdoms, but they also frequently visit foreign nations; such travels may help to smooth relations

between their own country and the states visited. For his subjects a monarch's visit to a foreign country tends to confer some of his prestige and popularity on the people of the country being visited. His subjects may not be able to conceive of their king meeting so intimately with his hosts if they really were the scoundrels they have always been thought to be. There may of course be those subjects who put the opposite interpretation on their king's behavior; if His Majesty will visit that kind of people, he must not be as virtuous as he seems, they may think. But it does not matter which way the king's subjects interpret his actions; no matter whether their opinions of the king (as symbol of the state) are lowered or their opinions of the foreigners raised, the difference between the foreigners and themselves will be decreased in their mind's eye. Such a decrease is, from the standpoint of a harmonious international situation, a net gain. The same considerations should be true, of course, for a non-monarchical chief of state, but perhaps to a smaller extent since, first of all, he may not be as free to travel as a monarch, and second, he may not be as admired as is a monarch. Additionally, he is always liable to be suspected of seeking partisan political advantage from the publicity accompanying the trip.

The effects of a royal visit accrue, of course, in both directions, with the attitudes of the people of the country hosting the visit being correspondingly affected by the cordial relationships sustained by their leaders with the guest. Even in

the United States, where doctrinaire anti-monarchialism has enjoyed a sustained strength through most of its history, royal visits have helped increase the feeling of kinship of people with those in the visiting king's country. When King Albert of the Belgians, already a heroic figure on account of his leadership of the Belgian army in World War I, came to visit the United States in the fall of 1919, he was careful to avoid offending American sensibilities. Coming across the Atlantic on a returning U. S. troopship, for example, he made a great hit with the soldiers aboard and he had previously taken pains to state he would refuse the invitation to come on the ship if it would delay the return of soldiers, a statement which had not hurt anyone's feelings in the United States. En route he announced that he hoped banquets in his honor in the United States would be kept at a minimum "as he does not like functions of this kind," and quoted Herbert Hoover to the effect that the food was needed in Europe.² By the time of Albert's departure for Europe the New York Times was able to comment editorially that "The King's tour, therefore, has been a remarkably successful one--really beneficial to his country and to this one--to Belgium as making manifest its spirit and desert, and to the United States by revealing a side of royalty and of monarchical institutions that some of us, naturally enough, have been overinclined to forget."³ In 1939, just a few months before

²New York Times, September 18, 1919.

³October 31, 1919. For an account of the trip see Pierre Goemaere, Across America with the King of the Belgians (New York, 1921).

the second world war was to break out in Europe, King George VI became the first reigning British monarch to visit North America and the United States. In the upcoming struggle England was to become heavily dependent on the support of the United States, first economically, later militarily, and the importance of the interest in England stimulated by the monarch's visit is difficult to estimate.

A second activity characteristic of monarchs may be no less beneficial to the state in its consequences. It is that of the conferring of state prestige on people and things. It might appear that the conferring of prestige is beneficial only to the individual who receives the royal honor, and that it is not correct to say that the monarch is of utility to the state in this particular role. The role is useful to the state, however, in two ways. First, the possibility of receiving royal honors such as knighthood may help to encourage individuals to the pursuit of excellence in their chosen fields of endeavor. The importance of this first utility should not be exaggerated, however, in comparison with that of the second utility. Men will often do such superior work for reasons other than or in addition to the glory to be attained thereby; because they are intrigued by a problem, because they feel they have something to contribute to the storehouse of human knowledge, or because they need money. A knighthood is either unexpected or seen as a pleasant extra dividend by

such men. But it is undeniable that honor may stimulate some people to greater effort and that the prospect of such an honor is unlikely to inhibit anybody from doing something.

Secondly, and probably infinitely more important, it must be remembered that giving away prestige, unlike material things, does not necessarily reduce the amount of that commodity held in stock by the state. Giving away too much prestige is, of course, likely to be self defeating: "Where everyone's somebody, no one's anybody."⁴ But up to the point of diminishing returns the state and the monarch acting as the symbol of the state stand to gain by bestowing more honors. This is because of the reflexive nature of honor. When the monarch, acting for the state, confers an honor upon some individual or thing, not only does the person or thing receive additional prestige from its association in the public mind with the state, but the state in the guise of the monarch receives additional prestige through its association in the public mind with the object which is being honored.⁵ An assumption on which this statement is based is of course that the person or object being honored is intrinsically meritorious; the state merely recognizes honor, it does not create it.

⁴Deems Taylor (Ed.), A Treasury of Gilbert and Sullivan (New York, 1941), p. 397.

⁵The reader of Pravda is struck by the great pains taken by Mr. Khrushchev to associate himself with the Soviet cosmonauts by talking with them on the radio while they are in orbit and meeting with them when they have come down. What goes on everywhere is only more transparent in the Soviet Union.

Constitutional monarchs appear to be particularly interested in honoring three types of things: technological progress, charities, and outstanding individuals. As for technological progress, King Albert of the Belgians honored it, in the case of the newly developing art of aviation, not merely by his words but by his deeds as well. As early as 1914 it was reported he was taking flying lessons.⁶ In the summer of 1918 before the first world war had come to a close Albert and his wife, Queen Elizabeth, flew in separate seaplanes from Belgium to England for the celebration of the 25th wedding anniversary of King George V and Queen Mary, and became the first royalty to make such a journey by air.⁷ In 1920 Albert offered a challenge cup and about \$100,000 in prizes for an airplane competition in Antwerp. In all of this not only was aviation brought to the public attention as being of a real usefulness, but the glamor of his aerial activities contributed to the formation of a public "image" of Albert in the heroic vein. In 1919 England's King George sent congratulations to the aviators who had just flown the Atlantic for the first time in the R-34 dirigible bringing him the first airmail from America.⁸ By 1927 aviation was well on the way to being an established part of life when Charles A. Lindbergh clinched the matter with his sole nonstop flight from New York

⁶New York Times, March 3, 1914.

⁷New York Times, July 11, 1918.

⁸New York Times, July 14, 1919.

to Paris in a heavier than air machine; he was received and decorated by both King Albert and King George.⁹

Aviation, of course, has not been the only area of spectacular technological innovation in the era of the constitutional monarchs. The field of radio was beginning to boom by the 1920's, and the monarchs did not fail to get in on the act. The most common monarchical involvement was an exchange of messages between a monarch and another head of state incidental to opening of a new radio linkage between two countries. Soon, however, King George took to speaking to his people--of England and the Empire--directly over the radio, lending even more prestige to that medium of communication, and it became known that he was also an avid listener. The Scandinavian monarchs were soon imitating this example. If King Albert had his airplanes, Queen Wilhelmina, attending Dutch naval maneuvers, once went "aboard a submarine, which dived twice while her Majesty was passenger." George V, never the one to be quite so colorful, did go so far as to take a ride in one of the recently invented tanks while visiting British troops in France during World War I. And during the royal family's visit to the United States in 1919 both Albert and Crown Prince Leopold of Belgium did stunts at running the locomotive of the train in which they were touring the country.¹⁰

⁹New York Times, May 29, 1927. Said Lindbergh the day after he met King Albert: "I have met my first King, and if they are all like him, believe me, I am for Kings."

¹⁰New York Times, September 8, 1916, July 17, 1917, October 10, 1919.

Monarchs have honored, and thus associated themselves with, charitable activities no less than technological developments. Relation of the monarch to charity is perhaps most evident in wartime. Even festive occasions which customarily honor the monarch under wartime circumstances may take on a new twist. Although the Netherlands remained neutral in the first world war, it was announced in the fall of 1914 that contributions from the subjects to the subscription for a birthday present for Queen Wilhelmina were to go not for "flags and fetes" but to the royal National Relief Fund. Likewise at the celebration of the 25th wedding anniversary of the royal family in England Queen Mary collected gifts for the wounded which numbered more than half a million. In Belgium during the first world war while King Albert was busy directing military operations, Queen Elizabeth, who lived with him at the front, took charge of the organization of hospitals and an ambulance corps in the first weeks of the war. And in 1916 George V announced he was giving \$500,000 out of his own purse to the Treasury to be used in the war effort.¹¹

The identification of monarch with charitable enterprise is also great in time of peace, even though the actions of the monarch are often of necessity a mere gesture. Monarchs take care to send their condolences when a natural disaster such as an earthquake strikes anywhere in the world. If such a disaster

¹¹New York Times: September 1, 1914, July 17, 1918, October 31, 1914, April 3, 1916.

strikes in their own country the monarchs frequently go in person to inspect the damage and to determine any relief measures which might be useful. Likewise the monarch may deliver an address in person to a charitable group, as when Albert greeted delegates to the Congress for the Protection of Children in 1921. Sometimes a more intimate role is played by a monarch, such as when George V sold flowers one day at a stall at a Balmoral (Scotland) affair raising funds for charity. One of the remaining royal prerogatives was revealed upon this occasion: "Toward the end of the day a picture painted by Winston Churchill at the express command of the King was auctioned by Sir Frederick Ponsonby for 115 guineas. The auctioneer declared that never before had the King commanded the Chancellor of the Exchequer to paint a picture." Even a slightly different kind of charity probably did not do George V any harm with his subjects; he was reported to have sent greetings to his cousin, the exiled Kaiser, on his 70th birthday. The New York Times commented editorially: "While some irreconcilables may resent this human gesture on the part of King George toward the exile who keeps his fustian court in Holland, most people will condone it. Few of us in ordinary affairs can eternally hold grudges or foster hates. The former Kaiser is an old, bitter man, cutting an ignoble figure. If his cousin's message was really sent, and it pleased him, there should be few to cavil."¹²

¹²New York Times: July 19, 1921, September 11, 1927, January 29, 1929.

As well as technological progress and charities, the monarch frequently honors outstanding individuals. The custom of the awarding of the Nobel prizes by the King of Sweden is perhaps, together with the New Years and Birthday honors in England, typical, although the Nobel prizes are unusual in that they carry large grants of cash in addition to the honor--for a privately established prize, however, a large monetary grant is almost essential if the "honor" conferred is not to be largely imaginary. Matters are not quite the same when the prestige of the state is throne behind an honor. Douglass Cater reports in the United States that:

Another project under study would provide national recognition for 'various kinds of distinguished achievement over and beyond military and governmental.' A memorandum prepared at [the late President] Kennedy's request proposes an annual 'President's Honors List.' Pointing out that the United States has no major prizes in the arts and sciences, the memorandum concludes, "It is little wonder that we are thought to be one of the great underdeveloped regions culturally. At home, not only are our prophets without honor; so are our artists, scholars and intellectuals.'

The proposed awards, to number between twenty-five and fifty each year, would not carry a cash stipend like the Soviets' Lenin Prize. 'If we give less than they, we may look cheesy,' the President was advised. 'If we give more we will appear crass.' Winners would be selected by a Presidential Commission of great eminence. They would be entitled to bear initials after their names and wear the prize symbol on their clothing--'equivalent in prestige to the Congressional Medal of Honor.'¹³

¹³Douglass Cater, "The Kennedy Look in the Arts," 4 Horizon (September, 1961), p. 14. Not that the idea is strikingly

Broadly, there are three ways the monarch can go about actually conferring an honor upon an individual or individuals. First, he can say something about or to the individual at point; monarchs are forever "praising" people and sending "congratulations" to them. (So are non-monarchical chiefs of state; the point here is that the monarch does it in his capacity of being purely a chief of state. Thus it is not quite the same as "intellectual patronage," which honors from non-royalty are always liable to be thought of as, justly or unjustly.) Secondly, he can meet with them privately at a reception or invite them to dinner. This serves the double purpose of enabling the monarch to keep up with what is going on in the world of thought and action, as well as conferring the honor on the guests. Finally, the monarch can present the individual with a formal award.

In a third kind of activity monarchs also help to earn their keep by setting good examples for their subjects, especially when invoked by the cabinet as a strategic reserve in time of crisis. It has been noted earlier that the apparent initiative taken by a monarch in the calling for and creation of a coalition or national

fresh. The New York Times editorialized as far back as June 23, 1914 that: "Certain of the new knighthoods [in England] denote the Government's (or the King's) recognition of scientific research, music, architecture, 'social anthropology,' and electrical engineering. This is always worth while. Democratic Governments should have some similar means to encourage the men who thus serve their country." The editorial writer apparently equated democracy with republicanism.

cabinet in time of crisis may or may not be a real initiative, and that it is quite possible for the current cabinet to have him do it in order to avoid making the proposal themselves. The general manifestation of this function of the monarch, however, has taken the form of conspicuous behavior by the monarch as first citizen of the country setting an example to be imitated by his subjects, and of public appeals by the monarch for his people to do something for the good of the country. In wartime the monarch may call for more of his subjects to volunteer for military service. Another sort of call which may be made by a monarch in times of crisis was typified by the proclamation issued by George V in 1917 urging a 25% reduction in food consumption on account of the war and shipping problem. Even in peacetime and in the absence of crisis the monarch may be used to try to change the habits of his people, as when George V in 1925 urged the people of London not to leave litter lying around in the parks.¹⁴

Far more important than mere words, however, have been the actions of monarchs, actions which pains are taken to publicize as widely as possible. Sometimes the action may amount to no more than a symbolic one, as when George V ordered the discontinuation of German names and titles in his nobles and changed the name of the royal house to Windsor, or when Christian X of Denmark attended Jewish services for the first time in April of 1933, only weeks after the Nazis had come to power in Germany. And sometimes

¹⁴New York Times: October 23, 1915, May 2, 1917, July 19, 1925.

the action may be one requiring more effort and even sacrifice by the monarch, as when George V gave \$500,000 out of his own purse to the Treasury for furthering the war effort. During the hard times in Europe in the mid 1920's both King Albert and Queen Wilhelmina set an example to their people, he by refusing to accept his part of a recent general increase in salaries of state officials, she by announcing that if salaries of state officials were cut as planned she would take a cut of the same percentage in her own revenues. Even more personal sacrifices than merely financial are also sometimes made by monarchs as an example to their people. The best examples of this were contributed by George V between 1915 and 1920. In 1915 he voluntarily prohibited serving of alcoholic beverages at the royal palaces in the interest of wartime efficiency. In 1917 he was responsible for the issuing of a statement that "It is announced that, realizing the urgent need for economy, particularly with regard to breadstuffs, the King and Queen, together with their household and servants, have adopted the scale of national rations since early in February." In May of the same year it was reported that King George "can be seen most afternoons in Windsor Park cultivating a potato patch which he started himself when the general allotment scheme was initiated." Even during the national coal strike in 1920, George set the example to the nation as first citizen by ordering that fires at the palaces be lit only when absolutely

necessary and kept as small as possible even then.¹⁵

Such exemplary activities result, of course, not only in the setting of an example to the people of the country, but also in a bolstering of the prestige of the monarch. The monarch is always doing the good thing.¹⁶

In a certain sense the monarch may also be said to serve a fourth function by presenting a non-abstract model of "correct" behavior for his people. This is not at all to say that the monarch's, or all monarchs', behavior is always correct when judged from any particular moral viewpoint. But it is a fact that people imitate those they admire, and monarchs, with their great prestige as the personification of the state, command a great deal of admiration. Evidence of this admiration of the monarch can be seen on the superficial level in the ability of the monarch to influence styles of clothing, the introduction of "horn-rimmed" glasses into England by George V, etc.¹⁷ Of course such style setting is not a function unique to monarchs, but in monarchs

¹⁵New York Times: June 20, 1917, July 17, 1917, April 22, 1933, March 21, 1924, September 19, 1923, April 6, 1915, April 14, 1917, May 24, 1917, October 20, 1920.

¹⁶However the interpretation of "good" may change sharply and rapidly. On October 3, 1930, it was announced that George V had ordered five new cars to aid unemployment by setting an example. Fourteen months later, on December 3, 1931, it was similarly announced that George was going to sell some of his horses for the sake of economy on account of the national crisis!

¹⁷New York Times, May 17, 1925.

it is perhaps strengthened by the fact that it is more difficult to attack the motives of the constitutional monarch, whereas everything done by the leading personality in a republic is suspected to be aimed at some political advantage.

Power implies responsibility; since the monarch is in a position to influence the way his subjects conduct their personal lives, it behooves him to behave himself as best he can or at least to keep his virtues as public as possible and his vices as private as possible. Hypocrisy is therefore, for monarchs as for so many other people, one of the more fundamental virtues; Edward VIII of England, who disliked bunk and the fol-de-rol associated with the kingly profession with a vengeance, could not understand this, and his insistence on being straightforward with regard to his relationship with Mrs. Simpson resulted in an otherwise inexplicable intractability on the part of the cabinet and the shadow cabinet. His abdication followed, but if he had been willing to play the game, his ministers would no doubt have been willing to allow him to do whatever he wanted with Mrs. Simpson.

A fifth thing that monarchs do, while not obviously related to the day to day task of governing the country, is of great help to those persons who are responsible for the actual government. The result of the handling of matters of ceremony by the monarch (aided by the rest of the royal family) is the releasing of the prime minister from one of the additional burdens which rest on

the shoulders of officials such as the president of the United States. A person high in the regime, the higher the better, must frequently be dredged up to represent the dignity and prestige of the state on special occasions. The monarch, who is not bogged down in the day to day details of running the government, is ideally suited for such ceremonial purposes. The disadvantages of an American-style republic in this field were thoughtfully noted by the New York Times on the occasion of the death of President Harding: "In the British Isles, with their 40,000,000 people, public engagements give occupation to members of the royal family, who are relieved from the responsibility of actual matters of state. But the 110,000,000 citizens of the United States entrust to their President the administration of the federal government and then demand that he review troops, visit hospitals, lay cornerstones, unveil monuments, join lodges, and open conventions. And when he is physically unable to meet all these demands the President has no Prince of Wales or Duke of York to fall back upon, for, somehow, committees upon arrangements refuse to be put off by suggestions of such substitutes as the Vice President and the Secretary of State."¹⁸

There are many different kinds of occasions at which monarchs have been known to preside. As chief of state they take care of receiving newly arrived ambassadors from foreign countries and accepting their credentials. They are responsible for receiving

¹⁸New York Times, August 5, 1923.

and entertaining visiting firemen such as arbitration commissions, cabinet or lesser ministers, newspaper editors, members of foreign parliaments or congresses, and labor leaders. And they take part in a broad spectrum of ceremonies involving important segments of their subjects. A list of the different kinds of ceremonies presided over must include historical festivals, expositions, conventions, laying of foundation stones, dedication of new constructions such as docks, sports events such as the Olympic Games, and reviewing the nation's military forces.¹⁹

Finally, all of the monarch's public actions may be said in a certain sense to fulfill the function of entertaining the public. Especially in a world in which a large number of people are condemned to gain their livelihood through routine participation in mechanical processes of production and processing of goods, the importance of entertainment should not be underestimated. For people who ordinarily live dull lives, the interesting activities of the monarch may offer a chance for a vicarious enjoyment which is at the same time free from some of the unfortunate side effects which accompany other aspects of government as entertainment, the most notable of which being war.²⁰

¹⁹New York Times: November 30, 1920, February 5, 1919, October 15, 1918, August 2, 1918, May 17, 1918, June 2, 1930, April 27, 1930, August 20, 1925, May 24, 1925, July 9, 1921, August 15, 1920, July 21, 1914.

²⁰The monarch takes the risks. Thus in a period of two years monarchs in three of our six countries were once reported to have

Constitutional monarchs, each in his own way, have seemed to specialize in doing interesting things. King Albert took flying lessons before World War I, when flying was still in its rudimentary stage, and led the leaders of the world in his regular use of airplanes in the late 1910's and 1920's. Following the activities of Albert, who also liked to go mountain climbing, was never dull. A non-typical but revealing series of incidents took place in 1920, when Albert had been away making a tour of Brazil. Returning to Europe on a warship, the King became anxious to get to Brussels because of a cabinet crisis and grew impatient with the slowness of the ship. Accordingly he got off at the first European port he could find, Lisbon, to take a train to Brussels. Discovering this turn of events, a small hoard of Paris officialdom descended upon the railroad station to greet the war hero King when he passed through; their consternation can be imagined when the train arrived and they discovered his car was empty. Albert, it soon developed, had found even the train to be not rapid enough and had gotten off it at Tours, hired an airplane, and flown to Brussels with only a short layover to change planes at Le Bourget field in Paris.²¹

suffered injuries while actively engaged in sports of one kind or another. In March of 1914 King Albert broke his arm while riding a horse; in December of 1915 King George V injured his arm in a fall from his horse while he was visiting the British forces in France; in March of 1916 King Haakon of Norway injured his hand while engaged in skiing. New York Times: March 3, 1914, December 14, 1915, March 2, 1916.

²¹New York Times, November 4, 1920.

Another interesting constitutional monarch was Gustav V of Sweden, who was an active tennis enthusiast and continued to play in tournaments until he was well into his 80's, much to the amazement and amusement of his public. Sports are not, however, the only type of activities in which monarchs engage that entertains the public, although the ability of the monarch to "get through" to those benighted souls who never read anything beyond the sports page is not without its usefulness. The present King of Denmark, Frederik, takes time out occasionally to act as conductor of the leading symphony orchestras of his country. And the relation of the monarch to the rest of the royal family may entertain the public. It was reported, for example, on February 13, 1927, that King George V of England had received news that day which had greatly excited him. The news was merely that his granddaughter, Princess Elizabeth (the present Queen), had just cut her first tooth! Likewise the contrast between George V and the heir to the throne was of no little entertainment value in the 1920's:

. . . finally, there was the Prince of Wales. He added just the touch that was needed. King George is of necessity an institution. But the spectacle of the Prince trying to persuade his mother to tolerate, even if she could not admire, the music of syncopation at state balls entertained Britain. The contrast between King George, sitting firmly on his throne, and the Prince, falling frequently out of his saddle, was, of course, denounced in the clubs, but with a certain secret enjoyment. And when the King's own horse ran away with him during a review at Ascot, while the Prince kept his place

in line, the entire nation was filled with happiness. People love gossip. And the House of Windsor made most delightful publicity.²²

Needless to say, the death as well as the life of a monarch can create a great deal of public interest. The death of King Albert of the Belgians provides a striking illustration. The official announcement, which stunned the world and the nation since the King had been in apparently vigorous good health, said that Albert had apparently fallen after slipping while mountain climbing. Doubts were raised, however, by wide discrepancies in the original statements of the manner of the King's death. In May of the same year a Nazi sympathizer claimed that the King had been murdered. "The true facts were that Albert was opposed to war. . . . He would not play a part in the deviltry of France in conspiring for war against defenseless Germany. . . . A man with a rope around his waist does not go climbing by himself. There were no bruises on the body. In other words he was rapped on the back of the head. That is known in Brussels and nobody dares speak of the death of King Albert in Belgium today."²³ The last moments of most monarchs, however, have been quite ordinary, and cheered only by the prospects for an early coronation of the new monarch.²⁴

²²New York Times: April 28, 1948, March 1, 1925.

²³New York Times: May 6, 1934, May 10, 1934.

²⁴Along with the above examples, the public may also be entertained by stories involving fictional monarchs. These are

By entertaining the public, the monarch inevitably becomes a shared symbol of interest among his people. Although few individuals can know the monarch personally, all of his subjects can read of his comings and goings in the daily press and are consequently familiar, if not with the person, at least with the "image" that is projected of that person. The monarch is therefore the leading example in his country of the person known to all; his activities can be discussed in a strange gathering with the same facility with which Americans analyze the weather, and with somewhat more facility than Americans talk about baseball teams and movie stars of the moment, since a fair number of people do not follow baseball or movies. The American cannot discuss a local equivalent of the monarch, since to discuss the constitution is no way to make a hit in popular society, while to talk about

often novels of the dashing, romantic sort, never considered "great" literature but (and perhaps consequently) eminently suitable for purposes of diversion. A recurring plot that seems to have great attraction involves the mistaking of some commoner for the monarch, who is often temporarily out of circulation as the victim of foul play. The imposter "malgré lui," with whom the reader can feel a common background of previous obscurity, confounds the villains to the satisfaction of all. This pattern in its pure form is to be found in Anthony Hope's The Prisoner of Zenda (New York, 1894) and Edgar Rice Burrough's The Mad King (Chicago, 1926). A variant on this theme is developed in Mark Twain's The Prince and the Pauper (Montreal, 1881). The same author's A Connecticut Yankee in King Arthur's Court (New York, 1889) manages to satirize monarchy while still drawing upon its power to captivate the imagination. Constitutional monarchs have figured in Nevil Shute's novel In the Wet (New York, 1953) and in Robert A. Heinlein's Double Star (Garden City, 1956). Heinlein revives the old mistaken identity plot noted above, but gives it a modern flavor by having the imposter impersonate the prime minister rather than the king.

even the more innocuous activities of the President in his capacity as chief of state is to risk starting an argument of partisan character.

Royalty, as Bagehot astutely pointed out, is a few people doing interesting things, whereas a republic is headed by many people doing uninteresting things.²⁵ By "interesting" is meant interesting to the general public: merely by living as normal a life as is possible in the glare of publicity which inevitably envelopes them, going to the theater, giving dinner parties, having babies, all activities which the private citizen can understand because he does the same things himself, the monarch provides a shared symbol for his subjects.

2. The Existence of the Monarch. In at least three ways monarchs may serve a useful function merely by virtue of their existence. The international character of the royal family can help to discourage excessive feelings of nationalism among the monarch's subjects, granting of independence to colonies may be facilitated by the symbolism made possible by monarchy, and intelligent patriotism and the "eternal vigilance" necessary for

²⁵"To state the matter shortly, Royalty is a government in which the attention of the nation is concentrated on one person doing interesting actions. A Republic is a government in which that attention is divided between many, who are all doing uninteresting actions. Accordingly, so long as the human heart is strong and the human reason weak, royalty will be strong because it appeals to diffused feeling, and republics weak because they appeal to the understanding." Walter Bagehot, The English Constitution (London, 1888), p. 39.

the preservation of liberty may be stimulated by existence of a monarch.

One of the outstanding things a monarch is is a member of a family that is international in character. It may seem paradoxical that it was precisely under the absolute monarchs that the modern model of a nation was created, that the great European nations were first unified out of the melange of feudal provincialism and international community which prevailed in Europe during the middle ages, while at the same time monarchs continued to be the most internationally minded of people and invariably married "foreigners."²⁶ Yet it must be remembered that monarchs presided only over the creation of nationality and that nationalism, which is to say an attitude of people towards nationality, was originally a product of the post French Revolution military republic. Under the nationality of the absolute monarchs individuals were still free to travel to foreign countries at will without permission, documents, or molestation even when they went to a country with which their own nation was waging war. It was only with the growth of republicanism and democratic ideas

²⁶The necessity of marrying within rank had made it almost mandatory in countries of the west, which followed Christian practices regarding the degree of consanguinity tolerable in a marriage, for royalty to marry foreigners. Parkinson notes the other pattern of royal marriages: ". . . how could a common person marry a god? The Egyptians overcame this difficulty by making their king marry his sister, a goddess in her own right. Exactly the same solution was found by the Incas in South America." C. N. Parkinson, The Evolution of Political Thought (Boston, 1958), p. 37.

(including constitutional monarchy) that the identification of a person of a certain nationality with the current policies of his government became plausible, a plausibility that increased with the replacement of small professional armies with large conscripted ones and the introduction of the garrison state.

Throughout all these developments, which have affected monarchical states little less than republican ones, royal families have continued to live as they did when kings were as absolute as they still pretend to be and to marry members of foreign royal houses. The royal practice of marrying foreigners is beneficial because it constitutes a small but extremely prominent beacon of sanity in a world where people are often too quick to pre-judge other individuals on the basis of some group with which they are identified, whether racial, religious, class, or national. The example set for the people of a country when their first citizen brings to the family hearth a person of another nationality may sometimes be ignored, but it cannot hurt anything. Excessive degrees of national fanaticism are made just that much more difficult to evoke in a monarchy, and since attitudes in one country may engender counter-attitudes in another, the net result of the international character of royalty would appear to be to help lower the level of international tensions.

It cannot be maintained, of course, that the international character of royalty and especially royal marriages always meets with complete acceptance from a monarch's subjects or even that

unfortunate concessions to popular passions have not had to be made occasionally. Not unnaturally, it is the country in which democracy has reached its fullest development whose monarch is most likely to find it expedient to succumb to pressures resulting from his international connections; it was not the Kaiser who gave up his garter for fear of appearing pro-British during World War I, but King George V who took it from him.²⁷ Crane Brinton has noted that in times of revolution there is often a veritable mania for renaming things such as cities (Leningrad), months in the calendar (Thermidor), etc., in order to avoid retaining anything that smacks of the old regime.²⁸ Perhaps this observation and the one made earlier in this essay about the confusion of the difference between state and government in a time of confusion can be seen as two sides of the same coin; in times when popular passions (fear, hatred) are aroused it is increasingly difficult for people to distinguish between the realm of reality and the realm of the words used to describe (or misdescribe) that reality. During the

²⁷"Tearing the Garter from the Kaiser's leg, striking the German dukes from the roll of our peerage, changing the king's illustrious and historically appropriate surname for that of a traditionless locality, was not a very dignified business; but the erasure of German names from the British rolls of science and learning was a confession that in England the little respect paid to science and learning is only an affectation which hides a savage contempt for both. One felt that the figure of St. George and the Dragon on our coinage should be replaced by that of the soldier driving his spear through Archimedes." George Bernard Shaw, Preface to Heartbreak House (New York, 1953), p. 337.

²⁸Crane Brinton, The Anatomy of Revolution (New York, 1938), p. 196.

height of the so-called McCarthy era in the United States a person could be substantially damaged by being accused of being a communist by any irresponsible demagogue, the name being taken for the reality by many frightened people. Words may not hurt an individual's self esteem as much as "sticks and stones" hurt his body, but uncritically received words may cause one's colleagues or neighbors to take more painful measures.

It is possible therefore to sympathize with the King of England when he found it expedient to change the name of the royal house from that of Saxe-Coburg and Gotha to that of Windsor in July of 1917,²⁹ though it is not possible to admire him for the action. The change limiting succession to the throne of the Netherlands to descendants of Queen Wilhelmina was also an expression of hostility to foreigners, though it did not take place until after the war (in which the Netherlands remained neutral). Such actions have only been incidents, however, and have not reduced the international character of the royal families in either England or the Netherlands. The present Queen of England is married to a Greek prince (of British ancestry), and the present Queen of the Netherlands is married to a German prince, Bernhard of Lippe-Biesterfeld.

The wide intermarriage has repercussions not only in the

²⁹New York Times, July 18, 1917. There is a story, probably apocryphal, that when the Kaiser heard about the name change he immediately ordered a special performance of "The Merry Wives of Saxe-Coburg and Gotha."

influence of attitudes but also in the actual conduct of international relations between the states reigned over by relatives, and occasionally in domestic politics. Queen Wilhelmina of the Netherlands was married to a German, Prince Hendrik of Mecklenburg-Schwerin in 1901. This relationship the German government attempted to exploit during the first world war in its courting of Dutch sympathy, with little success.³⁰ Following the war extremists in the Netherlands attempted to foment revolution over the issue of the Queen's granting of refuge to the exiled German Kaiser, alleging the undue influence of Prince Hendrik, but did not get very far.³¹ The fact that Finland alone of the Scandinavian states is a republic is probably due to the difficulty of maintaining a freshly elected German prince as king after the unfavorable outcome of the war for Germany.³² And a trip veiled in secrecy by King Leopold III of the Belgians to London in December of 1935 was accompanied by persistent rumors that he was trying to act as a political intermediary between the English government and the government of Italy, the crown prince of Italy being married to his sister. London papers went so far as to report that Leopold had transmitted an "urgent communication from

³⁰New York Times, April 9, 1916.

³¹Wilhelmina's own recollection of her reaction when notified of the arrival of the Kaiser: "I was utterly astonished; it was the very last thing I should have thought possible." Wilhelmina, Lonely But Not Alone (New York, 1960), p. 106.

³²Eino Jutikkala, A History of Finland (London, 1962), pp. 264-266.

the Italian King to the British royal family warning that the fall of fascism would mean the fall of the monarchy in Italy."³³

Even a vacant throne may be used to some advantage. The country may try to fill it in a way that reconciles the people of some other country to some aspect of their policy not found congenial. At the time of the separation, in the midst of violent charges and countercharges, of the kingdoms of Sweden and Norway, formerly a personal union, it was suggested in some quarters that the relations between the two countries might be eased by election of a Swedish prince as the new king of Norway; the suggestion did not meet with approval in Sweden, however, and ultimately a Danish prince was elected.³⁴ Likewise a rumor made the rounds in 1920 that the then Duke of York (later George VI) might become king of an independent Ireland,³⁵ which presumably might have eased the hard feelings on both sides of the Irish issue; again, nothing ever came of the possibility. To the extent, however, that a country can help to prevent hostility to itself by importation of a new king, or talk of such an importation, it may be said to be a contribution to the stability and peace of the international community.

³³New York Times, December 28, 1935.

³⁴Fridtjof Nansen, Norway and the Union with Sweden (London, 1905), p. 129.

³⁵New York Times, November 14, 1920.

A second way in which monarchs have made a contribution through their mere existence has been their making possible of colonial independence with far less bloodshed than might otherwise have been the case. It is not easy for any country to relinquish control over territory which has been under its control for decades or even centuries. The problem of colonial independence can be particularly acute, however, when the colonial power in question has become or is in the process of becoming a democracy. Democracy injects new vigor into feelings of nationalism by causing the individual citizens to identify the fortunes of the state more closely with themselves than is possible in an autocracy where the government can more easily be looked upon as a "they."

Rejection of a democratically elected government by the colonists is much more readily felt as a personal slap in the face by the people who have participated in its election than is rejection of an autocratic government. People in a democracy are potentially vulnerable to appeals from the opposition against the "liquidation" of the empire, appeals which need not be regarded as a true breach of bi-partisanship in foreign policy since the opposition can plausibly treat it as a "purely domestic" matter, or from privileged elements in the colony against a "sellout." The loss of national face must be subtracted from the loss in men and money entailed by forceful resistance to independence; at any rate democracy is not likely to decrease the propensity to employ

force. It is perhaps no coincidence that the crisis over the Algerian independence problem lasted several years, was responsible for the fall of the Fourth Republic in France, and could finally be resolved in Algerian independence only by the highhanded actions of President Charles de Gaulle, who had to put on at least a facade of autocracy in order to put it over.

The existence of a monarchical form of constitutionalism, if employed to its best advantage, can help to overcome the difficulties placed in the road to colonial independence by democracy. This utility turns upon the fact that the monarch as a symbol can mean different things to different people. In the commonwealth, therefore, the fact that England is a monarchy has been of fundamental importance. With the distinction between state and government driven home daily by the relations between the monarch and his ministers, it is possible to introduce a saving note of gradualism into the process of colonial independence. It is no longer a matter of absolute independence versus absolute subservience. First local rule is granted for domestic matters within a colony; later complete control over handling of foreign relations is also transferred to the local government. Still, the people in England are spared the necessity of recognizing the awful truth that their erstwhile colony is now completely independent, because the "dominion," the "commonwealth" or what-not is not "really" independent at all, but still owes allegiance to Her Majesty. In cool moments, of course, the Englishman will

realize that his former colony is to all practical purposes independent; the beauty of the matter is that the madder people might get at the colonials the less they would be able to distinguish between state and government, between symbol and reality, and the less reason they would have to think the colony was really independent.

In case it might be thought that this analysis puts a strain on credibility, the vigor with which the English insisted that recognition of the King was a sine qua non to any settlement of the Irish question after World War I may prove enlightening.³⁶ The Irish independence movement having been a long festering sore, the Irish, themselves confusing state and government, symbol and reality, did not appreciate the bargain which could be had for such a low price, and bowed to the demand that they retain recognition of the king with the greatest reluctance and bad grace, everyone being eager to out-militate everyone else.³⁷ Even after

³⁶Dorothy Macardle, The Irish Republic (Dublin, 1951), p. 573.

³⁷There were moderate voices, but they were not widely heeded. "The status accorded to Ireland in the Anglo-Irish treaty of December 1921 determined the general pattern of the executive; the Irish negotiators were obliged to abandon the republic and accept the monarchical structure of a British dominion. Since the crown symbolized the link with Great Britain and the Commonwealth and the less than independent status of the country, it was strongly assailed from the first by the republicans and accepted without enthusiasm by the pro-treaty party. In the original draft of the constitution the monarchical element had been whittled down to an extent which the British regarded as inconsistent with the terms of the treaty. When the amended draft was before the dail O'Higgins, the minister responsible for the bill . . . assured the house that there was no need to take at its face value any clause which appeared to vest power in the king or his representative for

independence the Irish failed to play the game and apparently took great pains to proclaim their hostility to the whole arrangement. The New York Times for December 25, 1932 reported, for example, that Donald Buckley, the new Irish Governor General, had declined to send the king the customary Christmas present of a "woodcock pie." "It is said he regards the pie as a symbol of servility out of keeping with his Gaelic republicanism." Even gestures such as this could not reconcile the diehard elements in Ireland to such a distasteful symbol as the governor general. "Only on two occasions did he formally attend the opening of parliament and each time the ceremony was boycotted by the labour party. . . . When the [Fianna Fail] party came to power in 1932 the members of the government refused to attend public functions at which the governor-general was present."³⁸

Most of the people of most of the new countries have behaved with more propriety, whether from a more sophisticated calculation of interest or from a genuine loyalty to the crown. Many of the new countries have continued special arrangements with England on trade and monetary policy because it is to their apparent advantage to do so. To refer to the monarch as a symbol of a common interest among the people of the several states would not be inaccurate,

all real power lay in Ireland. Any statement to the contrary was merely the keeping up of certain cymbols, symbols which, as another minister declared, were of much importance to the British but of little or none to the Irish." J. L. McCracken, Representative Government in Ireland (London, 1958), p. 153.

³⁸ McCracken, p. 157.

therefore. However, even the common interest symbolized by a shared monarch may not endure forever. Several of the countries formerly owing allegiance to the monarch of England have rewritten their constitutions since independence to establish a republic. By this time, however, the Englishman can console himself that it is not as if an independent republic makes any real difference in things, since there had only been a formal union through a monarch who reigns but does not rule.

The same pattern that has been discussed for the British empire can be seen in the process whereby Iceland and Denmark separated and whereby the failure of Sweden to incorporate Norway as an integral part of itself in 1815 could take place with a minimum of hard feelings and a maximum of prompt reconciliation after the deed.³⁹

A third valuable contribution of monarchs has been to symbolize the realities and limitations inherent in all government, no matter how democratic, in a way which may help to promote intelligent patriotism. The monarch is, in this sense, a symbol that unites.

One of the obvious reasons the people in a country are never totally united is that even if all adults were united in their

³⁹See Lester B. Orfield, The Growth of Scandinavian Law (Philadelphia, 1953). The relationship between Belgium and Holland, which comprised a unitary state rather than a personal union, was ended in a much less amicable manner after the revolution of 1830.

support of the community, adults keep dying and children keep being born to replace them. The children do not automatically and instantaneously feel themselves united with their fellow beings, but must be taught to do this. Hence we find civics courses in schools, salutation of the flag, etc.⁴⁰ In a democratic republic, however, the symbols with which the children must be taught the civic virtues and the virtues of civility are relatively high level abstractions such as "constitution," "republic," etc., which are very difficult for a child to understand. This is a potentially dangerous situation, because the child may merely learn the stuff by rote without it meaning anything to him and thereby leave himself open to brainwashing by doctrinaires with an intrinsically inferior product the next time he is captured in battle or by political fanatics at home. Or he may learn the symbols by rote so well that he becomes incapable of seeing the reality lying behind them and become himself a political fanatic so hepped up on "loyalty" that he is incapable of intelligent patriotism.

Neither of the extremes of unthinking apathy or fanatical super-patriotism in its people is in the interest of the state, the viewpoint of which should be long run stability rather than short range theatrics; the motto of the House of Orange--"Je maintiendrai"--is not inappropriate for chiefs of state. A

⁴⁰David Easton and Robert D. Hess, "The Child's Political World," 6 Midwest J. of Political Science (1962), pp. 229-246.

monarch is superior to a high level abstraction as a symbol for the civic instruction of children since a monarch, as Bagehot has long ago pointed out, is something which can be at least vaguely understood even by the "vacant many," among whom all children must be included.⁴¹ Singing "God Save the Queen" must have far more concrete meaning for children than singing the "Starspangled Banner," which boils down to a song about another symbol, the flag, which is itself impersonal and difficult to understand.

Besides being a symbol that unites, the monarch is also a symbol of the autonomous nature of the powers of government. When a cabinet has fallen, the monarch does not wait for leaders to come forward on their own accord; he calls them. Even if there are no ministers for the moment there is not a vacuum in the government, for legally the ministers are only persons who advise the monarch and who take responsibility, through countersignature, for his actions. Again, this is a realistic model of the way in which political institutions work, a way in which the government is not merely an agent of the people but actually is called upon to lead the people, to make proposals, to take initiatives.

Monarchs are ideally suited to symbolize the capacities for initiative inherent and necessary in any government. Owing their occupancy of their position not to any positive action by "the

⁴¹"A republic has only difficult ideas in government; a Constitutional Monarchy has an easy idea too; it has a comprehensible element for the vacant many, as well as complex laws and notions for the inquiring few." Bagehot, p. 38.

people" but to a combination of legal qualifications with acquiescence by the people, monarchs by their existence help to combat the false idea that powers "emanate" from the people, positive social power being a product of organization and organization being inherently oligarchic.⁴² The monarch is in effect a symbol of the fact that government depends on the "will of the people," if at all, for what it cannot do rather than for what it can do.

Finally, by virtue of their sheer existence, monarchs help to produce a feeling of continuity and stability, to symbolize the permanence of the state amid the flux of daily events. Monarchs tend to last a very long time, even those with comparatively "short" reigns. This is directly traceable, of course, to the hereditary basis of their positions. Duverger points out that the average age of conservative members of a parliament is considerably less than that of labor or socialist party members, fortunate birth being worth several years of opportunity.⁴³ So it is with monarchs, but to a much greater extent. Few people become members of an elected parliament in their early twenties, let alone at the age of ten years or at birth. Yet Victoria reigned for 64 years, George III for 60, Wilhelmina for 58, Haakon of Norway for 52. King Gustav V of Sweden, who came to the throne at the age of 48

⁴²See Robert Michels, Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy (London, 1915).

⁴³Maurice Duverger, Les Parties Politiques (Paris, 1951), p. 190.

in 1907, and of whom it was reported in 1914 that he "has been in poor health for some time,"⁴⁴ ruled until his death, at the age of 91, in 1950 and completed 43 years on the throne. Even the unfortunate Leopold III of Belgium lasted for 16 years, and his length of service did not compare favorably with two earlier and more familiar abdicating monarchs; Nicholas II of Russia (r. 1894-1917) had reigned for 23 years, and William II of Germany (r. 1888-1918) for 30, and the latter did not die until 1941.

Looking at the situation from another point of view, in the six countries being examined no monarch died or left his throne between the time of the death of Edward VII of England in 1910 and that of the accidental death of Albert of Belgium in 1934, a period of nearly a quarter of a century.⁴⁵ Another period of relatively little change seems to be again in the making since with the exception of the Swedish monarch none of the incumbents is of an advanced age. In spite of the relative youthfulness of the present monarchs they are already beginning to appear as centers of comparative stability in a changing world. In the thirteen years since Elizabeth II became Queen of England in 1952, for example, England has had 5 different Prime Ministers

⁴⁴New York Times, March 18, 1914.

⁴⁵Of course the uneven distribution of ages of the monarchs which resulted in this long period of stability had to be paid for in a later decade in which the cast was changed completely. From 1947 to 1957 every single country saw a new figure on the throne on account of the deaths of Christian X of Denmark (1947), Gustav V of Sweden (1950), George VI of England (1952), and Haakon VII of Norway (1957), and the abdications of Wilhelmina (1948) and Leopold III (1950).

(Churchill, Eden, Macmillan, Douglas-Home and Wilson), the United States has had 4 Presidents (Truman, Eisenhower, Kennedy, and Johnson) and the Soviet Union has had 5 Premiers (Stalin, Malenkov, Bulganin, Khrushchev and Kosygin). France, which operates on another principle, has had two constitutions. Yet Queen Elizabeth is not yet 40 years old, having been born in 1926!

It is difficult to estimate the value of having public figures who endure for several decades in an age when nothing seems sacred, when technological progress makes this year's 600 mile per hour airplane next year's antique, and when "planned obsolescence" is a fact of life in the consumer industries. The monarch and his royal family constitute a symbol of the state which, while obviously undergoing changes because of aging, yet remains basically the same. It may even be that the greater sense of security resulting from the conservative symbolism of monarchs has been a factor permitting a constructive and experimental approach to such things as social legislation, an area in which all six of the countries have gone beyond most other countries. Is not conservatism the means to the most rapid and beneficial change?! One wonders what an America would feel like in which Herbert Hoover, or even Harry Truman, were still the head of state. It seems a very strange idea, yet many kings have ruled for more than thirty years. And monarchs are not just in the public eye during the years they reign, but are literally born public figures. The chief of state does not spring fully grown from the woodwork

in a monarchy, leaving people unable to imagine him as ever having been other than a middle aged or old person. Only a deathless person could be a more appropriate symbol of the state, that basic framework of a political society within which governments come and go.

It has been seen that, outside of his participation in matters of government policy, a monarch makes himself useful in many ways. Simply by existing he serves as a symbol of the limitations of all government, of international goodwill, and provides a rationale which is convenient in the freeing of colonies. His activities may help to promote goodwill for his country, to stimulate the pursuit of excellence in his subjects, to encourage his subjects to be publicly spirited and privately virtuous, and to release his ministers from time-consuming ceremony. Whether or not fulfillment of these functions can justify, wholly or partially, the expense of keeping up a royal establishment, is a question of comparative values which cannot be answered here. It is plain, however, that the view that monarchs are simply draining the public coffers without providing anything in return is a great distortion if not contradiction of the truth.

CHAPTER VI

IMAGES OF MONARCHY: THE MONARCHICAL INSTITUTION IN TWENTIETH CENTURY THOUGHT

"Most of us have happily accepted the illogicality of the Monarchy for the simple pragmatic reason that it works; it is only the zealots who have been unfair to the Queen.

"They have insisted on the fact that she is a human being, and are outraged when she is treated like one.

"They have insisted that she is a dedicated and tireless public servant, and become furious when it is pointed out that she spends an uncommon amount of time at the races.

"They have insisted that she has the welfare of the ordinary people at heart, and flown into transports of indignation when it is indicated that she doesn't know any.

"They have insisted on her making public speeches in circumstances awkward enough to daunt anyone, and provided her with scripts of such numbing banality that nobody could make anything of them.

"They have asked the poor lady to symbolize more than could reasonably be demanded of a combination of Palmerston, Keir Hardie, Lord Keynes . . . and Marilyn Monroe, and when someone applies a little cool sense they reach for their halberds.

"It is all very hard luck on the Queen."

James Cameron, quoted by
Lord Altrincham.

Previous chapters have analyzed the development of constitutional monarchy as a distinctive form of government, the rules regulating succession to the throne and their significance, the relations to be found between the monarch and his cabinet, and the functions served by the monarchical institution. The present chapter is included because the monarchical institution does not exist in a vacuum; any study which implied that it does would be both incomplete and misleading, since an important characteristic of any institution is the climate of opinion in which it must operate. The chapter will therefore examine the monarchical institution from a different perspective than in the preceding chapters; it will focus, not on monarchs and monarchy, but on what people in the twentieth century have thought about constitutional monarchy.

There are two categories of people whose thoughts about the institution of constitutional monarchy might be worth discussing, but it will be possible to examine the ideas of the people in only one of these categories. The category which it will not be possible to discuss consists of the individuals who are themselves constitutional monarchs. The fact that it is not possible to analyze the views of these monarchs does not indicate that such an analysis would be undesirable; indeed, an understanding of the ways in which modern monarchs regard their role could be of great value to the student of political institutions and behavior. An obstacle to investigating the monarch's frame of mind is, however,

practically inherent in the peculiar nature of the monarchical institution. In most professions it is the people who are the most successful who find themselves called upon to publish their memoirs; in contrast, only the unsuccessful monarch is apt to be in a position to publish an autobiography or even to give utterance to his own thoughts,¹ and one cannot assume that the views of an unsuccessful monarch bear much similarity to those of the kings who remain on the throne.²

Efforts to gain insight into the personal feelings a constitutional monarch might hold with regard to his situation have been made, but they have tended to take on a fictional or at best speculative form, and perhaps tell us more about what the authors think about monarchy than they do about what the monarchs themselves really feel.³ Such interpretations may serve, however, as

¹Significantly, England's Edward VIII began his abdication broadcast with the words: "At long last I am able to say a few words of my own." *New York Times*, December 12, 1936. A recent exception to this general rule may be found in the autobiography of Queen Wilhelmina of the Netherlands, written after she had retired in favor of her daughter, Queen Juliana. But this book deals only tangentially with political matters and was undoubtedly approved by the ministers before publication. Wilhelmina, Lonely But Not Alone (New York, 1960).

²Herbert Morrison, a former cabinet minister in England, went so far as to argue that even a monarch who has abdicated does not have a right to say what he thinks. Referring to a statement by the Duke of Windsor, Morrison finds that "such an opinion critical of any political party on the part of a former Monarch is, I think, unfortunate. It confirms my personal view that ex-Monarchs are wise to be silent. . . ." Government and Parliament: A Survey From the Inside (London, 1960), p. 82.

³For fictional efforts along these lines see George Bernard Shaw, The Apple Cart (Baltimore, 1956), and Nevil Shute, In the Wet (New York, 1953).

reminders that monarchs are human beings with human needs no less than those of the commoner, a fact that the requirements of legal and political analysis do not emphasize.⁴ For putting the monarchical institution in human perspective, speculative interpretations may even in a certain sense be superior to accurate information about the thoughts of members of the royal families, since public awareness of their real thoughts might occasionally prove very embarrassing.⁵

⁴Shute includes a very revealing personal footnote at the end of his novel: "As a background to this story I have tried to picture the relations of the countries in the British Commonwealth as they may be thirty years from now. No man can see into the future, but unless somebody makes a guess from time to time and publishes it to stimulate discussion it seems to me that we are drifting in the dark, not knowing where we want to go or how to get there.

"The Monarch is the one strong link that holds the countries of the Commonwealth together; without that link they would soon fall apart. If any forecast of Commonwealth relations in thirty years' time is to be made, it is vacant and sterile unless also it contains a forecast of the position of the Monarch, and gives warning of the strains and tensions that in thirty years may come upon that very human link.

"Since personal strains and tensions must inevitably affect the future of the Commonwealth, it seems to me that fiction is the most suitable medium in which to make this forecast. Fiction deals with people and their difficulties and, more than that, nobody takes a novelist too seriously. The puppets born of his imagination walk their little stage for our amusement, and if we find that their creator is impertinent his errors of taste do not sway the world." Shute, p. 280.

⁵An awkward development occurred in 1964 as a result of the inability of Prince Charles, heir to the English throne, to live within his allowance of about \$.70 per week. He was reported to have sold one of his school composition books to a fellow student. The notebook ultimately fell into the hands of a German magazine, which published excerpts, including an uneasy comment that democracy gives "equal voting power to people having unequal ability to think." Time, November 27, 1964, p. 40.

The category of people whose thoughts about the monarchical institution in constitutional democracy can be discussed includes, theoretically, everybody except for the monarchs themselves and possibly the immediate members of royal families. There appears to be several types of literature in which people have often expressed--explicitly or implicitly--theories about constitutional monarchy. Not surprisingly, one of these classes of literature consists of the legal commentaries on the constitutions of the various monarchies. A second body of literature expresses the ideas of the general public rather than of legal analysts, and might be referred to as "popular" thought. A third type of literature in which considerable attention is devoted to constitutional monarchy is, perhaps more surprisingly, the American political science textbook. Still other ideas about monarchy, however, seem to fall into none of the above three categories, and constitute something of a residual classification. The present chapter will analyze the images of monarchy to be found in each of these categories.

1. The Monarch in European Legal Thought. Twentieth century legal analysts have tended to deemphasize discussion of the place of the monarch in constitutional democracy. The leading commentaries on the constitutions of the present constitutional monarchies devote only a relatively small proportion of their attention to the monarch, and even the one comparative analysis.

focusing specifically on the governments of the European monarchies does not give a very prominent place to the monarchical institution itself.⁶ There is not even entire agreement among the analysts that all of the countries which have been discussed in the preceding chapters are legally monarchies; it is argued that Norway is not legally a monarchy because the monarch does not even have a theoretical right to veto amendments to the national constitution.⁷ The more prevailing conception, however, seems to be that "a monarchy is a state at the head of which a monarch is placed, which is to say, a person who is generally regarded at the international level as a monarch."⁸ Most legal analysts do not seem disposed to argue this point, apparently feeling that it is worth discussing only if one fails to make a distinction between the written constitution of a country and the real constitution by which that country is governed. And in fact, although it is common to hear references to "mere legalism," the care with which

⁶Raymond Fusilier, Les Monarchies Parlementaires (Paris, 1960).

⁷"La caractéristique essentielle de la monarchie consiste en ce qu'aucune modification ne peut être apportée dans l'ordre constitutionnel de l'Etat sans la volonté du monarque." G. Jellinek, Allgemeine Staatslehre (Berlin, 1921), p. 684, quoted in A. J. Manassis, "Deux Etats nés en 1830: Ressemblances et dissemblances constitutionnelles entre la Belgique et la Grèce." VII Travaux et Conférences, Faculté de Droit, Université Libre de Bruxelles (1959), p. 87. At least one Norwegian feels the country would be best described as "une république avec un président héréditaire ayant le titre de roi." Fusilier, p. 278.

⁸J.-P. Hooykaas, "Le rôle du Monarque dans l'Etat moderne," IV Travaux et Conférences, Faculté de Droit, Université Libre de Bruxelles (1957), p. 91.

legal thought in the twentieth century has distinguished real from written constitutions is one of the most striking aspects of the literature.

The position accorded monarchs by the language of written constitutions⁹ seems to be an embarrassment to modern legal analysts. One of the outstanding features of the legal literature dealing with constitutional monarchs is its apparent inability to concentrate on analysis of written constitutions; qualifying statements that the constitution does not really mean what it says, that the monarch does not actually have a right to do what the constitution says he does, that there is no longer any reality to the strict letter of the law, are frequently inserted in commentaries when the text could give a contrary impression.¹⁰

⁹Strictly speaking, of course, England has no written constitution.

¹⁰"... moderne monarkier--ikke lenger har noen personlig makt." Frede Castberg, Norges Statsforfatning (Oslo, 1935), I, p. 169. "Han har som man siger absolut veto. Under parlamentarisk styre er der ingen realitet herr." Alf Ross, Dansk Statsforfatningsret (København, 1959), p. 287. "It goes without saying that in a country such as the Netherlands, governed as it is in accordance with a Constitution, the appointment of the Burgomaster--a royal appointment--involves Ministerial responsibility." P. J. Oud, "The Burgomaster in Holland," XXXI Public Administration (1953), p. 111. "In legal theory the ministers, jointly or severally, are responsible to parliament only for the advice they give the king and not for any decisions taken in council, since it is the king who is supposed to decide--but nowadays it all amounts to one and the same thing." Richard C. Spencer, "The Swedish Pattern of Responsible Government," XXI Southwestern Social Science Q. (1940), p. 58. "Such, in outline, are the powers of the crown today. How are they actually exercised? The answer is, in a variety of ways . . . in almost every way, in fact,

These qualifications, as might be expected, are more characteristic of discussions of the powers allotted to the monarch by the constitution than they are of discussions of the rules regulating succession to the throne. In fact it seems that the provisions for succession are usually interpreted literally, perhaps because these provisions have only a marginal relationship at best to anything the monarch might do, and because if anything they are limitations on the ability of the monarch to act--to get married, for example, or to be converted to another religious faith. There appears to be little effort to give other than a literal interpretation to the constitutional provisions regarding age of majority, the possibility of women inheriting the throne, and religious requirements.¹¹ The conditions under which a regency should be

except that in which under historical and legal theory they should be exercised, i.e., by the king himself." F. A. Ogg, English Government and Politics (New York, 1936), p. 96. So many, indeed, are the warnings with regard to the literal acceptance of constitutional language that occasionally an author finds it necessary to qualify the qualifications: "Mais, en Belgique, la royauté n'est pas purement symbolique. . . ." Raymond Fusilier, "Le Pouvoir Royal en Belgique," Politique (jan.-mars 1959), p. 3.

¹¹The clarity and indisputability of the constitutional language on these matters does not mean, however, that the propriety of the provisions is universally accepted. At the time of the drafting of the new Danish Constitution of 1953 a change was made in the law of succession to permit accession of women to the throne. The social democrats and radicals attempted to change the law even more drastically so that the right to the succession would belong to the oldest child of the monarch without regard to sex, a provision which would have been unprecedented. An older daughter would thus have taken priority over a younger son. Opposition from conservatives was strong enough, however, to force abandonment of this project, so that the resulting pattern of succession was the same as that in England. Jacques Robert, "Danemark: La Constitution du 5 juin 1953," Revue du Droit Public et de la Science Politique en France et à l'Etranger (janv.-mars 1954), p. 74.

set up have not always been stated clearly enough to preclude debates over interpretation, but this does not seem to have resulted in any basic disagreements in the constitutional commentaries.¹²

The European monarchs wield rather extensive powers according to the letter of the law, and though they may deny their concrete reality, legal analysts abstractly speaking concede these powers to the monarchs. On this level of discourse, monarchs are portrayed as participants in the enactment of legislation, a process which cannot be carried out at all without the sanction of the monarch in five of the countries.¹³ Except in Norway, it is felt that the monarch must also give his consent for amendments to the constitution to become valid; in Norway there was a protracted dispute earlier in the twentieth century around the now generally accepted contention that on constitutional matters there is no royal veto, limited or otherwise.¹⁴

¹²It is only fair to note that provisions for the absence or illness of monarchs have been considerably more definite and institutionalized than have corresponding provisions for the disabling illness of the president of the United States.

¹³Legislation can be enacted over royal opposition only after new elections and a certain elapse of time in Norway. Constitution of Belgium, art. 26; Constitution of Denmark, art. 14; Constitution of the Netherlands, art. 73; Constitution of Norway, art. 79; Constitution of Sweden, art. 87. C. F. Strong tacitly admits the existence of a legal right to a veto by the British monarch. Modern Political Constitutions (London, 1952), p. 140.

¹⁴An end seems to have been put to these arguments by an amendment to paragraph 112 of the Norwegian constitution in 1913. This provides that an amendment passed by the Storting should be sent to the king for promulgation, but does not mention any need

Legal analysts also find that the strict wording of the constitutions gives to the monarch the power to select the members of the national cabinet or council of state.¹⁵ This power is found to be restricted sometimes from one country to the next by requirements that ministers be of specified religion, that they not be members of parliament while they act as ministers, and that persons condemned by a majority of parliament not remain ministers.¹⁶ In England there is a constitutional convention that ministers must be members of parliament, and it is sometimes claimed that only members of the House of Commons may be chosen as prime minister, but recent decisions indicate that both of these doctrines are open to challenge in practice; as far as the letter of the law there is no limitation of the discretion of the

for the king to give his consent. Since that year amendments have not been sanctioned by Norwegian monarchs. Strangely enough, even the amendment changing the amendment procedure in 1913 was not presented for the approval of the monarch. Fusilier (1960), p. 278.

¹⁵This power is recognized as potentially of great importance. Gustaf Petré, "Quelques Problèmes Constitutionnels Actuels dans les Pays Nordiques," X R. Internationale de Droit Comparé (1958), p. 437; Hooykaas, p. 97; Morrison, p. 77.

¹⁶In Sweden until 1953 only Lutherans could be appointed to the cabinet by the king; since then the only ministers who must be Lutherans are those connected with the state church. Nils André, Modern Swedish Government (Stockholm, 1961), p. 103. In the Netherlands and Norway ministers may be appointed from the membership of the parliament, but cannot act as members of parliament while they remain ministers. Amry Vandenbosch and S. J. Eldersveld, Government of the Netherlands (University of Kentucky, 1947), p. 43; James A. Storing, Norwegian Democracy (Boston, 1963), p. 47. The Danish constitution of 1953 specifically requires in article 15 that a minister provoking a vote of non-confidence in the parliament must resign. Fusilier (1960), p. 328.

monarch on these matters.¹⁷

Legal theorists have little choice but to agree that constitutional monarchs, in addition to their participation in the legislative process and their appointment of the ministers, by the terms of the written constitutions have broad powers of direct action both in the domestic and the foreign policy spheres. Domestically, the most important of these powers are probably those allowing the monarch to enact executive ordinances and to pardon persons convicted by the courts.¹⁸ In the plane of external relations, in several of the countries a right of the monarch to declare war is recognized, and the monarch, who receives ambassadors from foreign countries, may be regarded as having thereby the right to establish and to break diplomatic relations; the monarch likewise is often regarded as having the power to conclude treaties.¹⁹

¹⁷Ogg, pp. 127-128.

¹⁸See A. B. Keith, Anson's Law and Custom of the Constitution (Oxford, 1935), II(2), p. 29; Pierre Wigny, Droit Constitutionnel: Principes et Droit Positif (Bruxelles, 1952), p. 661; Ross, pp. 256-257; Ogg, pp. 119-120; Constitution of Belgium, art. 67; Constitution of Denmark, art. 23; Constitution of the Netherlands, art. 57, 70; Constitution of Norway, art. 17, 20; Constitution of Sweden, art. 26.

¹⁹See Amry Vandenbosch, "Formulation and Control of Foreign Policy in the Netherlands: A Phase of Small Power Politics," VI J. of Politics (1944), p. 431; Castberg, pp. 143, 448; Robert Malmgrén, Sveriges Grundlager och Tillhörande Författningar (Stockholm, 1961), pp. 5-6. Only in Denmark and the Netherlands must the king obtain parliamentary support in order to declare war. Constitution of Denmark, art. 19; Constitution of the Netherlands, art. 59. See also Ross, pp. 221, 234. Only in England is there no requirement that treaties be submitted, under some circumstances, for parliamentary confirmation, but the practice has developed even there of sending important treaties to parliament. Ogg, pp. 90-91.

Existence of the above mentioned powers of the monarch may be conceded in legal thought, but the concession appears to be made without enthusiasm. A good deal more emphasis and enthusiasm can be found, however, in the discussion of restrictions placed upon the monarch by the language of written constitutions. Although the language of the written constitutions is not as stringent as the real constitutions are, even in the written documents themselves twentieth century legal thought has been able to find considerable restrictions on the ability of the monarch to exercise his powers. Some of these restrictions are products of the early period of constitutionalism from which the present basic laws generally date; others have been written into constitutions during the twentieth century, well after present conceptions of the role played by constitutional monarchs had been accepted. The fact that recent restrictions have continued to refer directly to the monarch as if he actually exercised powers may indicate that retention of the same type of language in other portions of constitutions is not merely a holdover from the past that has not been corrected yet.²⁰

Written constitutions impose various substantive limitations

²⁰ An example would be the amendment to the constitution of the Netherlands in 1922 to forbid the king to declare war without previous consent of parliament. H. F. Panhuys, "Pays-Bas: La revision récente des dispositions constitutionnelles relatives aux relations internationales," R. du Droit Public et de la Science Politique en France et à l'Étranger (av.-juin 1955), p. 336.

on the ability of the monarch to act,²¹ but the limitation attracting the most attention in twentieth century legal thought has been the requirement that actions of the monarch must be covered by the countersignature of a responsible minister. Countersignature of royal actions is not a characteristic unique to constitutional monarchies.²² Under absolute monarchy countersignature was already a well-established practice, but during the periods of absolutism it did not serve to provide an individual who could be held legally responsible for the action in question as much as it certified that the document in question was in technically correct form and in correspondence to the decision taken by the monarch.²³ With the coming of constitutionalism one did not have to invent the institution of countersignature, but only to employ it for purposes other than that which it had originally been intended to serve. Such broadening of the countersignature requirement, however, has inevitably produced disagreements over its exact scope even though the language of the relevant constitutional clauses is quite clear.

Generally speaking, the tendency in twentieth century legal thought has been to expand the scope of the countersignature requirement. Earlier in the century there were still discussions,

²¹These limitations are discussed in Chapter III.

²²Fusilier (1960), p. 281.

²³Edvard Thermanius, Kontrasignations-Institutet (Lund, 1955), pp. 18, 101.

for example, about the extent to which a constitutional monarch should have the right to say what he wishes in public.²⁴ This debate seems to have been decided in favor of those who maintained that a monarch, if he is to behave in a constitutional manner, must say nothing without the consent of his ministers which might by any stretch of the imagination have a political impact on the public.²⁵ An alternative view, which held that a constitutional monarch was not going beyond the bounds of propriety in saying what he pleased but that such statements could not be regarded as reflecting the outlook of the government, appears to have gradually passed out of favor as the century progressed.²⁶

The question of the applicability of countersignature to a royal veto has been a more fundamental problem faced by modern legal thought. The problem has been settled as far as Norwegian legal thought is concerned; the very independence of the country can be traced to refusal by the Norwegian cabinet to countersign

²⁴See S. K. Panter-Brick, "Constitutional Monarchy: A Comment on the Belgian Practice," VII The Cambridge Journal (July, 1954), pp. 604-607; O. Fritiof Ander, The Building of Modern Sweden: The Reign of Gustav V 1907-1950 (Rock Island, Illinois, 1958), p. 18; New York Times for February 8, July 22, and July 23, 1914, and for October 15, 1936.

²⁵There is still uncertainty about how far this rule should bind other members of the royal family. Laborite critics of a speech by Prince Philip in 1965 went so far as to introduce a motion before the House of Commons to the effect that "This house believes it is a condition of constitutional monarchy that royalty shall not give public expression to contentious political opinions." The Detroit News, July 6, 1965.

²⁶P. de Vischer, "La Fonction Royale," Revue Generale Belge (Sept. 1949), p. 681.

the Swedish king's veto of a bill passed by the Norwegian parliament, a refusal which led to the semi-revolutionary dissolution of the personal union of Sweden and Norway. Since independence in 1905 it has been accepted doctrine in Norway that a royal veto requires ministerial countersignature, and this is not incompatible with the precise wording of the constitutional provision, referring as it does to royal "resolutions" rather than merely to royal decrees.²⁷ But the constitution of only one other country, the Netherlands, lends itself to this kind of interpretation by requiring countersignature of royal "decisions," and outside of Norway the tendency has been to avoid the whole problem by pointing to the real constitution as making the question of exercise of the royal veto purely academic.²⁸

Another body of discussion about the scope of the countersignature requirement has concerned itself with the monarch's formation of new cabinets. On this matter there is a great deal of divergence from one country to the next, but there does not presently seem to be any advocacy of alternative interpretations

²⁷Johs. Andenaes, Statsforfatningen i Norge (Oslo, 1948), p. 103.

²⁸"It is fruitless to speculate on what would happen if the King refused his assent, because he never does." Strong, p. 140. "Han har som man siger absolut veto. Under parlamentarisk styre er der inger realitet herr." Ross, p. 287. The Belgian commission set up to report on the legal place of a constitutional king during the crisis over Leopold III reported that countersignature must apply to all acts or abstentions of the king which might have a political impact. The reference to abstentions might be seen as making exercise of a royal veto impossible in the same way that this has been done in Norway. See de Vischer, p. 681.

or practices within any particular country. Indeed, it is difficult to see that there is any one way of applying counter-signature to cabinet appointments that is more compelling or more obviously related to the letter of the various constitutions than is any of the other interpretations. In some countries the problem of making someone responsible for appointment of a ministry is solved by having a member of the outgoing cabinet countersign the document bringing the new cabinet into being, or at least the outgoing member countersigns the appointment of the new prime minister. Countries where this device is employed include Sweden, Norway, Belgium and the Netherlands.²⁹ A second solution to the problem of making someone responsible for appointment of the new cabinet is found in Denmark, where the incoming prime minister accepts responsibility both for the removal of the outgoing cabinet and for the accession to power of his own cabinet by countersigning the appropriate legal documents.³⁰ Still a third interpretation is accepted in England, where the appointment of a cabinet is seen as the one official action taken by the monarch on his own responsibility, although it is recognized that the monarch rarely has a real choice in the matter.³¹

²⁹Ernst Van Raalte, The Parliament of the Kingdom of the Netherlands (London, 1959), p. 39; Thermaenius, p. 107; Wigny, p. 610. Although the Netherlands doctrine is that a minister accepting appointment to the cabinet is responsible for his decision, the appointment is always countersigned by a person who is already a minister. Fusilier (1960), p. 528.

³⁰Ross, p. 367.

³¹Ivor Jennings, Cabinet Government (Cambridge, 1959), p. 89.

Although countersignature is a specific requirement of written constitutions,³² ultimately interpretation of what is meant by it depends more on the general spirit of constitutionalism than on the strict letter. Perhaps the widest possible interpretation of the countersignature requirement is to be found in the recommendations of the Belgian commission established after World War II to determine the standards of behavior by which constitutional monarchs in Belgium could henceforth be judged. According to this commission, the rule that the monarch does not act alone and must be covered by the countersignature of a responsible minister applies to all acts or abstentions "susceptible of having a political incidence which is either direct or indirect."³³ This is a legal doctrine, but by its very comprehensiveness it takes on the appearance of a doctrine concerning the real constitution. As we turn our attention to legal thought regarding real constitutions, we thus see that the boundary separating thought about real constitutions from that dealing with written constitutions is neither a broad nor a clear one. But in spite of the vagueness of this boundary, the distinction between the two types of constitution remains an important one.

³²Constitution of Belgium, art. 64; Constitution of Denmark, art. 14; Constitution of the Netherlands, art. 79; Constitution of Norway, art. 31; Constitution of Sweden, art. 38.

³³de Vischer, p. 681.

The image of monarchy found in legal analysis of real constitutions is radically different from that found in discussions of written constitutions. Not only is the literature different in content, but the authors appear to be much less uneasy about what they are saying, perhaps because it is easier to write a coherent analysis when it is not necessary to demonstrate that it is compatible with or indeed required by the literal language of specific legal documents. Since the contents of real constitutions are themselves a product of interpretation, it is only natural that interpreters find real constitutions to be more amenable to analysis than written ones.

In written constitutions the monarch is seen primarily as a wielder of immense legal powers--to hire, to fire, to veto, to sanction, to formulate administrative rules, to declare war, to make peace. In real constitutions, as formulated by present day legal thought, the monarch is seen primarily as a relatively narrowly defined symbol. According to Petré, "the king, in his capacity as chief of state, plays nothing but an exclusively representative role, and he does not participate in practice in the work of the government except on the purely formal plane."³⁴ Another author finds that "the king in a modern state is first and foremost the personification of the idea of the state."³⁵ The same author at another point in his discussion expresses his

³⁴Petré, p. 721.

³⁵Castberg, I, p. 169.

idea of the symbolism of the monarch in slightly different though not contradictory terms; the monarch has become the "symbol of the unity of the nation and of the authority of the state."³⁶

Another commentator notes that the symbolic qualities of the monarch are not at all times the same, that there is a relationship between the circumstances in which a country finds itself and the monarch's symbolic role: "It is during periods of crisis, even for the countries which were not participants in the first world war, that the monarch was above all considered as the symbol of the unity and of the patriotism of the nation."³⁷

The emphasis in legal thought on the symbolic role of the constitutional monarch is striking, but there is a certain uneasiness still to be found in references to this aspect of monarchy. An impression is given that legal analysts assign the monarch the function of serving as a symbol only in order to avoid having to conclude that monarchy is useless and should be discarded. Such a conclusion would presumably be distasteful in legal thought, which is on the whole conservatively oriented, but the alternative of a monarch who is a symbol is not regarded with great enthusiasm. We thus find two different levels of legal thought about the monarch as a symbol. At the first level it is maintained that written constitutions no longer can be literally interpreted and that the monarch is presently a symbol. Examples

³⁶Ibid., I, p. 170.

³⁷Fusilier (1960), p. 45.

of this type of statement were given in the above paragraph. At a second level of legal thought, however, what has first been given to the monarch is taken back. It is maintained that the monarch is not really a symbol after all, that this is merely a legalism having little to do with reality. At the one level, Ogg writes that the English monarchy "provides a symbol of imperial unity which most Englishmen agree could not possibly be dispensed with."³⁸ At the second level, Moodie writes that "no serious student . . . can avoid the conclusion that 'the Monarchy is no longer the essential bond of Commonwealth.' It is doubtful if it ever was, in any but a purely legal sense."³⁹ One must, it seems, be aware of the possibility that even descriptions of real constitutions may incorporate an element of pious fiction.

Other legal commentators qualify the doctrine of the symbolic nature of the constitutional monarch, but do so in an opposite direction. Fusilier, for instance, notes that "in Belgium, royalty is not purely symbolic, for it participates in the handling of affairs of state to the extent that its will corresponds with the will of the ministers."⁴⁰ And Dicey refers to "transactions (which are of more frequent occurrence than modern constitutionalists are disposed to admit) in which both the King

³⁸Ogg, p. 112.

³⁹Graeme C. Moodie, "The Crown and the Commonwealth," XI Parliamentary Affairs (1958), p. 180.

⁴⁰Fusilier (1959), p. 3.

and his Ministers take a real part. . . ."41 Nowhere, however, does twentieth century legal thought attempt to maintain that the constitutional monarch either is, or ought to be, primarily a wielder of power, except of course in the "purely legal" sense.

Not only do analyses of real constitutions deny that the modern monarch is primarily a wielder of power, but in general they maintain that he has no significant personal powers at all.⁴² Admittedly, "on paper it might look as if the Sovereignty was vested in the Crown."⁴³ And no one will deny that even the most legally circumscribed of modern monarchs was originally intended to have great personal powers.⁴⁴ But the presently prevailing view in legal thought is that "from power, the monarch has passed to influence."⁴⁵ Power is apparently felt to be essentially incompatible with the monarch's immunity from legal responsibility for his actions and with his lack of democratic origins. Influence, on the other hand, seems to be regarded as something that is not inherently incompatible with the monarchical institution; a notable exception to this general rule, however, is seen

⁴¹A. V. Dicey, Introduction to the Study of the Law of the Constitution (London, 1927), p. 422.

⁴²Fusilier (1960), pp. 283, 449.

⁴³Sven Clausen, "Parliamentary Government in Denmark," The Fifteen Nations (October 1958), p. 11.

⁴⁴Frede Castberg, Norway and the Western Powers: A Study of Comparative Constitutional Law (London, 1957), p. 8.

⁴⁵Fusilier (1960), p. 15.

in any effort by a monarch to influence his subjects directly.⁴⁶ This exception is not necessarily an arbitrary one, since the king can influence ministers secretly and without having to take a public stand on potentially controversial policies, whereas it would clearly be impossible for the monarch to preserve a facade of neutrality if he were to appeal over the heads of his ministers to the electorate.

Even though exertion of royal influence is not regarded as a contradiction of the spirit of constitutionalism, there are still indications that legal analysts regard the subject as a touchy one. There is a tendency to express doubts that even an intelligent and experienced monarch is able to make much of an impact on policy decisions. Duverger, for example, feels that with the exception of the Netherlands "the influence of monarchs in political life is very feeble."⁴⁷ Morrison gives the impression that the English monarch may have some influence, but only in the most insignificant matters: "Of course, she cannot upset the policy, for that would be unconstitutional, though she can raise questions about it; certainly the Sovereign can and often does make suggestions for revision of wording. . . ."⁴⁸

The royal veto, or even its threatened employment, does not

⁴⁶Panter-Brick, pp. 604-607.

⁴⁷Maurice Duverger, Institutions Politiques et Droit Constitutionnel (Paris, 1962), p. 318.

⁴⁸Morrison, p. 75.

appear to be considered one of the legitimate ways a monarch can influence his ministers. Indeed, legal interpretations of real constitutions can usually find no place for a personal exercise of the royal veto, although some analysts suggest that a veto cast on the advice of the cabinet may be a convenient way to hold up a bill in which technical difficulties have been discovered at the last moment or which has become inexpedient because of suddenly changed circumstances.⁴⁹ One of the most cautious analysts reports that in Sweden "the approval of the king is required [for constitutional amendments] but in practice he rarely uses his veto power" and that the veto in Norway has "fallen into disuse since 1905."⁵⁰ Another legal analyst comments that "the king gives his sanction to laws . . . but a refusal to sanction (veto) which is constitutionally possible would seem to be so unusual that one should consider the exercise of such a power as having only a theoretical interest."⁵¹ An even stronger stand has been taken by some observers in England, who maintain that "the King would have to sign his own death-warrant if it was presented to him for signature by a minister commanding a majority in Parliament."⁵²

Some analyses make an exception to the general rule that the

⁴⁹Fusilier (1960), pp. 274-275.

⁵⁰Lester B. Orfield, The Growth of Scandinavian Law (Philadelphia, 1953), pp. 181, 260.

⁵¹Maurice Vauthier, "La Constitution et le régime politique," La Vie Juridique des Peuples (Paris, 1931), I, p. 14.

⁵²Jennings, p. 338.

monarch cannot exercise a personal veto, and this is when some great social value will be served by the veto. Thus Jennings believes that a monarch "would be justified in refusing to assent to a policy which subverted the democratic basis of the Constitution, by unnecessary or indefinite prolongations of the life of Parliament, by a gerrymandering of the constituencies in the interests of one party, or by fundamental modification of the electoral system to the same end. She would not be justified in other circumstances. . . ." ⁵³ But in spite of the occasional suggestions that exercise of a personal power by a monarch could sometimes be in the best interests of a country, legal commentators seem to be more concerned with the side effects that might be inextricably intertwined with the benefits. It is pointed out that as soon as it is admitted that the monarch holds discretionary powers there is danger that his essential neutrality might be compromised. "For example, if it is acknowledged that the monarch possesses a reserve power of dismissing his ministers or of forcing a dissolution of Parliament so that the electorate may be consulted, then in moments of acute controversy he may be subjected to strong public pressures in favor of the exercise of these reserve powers, which, ex hypothesi, he could not exercise without allying himself with one or another of the current opinions. And on such occasions, he will find it difficult to avoid public criticism. Should he choose to intervene, he may be

⁵³Ibid., p. 412.

accused, by the ministers whose advice he has disregarded and by their supporters, of acting unconstitutionally. And should he resolve not to make use of his reserve powers, he may be accused by others of expressing a personal sympathy for the advice he has been given."⁵⁴ Perhaps it is considerations such as this that incline legal analysts to maintain that constitutional monarchs must content themselves with influence and leave power in the hands of their ministers.

The tendency in legal thought, then, is to urge that personal exercise of the extensive powers given to the monarch by written constitutions is incompatible with the modern conceptions of constitutionalism and democracy. The real constitution created by this legal thought consequently reduces the monarch to the position of a figurehead and it is maintained that references to the powers of the monarch in written constitutions must be interpreted as references to the powers of the crown, which are exercised by the ministers. The monarch is bequeathed the function of acting as a living symbol of the nation but doubts are also expressed whether the monarch really means very much to his subjects. The legal treatment of the monarch is thus one of caution, almost one of suspicion. It is in considerable contrast with the popular view of the constitutional monarch, to which we now turn.

⁵⁴Panter-Brick, p. 601.

2. The Monarch in Popular Thought. Any discussion of the place of the monarch in popular thought must employ the term "thought" in a different sense than it is used in an analysis of legal thought. Legal thought is relatively sophisticated! Legal thought is relatively methodical and structured; popular thought is relatively haphazard and formless. Since the monarchical institution is to a certain extent affected by the ideas which people in general have about it, analysis of the popular image of monarchy can contribute to an understanding of that institution. Hopefully the sophistication of the following analysis will be independent of that of the ideas being discussed; at any rate we will be interested less in the truth of the ideas themselves than in the truth that the ideas exist.

The popular image of monarchy reflects more interest in, and less suspicion of, the institution than appears to be the case in legal thought. This is not to say, however, that the popular view of monarchy is entirely and uniformly uncritical. In 1939, as the scheduled date of a visit by the British monarch to the United States drew near, one reader of the New York Times wrote a letter to the editor urging that the monarch be treated courteously. The letter made five main points. First, "the King and Queen do not govern England." Second, "They are not responsible for the trouble in Palestine or anywhere else." Third, "They are to the British Empire what our flag is to us,

a symbol." Fourth, "They are doing a hard job well." And finally, "They did not seek [the job]. . . ." ⁵⁵ This letter was both a manifestation of one type of outlook toward monarchy and an indication that a different kind of public opinion about monarchy must also exist in the United States. The author obviously feared that public outbreaks of the supposed traditional American hostility to monarchy might occur. ⁵⁶ Of course the republican United States would not necessarily have the same climate of opinion on this subject as would the European monarchies. But even in England, which of all the European countries makes the most fuss over its sovereigns, critical elements can be found. ⁵⁷ Socialists and, a fortiori, Communists have been hostile to monarchy even when no fault could be found with particular monarchs. Even expressions of approval have sometimes taken on the form of praising with faint damnation, as when one person remarked that "czardom at its worst was human and kindly compared with much that has been done in the past twenty years in Europe in the name of democracy." ⁵⁸

In general, however, twentieth century monarchs have been treated sympathetically by the popular press, and to the extent

⁵⁵New York Times, June 6, 1939.

⁵⁶See Reinhold Niebuhr, The Irony of American History (New York, 1954), p. 77.

⁵⁷See, for example, Lord Altrincham et al, Is the Monarchy Perfect? (London, 1958).

⁵⁸New York Times, March 18, 1934.

that publication of unsophisticated ideas about monarchs is either a reflection of popular attitudes or a mold of those attitudes it can be maintained that the popular image of monarchy is a favorable one. This is not to say that the popular image of monarchy is an entirely accurate one, but the inaccuracies in the image may themselves contribute to the interest the public has in the monarch. One might think that popularization of legal thought would have made the public aware that monarchs in constitutional democracies are not monarchs in the same sense as were the former absolute monarchs.⁵⁹ Apparently, however, there is still an association in the public mind between monarchs and power, though it may find expression in a facetious manner at times. Thus a new portrait of Queen Elizabeth II of England met with something less than universal approval among the public, and one person reportedly exclaimed: "If I were the Queen, I would have [the artist] beheaded."⁶⁰ Such a mental association of the monarch with power may not be entirely without reason, if only because the monarch is known to meet frequently with the country's most powerful political leaders. To be sure, according to legal interpretations of the real constitution such meetings are merely formal and no real decisions are made, but even in the critical literature there is an admission that "it is very difficult to say to what

⁵⁹See, however, Ogg, p. 113: "[I]t is possible that the majority of the people, even of the United Kingdom . . . believe that the government of the Empire is carried on by the king personally."

⁶⁰Time, April 30, 1965.

extent the king accepts, contests, or imposes final decisions."⁶¹ Perhaps the very air of mystery which surrounds the actual process of policy formulation encourages speculation that the monarch is still a force to be contended with in modern Europe and thereby stimulates public interest in monarchy.

"When ancient thrones are tottering and monarchs are being deprived of their sceptres in other lands, the British throne has become more firmly established than ever on the only foundation that is possible, namely, the lasting affection and good will of the people."⁶² In these words Prime Minister David Lloyd George of England expressed the idea that popularity is the only possible or right basis for stability of thrones. A generation later a rather cynical former monarch was reported to think that the time would come when there would be only two kinds of kings--those in the deck of cards and the one reigning in England. King Farouk, however, may have been proving Lloyd George's point, since the Egyptian monarch was not particularly noted for the excellence of his public relations.⁶³ He may also have underestimated the

⁶¹Fusilier (1960), p. 13.

⁶²New York Times, July 9, 1918.

⁶³"The success of the Indian Constitution may be contrasted with the total failure of the monarchical Constitution of Egypt which was based on the Constitution of Belgium. From a theoretical point of view, the Egyptian Constitution was the embodiment of parliamentary democracy, but in actual practice it was marred by the excessive power and authority of the King. The failure of the Egyptian Constitution was primarily due to the total absence of

prospects for monarchy in other European constitutional democracies as well as in the developing areas.

If Lloyd George's analysis is correct, there should be few doubts that the monarchical institution has a bright future in the present European monarchies. Even at the height of the controversy in Belgium over the role played by King Leopold III in World War II, a referendum on the question of his return from foreign exile showed over 57% of the voters to be in favor of his return--though it later was found that this was not sufficient support to allow retention of his throne.⁶⁴ Disrespectful gestures towards royalty have provoked counter-demonstrations of support on a large magnitude. Van Raalte reports that "In 1932 the Communist members [of the Netherlands States General], two in number, singularized themselves already by not rising like the other members at the entrance of the Sovereign. No sooner was the speech from the throne delivered than the two jumped up from their seats trying to shout something while the assembly raised the customary 'Long live the Queen! Each time the two members repeated their attempt, the cheers for the Queen were resumed, and finally, the whole assembly, including the ministers, sang the national anthem, a gesture for which there was no precedent at the

popular movement and the vesting of political power in a small class of rich merchants and landowners. . . ." S. D. K. Sen, A Comparative Study of the Indian Constitution (New York, 1960), I, p. 52.

⁶⁴ André Mast, "Belgique: Une Constitution du Temps de Louis-Philippe," Revue du Droit Public et de la Science Politique en France et à l'Etranger (nov.-dec. 1957), p. 1023.

opening of the States General."⁶⁵ In England it was reported that even among members of a show business group for whom nothing is supposedly sacred the queen was a notable exception. One member reported that "It [monarchy] doesn't really bother me or interest me, but I like the idea of queens--and kings when they come along. It makes us English a little different from the rest of the world." Another member of the same group "said it wouldn't bother him if England had a president, but he likes a queen better."⁶⁶ Even among descendants of rebellious colonial subjects, Elizabeth II "has placed high in the list of the top ten most admired women since her coronation in 1952," according to George Gallup of the American Institute of Public Opinion.⁶⁷ King Gustav V of Sweden once even achieved the seemingly impossible feat of provoking applause and shouts of "Long live the king!" by French Communists when he spoke at the dedication of a home for aged Swedish immigrants in Paris.⁶⁸

Even though monarchy commands a sympathetic interest from the public, however, its popularity is not without limits or qualification. The general public does not seem to be sympathetic with monarchs to the extent of remembering, as Burke puts it in discussing the rich and powerful, that "they too are among the

⁶⁵Van Raalte, p. 75.

⁶⁶The Detroit News, April 27, 1965.

⁶⁷Baltimore News-Post, December 26, 1963.

⁶⁸New York Times, April 22, 1938.

unhappy."⁶⁹ To the poor and financially insecure, it may seem inconceivable that anyone with the standard of living and job security of the modern monarch could ever have a moment of unhappiness. Certainly the well-publicized royal standard of living is luxurious in England and the Netherlands, comfortably prosperous in the other European monarchies, and it is therefore not surprising that the expense of monarchy has been the subject of considerable criticism. Unhappiness about their "extravagance," in fact, would seem to be the notable exception to the general popularity enjoyed by twentieth century constitutional monarchs. This is not surprising; since it is difficult any longer to attack monarchs for their political actions, actions which to the extent they occur at all are not usually a matter of public knowledge, the most persuasive argument against retention of monarchy that can probably be made is that it is expensive.

A Communist member of parliament may thus have been expressing sentiments held by more people than just Communists in England in 1923, when he strongly denounced British officialdom in the House of Commons. All functionaries were being scandalously overpaid, proclaimed the Communist, but the king was a particularly outrageous example. "If the king could not manage to live on 20,000 pounds a year, he added, let them get up a subscription on the Stock Exchange for him."⁷⁰ It was reported that the speech

⁶⁹ Edmund Burke, Reflections on the Revolution in France (Garden City, 1961), p. 115.

⁷⁰ New York Times, April 19, 1923.

was interrupted by loud cries of "order" from the house. Ten years later another member of parliament arose to denounce George V of England to his face after the speech opening parliament. "It's a shame to have all this rubbish and show while people are starving outside. You're a gang of lazy, idle parasites, living on wealth created by the people," he shouted.⁷¹ More recently a British author specializing in the monarchy has denounced the excessive muddle over royal finances in England: "No one can say what the monarchy costs, since its finances are still confused with those of government. The pageantry and trappings of monarchy are obviously expensive, but a fiction is maintained that they cost the nation next to nothing because the crown owns property that, in everything but law, belongs to the state. . . ."⁷² Another recent article asks, "Will it not begin to occur to people that in these stringent times the Monarch is too rich? . . . Admittedly," he continues, "the cost of the Monarchy is a drop in the bucket of total Government expenditure, but we have arrived at the point where we are paring down expenditure wherever possible--even on vital things like schools. Should not the Monarchy make a contribution?"⁷³ In the Netherlands, the other country in which the royal family is especially

⁷¹New York Times, November 21, 1933.

⁷²Kingsley Martin, "The Cost of the Crown," 209 The Atlantic Monthly (June 1962), p. 63.

⁷³Charles Willcox, "The Finances of the Monarchy," in Altrincham et al, pp. 40-41.

well off, unhappiness has been expressed about the cost of the monarchy in different terms; it was reported in 1923 that Queen Wilhelmina "has rarely visited Amsterdam since a few years ago angry crowds showed resentment over taxation and lack of employment [by throwing] potatoes at her carriage. . . ."74

Even in England, where the arguments against the cost of the crown have the most substance, however, counterarguments have been made, occasionally by the most surprising people. Herbert Morrison, a member of the Labor cabinet after World War II, maintains in his book that a republic would not be very much cheaper than the monarchy: "The money argument is a small affair compared with the undoubted advantages of the British Monarchy as it is now working."⁷⁵ And Bertrand Russell, certainly not identified with political conservatism, states that: "Under the influence of democratic sentiment modern men tend to identify justice with equality, but even now there are limits to this view. If it were proposed that the Queen should have the same income as a bricklayer, most people, including bricklayers, would think the proposal shocking."⁷⁶ But these are not really arguments for extravagance, and failure of the argument for economy to make much headway against the prevailing popularity of monarchs may be

⁷⁴New York Times, February 25, 1923.

⁷⁵Morrison, p. 91.

⁷⁶Bertrand Russell, Human Society in Ethics and Politics (New York, 1962), p. 29.

explained more by recent European prosperity and increasing standards of living than by the appeal of the counterarguments.

It is clear that popular thought has had a considerable impact on the royal style. Some years ago an observer noted that one "cannot help feeling that the few remaining monarchs in present-day Europe are, in a sense, on trial before their subjects; compelled, as it were, to point out ceaselessly how little they resemble the traditional conception of a king in order to keep on being kings at all."⁷⁷ Probably it is only natural that the characteristics which modern monarchs tend to play up are those which will appeal to the prejudices and values of their subjects. Thus while the British monarch is careful to dress in the height of fashion--a fashion which may be partly shaped by what the monarch wears, of course--the Norwegian monarch appeals to the values of his own countrymen by dressing in a rather ordinary and comfortable manner except for highly formal occasions.⁷⁸ Prince Philip of England, asked during a radio interview about the drawbacks of being a member of the royal family, was careful to comment on the disadvantages of being unable to go places without being recognized and bothered--a clear appeal to the value the

⁷⁷New York Times, August 4, 1929.

⁷⁸Jonathan F. Scott, Twilight of the Kings (New York, 1938), p. 41. Petréen notes that "la famille royale de Norvège a toujours su vivre et parler avec simplicité, ce qui répond bien au tempérament norvégien. C'est un royaume où l'on apprécie peu la pompe et l'apparat." Petréen, p. 722.

British place on privacy.⁷⁹

King Gustav V of Sweden might conceivably have had an appeal to the active-minded Swedish population in mind when he pursued his tennis playing even at the age of 87, though it is more likely that he played merely because he enjoyed it.⁸⁰ Considering that the Scandinavian countries have been leaders in development of social welfare legislation, it was not too surprising to learn that "Princess Margarethe, heiress to the throne of Denmark, will spend two summer months studying sociology at the University of London. The princess, 24, will devote much of her time to studying youth welfare in Britain."⁸¹ Greece, a country not included in this study of monarchy because of essential differences from the other constitutional kingdoms of Europe, is still a very poor land; the present monarch, apparently not unmindful of this fact and of the connected danger from Communist elements both inside and outside the country, has taken some pains to present himself as a socially-minded man of the people. "A man may be a king, but he can also be a working man," the king told one reporter. The reporter inquired about the possibility of once more having the Olympic Games in Greece, the country where they long ago originated; King Constantine replied that "We'd have to have a new stadium. I've got a place to build it, but I haven't got the

⁷⁹The Detroit News, April 5, 1965.

⁸⁰See the New York Times for September 11, 1945.

⁸¹The Detroit News, February 7, 1965.

money. All we need is about 60 million dollars. . . . [But] Greece needs many other things before stadiums."⁸²

Since the expense of royalty is probably the strongest argument against the institution in its present constitutional form, monarchs have become particularly cautious in their approach to financial matters. Especially has this been true when times are not prosperous in their countries and the contrast between a court wallowing in luxury and the masses starving in the streets would be particularly intolerable. Thus we find King Albert of the Belgians, who was most effective at maintaining good public relations, evoking cheers of approval in the national chamber of deputies when it was announced that he, alone out of all state functionaries, would refuse to accept his share of a general increase in salaries.⁸³ Queen Wilhelmina of the Netherlands likewise found it expedient, when salaries of other state functionaries were being decreased during the Depression as an economy measure, to announce that she would voluntarily take a reduction in her salary by an equal percentage.⁸⁴ Even the comparatively high living British royal family has occasionally found it wise to take economy measures, as when food consumption was reduced at the royal palace during World War I and alcoholic beverages were not served, and when several of the royal racing

⁸²The Detroit News, January 3, 1965.

⁸³New York Times, March 21, 1924.

⁸⁴New York Times, September 19, 1923.

horses were sold off to reduce expenses during the Depression of the 1930's.⁸⁵ Royal reactions to public opinion about finances have rendered the economic argument against monarchy less effective, and any remaining extravagance can be discounted anyway since, as one writer puts it, it may provide the monarch's subjects with "a colour and a splendour which their own family lives too often lack, but which they none the less feel to be part of their own romance."⁸⁶

Since all of the constitutional monarchies under scrutiny are pluralistic societies, efforts to please the public may require the monarch to behave in superficially inconsistent ways from one day to the next in order to please all elements of his country. Thus King Albert of the Belgians, who was personally very popular even among the socialists, was not above demonstrating just how bourgeois a monarch he was by joining the Brussels Rotary Club.⁸⁷ On the other hand, George V of England, who maintained the reserve expected of a British monarch, could evidently let down his hair under the proper circumstances. A delegation of labor leaders from the United States called on him in 1918, and it was reported that they "were deeply impressed with their visit to Buckingham Palace today. James Wilson said that the King was 'a true

⁸⁵New York Times, April 6, 1915, April 14, 1917, December 3, 1931.

⁸⁶Kingsley Martin, The Magic of Monarchy (New York, 1937), p. 14.

⁸⁷New York Times, May 21, 1925.

democratic gentleman. Throughout our visit to Europe we have not been to a less formal function.'" Another delegate noted that "Even the receptions at the White House are not so simple. We Americans did not realize that the King was so human."⁸⁸ One effect of such attempts to please everybody may be to blur the monarch's popular image, but this may be merely a necessary price to be paid for his generally successful effort to be all things to all men.

Of course, no amount of hard work by the monarch to retain what Lloyd George described as "the lasting affection and good will of the people" can ensure that the population will be completely sold on the monarch or on monarchy. But incidents in which the monarch is the target of abuse may well be a result of his symbolization of the state rather than of any discontent with anything he has done. Demonstrations in the presence of the monarch may be interpreted as an effort to gain publicity for the cause or as an attempt to enlist the sympathy and possible influence of the monarch on behalf of the demonstrators. Perhaps both of these purposes were involved when a large group of farmers demonstrated before King Christian of Denmark appealing for agrarian legislation during the Depression,⁸⁹ but the tactics employed may sometimes not be adapted to achievement of the second

⁸⁸New York Times, May 17, 1918.

⁸⁹John T. Bernhard, "Empirical Collectivism in Denmark," XIII J. of Politics (1951), p. 626.

purpose, as when George V of England was denounced by suffragettes during a demonstration one night at the theater as "You Russian Czar!"⁹⁰ The ability of modern monarchs to command public support appears to have been such that opponents--except when they can use the argument that the institution is an unnecessary burden on the taxpayer--have been forced to concentrate their criticisms on the institution of monarchy rather than on the monarch. Petréⁿ notes that "the republican propaganda that is presently being conducted in Sweden does not attack the monarch who reigns personally; it concentrates its arguments by preference on the level of principles. One considers that transmission of the high authority by heredity constitutes an anomaly in a democracy."⁹¹ This "preference," however, may not be unrelated to the fact that behavior of the monarchs has left their opponents few other recourses than to appeal to principles. This is just one indication of the change that has occurred in the monarchical institution with the advent of constitutional democracy. Kings could once afford to be haughty, distant, and disdainful for the idea of catering to public opinion, "whereas your modern king makes it his business to be agreeable."⁹²

⁹⁰New York Times, May 23, 1914.

⁹¹"L'instauration de la république figure d'ailleurs depuis longtemps au programme du parti social-démocrate suédois qui est encore au gouvernement, bien que la question n'ait jamais véritablement pris d'actualité." Petréⁿ, p. 725.

⁹²New York Times, August 4, 1918.

If recent monarchs have been so agreeable that their opponents have been forced to base their stand on principles, it may be that the opponents have thereby been placed at a disadvantage. A member of the Dutch royal bodyguard once reportedly said of Queen Wilhelmina that "When our Queen dies there will never be another. The people maintain her because most of them love her. But they are weary of being taxed for the support of royal relatives. They will never submit to it again."⁹³ The statement sounded plausible; it is notable that Communists, and in their more doctrinaire days the Socialists, have taken their strongest stand for establishment of republics at the moment succession to the throne is taking place.⁹⁴ But it may well be that a monarchy is least likely to be replaced by a republic at the time a new monarch takes his place on the throne. If the heir has been known to the public for years, and they have some idea of him as a person, it might be regarded as adding insult to injury to take away his political rights at the very moment of his family bereavement. Perhaps rather than predicting that monarchy will last forever or that the present monarch will be the last, it is safer in estimating the future of monarchy to follow the example of Rustow, who says that "The future of monarchy in Sweden seems assured--at least as long as the present royal house has eligible

⁹³New York Times, February 25, 1923.

⁹⁴Scott, p. 34; New York Times, February 19, 1934.

heirs."⁹⁵ The matter of electing a new dynasty in the event of depletion of the old one is entirely different, since preservation of the institution would then require attachment by the population to the principle of monarchy rather than to the particular personalities of a royal family.

The popular image of monarchy has had, as we have seen, its impact on the monarchical institution, just as the institution has helped to create the popular image of itself. Monarchs must be given credit not only for securing a favorable public image in their own countries--which may not be too surprising--but also for gaining considerable popularity in the United States, a country in which "monarchy" used to evoke unpleasant images of George III. Thus it is now possible for a widely-read American author to explain "Why I am a monarchist" and still remain a widely-read author.⁹⁶ The explanation, however, of this change in American sentiment may not rest entirely with the monarchs themselves, but may also be connected with the way Americans are taught to regard monarchy, the subject to which we now turn our attention.

3. The Monarch in the American Textbook. The image of monarchy found in political science textbooks--the main source

⁹⁵Dankwart A. Rustow, The Politics of Compromise (Princeton, 1955), p. 237.

⁹⁶Harry Golden, "Why I am a Monarchist," in For 2¢ Plain (New York, 1959), pp. 204-206.

of structured knowledge about European governments for casual American students--bears a closer resemblance to that found in European legal thought than to the popular image of monarchy. Textbooks, of course, not only are commentaries on political behavior and institutions but are themselves parts of political behavior--a pronounced commitment to democratic values in many textbooks indicates that even at the college level of education it may be difficult to distinguish the study of political science from civic indoctrination. But the ideas about monarchy expressed by American political science textbooks are of interest here not only because they are themselves parts of political behavior, but also because they can be more detached from the subject matter and thereby perhaps attain greater sophistication than European legal analyses, to say nothing of popular thought.

American political science textbooks emphasize that monarchs have no power. Since the texts usually do not discuss the constitutional monarchies of the continent, their remarks are mainly (but not exclusively) found in analyses of the British government. A list of the "powers" of the monarch is sometimes presented, but the textbooks are careful then to note that this is only a "wraith-like legal formalism devoid of substance. . . . The members of the cabinet are His Majesty's ministers who tender him advice. . . . The king must assent to bills before they become law, but the last refusal [in England] was in 1707. The king is

the head of the state, but it is an office devoid of power."⁹⁷

Other authors seem to voice the same sentiments, changing only the words. In Peel and Roucek it is stated that "The King of England is theoretically the ruler of his country; only in actual practice he is little more than a figurehead."⁹⁸ According to Ogg, "On the social and ceremonial side, the king is fully as important as the casual observer might take him to be; indeed, one has to know England rather well to appreciate how great his influence is in at least the upper levels of society. Of direct and positive control over public affairs . . . he has, however, virtually none."⁹⁹ In Carter, Herz and Ranney it is maintained that "Even the veto power of the titular executive has apparently lapsed through non-use, and the King will accept any measure passed by . . . Parliament." Thus, "the monarch, in any political conflict, must submit."¹⁰⁰ Neumann finds that "In abstract theory the powers of the monarch are truly formidable. . . . But of course that is pure theory and has no relation whatsoever to fact. . . . [T]he monarch cannot fail to abide by the 'advice' of his Prime Minister. This is the very cornerstone of the constitution."¹⁰¹

⁹⁷J. A. Corry, Elements of Democratic Government (New York, 1951), p. 137.

⁹⁸Roy V. Peel and J. S. Roucek (Eds.), Introduction to Politics (New York, 1941), p. 11.

⁹⁹Ogg, p. 105.

¹⁰⁰G. M. Carter, J. H. Herz, and J. C. Ranney, Major European Powers (New York, 1957), p. 31.

¹⁰¹Robert G. Neumann, European and Comparative Government (New York, 1960), p. 34.

Ogg and Zink, in one of the rare comments on the governments of Norway and Sweden to be found in American texts, suggest that "As a practical matter, the position of the king in both countries has become almost purely formal. . . . [T]he ministers exercise the actual authority as representatives of the people, while the king contents himself with being only the formal head of state."¹⁰² And Morstein Marx says that "In Denmark, the King has not exercised his power of veto since 1865. It may be said that the Scandinavian Kings have little more power over legislation than has the King of England."¹⁰³

After making the point that the monarch is not really the powerful figure he might be thought to be, some authors go on to qualify their position slightly. Beer and Ulam note that "The appointment of the Prime Minister is one of the few remaining functions of the sovereign that are of any importance. . . ."¹⁰⁴ Corry points out that the power to choose the new Prime Minister "may assume critical importance if three or more political parties become a permanent feature."¹⁰⁵ According to Carter, Herz and Ranney, "The monarch is not totally devoid of power, but royal powers tend to be informal, contingent, and often highly

¹⁰²F. A. Ogg and Harold Zink, Modern Foreign Governments (New York, 1953), p. 771.

¹⁰³Fritz Morstein Marx, Foreign Governments: The Dynamics of Politics Abroad (New York, 1949), p. 292.

¹⁰⁴Samuel H. Beer and Adam B. Ulam (Eds.), Patterns of Government (New York, 1958), p. 77.

¹⁰⁵Corry, p. 138.

speculative."¹⁰⁶ Other authors list extensive powers held by the monarch, but make a distinction between "powers" and "personal powers": "We must not confound the truth that the king's personal will has come to count for less and less with the falsehood . . . that his legal powers have been diminished. On the contrary, of late years they have enormously increased."¹⁰⁷ Rienow writes that "The King, feted and revered, is subordinated politically. What power is left to him, as Walter Bagehot stated long ago, is the power to be consulted, to encourage, and to warn."¹⁰⁸ This last, however, is not only a rather inaccurate rendition of Bagehot, but would prevent one from making any distinction between power and influence.

Authors who discuss the possibility of real exercise of power by a monarch do so cautiously. The potential power of the monarch to appoint the Prime Minister is well qualified with statements that "this power too is so limited by convention as to be almost an empty formality."¹⁰⁹ It is also urged that "With the establishment of strong parties solidly organized under recognized leaders, the range of the King's discretion in picking the Prime Minister almost disappeared."¹¹⁰ Some authors note that the

¹⁰⁶ Carter, Herz and Ranney, p. 124.

¹⁰⁷ F. W. Maitland quoted in Ogg and Zink, p. 51.

¹⁰⁸ Robert Rienow, Introduction to Government (New York, 1964), p. 62.

¹⁰⁹ Beer and Ulam, p. 77.

¹¹⁰ Morstein Marx, p. 40.

monarch has certain residual or potential powers to act independently in emergencies, but warn that employment of these powers might endanger the unique benefits of monarchy--neutrality, popularity--in return for dubious advantages. Corry, speaking of the idea that the monarch may intervene to protect the constitution, maintains that "royal intervention has far greater dangers for the constitution than those it is intended to meet."¹¹¹

Discussing the possibility that under "exceptional circumstances" the English monarch might personally choose the prime minister, refuse a dissolution of the House of Commons, or refuse to appoint new members to the House of Lords on the advice of the cabinet, Carter, Herz and Ranney write that "What is clear is that if ever such powers are exercised, the occasion is likely to be a serious emergency; for it is only at such a time that a King would risk making the royal power itself an issue."¹¹² In ordinary matters, then, the textbook authors seem to agree on the existence and desirability of parliamentary supremacy, even though they might not all go so far as to maintain that "Parliament could, quite legally, extend its own term of office forever, depose the King (who would have to sign the warrant), turn England into a republic, make Buddhism the established religion, or restrict the right to vote to women of seventy and over."¹¹³

¹¹¹ Corry, p. 139.

¹¹² Carter, Herz and Ranney, p. 128.

¹¹³ Ibid., p. 31.

If the textbooks are inclined to deny emphatically that monarchs have any personal power, they seem to be almost equally disposed to say that monarchs may have a great deal of influence on government policies. The texts, however, mention the possibility and even probability that the monarch is influential more frequently than they explain how a monarch might go about exerting influence or why he is able to do so. Ogg notes that "It would be erroneous, however, to conclude that kingship in England is moribund and meaningless, or that the king has no actual influence in the government."¹¹⁴ Neumann, who does not hesitate to say of the supposed power of monarchs that it "is pure theory and has no relation whatsoever to fact," later states that this "does not mean that they are without influence."¹¹⁵ Speaking of the English monarch, he puts matters more positively: "Actually, as we have seen, he has virtually no power at all. But he has a surprising amount of influence."¹¹⁶ In Ogg and Zink, statements about the lack of power of the Scandinavian monarchs are likewise qualified: "It should not be assumed, however, that the kings of Norway and Sweden are disparaged by their peoples. Both occupy positions of great prestige, and indeed may exert important influence."¹¹⁷

The main reason monarchs are able to influence government

¹¹⁴Ogg, p. 106.

¹¹⁵Neumann, pp. 32-33.

¹¹⁶Ibid., p. 35.

¹¹⁷Ogg and Zink, p. 771.

policies, according to the textbooks, is that they have the right to give advice to their ministers. "Merely because the ancient relation has been reversed, so that now it is the king who advises and the ministry that arrives at decisions, it does not follow that the advisory function is no longer important."¹¹⁸ There does not, however, seem to be complete agreement from one textbook to the next as to just why the monarch, merely by giving advice to the ministers, may be influential. In Carter, Herz and Ranney it is thought that "What influence the king has, in short, depends upon personality rather than upon formal power."¹¹⁹ A more general view, however, follows (probably not entirely coincidentally) the analysis of Bagehot, which is based on the idea that monarchs accumulate useful knowledge.¹²⁰ According to Macridis and Ward, "In constant touch with what is happening, she becomes increasingly well informed as her reign lengthens. This may well make her influential; but this influence is advisory only. If her Cabinet insists, she must give way."¹²¹ In Morstein Marx, it is stated that "By training and long experience, moreover, the King is assumed to become a useful advisor to his own ministers. His

¹¹⁸Ogg, p. 108.

¹¹⁹Carter, Herz and Ranney, p. 126.

¹²⁰Walter Bagehot, The English Constitution (London, 1888), p. 76: "In the course of a long reign a sagacious king would acquire an experience with which few ministers could contend."

¹²¹Roy C. Macridis and Robert E. Ward (Eds.), Modern Political Systems: Europe (Englewood Cliffs, 1963), p. 99.

term of office is normally so much longer than theirs that he tends to become not only a symbol of continuity, but also perhaps a repository of valuable knowledge and of experienced common sense."¹²² And Corry finds that: "Governments change and ministers come and go. A king who has had many years on the throne has the opportunity for a wide grasp of public affairs. If to ability he joins study and effort, his position obviously enables him to wield great influence."¹²³

There is a striking contrast between the reluctance of textbooks to recognize any situation in which a monarch could legitimately exercise power and their readiness--indeed almost eagerness--to find the monarch a person of influence. The impression is gained that the authors feel that monarchs who actually exercise power would not be compatible with constitutional democracy, but that constitutional democracy is not incompatible with a monarch who is influential. At any rate it might prove difficult for authors deeply committed to democratic values to deny the monarch the right--demanded for everyone else--to try to influence the government.

Although American political science textbooks emphasize the influence of monarchs and deny that they exercise power, the authors by no means maintain that the monarch's influence is his

¹²²Morstein Marx, p. 84.

¹²³Corry, p. 138.

most important political quality. On the contrary, the authors appear to feel that the monarchical institution gains its main significance from fulfillment of various functions other than those involving power or influence.

One function which the texts frequently suggest is served by the monarch is that of being a political symbol. Macridis and Ward cite the utility of the constitutional monarch as a living symbol.¹²⁴ Morstein Marx refers to the constitutional monarch both as a "symbol of unity" and as a "symbol of continuity."¹²⁵ Rienow states that "The King (or Queen) has no real and decisive power. He cannot make a single political pronouncement without the approval and countersignature of his advisors in the Cabinet. His job is to personify the state. . . ." He adds: "An outsider not brought up to respect royalty cannot easily appreciate the King's role. But there is no doubt that the unity of the United Kingdom, to say nothing of that of the Empire and the Commonwealth, is promoted by dressing the concept of oneness in royal robes."¹²⁶ Ogg and Zink point to the English monarch as a symbol of imperial unity.¹²⁷ Corry maintains that "The effectiveness of the king as a symbol of unity, as long as the exigencies of his office do not require him to take sides, is not open to question. Steady

¹²⁴Macridis and Ward, p. 100.

¹²⁵Morstein Marx, pp. 58, 84.

¹²⁶Rienow, pp. 62, 64.

¹²⁷Ogg and Zink, p. 63.

allegiance to Country, Nation, Community is difficult to obtain because most people are not greatly moved by abstractions. The living figure brings the argument for subordinating our desires to the good of the whole down to the level of common experience. The king can call men to arms more effectively than can the Country or the Nation."¹²⁸ Likewise, Beer and Ulam note that "Constitutional government and party government are hard things to be conceived clearly by ordinary minds; they are too legally abstract and too complex in practice to be fully intelligible to anyone but professionals, if indeed they are fully intelligible even to them. Hence, the popular mind affixes loyalty to symbols (the flag, the constitution), and the most effective of all such symbols are real-life persons who can be cheered, speculated upon, gossiped about and idolized."¹²⁹ According to Adrian and Press, a "king does not have absolute power, and he may have virtually no power at all. He may simply be the living symbol of the state."¹³⁰ And Peel and Roucek write that "In England the king has largely lost all political powers and stands chiefly as a symbol or a sort of rallying point for the Empire."¹³¹

One aspect of the monarch as a symbol which has received

¹²⁸ Corry, p. 140.

¹²⁹ Beer and Ulam, p. 92.

¹³⁰ Charles Adrian and Charles Press, The American Political System (New York, 1965), p. 110.

¹³¹ Peel and Roucek, p. 202.

special emphasis has been connected with the long tradition of monarchical government and the frequent longevity of monarchs as individuals. As stated by Macridis and Ward, the monarch "is also the embodiment of the permanency of the state, outside and above the strife of parties and of social and political change."¹³²

Rienow writes that "The monarch, besides stabilizing society by his exemplary conduct, gives a continuity to the affairs of state."¹³³

Beer and Ulam believe that the monarchy is certainly among the institutions which "obscure the radical changes that have . . . occurred in British government. . . ."¹³⁴

As Ogg notes, the monarchy, "in an age of lightning change . . . lends a comfortable, even if merely psychological, sense of anchorage and stability; 'with the king in Buckingham Palace, people sleep the more quietly in their beds.'"¹³⁵ Carter, Herz and Ranney cite the security that may be felt by people with authority, as personified by a monarch, constantly in the public eye.¹³⁶

Macridis and Ward maintain that "The royal presence makes abrupt changes, in both domestic and foreign affairs more tolerable.

When the first Labour government took office in 1924, the fears of the wealthy were allayed by the fact that the King had seen fit

¹³²Macridis and Ward, p. 100.

¹³³Rienow, p. 480.

¹³⁴Beer and Ulam, p. 91.

¹³⁵Ogg, pp. 111-112.

¹³⁶Carter, Herz and Ranney, p. 125.

(as constitutionally he was bound to do, of course) to send for the Labour Party's Leader to be his Prime Minister. The loosened ties of the Commonwealth, indeed the very dissolution of the Empire, are made to appear less revolutionary because the Queen still presides over it."¹³⁷ And Neumann would seem to be in complete agreement on this matter: "In a world of many and frightening changes, in which the quest for security becomes ever more desperate, the British monarchy breathes stability and continuity. The Englishman, bewildered and upset over so many difficulties, confronted by the far-reaching changes which the Empire has undergone, finds a contemplation of the ancient pageantry of monarchy most reassuring. Despite the changes which he has had to endure there is, then, after all, one seemingly permanent institution which, despite or perhaps because of the loss of many prerogatives, has stood the test of time. To most Britishers, the monarchy is a symbol of the enduring qualities of their race and living proof that, whatever the future may bring, it will not break too radically with the tried and proven concepts of the past."¹³⁸

The textbooks do not limit monarchs to performance of symbolic functions. According to Beer and Ulam, the monarchy in England is just one of several "ceremonial institutions . . . the chief purpose of which is just to be formal and dignified and to

¹³⁷Macridis and Ward, p. 100.

¹³⁸Neumann, p. 31.

edify the eyes and heart." They note further that "What is significant about the ceremonial institutions, therefore, is first and foremost that they expressively symbolize the predemocratic conceptions of authority and thus keep them vividly alive in the popular mind."¹³⁹ Odegard and Baerwald urge that "Monarchy . . . as a form of government, has become virtually extinct, and where it does survive, it serves mainly to provide a ceremonial setting for governments which are essentially democratic."¹⁴⁰ Ogg and Zink note that, for the Scandinavian monarchs, "Social and ceremonial duties remain heavy."¹⁴¹ Carter, Herz and Ranney argue that monarchy remains a popular institution because, "For one thing, it answers a need for color and drama, for great spectacles and pageants, which too often is left unsatisfied in modern society. Especially in an age when life for large number of people is drab, monotonous, and uneventful, the need for diversion and for some emotional outlet is a serious one and one which, incidentally, explains some of the appeal of the uniforms and parades of fascist movements."¹⁴²

Other functions of the monarch are not as widely discussed in the textbooks, but are described in one or more books. Carter,

¹³⁹Beer and Ulam, pp. 90-91.

¹⁴⁰P. H. Odegard and H. H. Baerwald, The American Republic (New York, 1964), p. 18.

¹⁴¹Ogg and Zink, p. 771.

¹⁴²Carter, Herz and Ranney, p. 125.

Herz and Ranney write that "one of the classic methods of calling attention to some worthy cause, whether it be the restoration of the cathedral of Canterbury or, in time of war, the conservation of bath water, is to have the royal family engage in some symbolic gesture which will publicize the need."¹⁴³ In this way, the monarch can be a very useful tool for the ministers. Morstein Marx states that the monarch is useful for the political party which is out of power, since it allows the opposition to maintain steadfast loyalty to the monarch--as the symbol of the state--while opposing the ministers who make up the government of the moment: "'His Majesty's opposition' is a phrase that came into use around 1820 [in England]. In earlier days, opposition to the government had been regarded as disloyal."¹⁴⁴ Furthermore, it is suggested that existence of a monarch may help to preserve the public conditions necessary for the operation of a democratic--two party or multiparty--political system: "British writers often praise another aspect of the King's position. Ever since the rise of Fascist governments and the general fear that democracy might not be able to compete with various leader-worshiping cults, many people have noted the highly effective, if unintentional, way in which the institution of monarchy has diverted potentially dangerous inclinations into relatively harmless channels. In the King or Queen people have a leader who is far more colorful and

¹⁴³Ibid., p. 124.

¹⁴⁴Morstein Marx, p. 49.

the center of far more ceremonial than Adolf Hitler at his best. As a person and through the royal family, the King is the incarnation of national history. Thus the King excites a respect which cannot be commanded by ordinary human beings. Few people are likely to turn to a Fuhrer while the King affords so exceptional an outlet for the irrational feelings which occasionally menace democracy. Yet--and this is supposedly the beauty of the system--the King is politically almost powerless. The people may give adoration to their heart's content in almost perfect safety. Their trust cannot be abused because the King lacks the power to abuse it."¹⁴⁵

The generally favorable image of constitutional monarchy presented by political science textbooks may help to explain the apparent decrease in hostility towards monarchy which has taken place in the United States. But the favorable treatment accorded monarchy is a highly conditional one, and the books also incorporate actual threats against monarchs or the monarchical institution--threats which are sometimes explicit, sometimes implicit in the argument. According to Corry, "in trying to guard the constitution [through political activism], the king may wreck it. If he is to retain his throne in a system of parliamentary government he must, at all costs, retain his neutrality."¹⁴⁶

¹⁴⁵Carter, Herz and Ranney, pp. 128-129.

¹⁴⁶Corry, p. 139.

Peel and Roucek state that "The king of England is theoretically the ruler of his country; only, in actual practice he is little more than a figurehead. We also can recall what happens when he wants to be more than that. Let us just remember the fate of Edward VIII. . . ." ¹⁴⁷ Morstein Marx declares that "If an inheritor of the royal title does not earn this kind of respect from his ministers; if he does not respect their position as the responsible spokesmen of the parliamentary majority and therefore of the people; if he shows signs of not understanding the limitations attaching to hereditary office in a crowned republic . . ." then he will be forced to abdicate. ¹⁴⁸ Neumann simply remarks that "An active king, as we have pointed out elsewhere, is a king who is headed for trouble." ¹⁴⁹ Carter, Herz and Ranney urge, in their discussion of the place of the English monarch, that "In short, the price of the King's popularity and position in Great Britain is his abstention from politics." ¹⁵⁰ By implication, participation in politics would destroy popularity, and loss of popularity would cause the king to lose his position. Ogg puts the matter more delicately, when he points out that the British Labor party, as far back as 1923, voted down an attempt on the part of some of its members to have it endorse a republican

¹⁴⁷ Peel and Roucek, p. 11. Emphasis added.

¹⁴⁸ Morstein Marx, p. 84.

¹⁴⁹ Neumann, p. 707.

¹⁵⁰ Carter, Herz and Ranney, p. 126.

platform: "Most Labor men, equally with Conservatives and Liberals, consider that as long as the sovereign remains content with the sort of position that he occupies today, the country will, and should, continue, as now, a 'crowned republic.'"¹⁵¹

As long as the monarch behaves himself, but not one moment longer, one seems to be saying, he can depend on keeping his job. Communists, of course, singularize themselves by being an exception to this outlook through their opposition to the institution of monarchy regardless of the behavior of the king, as we will see in the concluding section of this chapter.¹⁵²

¹⁵¹Ogg, pp. 115-116.

¹⁵²In an analysis of textbooks, mention might be made of one additional "function" of constitutional monarchy, and this is its use as an explanatory device in discussions of the role of the President of the United States as chief of state. Textbooks can be classified roughly into three general patterns in their treatment of the president's role as chief of state. Books of the first pattern--such as Charles Beard [American Government and Politics (New York, 1939)] and J. H. Ferguson and D. E. McHenry [The American Federal Government (New York, 1963)]--do not discuss the idea of the president as chief of state at all. A second possible pattern--discussion of this role of the president without using the analogy of constitutional monarchy--does not seem to have great appeal; indeed, only one example of this possibility was found in the textbooks examined [J. C. Livingston and R. G. Thompson, The Consent of the Governed (New York, 1963), at p. 302]. The prevailing pattern--a third one--seems to include a discussion of the place of the president as chief of state in which his duties and functions are compared with those of constitutional monarchs. Swisher [The Theory and Practice of American Government (New York, 1951), at p. 336] notes that "As a national leader the President personalizes the nation. He stands as a symbol of our national unity. . . . Even if his individual qualities suggest mediocrity rather than greatness, his position as President creates an aura of greatness around him. In this respect the office has a residue of sentiment carried over from monarchy. . . ." According to Johnson et al [American National Government (New York, 1964), at p. 419], "The President is the ceremonial head of the

4. The Monarch in Other Political Thought. Although political theorists before the nineteenth century--and to a certain extent even in the nineteenth century--were vitally concerned with monarchs and monarchy, serious attention to the monarchical institution in the twentieth century has not been very common. Undoubtedly a prime reason for this has been the rather large scale conversion of monarchies into republics which has taken place. At the turn of the century there were only three significant countries outside of the Americas which were not monarchies: France, Switzerland, and Liberia.¹⁵³ The two world wars and the cold war managed to combine a decrease in the number

government, the symbol of the state. . . . The President is, in a sense, the Republic's monarch, serving the people, as does the British monarch, as 'the personal embodiment and representative of their dignity and majesty.'" The president is thus "the symbol of the state, the people's 'king' for a term." Burns and Peltason [Government by the People (Englewood Cliffs, 1963), at pp. 438-439] explain that "Even the Founding Fathers could hardly have foreseen the extent to which the President would become the ceremonial head of the nation. No doubt they expected him to receive ambassadors in the manner of a king, and to issue proclamations on matters of national, nonpartisan concern. But today his ritualistic role surpasses all this." Adrian and Press [The American Political System (New York, 1965), at p. 476] indicate that "The President is the equivalent of a king--the father image for his countrymen. He is the ceremonial head of the nation, who proclaims its national holidays, receives its distinguished guests, grants special recognition to its heroes, and inspects its achievements. In this role he formally represents the whole nation and is therefore above politics." And in Redford et al [Politics and Government in the United States (New York, 1965), at p. 293], we find that "a nation requires symbols of its unity, its power, and its virtues. If it lacks a royal family, it will create one. The President, the First Lady, and their children are our royal family pro tempore."

¹⁵³Hooykaas, p. 86.

of reigning monarchs with a vast increase in the number of independent nations, and to bring into greater prominence in world affairs the American nations which had been--with the exception of Brazil--under republican forms of government since early in the nineteenth century. Another reason for the general loss of interest in monarchy in recent political thought may well be the great decrease which has occurred in the monarch's power and which has very largely removed the existence of monarchy from the list of hotly disputed political issues in the monarchies themselves. Still a further explanation for the lack of interest in monarchy in recent political thought may lie in the influence of Marxist and sociological approaches to social analysis, the cumulative impact of which seems among other things to be an emphasis on the importance of large masses of people rather than of individuals. Theorists operating under such influences might naturally tend to believe monarchs--by definition individuals--unimportant.

There have, however, been occasional serious efforts to deal with constitutional monarchy in a theoretical manner outside of legal or text books in the twentieth century. The attitude towards the monarchical institution has varied in these treatments from outright hostility in the Communist analysis to complete sympathy in one article which maintains not only that restoration of the French, German, Austrian, Portuguese, and Italian monarchies would be desirable, but that serious consideration should be given

to setting up a monarch to preside over any future political union of western Europe.¹⁵⁴ Equally divergent views are to be found regarding the extent to which a constitutional monarch may be able to make an impact on political decisions. Herbert Tingsten, on the one extreme, states that "Institutions which once were irritating have become harmless; this is true both of the Monarchy and the church."¹⁵⁵ On the other hand George Bernard Shaw felt that "In conflicts between monarchs and popularly elected ministers the monarchs win every time when personal ability and good sense are at all equally divided."¹⁵⁶

Including the two extremes, five main types of outlook can be found in recent political thought concerning constitutional monarchy. As already noted, at one end of the spectrum are those who advocate abolition of the monarchical institution without regard to the behavior of particular monarchs. In a second category one finds authors who are suspicious of monarchy and feel it is inappropriate in a democracy, but who favor its abolition only if the behavior of the incumbent does not meet certain standards. A third school appears to feel that the distinction between a monarchy and a republic warrants total indifference on the grounds that it is no longer a useful one.

¹⁵⁴Ibid., p. 106.

¹⁵⁵Herbert Tingsten, "Stability and Vitality in Swedish Democracy," 26 Political Quarterly (1955), p. 146.

¹⁵⁶Bernard Shaw, The Apple Cart (Baltimore, 1956), p. 9. The quotation is from the Preface to the play.

Authors in a fourth position are inclined to believe that a constitutional monarchy has advantages not enjoyed by republics, but do not feel that the advantages are great enough to justify efforts to convert existing republics into monarchies. Finally, there are those who find monarchy so advantageous that they even advocate restorations of the institution where it has been overthrown.¹⁵⁷

Among those least favorably inclined toward monarchy have been socialists, earlier in the present century, and the Communists. In their earlier and more doctrinaire period the socialists frequently would not accept invitations to royal functions and regarded constitutional monarchs, if not as their class enemies, then at least as tools of their enemies. Thus at the time of the accession of King Albert to the Belgian throne in 1909, the local socialists issued a strong statement demanding establishment of a republic: "Albert I will govern like his uncle [Leopold II] with the support of the banks, the big industries, and commercial houses. He will not be able to govern without

¹⁵⁷The last viewpoint would have been practically indistinguishable from the next to last until fairly recently, since there were so few republics in existence before the outbreak of World War I. Thus it is not possible to decide precisely how to classify a writer such as H. A. L. Fisher, who wrote in 1911 that "Before 1848, there was some reason for thinking that the institution of monarchy was incompatible with constitutional and economic progress. . . . [B]ut the accepted formula of political progress [now] seems . . . to be constitutional monarchy rather than republicanism." The Republican Tradition in Europe (New York, 1911), pp. 325, 337.

them, and if he wished to separate himself from them, he would be broken--he will necessarily be the tool of those who enrich themselves through the work of the laborers by oppressing them.

Between Socialism and Monarchy there is no possible reconciliation. . . ." ¹⁵⁸ It was symptomatic of the changed position of socialists on this matter that only a quarter of a century later, when Albert was succeeded by Leopold III in 1934, the statement calling for a republic was issued, not by socialists, but by Communists. ¹⁵⁹

Although more than a quarter of a century has elapsed since 1934, the Communists have not yet followed the socialist example, and consequently they remain extremely hostile to the monarchical institution. The description of constitutional monarchy in the Large Soviet Encyclopedia is presumably the official party line on the matter: "Constitutional monarchy is a form of government in the exploitative states. . . . Constitutional monarchy is usually a product of a compromise between the nobility and the bourgeoisie, as a result of which, united with the nobility, 'monarchy in preserving its police and military powers must protect the right of the capitalists to rob the workers and peasants' (Lenin). . . . We see that constitutional monarchy

¹⁵⁸Scott, p. 34.

¹⁵⁹The New York Times for February 19, 1934 reports that the Belgian Communist party "issued a manifesto today, addressed to all Communist cells, calling upon workers of Belgium to refuse to recognize the accession to the throne of the new King . . . and to demand the establishment of a republic."

proves to be parliamentary monarchy, in which the bourgeoisie, setting up its monopoly of power in a country, introduces the formal responsibility of the ministers before parliament and gives power to the parliament and cabinet (actually to the latter), leaving the monarch personally the functions of nominal head of state."¹⁶⁰ Even the belief that the monarch no longer wields power, however, does not reduce the Communist hostility to monarchy: "The monarchical form in these conditions facilitates defense of the bourgeois dictatorship against the revolutionary pressures of the proletariat . . . and maintenance of the military-bureaucratic and police machines for crushing the working masses."¹⁶¹

A second discernible category of recent political thought has included those who are willing to tolerate an existing monarchy as long as it keeps out of politics but who do not feel particularly comfortable with the resulting state of affairs. George Bernard Shaw has suggested that such people may feel uneasy about constitutional monarchy because they think monarchy is inevitably in conflict with democracy and they "still regard democracy as the under dog in the conflict."¹⁶² Modern socialists appear to have

¹⁶⁰ Bol'shaia Sovetskaia Entsiklopediia (Moscow, 1950), XXII, pp. 424-425.

¹⁶¹ Ibid., XXVIII, p. 185.

¹⁶² He adds: "But to me it is the king who is doomed to be tragically in that position in the future." Shaw, p. 10.

moved into this category of thought in the years following World War I, putting aside their previous doctrinaire hostility to even the most constitutional of monarchs in favor of a political pragmatism, but perhaps losing thereby some of their original ideological purity.¹⁶³

One member of this second school of thought is a British author, Percy Black. Black believes that the "infantile crutch of a monarch" as a means of facilitating understanding of government or of stimulating enthusiastic support for it is unnecessary.¹⁶⁴ According to Black, existence of the monarchical institution in modern democracies can only be explained by an analogy to the concept of inertia in physics: "The monarchy lives because people are used to it."¹⁶⁵ And he believes that someday people will wake up and see the monarchical institution as a ridiculous one: "On the day when reason zealously enters the minds of men, the monarchy as a primitive social institution will crumble. A violent revolution will not be necessary, nor will even a minor revolution. By itself, monarchy will simply fade away. And reason raised to its rightful place in the unending evolutionary pageant will be a more lofty diadem than men ever dreamed. For then each of us will be a self-reliant sovereign. . . ." ¹⁶⁶

¹⁶³Petrén, p. 725; Fusilier (1960), p. 45.

¹⁶⁴Percy Black, The Mystique of Modern Monarchy (London, 1953), p. 73.

¹⁶⁵Ibid., p. 17.

¹⁶⁶Ibid., p. 68.

A somewhat more persuasive critic of the monarchical institution in constitutional democracy has been Kingsley Martin, who believes that a monarch can be a very dangerous thing. Even in expressing the opinion that the monarch as an individual has little power to cause trouble, Martin manages to criticize the institution: "King Edward [VIII]'s dislike of humbug was one of his most attractive characteristics. But it was an awkward characteristic for a King, for there is a large ingredient of humbug in most ceremonies, and kingship is predominantly a ceremonial institution."¹⁶⁷ But although he finds that modern monarchs are mainly concerned with ceremony, Martin does not agree with most commentators that the monarch is totally powerless: "That he cannot always be a rubber stamp is at once the advantage and the danger of a monarchical system. It may be an argument for a republic. . . ."¹⁶⁸ Martin is therefore in favor of retaining monarchy only if the public can be sophisticated enough to remember that the monarch is only allowed to be a symbol: "If we realize that Monarchy is a symbol, the king may serve our turn

¹⁶⁷ Martin (1937), p. 23.

¹⁶⁸ Ibid., p. 73. In this Martin would seem to find agreement in Shaw: "Our Liberal democrats believe in a figment called a constitutional monarch, a sort of Punch puppet who cannot move until his Prime Minister's fingers are in his sleeves. They believe in another figment called a responsible minister, who moves only when similarly actuated by the million fingers of the electorate. But the most superficial inspection of any two such figures shews that they are not puppets but living men, and that the supposed control . . . amounts to no more than a not very deterrent fear of uncertain and under ordinary circumstances quite remote consequences." Shaw, p. 8.

with less inconvenience than a president. But the danger of monarchy lies in its magic. . . . If the British want democracy to work, they must be sensible. If they cannot be sensible about monarchy they had better have a republic and try to be sensible about a president."¹⁶⁹ Martin's argument that if people are unreasonable, a monarchy is more dangerous than a republic, is thus in sharp contrast with the view cited earlier that "few people are likely to turn to a Fuhrer while the King affords so exceptional an outlet for the irrational feelings which occasionally menace democracy."¹⁷⁰ But Martin does not appear inclined to give monarchs the benefit of any doubt, perhaps because he believes that "Monarchy, even at its most constitutional, is always liable to be a handicap to progressive forces," and that "there are always influences around the King urging him discretely to fight on the side of Conservatism."¹⁷¹

Although the third prevailing school of thought about monarchy--that of indifference to the distinction between monarchy and republic--probably has a good many adherents, it is not well represented in recent political literature. Perhaps, however, it is only natural that authors should not discuss matters which they feel have no significance. References to this viewpoint are

¹⁶⁹Martin (1937), pp. 122, 125.

¹⁷⁰Carter, Herz and Ranney, p. 129.

¹⁷¹Martin (1937), p. 68.

occasionally to be found, however. One author contents himself with maintaining that in a democracy a monarchy is an "anomaly," with the implication that there is little to be said either for it or against it.¹⁷² Another author states that "one traditional classification of political systems, that of monarchies and republics, has outlived its [sic] usefulness."¹⁷³ And still another writer notes the existence of a considerable number of observers who find no important differences between the monarchical and the republican forms of government, but then proceeds to disagree strongly with this outlook.¹⁷⁴ These explicit statements seem to be exceptions to the general rule, however, and existence of this indifference must largely be inferred from the widespread lack of discussion of the comparative merits of monarchies and republics in the recent literature.

A somewhat warmer view of monarchy is found in a fourth school of political thought, whose members appear to believe the monarchical institution makes substantial contributions to good government where it is already in existence; they would thus not favor abolition of monarchies, but they also would not necessarily advocate establishment of monarchies in countries which are presently republics and would probably regard proposals to this

¹⁷²Petrén, p. 725.

¹⁷³Douglas Verney, The Analysis of Political Systems (Glencoe, 1959), p. 86.

¹⁷⁴Hooykaas, p. 89.

end with considerable suspicion. Some authors believe a constitutional monarch is worthwhile because his existence encourages his subjects to view government as something which is personally significant. Even Percy Black, who does not believe that a reasonable society could retain such an institution as a constitutional monarch, believes that the monarch "is known and referred to by his given name. Unlike everyone else, he does not use a surname. He is thus a friend, a brother, to all."¹⁷⁵ Both for subject and for officials of the government, the monarch may be a humanizing influence. Friedrich indicates that smaller countries may be more hospitable to constitutional monarchy than large ones: "In Belgium, Holland, Sweden, Norway and Denmark . . . the royal head of the government still exerts a marked influence in the selection of the candidates, and his moderating tendency is often apparent. It is obvious that the very smallness of these countries allows for an intimacy between court and parliament which would be hard to maintain in larger countries."¹⁷⁶ Niebuhr argues that "Moral attitudes always develop most sensitively in person-to-person relationships. That is one reason why more inclusive loyalties, naturally more abstract than immediate ones, lose some of their power over the human heart; and why a shrewd society attempts to restore that power by making a person the symbol of that power. The exploitation of the symbolic

¹⁷⁵Black, p. 30.

¹⁷⁶Carl J. Friedrich, Constitutional Government and Democracy (Boston, 1941), p. 292.

significance of monarchy, after it has lost its essential power, as in British politics for instance, is a significant case in point. The king is a useful symbol for the nation because it is easier for the simple imagination to conceive a sense of loyalty toward him than toward the nation. The nation is an abstraction which cannot be grasped if fitting symbols are not supplied."¹⁷⁷ Niebuhr therefore feels that constitutional monarchies "lack no virtue possessed by the American system; and they exhibit some of the wisdom inherent in the more organic forms of society, which the more rationalistic conceptions of a purely bourgeois order lack."¹⁷⁸

Other members of this fourth school of thought have supported monarchy because they believe it encourages political stability and helps to overcome some disadvantages which accompany democracy. C. N. Parkinson, for example, states that "the truth which lurks amid the Fascist falsities is that liberal democracy is dreary, deadening and dull. That is not a theory but a fact; and when Chamberlain said that people are sick and tired of parliaments, he was telling the literal truth. The spectacle of drab little men moving amendments to drab little proposals is seldom inspiring. It lacks the pageantry which the normal human being needs. The enthusiast can explain its significance to schoolboys and may even gain their reluctant assent. But the pageant of a coronation

¹⁷⁷ Reinhold Niebuhr, Moral Man and Immoral Society (New York, 1960), pp. 53-54.

¹⁷⁸ Niebuhr (1954), p. 78.

needs no explanation."¹⁷⁹ Burns notes that Italian monarchists have employed something of the same argument: "After the overthrow of Mussolini in 1943, Croce joined with Count Sforza in advocating a regency under Marshall Badoglio as the best way of saving the monarchy. He assumed the monarchy to be necessary for the return of stability and constitutional rule."¹⁸⁰ And Churchill appears to have felt the same way about the situation in Germany after World War I: "Wise policy would have crowned and fortified the Weimar Republic with a constitutional sovereign in the person of an infant grandson of the Kaiser, under a council of regency. Instead, a gaping void was opened in the national life of the German people . . . and into that void after a pause there strode a maniac of ferocious genius, the repository and expression of the most virulent hatreds that have ever corroded the human breast--Corporal Hitler."¹⁸¹

It is possible that the leading exponent of this fourth modern view of monarchy is the president of one of Europe's oldest republics, Charles de Gaulle. One author has gone so far as to suggest that de Gaulle is really an adherent to the fifth point of view and favors a restoration of the monarchy in France.¹⁸²

¹⁷⁹C. N. Parkinson, The Evolution of Political Thought (Boston, 1958), p. 281.

¹⁸⁰Edward McNall Burns, Ideas in Conflict (New York, 1960), pp. 263-264.

¹⁸¹Winston Churchill, The Gathering Storm (Boston, 1948), pp. 10-11.

¹⁸²Curtis Cate, "The Road to Moscow: DeGaulle and the Kremlin," 212 The Atlantic Monthly (August 1963), p. 71.

But another author makes a more convincing argument: "[D]espite haughty denials, shrugs of the shoulder, feigned indignation, General de Gaulle is, by temperament, a monarchist. There has been a good deal of talk about the possibility of his handing over power to the Count of Paris, the actual 'pretender' to the throne. . . . But he is quite aware that of all the possible candidates to succeed him . . . the Count of Paris would have the least chance, would be the least acceptable, the most dubious. Any sounding of opinion would show most forcibly that public feeling remains secretly hostile to the monarchy, regarding it as an anachronism and as the most reactionary form of government. And so, being the realist, the pragmatist that he is, De Gaulle is resigned--a monarchical restoration is impossible. There is no point in even talking about it. And it is in this sense alone that shrugs of the shoulder and denials should be interpreted. They signify, 'I'm not thinking about it because unfortunately it is unacceptable and impossible,' not 'I have never thought about it and would never do it.'"¹⁸³

The fifth and final "school" of recent thought regarding constitutional monarchy must be seen more as a theoretically possible category included in the interest of formal analytical completeness than as a reality. To be sure, there is one partisan

¹⁸³Pierre Viansson-Ponté, The King and His Court (Boston, 1965), pp. 55-57.

of constitutional monarchy who feels it is so advantageous a form of government that he advocates restorations of monarchy in most of the European republics and would even like to place a monarch at the head of a western European political union.¹⁸⁴ But most of the twentieth century literature which advocates restorations and which might therefore seem to belong in this fifth category is really an argument for something other than the modern conception of constitutional monarchy.¹⁸⁵ The fifth category of thought is thus not only residual, but it is almost empty.

¹⁸⁴Hooykaas, p. 106.

¹⁸⁵For examples of advocacy of monarchy other than constitutional, see Jose Maria Peman, Cartas a un Esceptico ante la Monarquia (Madrid, 1956) and especially Charlotte Muret, French Royalist Doctrines since the Revolution (New York, 1933).

CONCLUSION

Having come to the end of an analysis from many points of view of a very complicated political institution, it may be worthwhile to try briefly to summarize the main points which have been made. For the sake of clarity, I will present the summary in the form of a list of propositions, after which I will conclude with my personal reactions to results of this study.

The following propositions were developed in the course of the preceding chapters:

1. Existence of monarchy has long been controversial, but it is no longer as controversial as it once was.
2. The coexistence of monarchy and democracy was made possible by the development of constitutionalism.
3. Constitutional monarchy can be generally traced to a series of reforms designed to halt abuses of absolute monarchy, while modern republican government originated as the result of revolutions against absolute monarchy or against other forms of monarchical government.
4. Because it was a gradual development, there have been several different kinds of constitutional monarchy.

5. The separation of the functions of the monarch and the cabinet provided the climate for the development of the concept of "loyal opposition."

6. For purposes of analysis one can distinguish between the office (throne), the man who occupies that office (monarch), and the powers of that office (crown).

7. One may also distinguish between the person who occupies the office and the person who acts for the occupant of the office (regent).

8. A regent may be required if the monarch is not of age, if he is sick, if he is absent, if he has not yet been sworn in, or if there is no monarch at all.

9. The regent may be the next eligible person in the succession to the throne, a group of persons acting ex officio, or a person or group elected by parliament at the time a regency is needed.

10. A regent does not always exercise all of the powers of the monarch.

11. A monarch ceases to reign when he dies, abdicates, or acts in a way violating the constitution and justifying his deposition (virtual abdication).

12. Eligibility to succeed to the throne may be based on descent from a specific person, preference of men over women, and preference of older brothers over younger brothers.

13. An otherwise eligible person may be disqualified to

inherit a throne if he is not of a specific religion, if he has married in violation of the constitution, or if he has accepted a foreign crown in violation of the constitution.

14. Personal unions may be automatically dissolved if the rules of succession are not identical in both member countries.

15. Under constitutionalism the crown powers are largely exercised by a council of ministers who are politically and legally responsible for their actions.

16. An irresponsible monarch is made compatible with constitutional democracy by the requirement that all of his actions be countersigned by a minister in order to be valid.

17. Countersignature is not new, but before the development of constitutionalism it was merely a means of guaranteeing procedural correctness in royal decisions.

18. There has been disagreement over the extent to which a monarch should have the right to give public utterance to his personal thoughts.

19. Although formation of cabinets is still thought to be a matter in which personal action by the monarch may be called for, his freedom of action is limited both legally and politically.

20. Many constitutional restrictions on the monarch are now really restrictions on the cabinets which exercise the crown powers.

21. One of the notable developments of the twentieth century has been the conversion of socialist parties from a

doctrinaire hostility to monarchy to a position of governing responsibility and membership in the loyal opposition.

22. The power resources of present constitutional monarchs are such that real influence may be exerted only in very trivial matters or in very grave matters.

23. Constitutional monarchs have two main power resources: the power to veto and the power to abdicate.

24. The disappearance of employment of the royal veto may be connected with a shift in popular thinking from emphasis on preventing abuses of power to emphasis on use of power for the public welfare.

25. Travel to foreign countries by a monarch may be an effective way of furthering the interest of his country.

26. Within limits, the honors conferred by a monarch upon outstanding individuals are reflexive, so that through his association in the public mind with such people, the monarch himself may gain in prestige.

27. Monarchs may help to symbolize to their subjects the behavior which is appropriate under trying circumstances such as war.

28. Since the public generally sees not the actions of a monarch, but only the reports of those actions, it is possible for a man to be a "good" monarch and a "bad" man if he keeps his vices private and appears virtuous.

29. The handling of ceremony by the monarch and his family

allows the ministers to devote full time to the governing of the country.

30. The international character of royal families may be an obstacle to extreme nationalism in a constitutional monarchy.

31. The symbolism connected with constitutional monarchy may have facilitated colonial independence.

32. The fact that monarchy is simple to understand makes it a useful instrument for the early political education of children.

33. The monarch symbolizes capacities for initiative inherent in government and the fact that even democratic government depends upon the "will of the people" for what it cannot do rather than for what it can do.

34. The long reigns of monarchs help to give a comforting aura of stability in a rapidly developing world.

35. Twentieth century legal thought pictures the constitutional monarch mainly as a potential influence rather than as a holder of power.

36. Popular thought in the twentieth century regards monarchs with less suspicion than does legal thought.

37. A prime source of uneasiness about monarchy in popular thought has been the expense of maintaining a royal family.

38. Monarchs may have enjoyed general support in popular thought because of their efforts to modify their behavior in ways suggested by public opinion.

39. American textbooks tend to discuss only the British monarchy.

40. Textbooks agree with legal analysts in saying monarchs have influence rather than power.

41. Textbooks differ from legal thought in emphasizing the symbolic utilities of a constitutional monarch.

42. Political thought in the twentieth century contrasts with earlier theory in almost completely ignoring monarchy.

43. Reasons for the neglect of monarchy in recent theory may include the numerical decline in monarchies, the prevailing idea that monarchs are powerless, and emphasis on study of men collectively rather than as individuals.

44. One general school in recent theory advocates abolition of monarchies without regard to the behavior of particular monarchs.

45. A second general school of thought favors retention of monarchy where it already exists, not so much out of enthusiasm for the institution as out of a reluctance to take the trouble to abolish it.

46. A third category of recent thought consists of those who believe there are no significant differences between constitutional monarchies and republics.

47. A fourth school of thought believes constitutional monarchy has advantages over a republic and favors its retention where the institution still exists, but doubts the wisdom of trying to convert present republics into monarchies.

48. A fifth school of recent thought is so enthusiastic over monarchy that its members advocate restoration of former dynasties and establishment of new ones--but this is probably by far the smallest of the five schools of thought discussed in the present analysis.

I would like to conclude with a comment on the current status of monarchy. It is clear that monarchy is by no means the hopelessly bad form of government that it once was thought to be. In its modern constitutional-democratic form, indeed, a government headed by a hereditary monarch has many admirable qualities and does not compare unfavorably with the best republics; in fact constitutional monarchy appears in many ways to be superior to the republic. But the insights gained in the analysis of the development and operation of the monarchical institution would be wasted if we were to draw the immediate conclusion that restorations of monarchy in Europe's present republics would therefore be a good thing. It is one matter to say that an institution is better than an existing institution, but it is an entirely different matter to say that immediate steps should be taken to replace the old with the new (or vice versa). Even given (or assuming) the preferability of constitutional monarchy, therefore, it is not possible to say that restorations would necessarily be desirable; it is entirely possible that undesirable side effects of such restorations

would more than compensate for the benefits attained. And since a restoration of monarchy would be an abrupt change, the presumption must be that it would be undesirable. For countries which are still monarchies, on the other hand, I think it would be unwise to change to a republican form of government, for on the whole there would probably be no benefits from which to subtract the bad side effects of change.

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