

Modern Monarchy: State & Nation

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TEXT AS DELIVERED

I

Theresa May & Lady Gaga

On the day that Theresa May announced that she was going to ask the House of Commons to vote for an early general election, a video was released of Prince William talking to Lady Gaga over Skype about mental health. In essence, that captures everything about the modern monarchy. The monarchy's focus is now clearly on 'non-political' matters.

It was a rare occasion when a royal story was taken off the front pages of newspapers and websites. The more common phenomenon is of "royal" stories, no matter how trivial, briefly sweeping everything else from the front pages. The media is generally grateful for the increased revenue that a royal story on the front cover generates.

This compact between the media and the royal family may also explain another issue. Over the past twenty years, public lawyers have, in general, ignored the monarchy. Notable exceptions include Rodney Brazier, Robert Blackburn, Robert Hazell from the UCL Constitution Unit, and Vernon Bogdanor. This is entirely understandable, for the key royal stories have involved divorce, death, and charity. Not the usual ground for public lawyers.

I don't blame them for looking at other aspects of the constitution. The past twenty years have seen extraordinary change: human rights, devolution, freedom of information, rolling reform to parliament and its procedures, and the deeper integration EU Law into many aspects of the legal system. That's enough for several academic careers, not just one!

This has not stopped the insatiable demand for works on the royal family. In particular, historians and journalists have risen to the task, with some truly excellent work. Ben Pimlott's biography of the Queen is outstanding. So are many other works; some perhaps less so. Yet, it remains a shame that public lawyers have vacated the space when they have much to contribute to the understanding and analysis of this area of the constitution. This also has negative consequences.

To take just one example, on the Downing Street website, an article, one of several written by guest historians, explains that generally 'little attention' has been paid to the prerogative power of the Queen to dissolve parliament. However, something called the 'Fixed Term Act' has set a five-year fixed term, which has 'in effect removed that prerogative, except in the most unlikely of circumstances'.¹ Both of these claims are untrue. The royal prerogative has caused significant dispute amongst academic lawyers.² And secondly, the Fixed-term Parliaments Act 2011, is very clear that prerogative power of dissolution has been entirely abolished.³

Yet, at the very least, the concept and language of monarchy remains central to the constitution. The core question of *R (Miller) v Secretary of State for Exiting the European Union* was whether the

¹ DR Thorpe, 'Queen Elizabeth and her 12 Prime Ministers' (8th September 2015) [<https://history.blog.gov.uk/2012/09/01/queen-elizabeth-and-her-twelve-prime-ministers/>]

² For example, see Robert Blackburn, 'Monarchy and the Personal Prerogatives' [2004] Public Law 546, and Rodney Brazier, "'Monarchy and the personal prerogatives": a personal response to Professor Blackburn' [2005] Public Law 45.

³ Fixed-term Parliaments Act 2011, s 3(2) states that 'Parliament cannot otherwise be dissolved'.

“Crown” could exercise the “royal prerogative”.⁴ Yet, it remains the case that the monarchy has to take an active overview of the constitution and country of which it is part in order to survive. Arguably, in the run up to the 1997 General Election, the monarchy failed to do just that.

II

Before 1997

It is sometimes forgotten that constitutional change did not begin in 1997. However, New Labour’s constitutional changes, when taken together, are the most far-reaching of any government in centuries. Interestingly, it left the monarchy and, freedom of information apart, central government largely unscathed. Presented as a shopping list of reforms, New Labour failed to articulate a fundamental theme driving this constitutional change; however, if I was to hazard an attempt, they all had the aim of bringing the institutions of state closer to the citizen.⁵

Memorably, Labour’s 1997 General Election manifesto stated, ‘we have no plans to replace the monarchy’. Today, this appears to be a startling statement, but in 1997, the monarchy was viewed in a different light to now. The low point was undoubtedly the “*annus horribilis*” of 1992, the year which started with the separation of the Duke and Duchess of York, the divorce of the Princess Royal, and concluded with the Windsor Castle Fire and the separation of the Prince and Princess of Wales.

⁴ [2017] UKSC 5

⁵ The idea of declaratory white paper, unifying the constitutional reforms into a coherent whole was actively decided against. See Peter Hennessy, *The Prime Minister - The Office and Its Holders Since 1945* (Penguin 2000) 510.

The response of both the royal family and the Conservative government to the fire who stated that the government would pay for the repairs - resulted in a backlash, with many claiming that both out of step with public opinion. This was furthered with the ongoing Charles and Diana saga which culminated in the Panorama interview, the eventual divorce, and the attempt to freeze Diana out of the royal family by controversially stripping her of HRH status.

Yet, these “old” ways failed to grasp just how the mood of the country was changing during the early to mid-nineties. This resulted in New Labour’s historic landslide at the 1997 election. In his autobiography, Tony Blair describes the country as becoming, ‘less deferential, more liberal on social issues, less class-bound, more meritocratic’.⁶ For the monarchy, this was personified by Diana, who according to Blair, defined this era, stating that ‘[w]hatever New Labour had in part, she had in whole’.⁷ Indeed, Blair and Diana met several times during this period; although if the intention was for Blair to reform the country and Diana to reform the monarchy, then ultimately it was Diana who was to be the more successful.

Meanwhile at Buckingham Palace, there was some awareness that things were changing. In 1994, the Way Ahead Group was convened, including the Queen herself, tasked with thinking about the future of the monarchy.⁸ But any progress was insufficient to meet the latent desire for change that Blair’s majority represented. The monarchy was not alone, and many small “c” conservative

⁶ Tony Blair, *A Journey* (Hutchinson 2010) 132.

⁷ *ibid*, 133.

⁸ Ben Pimlott, *The Queen: Elizabeth II and the Monarchy* (HarperCollins, Diamond Jubilee Edition, 2012) 587.

institutions were unprepared for this.

Just how unprepared the monarchy was, was shown by the events that followed the death of Diana. This is well-trodden ground; but remaining in Balmoral, not flying the flag at half-mast at Buckingham Palace, the Queen's public silence, and Prince William and Prince Harry attending church on that Sunday morning were all "traditional" ways of dealing with events. Business as usual. The resulting vacuum was filled by Blair's 'People's Princess' moment, which captured the public mood.

With perhaps typical understatement, the Queen's Private Secretary was 'grateful' for the input that Downing Street had in planning Diana's funeral through the informal secondment of Alastair Campbell and Anji Hunter.⁹ Yet, as New Labour's campaigning methods and press management showed, understatements could no longer compete with the soundbites and 'spin' that came to dominate. If the monarchy was to survive the new media age - Diana's death was the first significant story to be shown on the BBC's new twenty-four-hour news channel - the Monarchy's media operation needed to sharpen up.

III

After 1997

If the "*annus horribilis*" was the conception of the modern monarchy, then the week that followed Diana's death was its difficult birth. Essentially, the reset button was pressed, and over the next twenty years, slowly, steadfastly, and surreptitiously the

⁹ Alastair Campbell, *The Blair Years: Extracts from the Alastair Campbell Diaries* (Hutchinson 2007) 245-6.

restoration of the monarchy in the public consciousness took place. Arguably, this period has become the most successful of the Queen's reign. The monarchy has caught up with the demand to be (slightly) more accessible to the people - the same objective as New Labour. Ironically, they also achieved this in the most *New Labour* way imaginable - making a strength out of its biggest weakness, by building one of the finest public relations operations that can be found anywhere.

A well organised drip-feed of stories, bolstered by the occasional birth, marriage, birthday and jubilee has ensured that the monarchy remains both at the apex of the constitution and of British public life. This is built around the three roles of the monarch: Head of State, Head of Nation, and Head of the Commonwealth. In this talk I will focus on the Head of State and Head of Nation.

IV

Head of State

This is most well-known role of the monarch. It includes the ceremonial: the State Opening of Parliament, State Visits, serving as Head of the Armed Forces, and the Supreme Governor of the Church of England.

The question is always about the political role of the monarch. The underlying conditions are that the monarch (and by extension the broader royal family) should be politically neutral, and not play any active part in politics due to the lack of democratic accountability. These conditions feed into the idea that they are "above" politics. The Royal Assent to legislation is to all intents and purposes automatic; the Appointment of Prime Minister is

now heavily constrained by convention written down in the Cabinet Manual, and the prerogative power to dissolve parliament and trigger a general election has, as I've already stated, been abolished. The Bagehotian powers of the 'right to be consulted, the right to encourage, [and] the right to warn'¹⁰ remain to be exercised most usually at the weekly audiences between the Queen and Prime Minister.

What is more interesting are the lesser known connections between the monarch and government. I'm going to look at three areas that are arguably ripe for reform to better reflect the relationship between the monarch, government, and parliament. The three areas are (i) the power to prorogue parliament, (ii) the Queen or Prince's Consent to legislation, and (iii) the honours system.

(i) Power to Prorogue Parliament

While the power to dissolve parliament has gone, the prerogative power to prorogue parliament - bringing a parliamentary session to an end - remains. The Fixed-term Parliaments Act 2011 has meant that this should not be controversial, because of the expectation that each session of parliament lasts roughly a year. However, after the 2017 Election, the government has used this prerogative to their advantage, by announcing that exceptionally, this session of parliament will last for two years, not one. The reason given was the amount of legislation required for Brexit. Yet, this does mean that the minority government has avoided a vote on a 2nd Queen's Speech in May 2018, and the parliamentary session lasts for the length of the Conservatives Confidence and Supply Agreement with the

¹⁰ Walter Bagehot, *The English Constitution* (first published 1867, OUP 2010) 64.

DUP. Put simply, it should be up to parliament and not the government of the day to decide how long its sessions last.¹¹

(ii) Queen or Prince's Consent to Legislation.

Separate to the Royal Assent, is the requirement of the consent of the Queen or the Duke of Cornwall to any bill that affects the prerogative or 'hereditary revenues' (particularly the Crown Estate) of 'the Duchy of Lancaster or the Duchy of Cornwall, and personal property or personal interests of the Crown'.¹² If consent is not given, then the bill will progress no further through parliament and cannot be put to a second or third reading.

Of course, the government obtains consent for its own legislation. The concern is with private members' bills. The government can either not seek consent in the first place, or advise the Queen or Prince Charles not to grant consent. The most notable example in recent times was the lack of consent for Tam Dalyell's Military Action Against Iraq (Parliamentary Approval) Bill in 1998, for which consent was refused.¹³ The government has admitted that it has 'on occasion not sought consent for bills they opposed (and did not wish to be proceeded with), on the basis that there was no realistic opportunity for the bill in question to be

¹¹ This is a point also made in Robert Hazell and Bob Morris, 'The Queen at 90: The Changing Role of the Monarchy, and Future Challenges' (UCL Constitution Unit, 2016). The two-year term also makes a general election in 2019, post-Brexit, but during the transition/implementation phase, all the more likely. At the time of this lecture, 2019 was 9/4 favourite with SkyBet for the year in which the next general election would be held.

¹² Office of the Parliamentary Counsel, 'Queen's or Prince's Consent' (2016) [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/567407/queens_or_princes_consent_november_2016.pdf] para 2.1.

¹³ House of Commons Political and Constitutional Reform Select Committee, *The impact of Queen's and Prince's Consent on the legislative process* (HC 784, 2014-15) para 22.

debated'.¹⁴ It seems outrageous for the government to use the monarch to do its dirty work and block legitimate debate like this. Given that the monarchy already has lines of communication with the government, it seems that the monarchy would lose little were this procedure to be abolished.

Certainly, both the prerogative power to prorogue parliament and Queen's consent appear anomalous with recent constitutional developments, such as the Constitutional Reform and Governance Act 2010, the requirement to seek the consent of the House of Commons before deploying troops overseas, and the tenor of *Miller* judgement,¹⁵ which all point towards an increasing accountability of the government to parliament, particularly as regards the prerogative.

(iii) Honours

The other aspect is the honours system. It is not unusual to have an honours system of sorts. Many other countries do so. However, the UK's honours system is extensive, complicated, and occasionally controversial. The monarch is the fountain of honour, with the sole right to confer titles. In practice, most honours are determined by the Cabinet Office, who then sends the list to Buckingham Palace for approval. The concern is that this system has led to a coincidence between those who receive honours and donations made to political parties. This erupted into the cash for honours scandal during 2006/2007, which suggested that the honours system had become entwined with political donations. Although this chiefly related to the grant of life peerages, the broader honours system was involved too.

¹⁴ *ibid*, para 25.

¹⁵ *R (Miller) v Secretary of State for Exiting the European Union* (n 4).

David Cameron's resignation honours list in 2016 was, at the very least, interesting. George Osborne's appointment to the Companion of Honour raised some questions, as did the Knighthood to Craig Oliver, Cameron's Director of Communications, and perhaps most strangely, the CBE to Will Straw for being the director of the losing campaign at the EU referendum. Numerous other aides of the Cameron government also received honours.¹⁶ The allegation is that this is a form of cronyism which demeans the honours system for everyone else. In addition, there is the perception that people in certain positions are "entitled" to an honour, particularly in the Civil Service and amongst some MPs. Theresa May has indicated that she wants to change this, but we'll see.

Yet, the most prestigious honours remain in the personal gift of the Queen. The Order of Merit, limited to twenty-four members at any one time, the Order of the Garter, and the Order of the Thistle remain untainted by scandal.¹⁷ However, they are very different to the other honours. The honours system is ripe for reform but is always likely to invoke controversy as long as politicians are so closely involved.

I don't have any immediate answers, but in the British system, the granting of honours should be "above" ordinary party politics. International comparisons show that this is a peculiarly Head of State function rather than a mere governmental function.¹⁸ This is

¹⁶ HM Government, 'Resignation Honours 2016' [\[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/543929/Resignation-Honours-2016.pdf\]](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/543929/Resignation-Honours-2016.pdf)

¹⁷ Royal Victorian Order is awarded for service to the Royal Household and is excluded from this discussion.

¹⁸ A comparison of sorts can be made to the Légion d'Honneur of which the French President is the Grand Master.

because it is recognition by the state, not the government, of excellence or outstanding public service. This confusion is ultimately the cause of recent controversies and is likely to continue in the future.

V

Head of Nation

The role of Head of State usually involves an element beyond mere politics. Even in the USA, the President embodies the nation in some senses. This is one reason why Donald Trump is so controversial; but even he pardoned a turkey at Thanksgiving. The UK is perhaps unusual, because this element of the role of the Head of State is so extensive that it has its own title: Head of Nation. This role is described by the royal family website as being a ‘focus for national identity, unity and pride; gives a sense of stability and continuity; officially recognises success and excellence; and supports the ideal of voluntary service’.¹⁹ Referring back to the honours system, this is an example of the link between the Head of State and Head of Nation functions, as the honours system is one way in which success, excellence, and voluntary service is rewarded by the monarchy.

This is the public face of the Modern Monarchy. This is still led by the Queen, but here she is more visibly supported by other members of the royal family. Members of the royal family have gone from merely being the patrons of charities, attending functions, and unveiling a plaque²⁰ at a new wing of a hospital to actively championing causes.

¹⁹ Royal.uk, ‘The role of the monarchy’ [<https://www.royal.uk/role-monarchy>]

²⁰ When fulfilling public duties, Prince Philip’s frequent joke was to refer to

Although there have been examples in the past, in the modern context, this started, perhaps ironically, not with Diana but with Charles. The Prince's Trust, created in 1976 by Prince Charles, aims to increase opportunities for disadvantaged young people by moving them into education, employment, or training. Diana took this further by drawing attention to more "difficult" issues such as AIDS and homelessness. Given the extensive role of the state in modern society, the mere existence of such charities could be taken to be a political statement that the government is not doing enough.

In 1995, while still a member of the royal family, Diana shared a platform with Jack Straw, then Shadow Home Secretary, to discuss homelessness, and appeared to agree with his criticisms of government policy.²¹ That was clearly going too far. Similarly, Prince Charles has come under criticism from some by expressing his views on architecture, the environment, homeopathy, and a whole range of other issues.²² Yet, Prince Harry's work for military veterans, the Invictus Games, and the extensive campaign led by Prince William, Prince Harry, and the Duchess of Cambridge on mental health last year have been universally lauded.

The work of the Duke and Duchess of Cambridge and Prince Harry has been consolidated into the Royal Foundation. This pursues projects grouped around five themes, which are the Armed Forces, Wildlife Conservation, Mental Health, Early Years,

himself as 'the world's most experienced plaque unveiler'.

²¹ Glenda Cooper and Patricia Wynn Davies, "Wilful' Diana caught up in political row' (The Independent, 8 December 1995) [<https://www.independent.co.uk/news/wilful-diana-caught-up-in-political-row-1524581.html>].

²² This is extensively explored in many biographies including Catherine Mayer, *Charles: The Heart of a King* (WH Allen 2015).

and Young People.²³ Two weeks ago, Prince Harry was talking about doing work to counter gang violence and knife crime in Nottingham and London; yet does this not implicitly challenge policing budgets and changes to stop and search?

The paradox is that the Modern Monarchy must do more than merely attend functions giving a brief speech saying how marvellous everybody is, but without straying into political territory. The paradox can only be resolved when its understood that the royal family are expected to express public opinions that the public are unaware they hold. It is a way in which the royal family do what Vernon Bogdanor has described as ‘reflecting the nation back to itself’.²⁴ They draw attention to unheralded causes that are politically uncontroversial.²⁵ It’s what Prince Charles has done with the Prince’s Trust, it’s what William, Harry, and the Duchess of Cambridge are doing with their Royal Foundation.

This is the tightrope that Meghan Markle will have to walk. She may find it difficult. Increasingly actors are expected to be more than mere actors, and to become their own brands. The Meghan Markle brand has partly been based on advocacy. This means that unusually, on becoming royal, Markle is likely to find her horizons restricted rather than broadened. She has already given up her roles as a UN Advocate for Women and Ambassador for the humanitarian aid charity, World Vision. At the first Royal

²³ The Royal Foundation, ‘Projects’
[\[https://www.royalfoundation.com/our-work/\]](https://www.royalfoundation.com/our-work/)

²⁴ Vernon Bogdanor, ‘The Queen at 90’, Gresham College Lecture, 18th April 2006.

²⁵ A comparison can be made between Help for Heroes with which both Prince William and Prince Harry were closely connected, and Care After Combat which helps veterans with alcohol and substance misuse problems and aims to reduce the number of veterans in the criminal justice system. See Care after Combat, ‘About Us’, [\[http://www.careaftercombat.org/about-us/\]](http://www.careaftercombat.org/about-us/)

Foundation Forum, Meghan Markle stated that she was going to use the platform she has to ‘further women’s empowerment’ and that ‘women and young girls don’t need to find their voice ... they need to feel empowered to use it, others encouraged to listen’, and then linked it to the #metoo movement.

At the risk of being controversial, does the feminism movement really need a member of the royal family to champion their cause? It is not particularly an unheralded issue. Perhaps a more specific approach, for example focusing on the challenged faced by single mothers would be more worthwhile. What Markle did here was attach onto existing “trends”. Arguably, this is fine as a celebrity, but it is untypical of how members of the royal family “place” their activities in a given area. The Duke and Duchess of Cambridge and Prince Harry largely follow the approach of Prince Charles. This involves using the soft power that stems from their royal status to convene the activity of leaders on a specific issue to move the discussion forward. One example is Full Effect, which links schools with activities to “divert” young people away from gang violence and crime, by getting different organisations to work with each other.²⁶

VI

Brexit

The sensitivity regarding the activities of the royal family is a result of the desire that the monarchy provides unity, stability, and continuity. Yet, since the EU referendum in June 2016, these concepts have been in short supply. David Goodhart has

²⁶ The Royal Foundation, ‘Full Effect, Prevention of Youth Violence in Nottingham’ [<https://www.royalfoundation.com/our-work/st-anns-nottingham/>].

suggested that the voting patterns for Brexit have shown that the divide in politics is between the “anywheres”, who are comfortable with immigration, are pro-EU, and are concentrated in London and other large metropolitan areas. The other grouping are the “somewheres” who are more rooted to their local area, sceptical about the benefits of immigration, less likely to have a degree, and live in smaller, less prosperous towns. This group was more likely to vote for Brexit.²⁷ The Somewheres won. Just. This feeds into a narrative that Brexit was an expression by some of their frustration with politics, and a feeling that they have not received anything like the lion’s share of economic growth. On this analysis, Brexit is a longstanding failure of national institutions to govern for the whole nation.

Before this narrative became the received wisdom, the royal family was already there. Under the maxim that the “Queen must be seen to be believed”, the royal family has been clear that they cannot ignore the parts of the country that feel disconnected from politics. Indeed, in 2004, in her Christmas Message, the Queen raised the issue of immigration in the way that only the Head of Nation could, invoking the parallel of the Good Samaritan, stating that:

Everyone is our neighbour, no matter what race, creed or colour... There is certainly much more to be done and many challenges to be overcome. Discrimination still exists. Some people feel that their own beliefs are being threatened. Some are unhappy about unfamiliar cultures. They all need to be reassured that there is so much to be gained by reaching out to

²⁷ David Goodhart, *The Road to Somewhere* (C Hurst & Co Publishers Ltd, 2017).

*others; that diversity is indeed a strength and not a threat.*²⁸

An example of tackling the frustration at feeling left behind can be seen with Prince Charles's project, Business in the Community, described in a biography as 'a regular series of excursions that extract business leaders from limousines and executive suites to confront them with the realities of life in some of the poorest corners of Britain'.²⁹ If that's not a direct challenge to the so-called "liberal-metropolitan elite", I don't know what is.

One final point regarding the Head of Nation role. It implies one nation, but how this applies with such stark political differences around the country, with Scotland being different from Wales, and an emergent English identity. There is a question of how UK/British institutions respond to this emergent Englishness. Neither is it clear to me that Englishness means the same thing in the north as compared to the south.

VII

A Republic?

One lesson from Brexit, is that the British public is not averse to the idea of fundamental constitutional change, and that nothing is immune from a campaign, doggedly sustained over twenty years, from becoming reality. It's easy to see such a campaign forming when Charles becomes King, particularly if he is more interventionist than the Queen.

²⁸ HM Queen, Christmas Message 2004.

²⁹ Catherine Mayer, *Charles: The Heart of King* (Allen Lane, 2015) 154

Historically, the great weakness in the republican argument has been that, setting the principle aside, it's a solution in search of problem. It's frequently argued that the monarchy perpetuates the class system, and restricts social mobility.³⁰ Maybe it does, but if increasing social mobility is the objective, then efforts are much better focused on the housing crisis, education in poorer towns outside of London, and access for the poorest to universities and good career advice. Some of the most egalitarian countries in the world are monarchies, just look at Sweden and Norway. Historically, the UK has viewed constitutional questions pragmatically, and once the debate moves from the principle to the practice, the arguments for a republic appear marginal. Although I will try shortly.

Yet, politics appears to be taking a principled turn. In Jeremy Corbyn, Labour has its most strongly republican leader since Keir Hardie,³¹ who at last year's election, successfully rebuffed any lines of attack on his republican views.³² Standing on an avowedly left-wing manifesto, Labour obtained 40% of the vote. A core group of Labour support, and the Momentum group prefer identity politics and principle rather than the pragmatism of Blair and Brown, or for that matter Cameron and May. These

³⁰ Richard Ridyard, 'Abolishing the monarchy would remove an obstacle to genuine democracy in Britain', Democratic Audit, 3rd December 2014, [<http://www.democraticaudit.com/2014/12/03/abolishing-the-monarchy-would-remove-an-obstacle-to-genuine-democracy-in-britain/>].

³¹ For the approach of the Labour Party to the monarchy see, Kenneth O. Morgan, 'The Labour Party and British Republicanism', [2003] 1.2 *E-rea* [En ligne] ; DOI : 10.4000/erea.347 [<http://journals.openedition.org/erea/347>].

³² In a television interview with Jeremy Paxman, he stated, '[abolishing the monarchy is] not on anybody's agenda, it's certainly not on my agenda'. Richard Wheeler, 'Leadership debate: Abolishing the monarchy is not on my agenda, Jeremy Corbyn says' *The Independent* (29th May 2017) [<https://www.independent.co.uk/leadership-debate-latest-jeremy-corbyn-jeremy-paxman-monarchy-not-on-my-agenda-a7762281.html>].

Corbyn/Momentum voters are a potential pool of republicans.

The campaign group Republic suggests on their website that ‘by getting rid of the Crown we can put limits on what our government can do without the support of parliament - and put limits on what parliament can do without the clear support of the people’. So, it appears that they want to remove the Crown, but then limit parliament, which under the British constitution would be the natural repository of powers once exercised by the Crown. That was, after all, the outcome of the constitutional upheavals of the 17th Century. This confusion would be resolved with a written constitution, including an elected head of state, providing ‘the chance to re-balance power between government, parliament and the people’. The elected Head of State would be ‘non-political’ and ‘independent’, and would ‘guard the constitution, by stepping in if ministers or MPs are over-stepping the mark’.³³ They give the (now-outdated) example of, ‘if the constitution says that new treaties with the EU require a referendum, [and] the government tried to sign a new deal with the EU without first asking the voters then the president could step in’.³⁴ Surely with a codified constitution that would be the role of the courts? Constitutionally, the republican argument expressed by Republic is nascent at best.

The proposals from Republic fail to address the biggest issue with the monarchy, that as part of the Crown, it provides cover for the government’s dirty work. This is seen with the refusal of the Queen’s Consent to legislation on government advice and aspects of the honours system. The real advantage of an elected President would arguably be in holding the Prime Minister to account in a

³³ Republic, ‘What will change in a republic?’
[\[https://www.republic.org.uk/what-we-want/what-will-change\]](https://www.republic.org.uk/what-we-want/what-will-change)

³⁴ Republic, ‘A new head of state’

way that monarchs, lacking in democratic legitimacy, are unable to do. Furthermore, parliament is institutionally unsuited to the detailed level of scrutiny required. The biggest failure of traditional cabinet government in recent times was the decision to go to war in Iraq. Both the Chilcot Inquiry and the Butler Report criticised the internal decision-making within government, criticising Blair's "sofa government".³⁵ If, in addition to being accountable to parliament, the Prime Minister was accountable to an elected President, whose approval was needed before deploying the forces to Iraq, would Blair have approached Iraq in the same manner? Alternatively, such decisions could be made by the President, who are themselves accountable to parliament. The President could focus on foreign policy and ceremonial functions, the Prime Minister on domestic affairs. If a president is to remedy problems with the UK constitution, it could seek to remedy the problem that the centre is chronically overloaded (a problem which is only to get worse post-Brexit),³⁶ then more imaginative models of a president are needed.

Demand for change may also come from the royal family itself. Prince George, Princess Charlotte and their forthcoming sibling may feel that the restrictions that come with being senior royals are too high a price for their status. The senior royals in particular experience a loss of 'freedom of privacy and family life, freedom of expression, freedom to travel where we like, free choice of careers, freedom of religion...'.³⁷ Given that royals are

[\[https://www.republic.org.uk/what-we-want/new-head-state\]](https://www.republic.org.uk/what-we-want/new-head-state).

³⁵ Review of Intelligence on Weapons of Mass Destruction, *Report of a Committee of Privy Councillors* (HC 2003-04, 898) para 611.

³⁶ See Sir Christopher Foster, *British Government in Crisis* (Hart 2004).

³⁷ Robert Hazell and Bob Morris, 'The Queen at 90: The Changing Role of the Monarchy, and Future Challenges' (UCL Constitution Unit, 2016) 29-30.

now educated at schools as opposed to being home-schooled,³⁸ the social connections of the royal family are broader than ever before. The friends of a young royal are likely to have the wealth to enjoy to the maximum the freedoms they are denied. Missing out on those experiences may simply not be worth it, if it's only for the prospect of the 'top job' much later on in life.

Yet, there is no doubt that a president would be fundamentally different to a monarchy. A president would be unable to express opinions that the British public didn't know they had because a presidential election would be an expression of the public's opinion. The great strength of the Modern Monarchy has been its ability to express such hidden opinion. Should the Modern Monarchy ever lose this ability, as it did between 1992 and 1997, will be when it is at its weakest. I haven't had the chance to ask her, but I'm sure Lady Gaga would agree.

³⁸ For example, Prince George is currently attending St Thomas's in Battersea.