Parliamentary Monarchy
Rainer Grote

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General Editors: Rainer Grote, Frauke Lachenmann, Rüdiger Wolfrum.
Managing Editor: Ana Harvey
A. Definition

1. A parliamentary monarchy is a political system where the function of head of state (→ heads of state and government) is vested in a hereditary or elected monarch while a → government accountable to the elected Parliament exercises the bulk of the executive powers, determines national policies and oversees their implementation. The term ‘parliamentary monarchy’ is not used frequently in constitutional texts. Examples are the Constitution of the Kingdom of Spain which in Art. 1(3) proclaims the parliamentary monarchy as the ‘political form’ of the Spanish State (‘La forma política del Estado español es la Monarquía parlamentaria’) and the Constitution of the Hashemite Kingdom of Jordan (Art. 1: The form of government of the Kingdom shall be ‘parliamentary with a hereditary Monarchy’). More common, in positive law as well as in doctrinal writings, is the use of the term ‘constitutional monarchy’ (see, for example, §2 of the Constitution of the Kingdom of Denmark, and Art. 1(2) of the Constitution of the Kingdom of Bhutan; → monarchical constitutions). Some constitutions use both terms cumulatively, eg the Constitution of the Kingdom of Morocco (Art. 1: ‘Le Maroc est une monarchie constitutionnelle, démocratique, parlementaire et sociale’) and the Constitution of the Principality of Lichtenstein (Art. 2: ‘The Principality is a constitutional, hereditary monarchy on a democratic and parliamentary basis....’).

2. Of the two, constitutional monarchy is the broader concept: it designates any political system in which the powers of the hereditary monarchy are limited as a result of the recognition of → popular sovereignty as primary or exclusive source of public authority. The term ‘parliamentary monarchy’ identifies more specifically the organ or body—Parliament—through which that popular sovereignty is primarily exercised. All constitutional monarchies today are parliamentary monarchies in which Parliament exercises the main legislative and financial powers and controls the executive by way of parliamentary oversight of the government. But the reverse is also true: all parliamentary monarchies are constitutional monarchies. Even in Britain, where the parliamentary monarchy has largely developed on the basis of (unwritten) conventions and practices, the most important limitations of the monarchy are laid down in a written document, the → Bill of Rights (1689), whose constitutional character has never been in doubt. The main other form of monarchy still existing today is the absolute monarchy in which the King enjoys unfettered powers and is merely assisted in their exercise by advisory and/or consultative bodies. Absolute Monarchies still exist in the Arab peninsula (Saudi Arabia, Qatar, Oman), in Brunei Darussalam and Swaziland. While the hereditary monarchy is the most common form of a parliamentary or constitutional monarchy, a few countries, especially in South East Asia (Cambodia, Malaysia), elect their monarchical head of state.

B. Historical Evolution

3. The evolution of parliamentary monarchy has been shaped to a considerable extent by British constitutional practice. Following the failed attempts of the Stuart Kings to establish an absolute monarchy along continental (French) lines in the constitutional struggles of the 17th century, the Bill of Rights (1688) upheld the principle that sovereignty does not reside in the King alone, but in the King and the parliamentary houses acting in concert, ie the ‘King in Parliament’. The King may not take any major decision—to make or suspend laws, levy money, raise and keep a standing army—without the consent of Parliament. While the prerogative powers were thus reduced but not abolished by the Bill of Rights, the personal influence of the monarch on the exercise of these powers dwindled already during the 18th century. A constitutional convention developed that the monarch did not exercise the royal powers according to his discretion, but on the advice of the Cabinet headed by the Prime Minister which proposed and implemented the relevant decisions and defended them in Parliament. In the 19th century, the British King/Queen had thus been reduced to a largely...
ceremonial role, in which his/her political influence, if any, was wielded in an informal manner and had become encapsulated in the ‘three rights’ assigned to the monarch by Bagehot: ‘...the sovereign has, under a constitutional monarchy such as ours, three rights—the right to be consulted, the right to encourage, and the right to warn. And a king of great sense and sagacity would want no others’ (Bagehot 67).

4. This process continued in the 20th and early 21st century. While constitutional scholars like Sir Ivor Jennings in the middle of the 20th century had still mused about ‘personal prerogatives’ and ‘reserve powers’ of the monarch, it is today widely accepted that even in times of constitutional crisis the room for personal involvement of the Queen is minimal (see Jennings, I, Cabinet Government, (CUP 3rd Edition 1969)). The mere theorising about the existence of such ‘personal’ powers and the circumstances in which they may be used is seen as potentially damaging to the monarchy (Blackburn 168). This is the last stage in a long development in which any notion of dynastic legitimacy has gradually disappeared and the idea of popular sovereignty, though largely ignored by positive constitutional law, has come to permeate the functioning of state institutions in Britain and also to determine the survival and the outlook of the monarchy.

5. The British version of parliamentary monarchy is still directly relevant in a number of countries which were formerly part of the former British Empire and today are members of the Commonwealth of Nations. In addition to being the head of state of the United Kingdom of Great Britain and Northern Ireland, Queen Elizabeth II in her personal capacity in 2016 is also the monarch of Antigua and Barbuda, Australia, Bahamas, Barbados, Belize, Canada, Grenada, Jamaica, New Zealand, Papua New Guinea, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, and Tuvalu. In the Queen’s absence, i.e. most of the time, the monarchical functions are discharged in these countries by the Governor General. Even less than in Britain, where the monarch is present almost during the whole year, does she have any substantial role in the government and the politics of the countries concerned, apart from the ceremonial functions of head of state. While it is thus formally correct to qualify these countries as ‘parliamentary monarchies’, they effectively operate as → parliamentary systems pure and simple.

6. The British monarchy also served as a model for the establishment of constitutional monarchies on the European continent since the 19th century. Among the constitutions inspired by the British model were the Norwegian Constitution of 1814, the 1831 Belgian Constitution and the Statuto Albertino of 1848, the constitution of the Kingdom of Piedmont and Sardinia which became the constitution of Italy following unification. In all these constitutions, the → executive powers were vested in the King but exercised by the government while → legislative powers were granted to the King and the bicameral Parliament which needed to work together to pass legislation. This was part of a general trend in Europe: most countries which emerged as independent nations in the 19th century adopted constitutions which introduced one version of a parliamentary monarchy or other, often influenced by the British experience. However, at the end of World War I the constitutional monarchies in Central Europe were abolished, while the remaining monarchies in Eastern and South Eastern Europe followed suit in the wake of World War II, with Greece being the last constitutional monarchy in South Eastern Europe that was toppled by a military coup in 1967.

C. Main Constitutional Features of Contemporary Parliamentary Monarchies
1. Political Functions

(a) Europe

7. The constitutional monarchies in Western and Northern Europe either survived World War II in exile or were restored following the ending of the war, with the exception of Italy, where the parliamentary monarchy established by the Statuto Albertino had proven flexible enough to accommodate first the rise and later the demise of Mussolini’s fascist regime but was finally abolished by popular referendum in June 1946. Constitutional regulation of the monarch’s status and his or her powers varies from country to country, ranging from the more traditional to the decidedly modern approach. The traditional approach based on the British model is exemplified by the Danish Constitution of 1953 which vests the executive authority in the King and the legislative authority in the King and the Folketing (the Danish Parliament) conjointly (§ 3). The Constitution contains an impressive list of royal prerogatives in chapter III and even provides that ‘subject to the limitations laid down in this Constitutional Act, the King shall have supreme authority in all the affairs of the Realm.’ Crucially, however, he shall exercise this supreme authority through the Ministers (§ 12), and thus subject to the checks of Danish-style parliamentary government. The Spanish Constitution, on the other hand, vests specific powers—the promulgation of laws, the summoning of the Cortes Generales (Spanish legislature), the appointment and dismissal of the members of the government—in the King very much in the same manner in which Republican constitutions in parliamentary regimes vest specific powers in the elected head of state: they are listed one by one (see Art. 62), and their exercise is made subject to the requirement of countersignature by the Prime Minister and the competent minister (Art. 64).

8. A decidedly modern approach is taken by the Swedish Constitution of 1975. The Constitution of the Kingdom of Sweden shuns any notion that the King is involved in the performance of legislative or executive functions at all. These functions are instead vested directly in the Riksdag (Swedish legislature) and the government, respectively. The monarch only has a constitutional right to be informed about the affairs of the Realm by the Prime Minister (Chapter 5, Art. 3 Swedish Constitution) and chairs the government convening as the Council of State on special occasions, like the handing over of government powers to a new Cabinet (Chapter 6, Art. 6). Since no executive or legislative powers are vested in the King, no rules on their exercise (upon Cabinet advice or subject to ministerial countersignature) are needed. In constitutional practice, however, European monarchs today are stripped of any real powers. Even in times of crisis they barely venture beyond a purely ceremonial role, nor is a politically more active role expected or accepted by the public.

(b) Asia, Africa and the Pacific

9. Only a few parliamentary monarchies exist outside Europe today. Most of African and Asian countries which achieved independence following World War II opted for a Republican form of government. A special case is Japan where the Americans deliberately retained the Emperor (Tennō 天皇) as a symbol of the unity of the state and of the Japanese people. However, he now derives his constitutional legitimacy from the will of the people (Art. 1 of the Constitution of Japan) and has no powers related to government (Art. 4). The advice and approval of the Cabinet is required for all acts of the Emperor in matters of state (which include the promulgation of laws and treaties, the convocation and dissolution of the Diet (Japanese legislature), and the appointment of the Prime Minister designated by the

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Diet and the Chief Justice designated by the Cabinet), and the Cabinet is responsible therefore (Art. 3).

10. Some countries which had long retained traditional forms of monarchy with a central role of the monarch in the operation of the government have transformed themselves into parliamentary monarchies recently. In Bhutan the constitution of 2008, the country’s first written constitution ever, was the result of an initiative by King Jigme Singye Wangchuck who in the late 1990s deliberately set in motion a reform process with the aim of curtailing the monarchy’s unfettered powers. In 1998 he transferred most of his executive powers to the Council of Ministers and allowed for an impeachment of the King by a two-thirds majority of the National Assembly. He was also the driving force behind the drafting of a written constitution and played a leading role in the campaign to familiarize the local population with its contents. A provision which has no parallel elsewhere requires the monarch to step down at the age of 65 years (Art. 2(6) Constitution of the Kingdom of Bhutan). In Tonga, the Constitution of 1875 was amended in 2010 with the aim of establishing a constitutional monarchy. Under the amended Constitution the King ‘reigns’ the country but leaves the task of governing to his ministers who, unlike the King, are responsible (Clause 41 Constitution of Tonga). To this end, the constitutional reforms of 2010 have created the new office of Prime Minister.

11. The concepts and formulations used to define the position of the monarch within the constitutional systems of these countries are often drawn from the established European constitutional vocabulary. In Thailand the sovereign power belongs to the people of Thailand and the King of Thailand exercises this power through the National Assembly, the Council of Ministers and the courts in accordance with the Constitution (Art. 3 of the Constitution of 2016). The Malaysian Constitution vests the executive power in the elected monarch of the Federation and provides that it may only be exercised in accordance with the advice of the Cabinet (Art. 40). In Jordan, the Constitution vests the executive power in the King and also gives him—in line with British constitutional tradition—a share in the legislative power (Art. 25 Constitution of Jordan). In former French colonies the political role of the monarchical head of state is frequently defined in terms borrowed from French constitutional law, although they are used there to describe the mission of the Republican head of state: the King is the symbol of the unity of the Nation, the guarantor of national independence and territorial integrity, and the supreme arbitrator who ensures the regular functioning of public institutions (Art. 42 Constitution of Morocco; Arts 8, 9 Constitution of Cambodia).

12. The reference to concepts and terminologies from the European constitutional vocabulary often masks a political reality which is fundamentally different from that of the contemporary European monarchies and reflects the peculiar constitutional, political and historical traditions of the respective country. In Morocco, important powers assigned to the King in his role of ‘supreme arbiter’ of the country’s constitutional authorities like the appointment of the Prime Minister or the dissolution of Parliament are exempt from the requirement of countersignature (Art. 42(4) Moroccan Constitution). While the Jordanian Constitution requires that the royal decrees through which the King exercises his extensive constitutional powers must carry the countersignature of the Prime Minister and the competent Minister(s), it expressly stipulates that the signature of the King expressing his concurrence must be placed above the ministers’ signatures (Art. 40), thus leaving the latter’s submission to the King’s supreme authority in no doubt. Under the Constitution of Bhutan, the Druk Gyalpo (Head of State) exercises his prerogative powers, including a far-reaching general competence to act on all matters not provided for by the Constitution or other laws, without the need to obtain ministerial countersignature, although he must
consult with the government, the Legislative Assembly or special commissions on most appointment matters (Art. 2 Constitution of Bhutan).

2. Religious Functions

13. A major difference between European and non-European parliamentary monarchies concerns the religious functions of the monarch. The historical role of the monarch as ‘upholder of the (Christian) faith’ has largely vanished from European constitutional texts (most recently in Norway, where the constitutional duty of the monarch to uphold and protect the Evangelical-Lutheran religion was removed from the constitution only in 2014). Some European constitutions still require the monarch to profess a certain faith (Act of Settlement in the UK; §6 of the Constitution of Denmark; Art. 4 of the Norwegian Constitution), while others are altogether silent on the matter of religion. By contrast, religion in non-European parliamentary monarchies is often still central to the position of monarch. In Morocco the revised Constitution of 2011 stresses the credentials of the royal house as traditional Islamic monarchy by devoting a whole article to the King’s function as ‘Commander of the Faithful’ (Amir al Mouminine), which is placed at the top of the chapter on the monarchy (Art. 41). In his capacity as Commander of the Faithful (Amir al Mouminine), the King ensures the observance of Islam, guarantees the free practice of religious cults and chairs the High Council of Islamic scholars (Oulémas). The Council is the only body which is competent to issue opinions on matters of Islamic law (fatwas). However, it cannot exercise this function on its own initiative but only upon request by the King. The King is the preeminent authority on Islam in the Morrocan system (Mayer, 188). It is the King who decides which issues are submitted to the Council and firmly controls its agenda. The elected monarchical head of state of the Federation of Malaysia, the Yang di-Pertuan Agong, acts as the head of the religion of Islam in the federal territories and the states ruled by appointed governors (see Art. 3 of the Constitution of Malaysia). A strong link between the political and the religious functions of the monarch exists also in some non-Islamic countries. The Constitution of Thailand emphasizes the King’s role as Buddhist and upholder of religions (S. 7). Similarly, the King is proclaimed as the upholder of all religions by Section 3 of the Constitution of Bhutan which expressly recognizes Buddhism as the ‘spiritual heritage’ of the Kingdom. The Buddhist affiliation of the King cannot be in doubt, since it is he who appoints the Je Khenpo, the Chief Abbot of the Central Monastic body of Bhutan.

D. Assessment

14. The term parliamentary monarchy designates all those constitutional systems in which the function of head of state is vested in a hereditary or—less frequently—elected monarch who is divested of any real political power which is exercised by an elected Parliament and a government supported and controlled by the former. The powers of the monarch in European parliamentary monarchies are today largely nominal, as they are exercised either directly by the Cabinet and the Prime Minister or formally by the monarch ‘upon the advice’ of the government and/or subject to the countersignature by the competent (Prime) Minister. However, the actual position of the monarch in non-European constitutional systems which define themselves as constitutional or parliamentary monarchy (or both) often varies considerably from the European standard. The effective powers which the monarch enjoys in practice in non-European countries not only depend on the constitutional text—which often borrows the concepts and terminologies from the European constitutional vocabulary—but also from a number of other factors, in particular the religious and political traditions of the respective country, the personal authority of the King, and the legitimacy of his dynasty. Thus nominally constitutional monarchs like those of Morocco, Jordan, or
Bhutan enjoy significant powers which are only partially reflected in the constitutional texts.

**Select Bibliography**