

# *SPECIAL LECTURE SERIES*

*Human Rights & the Democratic Process*

*by*

*Lord Scarman, PC, OBE*

*(1983)*

*The Monarchy*

*by*

*Lord Blake*

*(1984)*

*The Fall & Rise of the Entrepreneur*

*by*

*Lord Young of Graffam, PC*

*(1985)*

*Published in March 1986*

*by*

*Gresham College  
Level 12, Frobisher Crescent,  
Barbican Centre, London EC2Y 8LA*

*All rights reserved.*

*ISSN. 0269-199X*

*ISBN. 0 947822 03 8*

*Printed in Great Britain by  
Needham Printers Limited  
69-85 Tabernacle Street  
London EC2A 4BA*

## **INTRODUCTION & ACKNOWLEDGEMENT**

*Since 1983 Gresham College has annually invited a person of distinction to deliver its Special Lecture – The subjects are varied, but all are of topical and often controversial interest.*

*The College now takes the opportunity of publishing the First three lectures in the series which have been edited from transcription and compiled by Carol Dulling.*



## BIOGRAPHIES

### LORD SCARMAN

*Leslie George Scarman was born in 1911. He was educated at Radley College & Brasenose College, Oxford where he was a classical scholar.*

*He became a barrister in 1936, and Queens Council in 1957. A judge of the High Court of Justice, Divorce and Probate, he was Lord Justice of Appeal from 1973 - 1977 and Lord of Appeal in Ordinary from 1977. From 1965-73 he was Chairman of the Law Commission and from 1973-76 was a member of the Council of Legal Education.*

*He was awarded the OBE in 1944, made a Privy Councillor in 1973 and a Life Peer in 1977. His artistic involvements include membership of the Arts Council from 1968-1970 and 1972-1973 and Vice Chairmanship of the English National Opera from 1976-1981.*

*His publications include, Patterns of Law Reform (1967) English Law – the New Dimension (1975) and The Scarman Report – The Brixton Disorders (1981).*

### LORD BLAKE

*Robert Norman Blake was born in 1916. He was educated at Norwich School and Magdalen College Oxford where he obtained a First in PPE (Politics, Philosophy and Economics). In the Second World War he served in the Royal Artillery in the Western Desert, was taken prisoners at the fall of Tobruk in 1942 and escaped from Italy in 1944. He was Tutor in Politics at Christ Church Oxford from 1946-68 and has been Provost of The Queen's College Oxford since then.*

*His principal publications have been: ed. The Diaries of Field Marshal Haig (1952); The Unknown Prime Minister, The Life and Times of Andrew Bonar Law (1955); Disraeli (1966); The Office of Prime Minister (1974); A History of Rhodesia (1977); ed. The English World (1982); Disraeli's Grand Tour (1982); The Conservative Party from Peel to Thatcher (1985); The Decline of Power 1915-64 (1985) in the Paladin History of England. He is Editor of The Dictionary of National Biography. He was made a Life Peer in 1971. He is a Fellow of the British Academy, a Trustee of the British Museum, a Trustee of Chatsworth, Chairman of The Rhodes Trust and Chairman of The Royal Commission on Historical Manuscripts. Lord Blake is also a Director of Channel Four Television and has often taken part in radio and television programmes.*



## **LORD YOUNG OF GRAFFHAM**

David Young was born in 1932 and was educated at Christ's College, Finchley, and University College, London where he read law. He qualified as a solicitor in 1956. Following a short time in practice, he joined Great Universal Stores Limited until, in 1961, he established his own industrial construction group.

After the 1979 election, he became Industrial Adviser and later Special Adviser to the Secretary of State for Industry. In April 1980 he was appointed a member of the English Industrial Estates Corporation. After the Cabinet reshuffle in September 1981, the Secretary of State asked him to continue as his Special Adviser. He has also acted as an adviser to the Secretary of State for Education and Science. With his particular interest in training, he was elected Chairman of the Administrative Committee of the World ORT Union (Organisation for Rehabilitation through Training) for 1980 and 1984. Lord Young became Minister without Portfolio from September 1984 when he became a member of the Cabinet, with a special remit to promote policies for the growth of enterprise and the creation of jobs. Prior to this he was Chairman of the Manpower Services Commission from April 1982, and he became a member of the National Economic Development Council in 1982.

Shortly after giving the Gresham Special Lecture, Lord Young was appointed Secretary of State for Employment in September 1985.



# *Index*

## *Page*

*Human Rights and the Democratic Process*

1

*The Monarchy*

10

*The Fall and Rise of the Entrepreneur*

23



*The Monarchy*  
*by*  
*The Rt. Hon. Lord Blake*

*The Gresham Special Lecture*  
*delivered in the Old Library,*  
*Guildhall, London*  
*on*  
*3rd July 1984*

At the beginning of this century the greater part of the earth's surface was governed by hereditary monarchies. The notable exception in Europe was France, then enjoying its third republic. Across the Atlantic it is true that the US and the countries of Latin America were republics because they owed their national origins to successful rebellion against monarchies; the royal houses of Britain, Spain and Portugal. The vast land mass of Asia was ruled by the Sultan of Turkey, the Shah of Persia, the Emperors of Russia and China, the Mikado and the Empress of India, along with various other minor royal figures. Africa was partitioned mostly among European monarchies, though France, the second largest colonial power to Britain, was an exception; and there also existed the independent Republic of Liberia. In general, a commentator on world political institutions in 1900 might fairly have regarded monarchy of one sort or another as the norm.

Half a century later the scene had been transformed. The Hohenzollerns, the Hapsburgs and the Romanovs had vanished. So had the Ching dynasty. The House of Savoy no longer ruled in Italy nor the Braganzas in Portugal nor the Bourbons in Spain. The minor monarchies of the Balkans had become communist republics. The only European monarchies were Britain, Belgium, Holland, the Scandinavian countries and Greece.

In most of Asia the Heads of State were Presidents. Surprisingly however, the Mikado still sat and still sits on the throne of that most enigmatic of countries, Japan. There were still monarchies in Thailand, Nepal, Afghanistan, Iran, and several in Arabia, including Iraq, Saudi Arabia and Jordan. There were still Kings of Egypt, Tunis and Libya. Morocco had a Sultan under French protection. Abyssinia had an Emperor.

Let us move 34 years on to 1984. Europe has lost one monarchy; Greece, but as a kind of backward eddy in the course of history, has acquired a new one, or rather an old one revived, in the form of Spain where a Spanish Bourbon has reigned since the death of Franco in 1975. Almost everywhere else monarchies have tumbled – Egypt, Ethiopia, Tunis, Libya, Iraq, Iran, Afghanistan. But Jordan has survived and so has Saudi Arabia and a number of Gulf states. Further west the Sultan of Morocco has become a King on receiving independence in 1956. Further east Nepal and Thailand are still monarchies and so is Japan. Since 1950 South Africa has ceased to be a Commonwealth monarchy but the other three important ones, Canada, Australia and New Zealand retain their old status.

Clearly monarchy could no longer be regarded as the norm even in 1950 –



certainly not today. But it is also clear that, within the category of monarchies, the British monarchy is by far the most important, however much ground Britain may have lost in world status since 1900. We must remember to include the seventeen Commonwealth monarchies of which the Queen is Head of State. But we must omit the twenty-five Commonwealth republics whose presidents are their heads of state, though they recognize the Queen's somewhat shadowy and not very clearly defined position as 'Head of the Commonwealth'.

If the British Crown is by far the most important example of monarchy today, it is also much the oldest. The Queen can trace direct descent from Egbert I who became King of Wessex in 802, and she is of course also descended from William the Conqueror. It is an interesting sideline on hereditary monarchy that between 1016 and 1216 the only King to succeed his predecessor according to today's rules was Richard I. The monarchy was by no means strictly hereditary then. Nor was it later. The claims of Henry IV and Henry VI were dubious in the extreme. There were over fifty potential hereditary claimants between George I and his predecessor Queen Anne.

Their heir general, and if there had been no Catholic bar, the King of England today, would be Prince Albert of Bavaria. It is an interesting test of one's knowledge of royal genealogy to pick out those earlier monarchs from whom the Queen is not descended. I can't begin to do the Anglo-Saxon monarchy, but from 1066 it is easier. The Queen is not descended from William Rufus, Stephen or Richard I. She is not descended from any of the Kings between Edward III and Edward IV, i.e. not from Richard II, Henry IV, V or VI. She is also not descended from Richard III. The Richards are in fact conspicuously absent from her ancestry, also all the Williams after the Conqueror. But there is no lack of Georges. She is not descended from any Tudor except Henry VII nor any English Stuart except James I.

I have mentioned the plethora of Georges. This was appropriate. It was the Hanoverian name. Alone George IV is missing, for his only daughter and her baby died in child birth. This nomenclature reminds us of the long tradition of foreign dynasties on the throne. The Normans, as Mr. Michael MacLagan puts it in a book which I edited, *The English World* (1982), were "Vikings with a touch of French polish". The Plantagenets stemmed from Northern France. The Tudors were Welsh. The Stuarts were Scots whose origins if one goes back far enough were Breton. The Hanoverians were German. Prince Philip is descended from the Royal House of Denmark, and so the future King Charles III can be regarded, as far as his male ancestry is concerned, as Danish. But



one's nationality is what one feels it to be. The Royal Family in the First World War took, as an anti-German gesture, the surname of 'Windsor'. The Kaiser has a sense of humour. He is supposed to have said that he looked forward to seeing a Berlin Shakespeare's well known play 'The Merry Wives of Saxe-Coburg-Gotha'.

Why has England been happy to accept foreign dynasties? Perhaps because we are the oldest European country to establish a national identity. French nationalism, the second oldest, was a revolt against England – like Irish nationalism much later. This great antiquity of our existence as a 'nation state' has given the English a sense of continuity and confidence to which there is no exact comparison anywhere else. Our national identity is so old and so deeply confirmed that we take it for granted and do not mind about the 'nationality' of our Kings and Queens.

A year or ago I was being motored from Barcelona to Andorra. I was asked what was Britain's 'National Day'. I could give no answer. Scotland – St. Andrew's? Wales – St. David's? But England? Not St George's Day – or not very plausibly. My surmise is that the English are too deeply confident of their nationality to bother about these symbolic gestures. Most other countries have 'national days'. We certainly should not laugh at them because we do not celebrate a similar occasion ourselves. There is no need to think that the foreign dynasties which have reigned or ruled over us have been any the worse for being foreign. The antiquity of English nationalism, its lack of chips-on-the-shoulder, its sense of tolerance, liberty and non-exclusivism have all contributed to this acceptance. Long may it continue.

The non-indigenous nature of monarchical dynasties has now always been a success elsewhere. In the 19th century, fledgeling nation – states needed (or felt they needed) the veneer of monarchy to make them respectable. An archetypal case was Greece which has no plausible local royal family and touted the throne of Athens all over Europe. Bulwer Lytton, the novelist, was considered. There was the possibility of the heir to the Earldom of Derby getting it. But, as Disraeli said, "the Stanleys are an unimaginative race. They prefer Knowsley to the Parthenon and Lancashire to the Attic plain". In the end it went in 1863 to a member of the Danish Royal Family but their career has been chequered. One of their Anglicised descendants, King George of the Hellenes, was liable to refer to his subjects as "those bloody Greeks" – a sentiment with which I am, however deplorably, sometimes inclined to agree, especially when the question of the Elgin Marbles comes up on the agenda of the Board of the British Museum.

The Hanoverian dynasty which has ruled since 1714 has now become thoroughly English. At the beginning it was anything but. True, George I was not as ignorant of his adopted country's language as the traditional history books claim. It is a myth that he ceased to attend the Cabinet from 1717 because he could not understand English. In fact he continued to attend from time to time for the rest of his reign. He certainly spoke English badly and preferred to use French which was the language of polite society in Europe, but he enjoyed the English theatre and did not, as legend maintains, insist on ministerial memoranda etc. being translated. George II spoke English fluently but with an atrocious accent. "I don't like boetry and I don't like bainting" is one of the better known remarks of this cultivated monarch. George III, his grandson was thoroughly anglicised, but the Germanic element came back again with the Prince Consort. All Queen Victoria's children, if accounts are correct, spoke English with something of a German accent. Certainly Edward VII did so, but this characteristic died in the next generation. One seemingly Germanic trait was the Hanoverian practice of invariably marrying Germans but this was due less to nationalism than to the rule that no royal prince could marry a Catholic and the usage of both the Hanoverians and the Stuarts of royalty marrying only royalty. Among protestants royal families Germans predominated untill 1914. Queen Elizabeth the Queen Mother is the first commoner to have been Queen Consort since Catherine Parr.

Countries can be divided into those that have a head of state with real power, a genuine head of the executive, and those that have a formal and ceremonial figure as their head of state – someone to symbolize the continuity of the country and to act as a neutral non-political pivot upon which the constitution hinges. This division does not of course correspond to the division between republics and monarchies but it does have some significance in any analysis of monarchy. There can be republics of both kinds. The Presidents of the USA, France under the 5th Republic and most of the independent African states have executive power and play an active political role as well as being formal and ceremonial heads of state. But the Presidents of The Federal Republic of Germany, of Italy, Greece, Israel and France under the 3rd and 4th republics do or did not. They are or were like constitutional monarchs, only elective instead of hereditary. There can also be monarchies of both kinds. Louis XIV's remark symbolizes the position of the monarch as both ceremonial and real head of state – *L'État c'est Moi*. Down to the Russian revolution the Czar was in a position not so very different. Of course there are checks in practice on the power of any monarch, however absolute it may be in theory. The nearest approach to that sort of absolutism in recent times was the rule of the Shah of Persia. The nearest today is that of the King of Saudi Arabia. But neither Louis XIV nor any of these could do just whatever they wanted at all times and in



all circumstances. They had to act through ministers, they had to give some consideration to the wishes of their subjects, they had to try to avoid violent overthrow.

There is, however, an important difference between a monarchy which in theory has absolute power, albeit restricted in practice, and one which is 'limited' and which operates within constraints laid down by law, usage, custom and convention. This latter is the pattern which prevails with the monarchies in the western world. The seven European monarchies that survive are all of them 'limited' monarchies. And they are all modelled, whether or not they acknowledge it, on the British Crown. For the device of 'limited monarchy' was essentially a British invention. Indeed one could fairly say an English invention, since its main outlines took shape in the England of the 17th century before the Act of Union with Scotland. The disappearance of absolute monarch in Europe, and in all except a very few countries outside Europe, is a by-product of the democratic revolution which began with the fall of the Bastille and has been going on ever since. If you believe in the 'rule of the people' you may not be quite clear what the phrase means, but you can be clear on what it does not mean. It certainly does not mean absolute rule by a monarch whose sole legitimacy is provided by hereditary succession. Presidents, however tyrannical, brutal, incompetent, cruel and ruthless can claim an authority in the modern world that no dynasty can claim. For good or ill they have been elected. At least they can allege that they have been ratified by that mysterious entity, 'the people', and are not in power simply because they are the descendants of some former ruler.

The democratic argument against dynastic absolutism is powerful. Although such regimes can exist in modern times and may last a long while, they are always vulnerable to ideological assault. The divine right of the people has replaced the divine right of kings. But the defects of monarchy in countries where the headship of the state is combined with real executive power do not apply to all the second category of state which I mentioned earlier. This is the one where the ceremonial headship and the political power are separated. We saw that this could also be done under a presidency as well as a monarchy, but there is at least an arguable case for the view that, if one is going to have this somewhat sophisticated division of functions at all, a monarchy is better than a republic. A president is almost bound to have some sort of political past, and, however much he leans over backward to preserve impartiality he is likely to be seen by some people as having an axe to grind. Moreover there is a problem about election. If a president is elected by the voters, by 'the people', he can claim an authority as great as the legislature. This was how the President of the French 2nd Republic was chosen, and also Louis Napoleon,



the Prince President, who soon converted himself to an emperor. Under both the 3rd and 4th republics, election was by the legislative assembly. In the 5th republic election is by the people, but that is natural enough because the presidency of France since and including De Gaulle is intended to be an office of real power like the American presidency. Election by the legislature of a President as ceremonial head of state has the disadvantage that in seeking someone who cannot possibly set himself up as a rival to the Prime Minister and his cabinet the legislature will elect a respectable second-rate mediocrity. Hence Clemenceau's celebrated advice to his fellow deputies, "Votez pour le plus stupide". It was advice that backfired many years later in 1920 when he was himself a candidate for the presidency and the Assembly voted for Deschanel, the President of the Chamber, who became insane a few months later.

The argument for hereditary monarchy is first that it will normally be regarded as non-political. This was not the case in Britain in the 18th and early 19th centuries. Long after the Declaration and Bill of Rights in 1689 and the Act of Settlement in 1701 which were the measures that were supposed to have limited the power of the Crown, monarchs continued to exert an active political influence. It was no accident that between 1715 and 1834 the sitting Prime Minister appointed by the Crown never lost a general election. The first occasion when this failed to work was after William IV dismissed Melbourne in 1834 and appointed Peel. He lost the ensuing general election in 1835 and the King was obliged to take Melbourne back. The power of dismissing a Prime Minister still exists in theory, like many other monarchical powers, but it has never been exercised from that day to this, and, short of a Prime Minister palpably going off his head, as in the case of the unfortunate President Deschanel, one cannot imagine it being used again.

The second argument is perhaps more important. Hereditary monarchy means that the change of Head of State is made by a process that is one of 'prescriptive, immediate and automatic succession,' as Sir Harold Nicolson put it in his notable biography of George V. There can be no argument about the succession under the rules that now prevail. This was far from true in the past, but there is always liable to be a dispute when an hereditary monarchy possesses real political power. Think of the long history of the Roman Emperors and the Sultans of Turkey. Indeed in those conditions it could hardly be recommended as a system for the last quarter of the 20th century – which is not to say that it may not still work successfully in some countries, the very few where hereditary authority as well as hereditary succession still prevails. But the risks of heredity if the successor is to be a real not a ceremonial head of state are obvious. No doubt in the past in every dynasty some forebear or

forebears were able, intelligent and possibly very tough persons, but over the years other genes can come in and perhaps prevail. It matters far less if the monarch is a formal figure who simply represents the dignity, continuity and tradition of the state. To do this does not require cleverness, political antennae, rhetorical ability, personal combativeness, shrewd image building, economic expertise and all the other qualities which we look for – not always successfully – in a Prime Minister. What it does require is devotion to duty and consciousness of, and belief in, the purpose of the office.

This is all the easier under an hereditary system because people are brought up in it. Even if like George VI they are not in the direct line, they are bound to have to some degree the 'feel' of the job, and are often involved in ancillary duties though they may have no obvious likelihood of coming to the throne. In fact since 1715 the Crown has usually gone to the obvious successor. George II, III and IV were predestined from an early age, as were Queen Victoria, Edward VII, and Queen Elizabeth II. The exceptions were William IV who was 62 before he became certain to succeed if he outlived his eldest brother; George V, who was 26 when the debauched, effete, and almost half-witted 'Prince Eddy' fortunately died; and George VI who succeeded so unexpectedly in 1936 at the age of 40. His brother's abdication was the best thing that happened to the monarchy since the flight of James II. The Duke of Windsor for all his charm and good looks was too spoilt, too vain, too fundamentally egotistic and self-indulgent to play the role of a modern constitutional monarch. He was no loss to Britain.

The British monarchy, though hereditary in one sense, is also the creation of parliament. In fact the present dynasty is not strictly even that. The so-called 'Convention Parliament' of 1689, which gave the succession to William and Mary jointly, then to their survivor and then to Anne, was not really a parliament at all, for there was no parliament in existence when in 1688 James II fled the country and dropped the Great Seal in the Thames. Parliament could only be summoned by writs under the Great Seal given by a lawful monarch. The Convention was summoned by William and Mary who could not be described as lawful monarchs in any sense of the words. Whether or not it was glorious, the revolution was certainly a revolution as far as legal continuity is concerned.

There are further complications for the legally minded. Henry VII was empowered by Parliament, incredible though it may seem, to leave the Crown by will to anyone he chose, if none of his three children had any heirs. None did – Edward VI, Mary and Elizabeth I. The will gave the Crown to the descendants of his younger sister, Mary, Duchess of Suffolk, in preference to



those of his elder sister, Margaret, Queen of Scotland, great grandmother of James I. The will was still legally operative when Elizabeth I died in 1603 but she indicated that she preferred James, and the Suffolk descendants made no claim. If the will had prevailed the Queen of England today would be Baroness Kinloss who is the heir general to the Duchess of Suffolk.

These are enjoyable legal fantasies rather like the argument in *The Times* in winter 1936-37. It was maintained that Princess Elizabeth could not be regarded as heir presumptive to the throne unless the Act of Settlement of 1702 was amended to that effect. Otherwise the Crown on the death of George VI would, like the old English baronies by writ, go into abeyance between the two sisters, and there would be no monarch at all, or else perhaps they might divide the realm or they or their descendants occupy the throne in alternate reigns rather like the arrangements about the office of the Lord Great Chamberlain. Common sense prevailed. Everyone took it for granted that the eldest daughter would succeed if there was no brother, and the government refused to bother to amend the Act of Settlement. No monarch is more securely rooted and firmly established than Queen Elizabeth II. We need not worry about rival claimants.

The most important aspect of the British Monarchy is its symbolic and ceremonial embodiment of the continuity of the nation. This of course is why it is attacked by those who want to see a revolution – a complete change of society, a break with the past, the creation of a new order. It is not the political (very vestigial) power of the Crown that they oppose with any serious vigour, although they certainly do oppose it. What the revolutionaries want to destroy is an institution which appeals to the imagination of millions and which must be in the end a far more formidable block to the destruction of our national traditions than any elected president could ever be.

The Monarch does possess even today some political powers of the last resort – very much ones of ultimate reserve and not to be used save in extreme circumstances. Constitutionally and strictly the Queen appoints the Prime Minister. In the 20th century this choice has been on occasions a real one – Baldwin in 1923 and perhaps the continuation of MacDonald in 1931. The choice of Macmillan in 1957 and Sir Alec Home in 1963 could be put into the same category. The last monarch to make a real personal choice without consulting anyone was Queen Victoria when she appointed Rosebery in 1894. She did not consult Gladstone, the outgoing Prime Minister, nor any of his Cabinet. Gladstone in fact would not have recommended Rosebery. Since then an effort has always been made to consult the party (Of course the

problem has only arisen when a Prime Minister in office has died or bowed out). But consultations however careful and conscientious can be criticised. The parties now have an established system of electing a leader. The last occasion when a Prime Minister has retired while still in possession of a parliamentary majority was when Harold Wilson resigned in 1976. His successor James Callaghan was elected as leader of the Labour Party and was then formally appointed as Prime Minister by the Queen. In fact the system of election has some disadvantages. Both parties have rules which in order to ensure a conclusive majority for the successful candidate can lead to a protracted election with several ballots. This could at a time of financial or economic crisis be awkward, as the Wilson/Callaghan succession showed. Large quantities of sterling were lost in the exchange markets because of unnecessary fear lest Michael Foot would be elected. If the old method of royal choice had prevailed the Queen would at once have nominated Mr. Callaghan who was the obvious successor, and a lot of money would have been saved. But there is no likelihood of the parties going back on their decision to elect the Prime Minister. Except for an unusual crisis – the events of 1931 and 1940 come to mind – royal choice is now limited to ratifying the result of an intra-party election.

What personal powers does the Crown possess in practice as opposed to theory? There are still certain prestigious honours in the Queen's personal gift, which do not depend on ministerial advice. The Garter, the Thistle, the Order of Merit and the various grades of the Royal Victorian Order are honours which she confers personally. All the others are conferred on the advice of the Prime Minister. In the case of these honours she could object and she could ask for explanations from the Prime Minister about them. In the last resort she could refuse, but there is no publicly known instance of this occurring in modern times. George V objected in 1916 to Lord Beaverbrook's peerage and in 1918 to Lord Birkenhead's appointment as Lord Chancellor but he did not in the end refuse his consent. Whether or not there have been similar episodes more recently one cannot know until the relevant papers become open to historians.

The Monarch has the right to dismiss a Prime Minister, to dissolve Parliament and to refuse to dissolve Parliament – subject to the Parliament Act of 1911 which compels an election to be held not more than five years after the previous one, it is hard to imagine dismissal occurring nowadays except, as I suggested earlier, in the event of a Prime Minister becoming insane or committing some act of gross illegality. The impasse which induced Sir John Kerr, the Governor General of Australia, to dismiss Mr Gough Whitlam in 1975



could not occur here, for the Lower House can always override the Upper House, whereas the Australian Senate has co-equal powers with the House of Representatives. Nor can one imagine the Crown forcing a dissolution which was in effect what Sir John Kerr did, in the sense that after dismissing Whitlam, who refused to recommend a general election, he appointed a Prime Minister who would.

The question whether the Crown in the UK could refuse a dissolution to a Prime Minister who formally requested one is more doubtful. It has never occurred in modern times, though we know now that George V would have refused MacDonald in 1924 if either Baldwin or Asquith had been ready to form an alternative government. It has occurred twice during the 20th century in Commonwealth monarchies – Canada in 1926 when Lord Byng refused a request from MacKenzie-King and in 1939 when the South African Governor-General, Sir Patrick Duncan, behaved similarly towards General Herzog and installed General Smuts. But, although Governors-General represent the Monarch, their position is not quite the same. Apart from anything else, they are appointed on the advice of the relevant Commonwealth Prime Minister and they have a limited tenure. The Queen is not 'appointed' by anyone and her tenure is unlimited. This must, and does, make a considerable difference in practice whatever may be the formal constitutional position.

The question of the Monarch's right to refuse a dissolution has been the subject of debate on two occasions since the Second World War. The first was in 1950 when Mr. Attlee won the general election by a very narrow margin. Would he be entitled to a dissolution if he was beaten almost immediately in the House on a vote of confidence? Or if he simply calculated that a quick dissolution would increase his slender majority? Various opinions were expressed, but the matter proved to be academic.

Attlee carried on for another eighteen months, by which time his right to a dissolution was incontrovertible. The subject came up again after the first of the two general elections which took place in 1974. Labour was the largest single party but did not have an absolute majority in the House. Once again the question of an early dissolution was mooted. Once again nothing actually happened and no one disputed Harold Wilson's right to a dissolution in October some seven months later.

The subject was not, however, dropped or forgotten. On 25 March 1974 the Tribune group raised the matter with the Leader of the House, Edward Short. 'In our opinion,' they wrote, 'the Prime Minister of the day has an absolute right to decide the date of the election, following discussion with his Cabinet

colleagues.<sup>1</sup> Mr. Short did not reply until 9 May and just what advice he took is unknown. But in his letter he categorically repudiated the Tribune doctrine. He wrote:—

*Constitutional lawyers of the highest authority are of the clear opinion that the Sovereign is not in all circumstances bound to grant a Prime Minister's request for dissolution. But the exercise of the royal prerogative in this matter is not determined only by past constitutional usages and precedents: the relevance of those usages and precedents has to be considered in relation to the actual circumstances.*<sup>2</sup>

There the matter rests. The question has not been raised again during the last ten years. There could be no question about the propriety of Mr. Wilson's request for dissolution in October 1974, Mr. Callaghan's in 1979 and Mrs. Thatcher's in 1983. Evidently, however, the correct opinion must be that, although the Crown would not readily refuse a dissolution and would certainly not do so, unless assured of an alternative government capable of carrying on for a reasonable period, the possibility of a refusal does exist. The Crown does not, as the Tribunites would have liked, act entirely automatically and solely on advice of Ministers.

A good example is the Queen's Commonwealth broadcast. It may be true that normally she never speaks except on advice from a Minister whether in the UK or one of the seventeen Commonwealth monarchies. Mr. Enoch Powell recently tried to maintain that she cannot even address the Commonwealth collectively except on ministerial advice. Whatever the theoretical argument may be on this point, in fact she does not take formal ministerial advice for this speech and that has long been the usage. A corollary is, as Sir Zelman Cowen put it in his Smuts Lecture recently delivered in London, that 'the character of such messages would always be such that the Monarch would have to be concerned to ensure that they do not impinge upon the policies or governmental interests of individual states of which she is the Head'. This has always been so in the past, and only if it ceased to be so would any dangers arise for the Monarchy.

---

1 The letter was printed in The Times on 11 May 1974 together with Mr. Short's reply.

2 The Times, 11 May 1974.



*And this brings me to my final point. I believe that the vestigial powers of the British Monarch do matter and I believe that if they disappeared altogether the prestige of the Monarchy would be subtly and marginally but nonetheless definitely diminished. On the other hand, they should be exercised, and they have been throughout the 20th century with the greatest tact and discretion. Apart from defeat in war, embroilment with 'politics', (in the widest sense of that word) has been the principal factor in bringing hereditary Monarchies to an end. The wisdom and good sense of successive Monarchs and their private advisers has prevented this danger in Britain. No doubt the preservation of Monarchy like that of liberty requires eternal vigilance, but I see no reason whatever to believe that this will be kept any less in the future than it has been in the past.*