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To cite this article: James Alexander (2021): Three arguments relevant to the history and theory of monarchy, History of European Ideas, DOI: [10.1080/01916599.2021.1914378](https://doi.org/10.1080/01916599.2021.1914378)

To link to this article: <https://doi.org/10.1080/01916599.2021.1914378>



Published online: 15 Apr 2021.



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Three arguments relevant to the history and theory of monarchy

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ABSTRACT

This article states a claim about the fundamental nature of monarchy as something which in antiquity and medievality straddled the immanent and transcendent worlds but which is only half understood in a modernity where the world which is wholly immanent and so has a politics which must be theorised in wholly consistent terms. It draws on theories of antique monarchy, medieval monarchy, constitutional monarchy and popular sovereignty, and asserts three distinctive arguments: that politics is always fundamentally torn between law and power, that the philosophy of political history requires us to see that our resources for attempting to resolve the two have been narrowed in the last two hundred years, and that monarchy, theoretically considered, is best understood as something which has a transconsistent political logic.

KEYWORDS

Monarchy; hiatus; transconsistency; history; theory; politics

In political thought and analysis, we still have not cut off the head of the king.

Michel Foucault, *The History of Sexuality* Vol. I (New York, 1978), 88–9.

The subject of this essay is the theory of monarchy, especially as it is revealed in the history of political thought when that history is seen from such a height or in such a manner that it becomes a philosophy of political history.

This essay is an argument, or set of arguments, *about* the history of political thought rather than the usual sort of writing *in* the history of political thought. It is both historical and philosophical. It involves the sort of historical attention not always found in the writings of political theorists and the sort of engagement with general ideas which is not so common in the history of political thought.

There are several arguments I want to make. Each argument seems worth giving a definite title. So I shall call the first THE FUNDAMENTAL ANTINOMY OF POLITICS, the second THE HIATUS IN THE HISTORY OF POLITICAL THOUGHT, and the third THE TRANSCONSISTENT POLITICAL LOGIC OF MONARCHY. Let me state them briefly.

THE FUNDAMENTAL ANTINOMY OF POLITICS states that politics is fundamentally ambiguous because it founded on the antinomy of power and law. Many theorists have tried to reconcile the two, or explain one in terms of the other – that is, give one priority over the other: but I argue that the best way of understanding politics is to see it as an unresolved dialectic of the two, a mesh of experiences strung out between two theoretical poles of power and law.

THE HIATUS IN THE HISTORY OF POLITICAL THOUGHT refers to the break in continuity which occurred at the time of the French Revolution, and which separates antiquity and medievality from modernity. Many historians of political thought write history in miniature. I prefer to see the history of at least European thought in terms of a philosophy of history. The philosophy of history requires us to divide history into stages of succession or traditions of rival positions. Here

understanding is increased if we suppose that the history of political thought is divided twice into three eras: the first being antiquity, the second being the mediocrity which came as a long consequence of the Axial moment, and the third being the modernity which came as a sudden consequence of what I call the *hiatus*: the Revolutionary moment, or what has been called by others the end of the *ancien régime*, the beginning of the *novus ordo saeculorum*, the establishment of ‘radical enlightenment’, ‘the great disembedding’, and what we think of as the era of secularity, liberalism, and enlightened ideas.

THE TRANSCONSISTENT POLITICAL LOGIC OF MONARCHY is a claim about the nature of monarchy which seeks to explain why monarchy dominated politics until the *hiatus* and has not dominated it since. Elsewhere, in philosophy, ‘transconsistent logic’ refers to the truth of certain contradictions which occur at the limits of what can be known, thought or said. Here, ‘transconsistent political logic’, by analogy, refers to the truth of the particular contradiction of monarchy which is that before modernity it was not merely an ‘immanent’ but also a ‘transcendent’ phenomenon. That is to say, it existed both *within* the political order but also *without* it. Since the *hiatus* in the history of political thought involved the suggestion that political theory would henceforth have to be ‘consistent’, founded on certain rational principles, and those principles only, it follows that political theorists have found it extremely difficult to make sense of monarchy. Monarchy may be seen in part as an immanent or consistent phenomenon: as ‘royalty’, or as ‘pageant’, or as the ‘dignified’ part of a historic constitution which is otherwise republican; but this is not to see it in full. To see monarchy in full is to see it transconsistently, and it is only by studying kingship in both antiquity and mediocrity that we can see that monarchy, by its very nature, has always depended on, and I would argue – if we can accept a shift in register from history to philosophy – always depends on, transconsistent logic.

Each of these arguments is, as far as I know, original as stated, though the first may seem trivial to many. It certainly seemed trivial to the editors of the *American Political Science Review* some years ago, and I have not yet sought again to publish the paper in which I originally wrote it out. It may seem trivial because of course throughout history – from the encounter of Socrates and Thrasymachus, through Aristotle, through Shakespeare, Pascal and Schopenhauer, through Jellinek and Bluntschli up to Weber, Schmitt and Kelsen, and beyond them through to the encounters of Foucault and Chomsky, and even Rawls and Geuss, this antinomy has been recognised even by those who deny it is an antinomy. The second is obvious to anyone who reflects on the history of political thought since Hobbes. It has bedevilled the Cambridge School which, in general, has sought to make sense of the political thought of c. 1500 to c. 1800 and not the centuries afterwards: and since it is a rather embarrassing thing, this *hiatus*, it has been discussed more by those who reflect on history generally than by the scholars. The third is a novelty, though, as I shall show, some scholars of ancient and medieval monarchy have been well aware of transconsistency, though they have never called it by that name.

To bring all these arguments together so they refer to monarchy.

MONARCHY was the original way of making sense of the fundamental antinomy of power and law. Antique monarchy involved consistency between immanent and transcendent, medieval monarchy involved transconsistency, so that it was both immanent and transcendent, and so inconsistent if looked at in terms only of one frame, and modern monarchy – ever since the *hiatus* – also involves consistency, but since this consistency comes from being fitted into a frame which is only immanent, and not transcendent, it means monarchy is only half understood.

2.

The fundamental antinomy of politics is an observation about thought which seems so decisive when it is understood that it can be adopted as an absolute presupposition. As I have stated above, it is the view that any attempt by a philosopher to theorise politics in terms of law can be undermined by drawing attention to power, that any attempt by a philosopher to theorise politics

in terms of power can be undermined by drawing attention to law, that any attempt by a philosopher to theorise politics in terms of some way of reconciling law and power must fail because – in any consistent theory – law and power are incommensurable: that is to say, it is part of the logic of both law and power that each, when fully understood, cannot be supported philosophically by the other. Might and right are very different, but both insist on primacy. In modernity, I would argue, the only way to make adequate sense of politics theoretically is to recognise their co-existence as absolute polar opposites, as black to white. What this amounts to is the suggestion that Jellinek was right when, in the nineteenth century, he suggested that any good theory of politics has to be a two-sided theory. The twentieth century is littered with the theories of those thinkers who rejected this and instead urged on us some minimalist or modernist one-sided theory, a theory of, say, power politics, or a pure theory of law – or even a pure theory of politics.¹ But the fundamental problem of politics was stated by Pascal in the *Pensées*:

Justice, might. – It is right that what is just should be obeyed; it is necessary that what is strongest should be obeyed. Justice without might is helpless; might without justice tyrannical ... We must then combine justice and might.²

In politics, we witness the endless attempt to try and try again to combine them even though they cannot be combined. The classic question of whether the king is above the law or the law above the king has survived into our time as the question of whether power is theoretically prior to law, or law theoretically prior to power.

This question has come down through the centuries and has never received an answer, because it is strictly unanswerable. It is a riddle which cannot be solved. If one says that power is prior to law, then one cannot understand law: one reduces it to power, and admits an immanence of power only. If one says that law is prior to power, then one cannot explain anything in the world – except perhaps the ‘pure theory of law’ – for one has shifted attention to a second sphere. The only effective theoretical way to recognise the riddle is to state it as an antinomy: that is, to recognise that there are two rival and incommensurable ways of thinking. This is how we should read the dialogue between Thrasymachus and Socrates in Plato’s *Republic* at the beginning of our tradition. And it is how we should read the rival writings of Carl Schmitt and Hans Kelsen,³ or, more recently, the writings of John Rawls and Raymond Geuss, with their polarising claims that ‘Justice is the first virtue of social institutions’ and ‘If you want to think about politics, think first about power’.⁴ It is what we find expressed with beautiful simplicity if we consider the television debate in the 1970s between Noam Chomsky and Michael Foucault. Foucault insisted that there was only *one* sphere, that of power. Chomsky said that, in addition, there was a *second* sphere, that of law. When Foucault declared, ‘The idea of justice in itself is an idea which in effect has been invented and put to work in different types of societies as an instrument of a certain political and economic power ...’, Chomsky reply was blunt: ‘I don’t agree with that.’⁵

I have already said that in modernity these two views cannot be combined in any theory. But I would argue that before modernity it was possible to combine them.

3.

The simplest way to make sense of this is to turn to the philosophy of history. By ‘philosophy of history’ I mean simple, suggestive, coercive explanations of the major shifts in our canons of understanding. And the particular philosophy of history I want to draw attention to is the one which I find running through R.G. Collingwood’s *Idea of Nature*, Michael Oakeshott’s introduction to Hobbes’s *Leviathan*, and most recently Charles Taylor’s *Secular Age*. Each of these authors divided history into three. This history could arguably be that of the entire earth, but that argument would have to be made elsewhere, and would require much caution in making it. But the history is obviously specifically that of European civilisation.

In *The Idea of Nature* Collingwood distinguished ‘three periods of constructive cosmological thinking’ about nature,⁶ which he distinguished as ‘The Greek View of Nature’, ‘The Renaissance View of Nature’ and ‘The Modern View of Nature’.

The Greek view of nature as an intelligent organism was based on an analogy: an analogy between the world of nature and the individual human being, who begins by finding certain characteristics in himself as an individual, and goes on to think of nature as possessed of similar characteristics ... The Renaissance view of nature as a machine is equally analogical in origin, but it presupposes a quite different order of ideas. First, it is based on the Christian idea of a creative and omnipotent God. Secondly, it is based on the human experience of designing and constructing machines ... It was an easy step to the proposition: as a clockmaker or millwright is to a clock or mill, so is God to Nature.⁷

He continued:

Modern cosmology, like its predecessors, is based on an analogy. As Greek natural science was based on the analogy between the macrocosm nature and the microcosm man, as man is revealed to himself in his own self-consciousness; as Renaissance natural science was based on the analogy between nature as God’s handiwork and the machines that are the handiwork of man ... ; so the modern view of nature, which first begins to find expression towards the end of the eighteenth century and ever since then has been gathering weight and establishing itself more securely down to the present day, is based on the analogy between the processes of the natural world as studied by natural scientists and the vicissitudes of human affairs as studied by historians.⁸

Oakeshott in his introduction to *Leviathan* in 1946 distinguished ‘three great traditions’ in political philosophy, which he argued were distinguished successively by the ‘master-conceptions’ of ‘Reason and Nature’, ‘Will and Artifice’ and ‘Rational Will’. He barely paused to explain the scheme, except to say that the third saw the world ‘on the analogy of human history’ – a hint that Oakeshott’s scheme was a transposition into political philosophy of Collingwood’s scheme about natural philosophy.⁹ He suggested that the first two traditions were ancient, but that the third tradition arose in the eighteenth century. And he clarified all of these suggestions by commenting that ‘as Plato’s *Republic* might be chosen as the representative of the first tradition, and Hegel’s *Philosophie des Rechts* of the third, so *Leviathan* is the head and crown of the second’.¹⁰

Finally, Charles Taylor in *A Secular Age* has also distinguished three eras, which particularly concern the nature of the *saeculum* and therefore the status of religion. He suggests that in ancient times the higher and lower interpenetrated: both were taken to exist, but could not be separated, though they could be distinguished. Then Christianity not only distinguished but separated the two, that is to say, separated the heavenly and earthly, or the transcendental and immanent, and hence church and state. In other words, religion and politics, which had formerly been fused, were now distinguished. Finally, in modernity came the radical claim that of these two spheres, the higher and lower, ‘the “lower” – immanent or secular – order [was] all there [was] and that the higher – or transcendent – [was] a human invention’.¹¹ It followed from this that the transcendental was abolished. ‘Exclusive humanism close[d] the transcendent window, as though there were nothing beyond.’¹² State replaced church, and politics displaced religion. Taylor writes at great length about what came afterwards: an emphasis on the primacy of the individual, the tendency of elites to remake entire societies in terms of their own higher standards, our historical consciousness of having left something primitive behind, and, of course, liberalism, or ‘the undermining sense that others think differently’.¹³

I want to claim that these three schemes – though variously about natural philosophy, political philosophy and secularity – are in fact the same scheme. What we have is a philosophy of history punctuated by two shifts – which we can see, depending on our emphasis, either as historical shifts separating eras or as philosophical shifts separating traditions. The first shift involved the separation of the outer world and the inner world. The second shift involved the dissolution of the outer world. Before the first shift – the Axial shift – mind permeated the universe, religion and politics were fused. After that shift God was not immediate but had retreated and required mediation: the outer world and the inner world were not permeated by mind in the same way, since the inner

world, the world we know, was created. After this shift not everything was natural: there was a greater emphasis on artifice. Politics and religion, or church and state, were two separate spheres, running side by side, offering commentary on each other. Finally, after the second shift – the Revolutionary shift – the inner world was understood historically, and since all that could be known had to be known historically, the outer world disappeared, or was reduced to subjective beliefs held in the inner world. Thus religion was rendered private or null, and only a separate politics remained.

For our purposes, the important shift is not the first but the second. The second shift – which I shall call ‘the *hiatus*’¹⁴ – frames our age. It is the moat which runs around the citadel of modernity: it is a borderland between our civilisation and the wastes we supposed to have existed before. Significantly, it creates a great problem for historians of political thought. All historians of political thought have to recognise which side of the *hiatus* is the historical era of their concern. Historians of thought since 1800 have an uncomplicated relation to a complicated present, whereas historians of thought from before 1800 have a complicated relation to the present which they may, if they choose, completely ignore in seeking only to understand their own complicated past. I studied history in Cambridge, but I studied the era after the *hiatus*. Even at the time, I was aware that the strictures of the ‘Cambridge School’ seemed not to apply to modernity. It was only much later that I noticed how the School has been mostly devoted to the study of the history of European political thought between, say, 1500 and 1800. This is certainly true of the writings of Quentin Skinner, John Dunn, J.G.A. Pocock and many of their followers, including Richard Tuck, Istvan Hont and Michael Sonenscher. There are some recent historians – J.C.D. Clark, Richard Whatmore, Isaac Nakhimovksy – who have written in exploratory manner around the *hiatus*, but it seems to me that the *hiatus* has not yet been dealt with adequately. There remains something to be done in pulling together the intuitions of some of these writers with those of Seeley, Arendt, Habermas, Foucault and many others.

The relevance of this to monarchy is that before the *hiatus* monarchy could be theorised; but after the *hiatus* it could not be theorised – or, let us say, it could not be theorised very well. Arendt offered an interesting suggestion when she said that at the *hiatus* the ‘Roman trinity’ of authority, religion and tradition was replaced by the absolute insistence that everything be made anew: or to use a phrase she took from American history alongside one Tocqueville and latterly J.C.D. Clark took from French history, the *novus ordo saeculorum* replaced the *ancien régime*.¹⁵ This was the origin of modern ideological language, and the intensified secular search for foundations in the language of rights, democracy, equality, populism, constitutionalism, liberalism, republicanism. Most, if not all, political philosophers and political theorists – those who have had no or little interest in history (and here I would include Habermas alongside Rawls) – have existed within this frame, *and have not been able to think themselves outside it*, so committed have they been to exploring the presuppositions, such as those are, of thought as it exists within this modern frame.

The argument, therefore, so far, is that monarchy is something which it is difficult to make sense of within the modern frame. And with that, let us turn to monarchy itself, beginning with antique monarchy.

4.

We have perhaps been too influenced by the political philosophers. We usually think of states as *static*, as originating out of those fixed things, citadels and cities with walls, and ending as bounded entities. But some remarkable scholars over half a century ago – Hugh Nibley and J.C. Heesterman – observed that monarchy in its origins was neither static nor simple.

Ancient rulers were dynamic. They never stayed still, for they were always in ‘progress’. Nibley noted that the royal progress is a ‘world-wide institution of great antiquity’.¹⁶ It originated in war and continued out of the king’s need to maintain his conquests by reminding the subjugated people of his power. Nibley observed that ‘such symbols of supreme stability as the throne, temple, holy city, and even sacred world-mountain are often depicted as revolving wheels or as

mounted and moving on wheels'.¹⁷ There was a tabernacle before there was a temple. And 'if the first temples were tents, the first cities, whether in Asia, Africa or Europe, were camps'.¹⁸ In what may be useless as etymology (since Quentin Skinner has never referred to it) but is certainly highly suggestive as illustration, Nibley went so far as to suggest that the origin of the word 'state' was not the *status* of the king but the *statio* or station of the king – where exactly he had reached on his royal progress.¹⁹

The origin of kingship was in the domination of settled farmers by nomadic warrior bands. Nibley conjured up a picture of nomadic kings travelling in tents and imposing taxes and tolls on those who were subject to them. This vision of an encounter between dynamic rulers and static ruled was echoed by Heesterman. He took the view that 'the archaic world was governed by the perennial clash of nomadic pastoralism and sedentary agriculture'.²⁰ In ancient Indian literature much was made of a mythical encounter between the *devas* or gods and their lordly adversaries, the *asuras*. 'The devas drove about on wheels, the asuras sat in their halls.'²¹ Heesterman observed that the former were true kings, since a true king was a *dynamic* outsider lord rather than a *static* insider lord. But there is more to Heesterman's argument than this. For he maintained that antique kingship emerged out of the dialectical encounter between the dynamic and static elements, the elements within and without. 'Together they formed a single universe that found its unity in conflict.'²² The original king was the 'itinerant warrior',²³ but true kingship emerged only when the warrior turned 'predatory ransom into regular revenue'.²⁴ The consequence of this was that the resulting king was *both* exalted, laying down the norm and necessary *and* abominable, the destroyer of his people.²⁵ From all this Heesterman formulated a law of kingship. I call it a law, he did not. It was: 'The king has to belong to the community, but at the same time he must stand outside so as to guarantee his authority.'²⁶

The suggestion that the king stood outside the order of which he was king is expressed in much ancient literature. In many cultures there are stories about kings coming from outside. Consider Aeneas or Brutus or even Scota. Then there are stories about the forced exile of the rightful future king by a usurper. The future king is raised in the wilderness by wolves, and acquires the skills which mean he can return to the kingdom, kill the usurper, and establish good order.²⁷ Consider the story of Romulus and Remus. Numitor was deposed by Amulius, after which Numitor's daughter bore two boys to Mars, who were raised by wolves. They returned to depose Amulius and restore Numitor, and then, in a further adventure, founded Rome, though they became rivals, and one murdered the other.

Primitive kingship often seemed to involve the paradoxical fact that the king – the most important *insider* – was often seen as and sometimes was an *outsider*. Jereon Duindam in his recent study of kingship confirms this analysis:

Kings stood outside of the regular order: they held powers unavailable to others. Extraordinary beings, singled out through special signs and physical marks, could choose between two paths: become a world-conquering "wheel-turning monarch" (*chakravartin* or *cakkavatti*), or renounce the world and follow in the footsteps of the Buddha.²⁸

And again: 'Kings were often pictured as coming from elsewhere: as outsiders who through force, cunning and celestial support defeated previous rulers and captured their wives and daughters. These "stranger-kings" established their pre-eminence by transgressing common social norms ...'²⁹ The king was both *within* and *without* the established order of the world. In exalted or religious terms, this was to be both of the world and not of it, and in more mundane terms, it was simply to be not of this particular state, this local world, but a stranger, a conqueror from another place: Aeneas to the Romans, Brutus to the British, Cortes to the Aztecs, or Cook to the Tahitians.

It is important to see that there is a factual aspect to this and also a mythical aspect. On the one hand 'conquest as the starting point of dynasty is ubiquitous.'³⁰ But on the other hand – as was evident to J.G. Frazer long ago – the original outsider status of kings was why they might become saints, or be restored to the gods after death. 'An ideal ruler who successfully ascended to the status

of world-renouncer would in the end necessarily give up kingship itself.' Kingship, in practice and in theory, was stuck between the sacral and the secular, between 'divinity and mortal humanity, legitimate authority and arbitrary power, *dharma* and *adharma*.'³¹

It is clearly important to distinguish several different types of *without*, to be distinguished from a state, *this* state. 1. There is *without* = a higher world, the divine realm (higher in status). 2. There is *without* = a different state, not this state (equal in status). 3. There is *without* = the wilderness, the state of nature (lower in status). The simplest, most concrete, of these is the second. But even kings who came by conquest seemed, in antiquity, to acquire some of the glamour of the other ideas of *without*.

No matter how *without* was construed, the point is that the king was understood to be both *without* and *within*. Heesterman's conclusion was emphatic: 'There is no consistent theory of kingship: there cannot be one.'³² Let me repeat it in my own terms. Heesterman declares that there can be no *consistent* theory of kingship. This is, I would argue, because kingship is *transconsistent*.

5.

Transconsistency is the name for a logic in which some but not all contradictions are true. This form of logic has been explored at great length by the philosopher Graham Priest. Not all contradictions are true, because transconsistency is not the same as mere inconsistency.³³ It involves a selective denial of the law of non-contradiction. The denial of the law of non-contradiction, if it were applied universally to every claim *x*, so that every *x* was true and every *not-x* was true, would lead to Priest calls 'explosion': the view that 'contradictions entail everything'.³⁴ If this were true, if we had explosion, then we would simply be in a world of chaos where everything would be true. 'Transconsistency' – Priest has sometimes called it 'paraconsistency' (showing amiable inconsistency) – is the view that it is only particular sorts of contradiction which are interesting. These are contradictions which occur at the limits of what can be known or thought or said. In particular, he is concerned with the fact that 'the limits of thought are boundaries which cannot be crossed, but which are crossed.'³⁵ A good example here is the famous argument of Gödel, which so few grasp in detail, and yet is so important. He argued that no mathematical system can be supported by a coherent set of axioms: there would always be some further axiom required, or there would always be something in the system which could not be supported by a coherent set of axioms. Mathematics was always supposed to be perfect, a circle, complete, within its limit. Gödel showed it was not. Priest observes that such contradictions in logic were perhaps implicit in earlier thought but were only strictly evident first in Berkeley, and then clearly in Kant's antinomies and Hegel's construal of Kant's antinomies as contradictions which had to be embraced. Priest quotes Hegel as saying, 'The very fact that something is determined as a limitation implies that the limitation is already transcended', and Wittgenstein as saying, 'In order to be able to draw a limit to thought, we should have to find both sides of the limit thinkable (i.e. we should have to be able to think what cannot be thought).'³⁶

By analogy, it seems to me that we can imagine contradictions which occur when we consider any similar limit, such as a political limit. If Priest is right, then logical contradictions of the sort he is interested in, emerged only around 1800. Yet, if we suppose that monarchy involves a similar contradiction, then what we observe, if we recall the point about the *hiatus* in the history of political thought, is that transconsistent logic left politics just as it arrived in logic. What I want to call *transconsistent political logic* is what we have when there is in within any political order a principle which is not itself comprehensible within the terms of that political order. It must exist both within and without that political order. Imagine a circle. What is *within* the circle is the immanent order, the order we know. What is *without* the circle is the order of the universe, whether created by God or not. It is transcendent. What should be obvious to all historians of political thought is that transconsistency in politics has almost always been accompanied by monarchy. For as long as there was God, there was a transcendental *without* as well as an immanent *within*: so the sacral king could be

both *beneath the law* from an immanent point of view and *above the law* from a transcendental point of view.

The corollary of this is that since around 1800 – in politics if not in logic – we have abandoned transconsistent logic, preferring instead the consistent logic of secular politics. Political theories are meant to depend on principles which are entirely comprehensible within the frame of our political order: they are *not* meant to depend on principles which are *not* entirely comprehensible within the frame of our political order. That is what we explicitly disallow. Disallowing it was the condition of entering secular modernity, embracing radical enlightenment, becoming liberal. This is why most modern political theory, especially straightforward liberal political theory, eschews paradox and contradiction, and seeks foundations, principles, norms, facts. It must be rigorous, exhaustive and unambiguous, and based on some thoroughgoing theory of justice, liberty, rights or law. There is of course some political theory, especially on the frustrated radical side, which is not so afraid of paradox and contradiction. And so it sometimes seems as if radical thinkers like Laclau or Ranciere have had a better grasp on some of the oddities of our modern political order than more straightforwardly consistent thinkers.

The argument, then, is that monarchy in both antique and medieval times depended on the view that the king was both *within* and *without* the established political order. This, at times, could have a mundane aspect, in the case where a king was an actual outsider, from a different state. We should therefore distinguish *mundane* or apparent transconsistency from *transcendental* or true transconsistency. Mundane transconsistency is when there are two immanent orders, one of which is outside the other. So here there is *within* and *without*, but both are of this world – and knowable as such, even if not always theorised as such. An outsider king could simply come from another place, another state, or, as I suggested earlier, the wilderness. Mithi Mukherjee has shown that the British Empire had two attitudes to India, one of which was ‘colonial’ and involved working within the established system, the other of which was ‘imperial’ and involved intervening from without, each according to the rules of a different system.³⁷ But such mundane transconsistency should obviously be distinguished from *true* transconsistency which is when one order, the one *within*, is immanent and the other, the one *without*, is transcendent, so that the king is *both* ‘of this world’ *and* ‘not of this world’. This true transconsistency is of course highly compatible with mundane transconsistency, and may even depend on it, but it is a matter of theory, of ideology, of belief, in fact, of religion. God enables politics to survive a contradiction at the limit. Without God – if ‘God is dead’ – then there can be no contradiction. Instead of *transconsistency* we can only have *consistency*.

The history of political thought can be understood as having taken place in three stages. First there is a form of transconsistency which I will call antique consistency, since *within* and *without* are supposed to be related by the same principles or substance, so that the transcendent flows through the immanent. Second there is medieval transconsistency, where *within* and *without* are two wholly distinct orders. Thirdly there is by modern consistency, where there is no *without*, and the only order is an immanent one. To recognise all three views or stages is historically and even philosophically important; but there is no question that the distinction between the first two is of rather less importance for us than the distinction between *both* antiquity and mediocrity *and* modernity.³⁸

1. In antique thought, before the Axial moment, it was understood that everything *within* was the macrocosm of everything *without*. Politics and religion could not be separated, because our political destinies as far as we could understand them, were tied to our sense of our ultimate destiny. Kings were law, and law was king. Here we find the doctrine of the king as *nomos empsychos*, or *lex animata*.³⁹ The king was the king of above as well as below. To take only one example of many thousands, we have the excerpts from Stobaeus by Ecpphantus which say that the king is ‘a being, as it were, from another country, and a stranger who has come to men from it’ ... ‘created by the best of Artificers, who shaped with Himself as model’.⁴⁰

2. In what I am calling medieval thought, after the Axial moment and before the *hiatus*, now that we in the West had God the creator as distinguished from creation, there was a separation of *within* and *without*. But what was *within* was conditioned by its being seen to be *both* a consequence of God's ordinance – his action *without* for the sake of *within* – but also, by analogy, a consequence of man's activity. Man was independent in this world, but would be judged by what was not of this world. Francis Oakley has identified the exact argumentative form evident in this system: that is, the exact way in which its transconsistency can be distinguished from the earlier consistency. This was in a distinction made by Aquinas and others between *potentia absoluta* and *potentia ordinata*. For Aquinas, there was a distinction between the absolute power of God, held in reserve at the act of creation, and the ordained power of God as manifest in his creation and bound by his law. Over the centuries the distinction shifted – in what we might call a more openly transcendental direction – so it became a distinction between the active power of God in two spheres, one ordained and therefore in accordance with established law, the other existing outside the established law, but possibly coming into the world, cutting through established law. For Oakley the key thing is the distinction made by Duns Scotus between 'the ordained power whereby God acts *de jure*, in accordance with the rightful law he has himself established, and the absolute power whereby *de facto* he can act apart from or against that law.'⁴¹ This distinction was adopted by analogy by James I, who declared to Parliament. 'I will not be content that my power be disputed upon: but I shall ever be willing to make the reason appeare of all my doings, and rule my actions according to my Lawes.'⁴² This is quite possibly the clearest transconsistent political argument ever made by a political theorist. He also happened to be a king. He was above the law; at one and the same time he was not above the law.

3. In modern thought, that is, after the *hiatus*, there is a denial of the existence of the transcendent, or what was *without*. There is only what is *within*, and therefore only immanence. This has been our condition since the French Revolution, even if it was anticipated, in one line, by the execution of Charles I and the assassination of Henry IV, and, in another line, by those sketches of consistent political theory thrown out in the seventeenth and eighteenth centuries and made much of by historians of political thought. The novelty and indeed originality of Hobbes – and the explanation of why he has mattered so much to us since the nineteenth century and is without question the exemplary political theorist of modernity – is that he was simply the most consistent theorist of his time. As Aubrey remarked, he was remarkably good at definition: even though, as Bramhall and Clarendon remarked, he was also ignorant of policy. Despite Hobbes, consistency in political theory remained only a suggestion until the *hiatus*. It marked the end of transconsistent politics, or indeed of any politics with a transcendent element. And it is the reason that modern politics has to be considered wholly distinct from what came before.

The fact that modern politics is concerned only with what is immanent within the established order, and the fact that modern political theories are, for the first time in history, expected to be wholly consistent because neither transcendently consistent nor transconsistent, creates a few problems. I shall say something about them in the next two sections.

6.

There are two major consequences of the requirement that modern political theory be consistent. The first is that it is very hard in modernity to make sense of monarchy. The second is that even within the framework of republican or popular or liberal political theory – that is, a supposedly secular, immanent and consistent political theory – the problem of transconsistency is hard to eliminate.

Both of these problems are a consequence of the fact that we operate in a world of what Schmitt called 'secularised theological concepts'.⁴³ Though Schmitt's phrase is suggestive, it does not help us decide if what is decisive about such concepts is whether it is only of historical significance that they were originally theological but have now been secularised or it is of philosophical significance that

they in some sense remain theological despite secularisation. The fact is that in modern political theory the dualism made possible by transcendence is wholly forbidden. This is why Taylor says that after the *hiatus* humans have ‘had no place for the ambivalent complementarities of the older, enchanted world’.⁴⁴ In our time, duality is often considered the enemy of all coherent thought. But there are still those, like Roger Scruton, who defend ‘cognitive dualism’ – the ability to make sense of the world in a *first person* (or ‘internal’) and in a *third person* (or ‘external’) way at the same time.⁴⁵ These are ‘two incommensurable ways’ of understanding the world, one associated with science and the other with ‘interpersonal understanding’.⁴⁶ Scruton admits that this dualism is ‘puzzling’ since ‘it seems to be both affirming and denying the unity of reality, both affirming and denying that we human beings are part of the natural order’.⁴⁷ What we should observe here is that any theorist who tries to maintain a similar duality is in fact hinting at transconsistency and the older patterns of thought. This is not a difficulty for religious writers like Vladimir Solovyov, who wrote that there is an unconditional world and a conditional one, which could not be related without man: ‘Man combines in himself all possible opposites.’⁴⁸ But it is a problem for most historians of political thought and political theorists.

Historians have long acknowledged that until the French Revolution monarchy was ‘the most common form of government known, world-wide, to man’.⁴⁹ This fact has irritated many of the grand figures of modern political study, especially when they find that this form of government has not yet been rendered obsolete. Martin Seymour Lipset did not conceal his disdain when he referred in 1963 to ‘the *absurd fact* that ten out of twelve stable European and English speaking democracies are monarchies.’⁵⁰ But everyone agrees, whether they like it or not, that before the *hiatus* monarchy was fundamental.

Since the *hiatus* most writing about monarchy has of course concerned ‘constitutional monarchy’. It is worth defining *constitutional monarchy* as a form of explicitly royal rule of a familiar historic type that survives within an immanent order where the limit of the immanent order is supplied by law. The important thing to notice about constitutional monarchy is that it can only exist where transcendence and transconsistency have survived only in dignified traditional symbols and a habit of heredity but otherwise have been effectively abolished for the sake of an immanent, consistent politics. Constitutional monarchy can only exist in in modernity.

Constitutional monarchy is a compromise, and when it has been defended in modernity, the defence has tended to be half-hearted. George Cornewall Lewis in the nineteenth century went so far as to say that monarchy was strictly an obsolete term, and that it was unfortunate that we had come to identify ‘*monarchy* with *royalty*’.⁵¹ Most historians follow Bagehot with his famous distinction of the ‘efficient’ and ‘dignified’ elements of the constitution. They emphasise, as he did, that ‘royalty’ and ‘pageant’ is *only* dignified (with a few exceptions – the king may advise, warn and encourage, as Bagehot put it⁵²): or, indeed, as it may be, undignified (if we consider royal scandals), but not efficient. What is interesting is that some recent defences of monarchy have been less about its dignity than its efficiency, or, rather, have found efficiency in dignity. This, I believe, is why John Dunn’s opening lecture at the Cambridge Conference on Monarchy in January 2019 was reported in *The Times* as an interesting apostasy from the conventional academic republicanism of our time.⁵³ The standard line of defence of efficiency-in-dignity can be found in Vernon Bogdanor’s book *The Monarchy* where he reflects ‘that the symbol of the state should remain uncontaminated by political controversy remains something of inestimable value’.⁵⁴ This is one standard argument for the continued existence monarchy. Another argument, used by Bagehot, has rather gone out of fashion, though it has truth in it, is that monarchy is ‘intelligible government’, or, as he put it, an ‘easy idea’ which can be grasped by ordinary people.⁵⁵ Both of these arguments may encourage a certain sort of complacency about monarchy – but it is a complacency that monarchists should appreciate, since it has enabled monarchy to survive in unfavourable conditions. But there are some legal theorists – like Marcin Michal Wiszowaty in the current volume, who approves, but also Richard Brazier, who disapproves⁵⁶ – who argue that constitutional monarchy remains legally efficient in ways which are largely unrecognised in contemporary society: that, in effect, there is a

conspiracy to conceal from the public to what extent the Queen retains power. This should not surprise us if we are willing to accept the argument urged here that since monarchy is by its nature transconsistent, and since constitutional monarchy is the attempt to render monarchy consistent, there is a tension operating in modern monarchies which the institution of monarchy must be inclined to exploit but which cannot easily be admitted or theorised by anyone else. The brutal republican answer to the tension is to cut the knot and cut the head off the king. Republicans are right to think that to live in a constitutional monarchy is to live in a contradictory political order. But they may miss the fact that it is impossible to avoid contradiction at the limit, that is, transconsistency, *in any political order*. Transconsistency is a feature of republican orders too. And they may miss the fact that understanding politics may at all times requires us to understand the transconsistency which is best embodied and expressed in monarchy.

7.

This brings me to the second problem for modern political theory, which is that even ostensibly consistent political theories sometimes seem to run into difficulties which are a consequence of the survival of a transconsistent political logic.

Since the *hiatus*, monarchy has become the exception, and republicanism the norm. Monarchy has become a 'secularised theological concept', in the form of 'constitutional monarchy'. A monarch is simply a ceremonial higher magistrate, and compatible with a republic. But questions remain. On the monarchical side, as we have seen, there is the question about whether constitutional monarchy retains the seed of the true monarchical idea, which is a transconsistent idea. And on the republican side, there is the question of whether 'the people' is simply restoring the old transconsistency in a particularly exasperating way exactly because, in our modernity, we are only allowed to theorise politics consistently.

Elements of monarchy remain even in republics. It is there, firstly, in the perpetual need for a summit to any ruling hierarchy, some highest magistrate or head of state, someone who can translate 'I am royal, I am lordly, I am mighty, I am honoured, I am exalted, I am glorified, I am all-powerful, I am brilliant, I am lion-brave, I am manly, I am supreme' into some politically correct language appropriate to our time;⁵⁷ secondly, in the need for some sort of power of decision in any functioning political order, a sovereign – someone who, in Schmitt's terms, 'decides the exception' – and, thirdly, in the memory of the old transcendental element in politics. Bagehot was right to say that monarchy was the 'solitary transcendent element' in modern politics.⁵⁸ But it is hard for modern political theorists to explain why there should be a transcendental element in politics. The importance of Schmitt's argument is that it forces us to pay attention to an element of a constitution which is both *within* and *without* the constitution, namely, the sovereign. Schmitt's sovereign points to transconsistency – which is why consistent theorists like Kelsen rejected it. And most modern political theory attempts to be consistent.

If we do not accept transconsistency at all then we have to justify monarchy awkwardly by depending on immanent arguments: arguments like Bogdanor's, or Bagehot's, or Dunn's, or Hobbes's, when, in the *Leviathan*, he argued that it is harder to lead a single man astray by flattery than a multitude, and, in addition, that it is harder for a ruler to pursue his private interest separately from the public interest if his private interest *is* his public interest.⁵⁹ That particular argument might still have made sense in the eighteenth century, when government was paid for out of the civil list. But it would be hard to defend now. Before the *hiatus*, there was a public interest: it was the private interest of the king. This is because the private interest of the king was the public interest. This is transconsistent, of course. Since we moderns are consistent, we want a *pure* public interest to exist somehow impersonally alongside yet the pure untrammelled flow of actually held individual private interests.

Republics have their own form of transconsistency, which, it is not original to argue, is probably a consequence of the long history of transconsistent monarchy. This is especially found, as is

happening now, when the ‘people’ are consulted on some political matter. For ‘the people’, as many commentators have observed, is both external to the immanent order and internal to it. Consider, for instance, the problems constitutionalists and legal theorists have with the distinction between ‘constituting power’ and ‘constituted power’. Consider the disagreements in British politics about whether the Referendum of 2016, or the Parliament mostly composed of MPs opposed to the result of that Referendum, or the Supreme Court is to offer the last word on a political subject – or perhaps, a Second Referendum, dignified by the dubious name ‘A People’s Vote’.⁶⁰

There is a concern among modern political theorists that ‘the people’ might be the modern equivalent of the sacral king of antique and medieval politics: both an immanent fact (beneath the law) and a transcendental power (above the law). Theorists like Andrew Arato or Albert Weale say that ‘the people’ should be seen only as an immanent fact and certainly not as a transcendental principle. Arato, when writing of ‘the people’, has declared that ‘the whole construct is an implicit transposition of the language of the king’s two bodies’.⁶¹ Weale has recently put it more bluntly: ‘The will of the people is a myth’.⁶² They are typical of their entire era in wanting immanence and consistency: in other words, to strip ‘the people’ of transconsistency. And yet, as David Gilmartin has put it, ‘the people’ is ‘two contradictory capacities, as the enchanted independent source of the constitution’s power, and, at the very same time, as a receiver bound in dependence by the gift’.⁶³ This means that any doctrine of popular sovereignty necessarily conceals a secular transconsistency, but a most perplexing one, since the status of the people *without* the system has no transcendent basis, and so remains a simple assertion.

Of course, republics forbid, or attempt to forbid, any discussion of explicit transconsistency. But what I am saying is that it is possible for some sort of right or prerogative to survive neither in an absolute sense nor explicitly: but for it to survive as a concealed or inexplicit possibility: even if only one which exists in reserve in a constitutional monarchy because of the continued existence of a monarch – or, in a republic, even more latently, existing only as a possibility because the problem of transconsistency has not been entirely eliminated.

Monarchy, I would argue, because it admits transconsistency, expresses the reality – the ambiguity – of politics better than any other form of political theory. Michael Cook notes: ‘At the heart of the institution there are often, perhaps always, two incompatible conceptions of its nature: one in which kings exist for their subjects, and another in which subjects exist for their kings.’⁶⁴ Politics, realistically considered, is the recognition of the fact that *both of these are true*. We always try to eliminate the contradiction with a compromise. For instance, it was common in the thirteenth century for writers to distinguish *regimen politicum* and *regimen regale*. Fortescue must have felt a complacent sense of accomplishment when he proposed a ‘third kind of *dominium*’, namely *dominium regale et politicum*. But, as Francis Oakley has observed, the third way was not really a third way at all. It was just a way of holding onto two contradictory ideas in a way that inevitably would be practically effective, even if it would never make much sense theoretically *as soon as one tried to reason consistently about it*.⁶⁵

8.

It is the argument here that monarchy can only be understood if we understand it to be what some obscurantist academics call ‘liminal’, that is, concerned with limits: and, specifically, concerned with the limit of what is *within*. Anything which is only within the limit, is immanent. Anything which has its origin without the limit, is transcendent. Modern politics is immanent. So it follows that monarchy, in our time, is immanent. We call it ‘constitutional monarchy’. But what I want to claim is that monarchy, at its root, is transcendent: or, to speak accurately, is a phenomenon found at the limit where the immanent encounters the transcendent.

Monarchy, in so far as it survives, is the legacy of the older transconsistent logic which existed before what I am calling the *hiatus* in politics which took place in theory gradually in the centuries between the eleventh and the eighteenth, but achieved its glory in the revolutions at the end of the

eighteenth century and near totality in the twentieth century when all the sacred monarchies of Europe except that of the English were swept away. In our modern era of consistent political logic it is not to be expected that we can make sense of monarchy. We might not make sense of much else in politics, for that matter. But we continue to tinker with politics as we may, and find ourselves coming face to face with monarchy, either vestigially in the form of constitutional monarchy or asserting its real presence even in republics. The republicans argue against it, again and again, blinded by their commitment to a wholly immanentist politics. For it is something we can only understand if we make sense of it in terms of the three arguments outlined in this article. Monarchy resolves power and law in a unique way. Or, rather, it *did*, but no longer does for those of us who accept the modern requirement that politics be theorised consistently. And this is because the logic of monarchy is transconsistent.

Notes

1. See Bertrand de Jouvenel, *The Pure Theory of Politics* (New Haven: Yale University Press, 1963), Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1964) and Michael Oakeshott, *On Human Conduct* (Oxford: The Clarendon Press, 1975), for three pure theories of politics: Arendt's purer than Oakeshott's, Oakeshott's purer than Jouvenel's.
2. Blaise Pascal, *Pensées*, trans. W.F. Trotter, Everyman's Library (London: J.M. Dent, 1931), 85.
3. See Lars Vinx, *The Guardian of the Constitution: Hans Kelsen and Carl Schmitt on the Limits of Constitutional Law* (Cambridge: Cambridge University Press, 2015).
4. John Rawls, *A Theory of Justice* (Oxford: The Clarendon Press, 1972), 3; Raymond Geuss, *Philosophy and Real Politics* (Princeton: Princeton University Press, 2008), 97.
5. Noam Chomsky and Michel Foucault, 'Human Nature: Justice vs. Power' (1971), in *The Chomsky-Foucault Debate: On Human Nature* (London: The New Press, 2006), 1–67, at 54–5.
6. R.G. Collingwood, *The Idea of Nature* (Oxford: The Clarendon Press, 1945), 1.
7. *Ibid.*, 8–9.
8. *Ibid.*, 9.
9. For an explication of this, see James Alexander, 'The Philosophy of Political History in Oakeshott and Collingwood', *Journal of the Philosophy of History* 10 (2016): 279–303. It was only after writing this that I found I had been anticipated in the observation by Francis Oakley, *Politics and Eternity: Studies in the History of Medieval and Early-Modern Political Thought* (Leiden: Brill, 1999), 336.
10. Michael Oakeshott, 'Introduction', in *Leviathan*, Hobbes (Oxford: Basil Blackwell, 1946), xi–xii.
11. Charles Taylor, 'What does Secularism Mean?', in *Dilemmas and Connections: Selected Essays* (Cambridge, MA: Belknap Press, 2011), 303–25, at 305.
12. See Charles Taylor, *A Secular Age* (Cambridge, MA: Harvard University Press, 2007), 638.
13. See *Ibid.*, 152, 242, and, for the quotation, 304.
14. It is not easy to find a name for this. Most names – Taylor uses 'Great Disembedding' (*Ibid.*, 146) – are overly specific. I prefer to use an abstract term to suggest a break, leaving to one side the exact nature of the break, since I think it can be conceptualised in many different ways, and the fact of it is more important than any one conceptualisation.
15. For more on this, see James Alexander, 'Reaction in Politics', *Journal of the Philosophy of History* 14 (2020): 3–26.
16. Hugh Nibley, 'Tenting, Tolling and Taxing', *The Western Political Quarterly* 19 (1966): 599–630, at 609–10.
17. *Ibid.*, 603.
18. *Ibid.*, 605.
19. *Ibid.*, 612.
20. J.C. Heesterman, 'Warrior, Peasant and Brahmin', *Modern Asian Studies* 29 (1955): 637–54, at 644.
21. *Ibid.*, quoting an ancient text, 645.
22. *Ibid.*, 647.
23. *Ibid.*, 651.
24. *Ibid.*, 651.
25. J.C. Heesterman, 'The Conundrum of the King's Authority', in *The Inner Conflict of Tradition: Essays in Indian Ritual, Kingship and Society* (Chicago: The University of Chicago Press, 1985), 108–27, at 120.
26. *Ibid.*, 117.
27. See Christopher I. Beckwith, *Empires of the Silk Road: A History of Central Asia from the Bronze Age to the Present* (Princeton: Princeton University Press, 2009), 1–12.

28. Jeroen Duindam, *Dynasties: A Global History of Power, 1300–1800* (Cambridge: Cambridge University Press, 2016), 34.
29. *Ibid.*, 43.
30. *Ibid.*, 44.
31. Heesterman, ‘The Conundrum of the King’s Authority’, 111.
32. *Ibid.*, 127.
33. This was the mistake made in the only book to have made any use of Priest’s arguments in relation to politics so far. The book by Richard T. Longoria, *Janus Democracy: Transconsistency and the General Will* (Albany, NY: State University of New York Press, 2018) disastrously confuses transconsistency and mere inconsistency – and therefore misunderstands the nature of transconsistency altogether.
34. See, most recently, Graham Priest, *The Fifth Corner of Four: An Essay on Buddhist Metaphysics and the Catuskoti* (Oxford: Oxford University Press, 2018), 25.
35. Graham Priest, *Beyond the Limits of Thought* (Oxford: Oxford University Press, 2002), 3.
36. *Ibid.*, 233.
37. Mithi Mukherjee, *India and the Shadows of Empire: A Legal and Political History 1774–1950* (Oxford: Oxford University Press, 2010).
38. This argumentative frame owes much to the elaboration in Francis Oakley, *Empty Bottles of Gentilism: Kingship and the Divine in Late Antiquity and the Early Middle Ages (to 1050)* (New Haven: Yale University Press, 2010), *The Mortgage of the Past: Reshaping the Ancient Political Inheritance (1050–1300)* (New Haven: Yale University Press, 2012), and *The Watershed of Modern Politics: Law, Virtue, Kingship and Consent (1300–1650)* (New Haven: Yale University Press, 2015). The whole argument is summarised in Francis Oakley, *Kingship: The Politics of Enchantment* (London: Wiley-Blackwell, 2006).
39. Ernest Barker, *From Alexander to Constantine* (Oxford: The Clarendon Press, 1956), 309.
40. *Ibid.*, 373.
41. Francis Oakley, ‘Lovejoy’s Unexplored Option’, *Journal of the History of Ideas* 48 (1987): 231–45, at 236. For the full statement of this see Francis Oakley, ‘The Absolute and Ordained Power of God and King in the Sixteenth and Seventeenth Centuries’, *Journal of the History of Ideas* 59 (1998): 669–90.
42. Francis Oakley, *Omnipotence, Covenant and Order: An Excursus in the History of Ideas from Abelard to Leibniz* (Ithaca, NY: Cornell University Press, 1984), 114.
43. Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago and London: The University of Chicago Press, 2005), 36.
44. Charles Taylor, *A Secular Age*, 141.
45. Roger Scruton, *The Soul of the World* (Princeton, NJ: Princeton University Press, 2014), 5.
46. *Ibid.*, 35.
47. *Ibid.*, 36.
48. Vladimir Solovyov, *Lectures on Godmanhood* (London: Dennis Dobson, 1948), 158.
49. Francis Oakley, *Empty Bottles of Gentilism*, 1. For similar comments see Reinhard Bendix, *Kings or People: Power and the Mandate to Rule* (Berkeley, Los Angeles, London: University of California Press, 1978), 3; Jeroen Duindam, *Dynasties*, 2–3; Michael Cook, *A Brief History of the Human Race* (London: W.W. Norton & Co., 2005), 52; William Scheuerman, ‘American Kingship? Monarchical Origins of Modern Presidentialism’, *Polity* 37 (2005): 24–53.
50. In Martin Seymour Lipset, *Political Man*, cited in John Cannon, ‘The Survival of the British Monarchy: The Prothero Lecture’, *Transactions of the Royal Historical Society* 36 (1986): 143–64, at 144.
51. George Cornewall Lewis, *Remarks on the Use and Abuse of Some Political Terms* (1832) in a facsimile reproduction (Columbia: University of Missouri Press, 1970), 66.
52. Walter Bagehot, *The English Constitution* (1867), ed. Miles Taylor (Oxford: Oxford University Press, 2001), 64.
53. See *The Times*, 8 January 2019, at <https://www.thetimes.co.uk/article/queen-shows-worth-in-times-of-political-tumult-says-professor-john-dunn-rd5zsqkbs>.
54. Vernon Bogdanor, *The Monarchy and the Constitution* (Oxford: The Clarendon Press, 1997), 307.
55. Bagehot, *The English Constitution*, 38.
56. Rodney Brazier, ‘Legislating about the Monarchy’, *Cambridge Law Journal* 66 (2007): 86–105.
57. Herbert Butterfield, *The Origins of History*, ed. Adam Watson (London: Basic Books, 1981), 73.
58. Bagehot, *The English Constitution*, 45.
59. See Daniel J. Kapust, ‘The Problem of Flattery and Hobbes’s Institutional Defense of Monarchy’, *The Journal of Politics* 73 (2011): 680–91, at 687.
60. See the ruling of the Supreme Court of September 2019 at <https://www.supremecourt.uk/cases/docs/uksc-2019-0192-judgment.pdf>, which has certainly set a precedent in what is considered ‘justiciable’: that is, to be considered part of the prerogative of the lawyers (acting on behalf of parliament) rather than part of the prerogative of king-in-parliament.
61. Andrew Arato, ‘Political Theology and Populism’, *Social Research* 80 (2013): 143–72, at 146.
62. Albert Weale, *The Will of the People: A Modern Myth* (Cambridge: Polity Press, 2018), 3.

63. David Gilmartin, 'Towards a Global History of Voting: Sovereignty, the Diffusion of Ideas and the Enchanted Individual', *Religions* 3 (2012): 407–23.
64. Michael Cook, *A Brief History of the Human Race*, 52.
65. Francis Oakley, *The Watershed of Modern Politics*, 152.

Disclosure statement

No potential conflict of interest was reported by the author.

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