

THE SUPREMACY OF MONARCHY
AS A FORM OF GOVERNMENT
FROM A COMPARATIVE LAW PERSPECTIVE

WRITTEN BY

ALEXANDRE CHITOV

SCHOOL OF LAW
CHIANG MAI UNIVERSITY

2022

CONCLUSION

A brief historical survey of the constitutional idea of monarchy provides us with several important conclusions. There are some common elements in the idea of monarchy which persists from the most ancient epochs to our time. The first common element can be seen in a close connection between religion and the institution of monarchy. Certainly, religions differ among themselves, but in all instances given in this book, religious foundation is an essential attribute of a monarchical power. Another common element is that a legal and political justification of monarchy is everywhere based on the idea that a monarch must be, above all, a moral leader. He or she must be an example of a virtue that the subjects of the monarch must imitate. In other words, the monarchical leadership depends on moral superiority. The content of the moral code for a monarch differs to some extent depending on particular political, cultural, historical, and religious contexts. However, in this content we can see some common threads that somehow connect various concepts of monarchy despite significant variations between them.

How can we explain the existence of common elements despite the differences in the contexts of diverse civilizations? One possible reason is that some of the traditions examined above share common intellectual and sometimes linguistic heritage. For example, the Roman and Arab writers, as well as all later European political thinkers, were familiar with the Greek political tradition. The later European tradition presented in Latin writings stretches from the time of Cicero (1st century BC) up to the age of the constitutional monarchy (the end of the 17th century AD). Many legal works were written in Latin even in the course of the 18th century AD. In other words, from Cicero, who popularized the Greek political philosophy, to Adam Smith, who was one of the first professors of law in Glasgow University that stopped teaching in Latin, there was a common linguistic and theoretical ground for developing related theories of monarchy. As for the

subsequent European political theory, the most influential works were written in English, French, or German. The proximity of the countries, the easy availability of translations, and the similarity in the languages, all these made the preservation of the united European political tradition of monarchy possible.

The most interesting conclusion, however, is that common elements in understanding of monarchy are found not only in the Latin tradition influenced by the Greek political philosophy,¹ but also among such diverse civilizations as China, India, Islamic civilization, and Europe. There was certainly a cultural and political exchange between these different civilizations. As mentioned above, Latin writers on monarchy drew copiously from Arabic political philosophy which also drew heavily on Jewish and Greek religious texts. In fact, the Greek political theory was passed to the Medieval European writers via Arabic philosophers.² A close interexchange between the Arab and the European world can explain the similarities between their political ideals.

A more difficult issue is establishing political influence between more remote civilizations. We have seen, when discussing the Indian concepts of monarchy in chapter 3, that there was a close interaction between India and Greece attested by the Greek historians, the Edicts of the Great king Ashoka, and indeed, by the survived body of the ancient Indian and Greek literature. There is also a well-known influence of the Indian Buddhist ideals on the post Han political concepts in China.³ It is noteworthy that one of the first translations of Buddhist texts in Chinese were accomplished by An Shigao, who was a prince before becoming a monk.⁴ Another less known aspect is the influence of Islamic political ideas on

¹ Champion, Craige B. "Imperial ideologies, citizenship myths, and legal disputes in classical Athens and Republican Rome." In: Balot, Ryan K., and Ryan Krieger Balot, eds. *A companion to Greek and Roman political thought*. Malden, MA: Wiley-Blackwell, 2009. 85-99. P. 89.

² Walzer, Richard. *Greek into Arabic: essays on Islamic philosophy*. Harvard University Press, 1962. Burnett, Charles. "Arabic into Latin: the reception of Arabic philosophy into Western Europe." In: Adamson, Peter & Taylor, Richard C. (Eds). *The Cambridge companion to Arabic philosophy*. Cambridge University Press, 2005. 370-404.

³ Orzech, Charles D. *Politics and transcendent wisdom: The scripture for humane kings in the creation of Chinese Buddhism*. Pennsylvania State University, 1998.

⁴ Tremblay, Xavier. "The spread of Buddhism in Serindia—Buddhism among Iranians, Tocharians and Turks before the 13th century." In: Heirman, Ann & Bumbacher, Stephan Peter. (Eds.) *The spread of Buddhism*. Brill, 2007. 75-129. P. 92.

China.⁵ The influence is particularly apparent during Ming dynasty,⁶ and even more in the Qing dynasty.⁷ The Muslims took often important governmental and administrative positions. The famous Ming voyages in the Pacific and Indian oceans in the 15th century (including to Thailand), for example, were conducted by Zheng He, who was a Muslim.⁸ At the same time, there is little evidence of the Chinese influence on the Indian or on the Western ideas of monarchy. However, the Yuan dynasty of Mongol conquerors, who honored Confucius with the title of a king,⁹ may have transmitted some of the Chinese political ideas across the vast expanse of Asia and the Eastern Europe. Many Russian historians, for example, perceive the direct influence of the Mongol conquest on the Russian concept of monarchy.¹⁰

If the Greek and Hebrew political influences on the Arabic concepts of monarchy are well known, the Indian influences are less explored. For example, the famous Panchatantra, that communicates the ideals of Indian kingship, was extremely popular among Arabic readers.¹¹ An extensive historical and travel literature about India that is preserved in the Arabic language points at the close exchange between these two civilizations even before the time when India was conquered by Muslim invaders.¹²

There is another reason that can explain the similarities between different civilizations in their treatment of monarchy. There are certain moral precepts that are shared by almost all humankind. These precepts form the body of natural law.

⁵ Erie, Matthew S. *China and Islam: The Prophet, the Party, and Law*. Cambridge University Press, 2017. P. 10.

⁶ Ibid.

⁷ Dillon, Michael. *China's Muslim Hui community: migration, settlement and sects*. Routledge, 2013. P. 37-38.

⁸ Brook, Timothy. "Communications and Commerce". *The Cambridge History of China*, Volume 8: The Ming Dynasty, 1398–1644, Part 2. Cambridge: Cambridge University Press, 1998. 579-707. 615.

⁹ Zhao, Tingyang. *All Under Heaven: The Tianxia System for a Possible World Order*. Vol. 3. University of California Press, 2021. P. 143.

¹⁰ Shaikhutdinov, Marat. *Between East and West: The Formation of the Moscow State*. Academic Studies Press, 2021. P. XIX-XX.

¹¹ Knatchbull, Wyndham. *Kalila and Dimna or The Fables of Bidpai*. Oxford: W. Baxter, 1819.

¹² Sachau, Edward Carl. (Ed.) *Alberuni's India: An Account of the Religion, Philosophy, Literature, Geography, Chronology, Astronomy, Customs, Laws, and Astrology of India about AD 1030*. Asian Educational Services, 2004.

The apparent similarities among different civilizations in respect to the virtues which a monarch must possess can be simply explained by the operation of natural reason. If one person must be distinguished among others to take the honor of being the sole leader of the nation, he or she must be distinguished by something more than by being simply a child of a previous monarch. Even though the idea of hereditary monarchy is found among all civilizations considered in this work, the power of the monarch is conditioned by following the moral law which has a religious sanction.

The idea of hereditary monarchy was largely dependent on the force of the tradition. It was Edmund Burke¹³ who emphasized the importance of tradition and continuity in political life of the society. From this point of view, the tradition of monarchy has been broken. In the beginning of the 20th century, great monarchical powers of China, Russia, Germany, Austro-Hungary, and Ottoman Empire have perished. Even though they were not succeeded in most cases by the true democracy in the meaning of the government *carried out* by people who pursue common good, the last hundred years can be characterized as the least monarchical in the history of humankind.

There are several reasons for the decline of monarchy in many parts of the world in the beginning of the 20th century. The main reason was the failure of the monarchs to be moral leaders of their nations. Often, monarchs reigned but did not rule. Some of great monarchies that perished lost much of the essential characteristics of a monarch described in this book. Russian government before the communist revolution of 1917 can hardly be described as a true monarchy. The government was controlled by different court's cliques. Solzhenitsyn artfully described weakness of the Russian tzar in making political decisions on the eve of the 1917 Revolution.¹⁴

Berdyayev, in the *Spiritual Foundations of Russian Revolution*,¹⁵ maintained that each nation, whether small or big, has certain national historical tasks to fulfill

¹³ Burke, Edmund. *Reflections on the Revolution in France*. Yale University Press, 2008.

¹⁴ Solzhenitsyn, A. *The Red Wheel*. University of Notre Dame Press, 2017.

¹⁵ Berdyayev, N. *The Origin of Russian Communism*. University of Michigan Press, 1960.

in its own creative way. The history is determined by an instinct of development and a secret voice of the national destiny. A task of a monarch was the discovery of this way and guiding the nation to its goal. All that leads away from this way is destructive and reactionary. Russian monarchs failed in their task. This, however, does not justify Russian communism which overthrew monarchy because, according to Berdyaev, it was a reactionary force.

Another reason for the decline of monarchy can be seen in the proliferation of the culture that pushes at the back the spiritual and moral values of the nation. The rampant individualism, consumerism, and materialism are the forces that challenge the claims of monarchy to guide the nation to higher goals of life. The influence of media was generally detrimental for nurturing respect for monarchy. Perhaps, we will understand this point better, if we consider a witty and succinct remark offered by a renown English writer C.S. Lewis, who wrote: “Where men are forbidden to honor a king they honor millionaires, athletes, or film-stars instead: even famous prostitutes or gangsters. For spiritual nature, like bodily nature, will be served; deny it food and it will gobble poison”¹⁶. Modern media is rarely dominated by high ideals. A human society needs an ideal, a person who can lead the nation by a moral example. A lack of such an ideal easily results in a society where the place of honor is taken, in the words of C.S. Lewis, by prostitutes and gangsters.

It is certainly possible for the societies to have role models that are morally good without living under a monarchy. It was not the purpose of this book to inquire whether democratic, aristocratic, or oligarchic republics contributed more the culture of moral disorientation described by C.S. Lewis. There is, however, evidence that violent overthrow of monarchy in France in the 18th century and in Russia in the 20th century was a result of moral decline that took place prior to those tragic events.¹⁷

¹⁶ Lewis, C.S. "Equality". *The Spectator*. (26 August 1943).
<http://archive.spectator.co.uk/article/27th-august-1943/8/equality>

¹⁷ Maistre, Joseph Marie. *Etude sur la souveraineté*. Micro Graphix, 1993.

Despite the decline of monarchy in many countries, this book has been written as an attempt to show that monarchy has a legitimate right to exist in our time, and that it has many advantages in comparing with a democratic republic. It is true that the prevailing political mood in the Western countries is hostile towards monarchy. The Western liberal republics suffer from a bias and therefore cannot accept political and constitutional reality in the countries of other parts of the world particularly Russia after 1992 in the same way as they could not understand the German monarchical sentiment before 1918.¹⁸ The inability to appreciate the monarchical sentiments of many nations makes the assessment of their laws partial and distorted. I hope that this work has offered an objective presentation of monarchy and the reasons for its continuing existence. This work has offered only some, arguably the best justifications of monarchy across different cultural and religious traditions. In the words of Walter Bagehot, the author of a well-known book "*The English Constitution*", "The best reason why Monarchy is a strong government is, that it is an intelligible government. The mass of mankind understand it, and they hardly anywhere in the world understand any other."¹⁹

The purpose of this book was to make the idea of monarchy understandable. Monarchy is an alternative to democracy. The problem of a democratic form of government is that it lacks the singleness of political will. It is inherently unstable in a society that is divided by different political aspirations. Democracy can be stable, but the people who are invested with the sovereign power must be homogeneous in their political and moral beliefs. Where such a unity is lacking, a democratic form of government will be afflicted by a strife among conflicting interests and persuasions. As long as there are irreconciled conflicts and divisions in a human society, the idea of monarchy will continue to shape constitutional law.

¹⁸ Willoughby, W. W. 'The Prussian Theory of Monarchy' *The American Political Science Review*, 11. 4 (Nov. 1917): 621-642.

¹⁹ Bagehot, Walter. *The English Constitution*. 7th ed. London: Kegan Paul, 1894. P. 136.