

## The Dynamics of Legal Monarchy: Assessing the Impact of Pakistan's Commonwealth Membership on Sovereignty

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### Publication History:

**Received:** March 13, 2024

**Revised:** March 22, 2024

**Accepted:** April 16, 2024

**Published Online:** May 01, 2024

### Keywords:

Commonwealth,  
Sovereignty,  
Pakistan-UK Relations,  
Legal Monarchy,  
Territorial Disputes,  
Political Autonomy,

### Research related to Academic Areas:

Pakistan Studies, Social Studies &  
International Relations

### Acknowledgment:

This paper is a sole academic product of the author.

### Ethical Consideration:

This study has no aim to hurt any ideological or social segment but is purely based on academic purposes.

### Abstract

Various scholarly works, such as Ahmed (2017) and Khan (2020) have extensively examined the political and legal ramifications of Pakistan's membership in the Commonwealth, particularly concerning its relationship with the British Crown and the implications for national sovereignty. However, a comprehensive assessment of the specific impact of this membership on Pakistan's sovereignty remains relatively underexplored. This paper addresses this gap by investigating the dynamics of legal monarchy within the context of Pakistan-UK relations and its broader implications for sovereignty. It seeks to answer key research questions regarding the extent to which Pakistan's Commonwealth affiliation influences its legal and political autonomy, especially in matters such as the resolution of territorial disputes like Hyderabad Deccan and Kashmir. Through a multidisciplinary approach drawing from political and social sciences, this study aims to unravel the complexities of sovereignty in the context of Pakistan's Commonwealth membership, shedding light on the evolving nature of international legal dependencies and their implications for state sovereignty in the modern world.

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## Introduction

Pakistan's membership in the Commonwealth has been a subject of extensive scholarly inquiry due to its complex implications for sovereignty, particularly in its relationship with the British Crown. This introduction provides an overview of existing literature on the topic, highlighting key themes and gaps in research. Additionally, it outlines the significance of investigating the dynamics of legal monarchy within

the context of Pakistan-UK relations and introduces the research questions that this paper seeks to address.

The political and legal ramifications of Pakistan's membership in the Commonwealth have been explored by various scholars in recent years. Ahmed (2017) offers insights into the historical context of Pakistan's membership and its implications for the country's legal framework, particularly in matters related to the British Crown (Ahmed, 2017, p. 45). Khan (2020) delves into the complexities of Pakistan's relationship with the Commonwealth, emphasizing the challenges it poses to the nation's sovereignty (Khan, 2020, p. 78). These works lay the foundation for understanding the multifaceted nature of Pakistan's engagement with the Commonwealth and its impact on sovereignty.

Despite the existing scholarship, there remains a significant gap in the literature regarding the specific impact of Pakistan's Commonwealth membership on its sovereignty. While previous studies have provided valuable insights into the broader dynamics at play, a comprehensive assessment of the legal monarchy within Pakistan-UK relations is lacking. This paper aims to address this gap by examining how Pakistan's affiliation with the Commonwealth influences its political and legal autonomy, especially in the context of resolving territorial disputes such as Hyderabad Deccan and Kashmir.

The significance of this research lies in its potential to shed light on the evolving nature of international legal dependencies and their implications for state sovereignty. By analyzing the dynamics of legal monarchy in Pakistan-UK relations, this study seeks to contribute to a deeper understanding of the complexities surrounding sovereignty in the modern world. Moreover, it aims to provide policymakers and scholars with valuable insights into the implications of Commonwealth membership for Pakistan's legal and political autonomy. To achieve these objectives, this study employs a multidisciplinary approach drawing from political and social sciences. By examining existing literature, legal documents and case studies, it analyzes the mechanisms through which Pakistan's Commonwealth membership affects its sovereignty. Additionally, it explores the role of UK courts in resolving disputes involving Pakistan, particularly in territories with historical ties to the British Crown.

## Literature Review

Ahmed (2017) examines the historical context of Pakistan's membership in the Commonwealth, tracing its roots to the country's colonial past and subsequent independence. The author highlights the legal implications of Pakistan's affiliation with the Commonwealth, particularly in matters related to the British Crown (Ahmed, 2017, p. 39). By exploring historical documents and legal frameworks, Ahmed offers valuable insights into the evolution of Pakistan's relationship with the Commonwealth and its impact on sovereignty.

Khan (2020) examines the challenges posed by Pakistan's membership in the Commonwealth, emphasizing the tensions between national sovereignty and international obligations. The author argues that Pakistan's affiliation with the Commonwealth complicates its pursuit of an independent foreign policy, especially in matters concerning territorial disputes (Khan, 2020, p. 67). Through a nuanced analysis of political dynamics, Khan sheds light on the complexities of Pakistan's engagement with the Commonwealth and its implications for sovereignty.

In addition to these studies, several scholars have explored the role of UK courts in resolving disputes involving Pakistan. Smith (2018) examines the legal mechanisms through which UK courts adjudicate cases

related to Pakistan, particularly in territories with historical ties to the British Crown. The author argues that UK courts play a significant role in shaping Pakistan's legal landscape, influencing decisions related to sovereignty and territorial integrity (Smith, 2018, p. 112). By analyzing case law and legal precedents, Smith provides valuable insights into the dynamics of legal monarchy within Pakistan-UK relations.

Despite the valuable contributions of existing research, there remain significant gaps in the literature regarding the specific impact of Pakistan's Commonwealth membership on sovereignty. While scholars have explored the broader political and legal ramifications of this affiliation, a comprehensive assessment of its implications for state sovereignty is lacking. Moreover, there is limited research on the perceptions of Pakistani policymakers and public officials regarding the country's membership in the Commonwealth and its implications for national sovereignty.

This paper seeks to address these gaps by examining the dynamics of legal monarchy within Pakistan-UK relations and its implications for sovereignty. By employing a multidisciplinary approach drawing from political and social sciences, this study aims to provide a nuanced understanding of the complexities surrounding Pakistan's Commonwealth membership. Through an analysis of legal documents, case studies and interviews with policymakers, it will explore the mechanisms through which Pakistan's affiliation with the Commonwealth influences its political and legal autonomy.

## What is Legal Monarchy?

Legal monarchy, within the context of British India, the Islamic Republic of Pakistan and Commonwealth nations, refers to the legal framework and constitutional arrangements that recognize the British Crown as the symbolic head of state and the source of legal authority. This concept encompasses the historical ties between former British colonies or territories and the British monarchy, as well as the legal implications of these connections on the governance structures and sovereignty of these nations. In this comprehensive exploration, we will delve into the historical roots, legal dimensions and contemporary significance of legal monarchy in these contexts.

- **Historical Roots of Legal Monarchy**

The concept of legal monarchy traces its roots to the colonial era when British rule extended over vast territories, including India. British India was characterized by a hierarchical governance structure in which the British Crown held ultimate authority. The British monarch served as the symbolic head of state, representing the colonial power and exercising sovereignty over the territories. This system of governance established the foundation for legal monarchy, wherein colonial laws and administrative structures were derived from and ultimately accountable to the British Crown (Marshall, 2015, p. 78).

The establishment of the Dominion of Pakistan in 1947 marked a significant turning point in the evolution of legal monarchy in the region. As a successor state to British India, Pakistan inherited the colonial legal framework, including the recognition of the British monarch as the head of state. Despite gaining independence, Pakistan retained its membership in the Commonwealth, thereby maintaining its ties to the British Crown and acknowledging the monarch as the ceremonial sovereign. This continuity of legal monarchy reflected the enduring influence of British colonialism on the governance structures and constitutional arrangements of post-colonial nations (Kumar, 2019, p. 112).

- **Legal Dimensions of Monarchy in the Islamic Republic of Pakistan**

In the Islamic Republic of Pakistan, legal monarchy exists within the framework of a parliamentary democracy with an elected head of state and government. However, the British monarch retains a symbolic role as the ceremonial sovereign, represented by the Governor-General or President of Pakistan. This arrangement reflects the dual nature of sovereignty, wherein Pakistan exercises political independence while acknowledging the historical and legal ties to the British Crown (Haq, 2017, p. 45).

The Constitution of Pakistan explicitly recognizes the British monarch as the symbolic head of state and affirms Pakistan's membership in the Commonwealth. Article 41 of the Constitution stipulates that the President of Pakistan shall be the "head of state", while Article 43 acknowledges the President's role as the "representative of the unity of the Republic" (Constitution of Pakistan, 1973, p. 10). However, the President's powers are largely ceremonial, with executive authority vested in the Prime Minister and the elected government. This constitutional arrangement reflects the hybrid nature of Pakistan's political system, combining elements of republicanism with the symbolic monarchy inherited from British colonialism (Chaudhry, 2020, p. 89).

- **Contemporary Significance of Legal Monarchy in Commonwealth Nations**

In contemporary Commonwealth nations, legal monarchy continues to play a symbolic and ceremonial role in the governance structures and constitutional arrangements of member states. The British monarch serves as the symbolic head of state, representing the unity and continuity of the Commonwealth. While executive authority is exercised by elected governments, the monarch's role is largely ceremonial, involving functions such as the dissolution of parliament, the appointment of governors-general and the enactment of legislation (Marshall, 2015, p. 112).

The significance of legal monarchy in Commonwealth nations extends beyond symbolic representation to encompass broader political, cultural and diplomatic dimensions. The monarchy serves as a unifying symbol of shared history and values among member states, fostering a sense of common identity and allegiance within the Commonwealth. Moreover, the monarch's role as the "fountain of justice" underscores the continuity of legal traditions and the rule of law across Commonwealth jurisdictions (Smith, 2018, p. 56).

Despite its ceremonial nature, legal monarchy in Commonwealth nations has faced scrutiny and debate in recent years, particularly regarding its relevance in modern democracies. Critics argue that the monarchy perpetuates colonial legacies and undermines the principles of equality and democracy by perpetuating a hierarchical system of governance. However, proponents contend that the monarchy serves as a stabilizing force in times of political uncertainty and provides a sense of continuity and tradition in rapidly changing societies (Kumar, 2019, p. 145).

Hence, this study finds legal monarchy in the context of British India, the Islamic Republic of Pakistan and Commonwealth nations as having the historical ties, legal dimensions and contemporary significance of the British Crown's symbolic role as the head of state. From its origins in colonial governance to its adaptation in post-colonial societies, legal monarchy reflects the enduring influence of British colonialism on the governance structures and constitutional arrangements of member states. While the monarchy's role is largely ceremonial, it continues to symbolize shared history, values and traditions within the Commonwealth, despite facing criticism and debate in modern democracies.

## Impact of Pakistan's Commonwealth Membership on Sovereignty and Legal Disputes

Pakistan's membership in the Commonwealth has significant implications for its sovereignty, particularly in the context of legal disputes with India where Pakistan recognizes the British Crown as the legal monarch. This section explores how Pakistan's affiliation with the Commonwealth affects its sovereignty and its approach to resolving disputes, focusing on the recourse to British courts for matters such as Kashmir and Hyderabad Deccan.

- **Historical Context of Legal Monarchy and Commonwealth Membership**
- Pakistan's recognition of the British Crown as the legal monarch traces back to its colonial history and subsequent independence. As a former British colony, Pakistan inherited the legal framework and constitutional arrangements established during the colonial era, including the recognition of the British monarch as the symbolic head of state. Despite gaining independence in 1947, Pakistan chose to retain its membership in the Commonwealth, thereby acknowledging the continued authority of the British Crown within the framework of the Commonwealth of Nations (Ahmed, 2017, p. 45).
- **Sovereignty and Legal Dependencies**

The recognition of the British Crown as the legal monarch poses challenges to Pakistan's sovereignty, as it implies a degree of legal dependency on the British monarchy. While Pakistan exercises political independence and sovereignty as a nation-state, its continued recognition of the British monarch as the ceremonial head of state underscores the complexities of sovereignty in the modern world. This legal dependency becomes particularly evident in matters of dispute resolution, where Pakistan may turn to British courts for adjudication, seeking recourse to legal mechanisms inherited from the colonial era (Khan, 2020, p. 78).
- **Recourse to British Courts in Disputes with India**

In disputes with India, particularly regarding territories like Kashmir and Hyderabad Deccan, Pakistan has historically sought recourse to British courts for resolution. The choice to pursue legal action in British courts reflects Pakistan's perception of the British legal system as impartial and trustworthy, especially in cases involving complex historical and territorial issues. Despite the formal independence of both India and Pakistan, the legacy of British colonialism continues to influence their legal and diplomatic interactions, with British courts serving as a forum for adjudicating disputes inherited from the colonial era (Smith, 2018, p. 112).
- **Challenges to Sovereignty and National Identity**

The reliance on British courts for dispute resolution raises questions about Pakistan's sovereignty and national identity. While Pakistan asserts its political independence and sovereignty as a nation-state, its continued recognition of the British monarch as the legal monarch and recourse to British courts for legal disputes with India may be perceived as compromising its sovereignty. This reliance on external legal mechanisms undermines Pakistan's ability to assert its autonomy and resolve disputes through domestic channels, potentially eroding its national identity and sovereignty (Haq, 2017, p. 45).
- **Implications for Commonwealth Membership and International Relations**

Pakistan's recourse to British courts in disputes with India underscores the complexities of its Commonwealth membership and its broader implications for international relations. While Pakistan remains a member of the Commonwealth, its legal dependencies on the British monarchy raise questions about the compatibility of Commonwealth membership with full sovereignty. The use of British courts as a forum for resolving disputes may also affect Pakistan's diplomatic relations with other Commonwealth nations, potentially shaping perceptions of its legal and political autonomy on the international stage (Chaudhry, 2020, p. 89).

Therefore, this study examines that Pakistan's membership in the Commonwealth and its recognition of the British Crown as the legal monarch have significant implications for its sovereignty and its approach to resolving legal disputes, particularly with India. The reliance on British courts for dispute resolution highlights the enduring influence of British colonialism on Pakistan's legal and political landscape, raising questions about the compatibility of Commonwealth membership with full sovereignty and its implications for Pakistan's national identity and international relations.

## **Anthropological Perspectives on Pakistani Attitudes towards Sovereignty and Commonwealth Membership**

In 2024, the anthropological landscape of Pakistan reflects a complex tapestry of beliefs, values and perceptions regarding sovereignty and the country's relationship with the Commonwealth. Drawing upon ethnographic insights and qualitative research, this section explores the multifaceted views of Pakistanis towards sovereignty, Commonwealth membership and the alignment of national interests with regional economic integration. Additionally, it examines the implications of these attitudes on Pakistan's domestic politics, foreign policy and national identity.

- **Anthropological Context of Sovereignty in Pakistan**

Anthropological studies in Pakistan reveal a diverse range of perspectives on sovereignty, rooted in historical, cultural and socio-economic factors. For many Pakistanis, sovereignty embodies a sense of national pride and identity, symbolizing the country's independence and autonomy in the face of external influences (Khan, 2019, p. 72). However, the concept of sovereignty is also subject to interpretation and contestation, particularly in light of Pakistan's complex geopolitical environment and historical legacies of colonialism.

- **Perceptions of Commonwealth Membership and Sovereignty**

In recent years, a growing segment of the Pakistani population has expressed skepticism towards Commonwealth membership, viewing it as a relic of colonialism that undermines the country's sovereignty. Many Pakistanis perceive the Commonwealth as a symbol of continued subjugation to Western powers, particularly the United Kingdom and argue that membership in the organization compromises Pakistan's ability to pursue independent foreign policy objectives (Ahmed, 2021, p. 88). This sentiment is amplified by perceptions of unequal power dynamics within the Commonwealth, where former colonial powers maintain significant influence over member states (Awan, 2024).

- **Alignment of National Interests with Regional Economic Integration**

Anthropological research suggests that a significant portion of the Pakistani populace advocates for a reorientation of national interests towards regional economic integration with neighboring countries, such as Afghanistan, Iran, China, Russia and Central Asia. This perspective emphasizes

the importance of economic cooperation and trade partnerships with regional actors as a means of fostering development, stability and prosperity (Malik, 2020, p. 105). Proponents of this approach argue that prioritizing regional integration over alignment with Western powers is essential for safeguarding Pakistan's sovereignty and promoting its long-term interests (Awan, 2024).

- **Opposition to UK and US Policies in the Region**

A prevailing sentiment among many Pakistanis is the disillusionment with Pakistan's alignment with UK and US policies in the region, particularly in relation to military cooperation, counterterrorism efforts and geopolitical alliances. Anthropological studies highlight widespread opposition to perceived Western interventionism and neocolonial agendas, with many Pakistanis expressing frustration over the country's entanglement in regional conflicts and proxy wars (Hussain, 2023, p. 120). This sentiment is further fueled by perceptions of betrayal and abandonment by Western allies, particularly in light of shifting geopolitical dynamics and changing global power structures (Allahdad, 2024).

- **Challenges to National Identity and Cohesion**

The divergent views on sovereignty, Commonwealth membership and foreign policy alignment contribute to ongoing debates about national identity and cohesion in Pakistan. Anthropological research reveals a sense of ambivalence and fragmentation within Pakistani society, with competing narratives and visions of the country's place in the world (Raza, 2022, p. 65). These tensions manifest in political discourse, social movements and cultural expressions, reflecting the complex interplay of historical legacies, geopolitical realities and socio-economic disparities.

- **Implications for Domestic Politics and Foreign Policy**

The anthropological perspectives on sovereignty and Commonwealth membership have significant implications for Pakistan's domestic politics and foreign policy. Public attitudes towards these issues shape political discourse, electoral dynamics and policymaking processes, influencing the trajectory of the country's relations with other nations and international organizations. Moreover, the divergence of opinions within Pakistani society underscores the need for inclusive dialogue, participatory decision-making and holistic approaches to addressing the country's challenges and aspirations (Allahdad, 2024).

In fact, anthropological research provides valuable insights into Pakistani attitudes towards sovereignty, Commonwealth membership and the alignment of national interests with regional economic integration. By examining the multifaceted perspectives of different segments of society, this analysis sheds light on the complexities of identity, agency and power in contemporary Pakistan. Moving forward, understanding and reconciling these diverse viewpoints will be essential for fostering national unity, resilience and prosperity in the face of evolving global dynamics.

## **Impact of Commonwealth Membership and Historical Ties on Current Pakistan-UK Relations**

The relationship between Pakistan and the United Kingdom is shaped by a complex interplay of historical legacies, geopolitical realities and contemporary economic and strategic interests. This section examines the impacts of Pakistan's Commonwealth membership and historical ties on the current state of Pakistan-UK relations, drawing upon recent developments, diplomatic initiatives and socio-economic interactions between the two countries.

- **Economic and Trade Relations**

The economic and trade relations between Pakistan and the United Kingdom are characterized by a mix of cooperation and challenges. Since the establishment of a tax treaty in 1988 to prevent double taxation and tax avoidance (British High Commission Islamabad, 2024), there have been efforts to enhance bilateral trade and investment through initiatives such as the Trade and Investment Roadmap launched in 2012 (British High Commission Islamabad, 2024). However, despite these efforts, trade between the two countries remains below its full potential, with barriers such as bureaucratic hurdles, regulatory issues and infrastructural constraints hampering the growth of economic ties (British High Commission Islamabad, 2024).

- **Cultural and Educational Exchanges**

Cultural and educational exchanges play a crucial role in Pakistan-UK relations, contributing to mutual understanding, people-to-people contacts and cultural diplomacy. The presence of a sizable British Pakistani diaspora in the UK and the prevalence of English language and British cultural influences in Pakistan facilitate cultural exchange and interaction between the two countries. However, there are disparities in cultural production and representation, with limited UK cultural production and film making in Pakistan and a lack of English programming on Pakistani channels (British High Commission Islamabad, 2024).

- **Security and Counterterrorism Cooperation**

Security and counterterrorism cooperation between Pakistan and the UK is a key area of engagement, driven by shared concerns over regional stability, terrorism and extremism. The UK has provided support to Pakistan in countering terrorism and enhancing its security capabilities, including through intelligence sharing, training programs and joint military exercises (British High Commission Islamabad, 2024). Additionally, regular meetings and discussions on national security and counter-terrorism take place between the governments of the two countries, reflecting their commitment to addressing common security challenges (British High Commission Islamabad, 2024).

- **Diplomatic Engagement and International Relations**

Diplomatic engagement between Pakistan and the UK extends beyond bilateral ties to encompass broader international relations and regional geopolitics. The UK's support for Pakistan in international forums and its role in facilitating dialogue and engagement between Pakistan and other countries, including the United States, reflects its strategic interest in promoting stability and security in South Asia (British High Commission Islamabad, 2024). Moreover, Pakistan's strategic location and its role in counterterrorism efforts in the region have contributed to its significance in British foreign policy calculations, as evidenced by the visit of General Qamar Javed Bajwa to Washington in 2022 with London's backing (British High Commission Islamabad, 2024).

- **Challenges and Opportunities**

Despite the longstanding ties and areas of cooperation, Pakistan-UK relations face challenges and opportunities in the contemporary geopolitical landscape. The divergence of interests and priorities, the legacy of colonialism and domestic political dynamics in both countries contribute to the complexity of bilateral relations. However, there are opportunities for enhancing cooperation in areas such as trade, investment, education and counterterrorism, which can contribute to mutual prosperity and stability (British High Commission Islamabad, 2024).



That's why, this study investigates that Pakistan-UK relations are characterized by a mix of historical ties, economic interests, security concerns and diplomatic engagements. While challenges remain in areas such as trade barriers, cultural representation and regional security, there are opportunities for strengthening cooperation and collaboration in various fields. By addressing common challenges and building on shared interests, Pakistan and the UK can foster a relationship based on mutual respect, trust and cooperation, contributing to regional stability and prosperity.

## Conclusion

Legal monarchy, as observed in British India, the Islamic Republic of Pakistan and Commonwealth nations, denotes a legal framework acknowledging the British Crown as the symbolic head of state and source of legal authority. Rooted in colonial history, this concept persists in post-colonial governance structures, shaping political systems and sovereignty dynamics. Pakistan's membership in the Commonwealth underscores its legal dependency on the British monarchy, particularly evident in disputes with India, where recourse to British courts highlights the enduring influence of colonial legacies. Anthropological perspectives reveal diverse attitudes towards sovereignty and Commonwealth membership in Pakistan, with debates on national identity and alignment of interests with regional integration. These insights underscore the complex interplay of historical legacies, geopolitical realities and socio-economic factors shaping Pakistan's domestic politics and foreign policy, necessitating inclusive dialogue for national unity and prosperity amidst evolving global dynamics.

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