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The white stetson monarchy

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The White Stetson Monarchy

John Von Heyking

Describing the opening of Parliament in Ottawa by Queen Elizabeth II in 1957, Arthur Bousfield and Garry Toffoli remark that the fathers of confederation envisaged this act. According to the confederation resolutions, the government of Canada was to be carried on "by the sovereign in person or by the governor general duly authorized" (152). This describes the essential role of the Crown in Canada's governance, a role that is misunderstood by most Canadians in part due to general public ignorance about their governmental system, but also due to the essentially enigmatic nature of the Crown.

Royal Tours, 1786-2010 is an exercise in civic education that comes at a time when the monarchy is enjoying a bit of a renaissance. The Harper government has reintroduced symbols of the Crown in various governmental institutions. For example, it reintroduced the term "Royal" to the names of the air force and navy; John Baird took down paintings in the headquarters of Foreign Affairs and replaced them with an official portrait of the Queen; and Harper's office has reminded Canadians that the Crown, not the governor-general, is the head of state. These and other moves by the government have led some to discern a "royal rebrand."

Even so, these public moves to reintroduce "dignified" aspects of the Crown to public life should not obscure the fact that the "efficient" aspects of the Crown are also becoming more important and better recognized. The appointment of David Johnston, a legal scholar, as vice-roy was done in part because of concerns that minority governments might result in hung parliaments, which would necessitate the use of prerogative.

If there were to be a replay of the King-Byng affair of 1926, the governor-general had better be someone with sufficient expertise and authority to stare down a prime minister. This possible scenario should remind Canadians that however else we view the Crown, our 1867 Constitution Act vests executive power in the Queen: "The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen" (s. 9). Our public intellectuals and media, when debating its merits, generally content themselves with discussions on the dignified elements. However, our leaders have shown greater judgment in recognizing the nature of the Crown because, presumably, they understand better the manner in which power is wielded in our system.

Royal Tours (and the CPAC television documentary based on it) takes part in this renaissance by demonstrating that not only is Elizabeth II the Queen of Canada, but, as the subtitle indicates, Canada is her "home" away from home. Canada is part of her realm because
it belongs to her, but the Queen also belongs to Canada. It is a reciprocal relationship.

Royal Tours is as enigmatic as its subject matter. It is presented as a handsomely illustrated overview of royal tours dating back to that of the future King William IV (as Prince William) in 1786, that could adorn anyone’s coffee table. This reviewer is especially impressed with the photo of Princes Charles and Andrew at the 1977 Calgary Stampede, and of many of the photos of the Prince of Wales and his “E.P. Ranch” southwest of Calgary. Indeed, as the title of the chapter indicates, it was somehow appropriate that the ranch was “the only property he owned.”

Even so, like the Crown itself, the images point to the Crown’s deeper significance for the polity. Their enigmatic nature reflects the nature of the Crown, which can be seen by careful consideration of the activities in which monarchs since 1786 have engaged.

The visits of Prince William as a Royal Navy captain from 1776-79 mark out, in broad outline, the relationship of Crown to the realm. The future “Sailor King” was a member of the wider military presence to secure possessions in North America and the Caribbean. In addition to the usual visits and social duties, as a ship’s captain he also led religious services on occasion for Protestants and Catholics. Numerous places were named after him. While in Canada, he was reputed to have had many lovers and at least two of his illegitimate daughters. Thus, the prince inaugurated a tradition of members of the royal family ensuring the prosperity and posterity of the king’s person in a variety of ways, both seen and unseen.

Unfortunately, there do not seem to have been any royal tours between that of Prince Edward, Duke of Kent (1791-1800) and that of Edward, Prince of Wales (crowned in 1901) in 1860. That apparent negligence was marked, of course, by an intermittently intransigent Crown toward demands among Canadians for responsible government that were satisfied in the 1830s-40s. One wishes the authors could have addressed this omission, though one might speculate that tours did not occur during this time in order for the relationship between the Crown and its Canadian subjects to sort out their problems in less visible ways.

Perhaps because of this sorting out, the tour of Edward, “prince of confederation,” was meant to inspire nationalism and unity. The emphasis on the Crown to promote love of country, and thus of the Crown as their sovereign, has marked royal visits ever since. Such emphasis was necessary to assist a young country gain its footing, as well as to guide Canada through challenges to unity, including the handling by Queen Elizabeth of Quebec separatism as well as her role in putting her signature to the 1982 constitution.

Having the monarch promote nationalism in Canada is, of course, a tricky business. On the one hand, when the monarch comes to Canada, she comes “home.” Canada is her realm and her realm possesses her. Albertans, who live in proximity to so much Crown land, have a special appreciation of this aspect of nationhood and the Crown’s patronage of horses, which roam that land, and the breeding of those horses, is a sign of this possession. Elizabeth’s love of horses, as well as the horse breeding programs established by Edward VIII as Prince of Wales in the 1920s, are an indication of this.

On the other hand, members of the royal family must constantly face the perception, both real and imagined, that they are foreign, a challenge made greater by Canada’s independence from Great Britain and its apparent corollary, that Canada has shed its monarchical past and has become a full-fledged democracy. Royal Tours shows why this Enlightenment precept fails to reveal the whole truth.

Queen Elizabeth presents a case study of the Crown adapting to changed circumstances. When the occasion has arisen, in the national unity crises and in 1982, she has gently flexed her executive muscles in a way that benefited her realm as well as reinforcing her authority over it. But for the most part, she has successfully cultivated nationalism by continuing and updating the work of her predecessors. Rather than being a mere prop, her tours have shown her to be an astute sovereign who, despite perceptions by some, stands ahead of the curve in history. For example, she opened Canada’s parliament in 1957, four years after her coronation. Before that event, the prime minister, John Diefenbaker, presented an order-in-council for her signature, but she “gently corrected the new
and inexperienced prime minister. 'I usually just initial these orders-in-council,' she said, before writing ER on the document" (151). In 1959 she conducted her six-week tour, which covered 18,000 miles, while pregnant.

In 2010, her tour, which included numerous events to commemorate her relationship with the military, also brought her to the Waterloo headquarters of Research in Motion, where she was presented with a Blackberry: "It was later reported in the media that, not surprisingly, she already owned one" (171). Also not surprisingly, the crowds who came to see her and Prince Philip were as large as, or larger than, the ones who saw her when she was younger. If crowd enthusiasm for the Queen is any indication of Canadians' perceptions of the monarchy and of nationalism, then the crown remains secure at the heart of the Canadian polity, due in no small part to the Queen's statecraft in navigating the Crown through the waters of political modernity.

This successful navigation is nowhere better seen than in the 2011 visit of Prince William and Catherine, the Duke and Duchess of Cambridge. Royal Tours only goes up to 2010, but their visit is covered by CPAC's companion series. It was their first official trip after their highly public wedding, which no doubt added to its popularity. Their glamour and celebrity certainly gave an "update" to the Crown and once again enabled the Crown to stay a step or two ahead of history.

Even so, two less-noticed occurrences at the conclusion of the tour indicate better the resilience of the crown. The royal couple concluded their tour in Calgary, which included a visit to the Stampede. The Duke and Duchess wore the white stetsons that had been presented to them, just as William's father and uncle wore theirs in 1977. During his final speech, William, who did not look entirely comfortable in the hat, made special mention of his Canadian crown. So stating, the future king acknowledged that the realm does possess him. He accepted this possession in another way when he recalled a statement his great-grandmother, Queen Elizabeth, the Queen Mother, made at the conclusion of her visit in 1939, that Canada had made her. William acknowledged that he and the Princess had come to understand the meaning of that statement.

Royal Tours provides a splendid account of how the monarchy presents itself to Canadians. Even so, revived interest in the monarchy can also be seen in renewed scholarly interest about the ways in which it forms the warp and woof of our political regime. Attention to some of this work brings to light the efficient parts of the crown that remain somewhat obscured in Royal Tours, where the dignified aspect is emphasized.

In June 2010, the Institute of Intergovernmental Relations of Queen's University and the Friends of the Canadian Crown sponsored a conference on "The Crown in Canada: Present Realities and Future Options," that included papers and discussion by some of Canada's prominent scholars of the crown as well as government ministers and senators. The papers, published in 2012 by McGill-Queen's University Press as The Evolving Canadian Crown, show the importance of the efficient aspects of the crown to the point that the relevance of Bagehot's famous distinction is thrown into doubt.

According to Michael Jackson, former chief of protocol in Saskatchewan, and Lynda Havestock, the former lieutenant governor, what they call the "compound monarchy" demonstrates the centrality of the Crown in sustaining federalism, with the viceroy as the pivotal figure of federalism because he/she reports directly to the Queen. They remind us of s. 41 of the constitution, which requires that any change to the Crown be passed by both houses of Parliament as well as by all ten provinces. In this sense, the compound monarchy is a blend of national and provincial sovereignties.

David Arnott explains the historical and political importance of the crown's relationship with first nations. Dating back to 1763, treaties with aboriginals have been understood not as contracts but as covenants, which is an ancient and religious category that the crown as an institution is especially well placed to secure. Arnott observes that treaties have been backed by the "honour of the crown." First nations understood "they were entering into a personal relationship – a kinship – with British subjects and most crucially, a personal relationship with the British sovereign."

Arnott suggests the honour of the crown is the background to modern human rights doctrines, which has a ring of truth to it. After all,
international law, especially with regard to the laws of war and the rights of nations, basically codified the honour code as practised by warriors. Even so, human rights doctrine derives from a distinctly modern understanding of politics and personhood and one whose philosophical underpinnings explicitly attack the concept of honour (the writings of Hobbes bear this out most explicitly, but it can be seen among other modern political philosophers).

Thus, what makes the crown relevant to the "unique relationship" it has with first nations is its premodern underpinnings in honour. Tocqueville, writing in the 1830s, noticed the affinities between honour-revering first nations and European aristocrats whose traditions grew out of the age of chivalry, and he feared modernity would destroy both for the same reasons. Arnott shows how the premodern ethos contained in the crown makes it better suited than what Kant refers to as a "thought entity" to enter into relationships based on non-Western cultures.

Smith's penetrating essay on the crown's role in "sustaining democracy" delves the most deeply into the nature of the crown. Countering claims that the crown is the cause of Canada's apparent democratic deficit, Smith takes the reader on a brief tour through the workings of the Canadian regime to show that instead, the crown does indeed sustain democracy so long as we remember that Canada is in fact a constitutional and parliamentary government and not a pure democracy: "The crown does not triumph over the executive by vanquishing it so much as it stands in the breach, so to speak, and bears the brunt of the attack on behalf of the people." The crown is the guarantor, as it were, of constitutional government because it is the root of executive power.

Prerogative, which the crown exercised when it prorogued parliament twice, is the barest expression of executive power. Smith emphasizes that it is the nature of the crown, then, to exercise discretion or judgment. Commenting on a proposal by Bruce Hicks and Lawrence Martin that the crown be obliged to provide a "written decision" giving reasons for prerogation, Smith argues that

behind that recommendation lies a whole philosophy at mind at odds with the assumptions that support constitutional monarchy. Whether stated reasons would clarify the constitutional issues and relationships at play in this set of facts is open to doubt, or at least speculation (emphasis added).

Anyone who has wrestled with Locke's treatment of prerogative power, or Aristotle's discussion of practical wisdom and equity (epiteleia), will recognize Smith's point. Hicks and Martin assert that written reasons are "appropriate for modern Canada," assumes that modernity means politics is essentially a rule-governed activity (cf. Kant's Metaphysics of Morals for an elaboration of this view). But prerogative presupposes that some political and moral situations demand acting outside of rules, at least temporarily. This is why the search for constitutional conventions and precedents by academics and journalists during the prorogation crisis (i.e., looking back to King-Byng) is largely an exercise in piety and not clarity.

In exercising prerogative, the Crown of course does not so much act outside the law because she is the law. The Crown "makes" law in exercising prerogative because the Crown continues to act for the common good. We grasp the meaning of prerogative if we misconstrue somewhat the meaning of Shakespeare's King Henry V demanding to kiss Kate, his future Queen; "you and I cannot be confined within the weak list of a country's fashion. We are the makers of manners, Kate, and the liberty that follows our placing stops the mouth of all find-faults" (Henry V, 5.2.261-2). The Crown "stands in the breach," as Smith observes.

Canadians told the Duke and Duchess of Cambridge to wear their cowboy hats, and they obliged. The crown is our sovereign and our servant, for in the last analysis, the Canadian people are sovereign but have lent their sovereignty to their constitution that includes the crown as its head. Royal Tours and the papers from "Friends of the Canadian Crown" in The Evolving Canadian Crown are by no means exercises in nostalgic anglophilia. Rather, they teach us the importance of the Crown in the fundamental workings of our regime and present a much-needed lesson in civics.