

# Republicanism in Canada in the Reign of Elizabeth II: *THE DOG THAT DIDN'T BARK*

## Youngest Canadians Strongest Supporters of Monarchy

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### Introduction

Although Canada is a constitutional monarchy, the institution of the Crown barely registers in the consciousness of most Canadians. 2002 proved to be an exception to that rule as Canadians celebrated the Queen's Golden Jubilee. What might have been a relatively staid commemoration of Elizabeth II's half-century of dutiful public service became a more poignant affair in the wake of the deaths, early in the year and in quick succession, of Princess Margaret, the Queen's younger sister, and the Queen Mother. The Jubilee year, including the Queen's visit to Canada in October, 2002, afforded students of Canadian politics the opportunity to gauge the attitude of Canadians toward the monarchy and to observe the reception accorded to Her Majesty by the federal and provincial governments.

While surveys of public opinion appeared to show some growth over the preceding decade in support for the severing of ties with the monarchy, most respondents, in all provinces except Quebec, continued to state a preference for retaining the Crown. Provincial premiers, for their part, publicly affirmed their support for the monarchy, with the notable exception of Quebec Premier Bernard Landry. In a formal statement, the PQ Government announced it would be boycotting celebrations of the Queen's Jubilee to protest Her Majesty's role in signing the Constitution of 1982, a document whose legitimacy successive Quebec governments have refused to acknowledge.

At the federal level, John Manley, the Deputy Prime Minister, caused a stir by endorsing the idea of a Canadian republic. While Manley had made similar comments before, he was roundly criticized, on grounds of bad manners, for repeating them during the Queen's visit. Meanwhile, Prime Minister Chretien's position on the monarchy seemed to be one of pragmatic acceptance rather than of positive support. In 1997, in response to an earlier call by Manley, then Industry Minister, for the monarchy's abolition, Chretien had said: "I have enough [trouble] with the separatists of Quebec. I don't want to have problems with the monarchists of Canada at this time." A year later, in 1998, officials in the Prime Minister's Office broached the subject of abolishing the monarchy as a

Millennium Project. The idea was swiftly dropped in the face of stern opposition from provincial premiers and the Reform Party Official Opposition.

How sturdy is the monarchy in Canada and what are the prospects for the establishment of a Canadian republic? In my view, the monarchy in Canada is more strongly entrenched today than is generally realized. This contention is based on three main arguments. First, the monarchy in Canada has undergone profound change since Confederation. Indeed, far from being a static institution

mired in the past, it has been remarkably versatile. Particularly relevant here is the process by which an indivisible Imperial Crown was superseded by a divisible Canadian Crown. That process began with the Imperial Conference of 1926 and concluded with the coronation of Elizabeth II in 1953, when for the first time Canada would have a monarch bearing the title "Queen of Canada."<sup>1</sup> By surviving, and being itself transformed by, Canada's transition from the status of a self-governing Dominion to that of a fully independent state, the Crown arguably pre-empted the rise of a republican movement in Canada of any significance. Secondly, the institution of monarchy in Canada, while poorly understood by many Canadians (including more than a few public office-holders!) performs its political functions satisfactorily for the most part. This makes it difficult for republicans to build popular support for its abolition. Thirdly, there is reason to believe that the monarchy today has a powerful, if under-stated, symbolic value to many English-speaking Canadians. In particular, the Crown is an important component of their sense of identity vis-à-vis the United States. Historically, of course, loyalty to the Crown signified resistance to cultural and political absorption by the United States from 1775 until well into the 20th century. Today, the Crown is one of a number of emblems that reaffirm for many Canadians their independence from the United States, even as trade and investment flows integrate Canada ever more closely into the economy of the United States.

### Republicanism in Canada in the Reign of Elizabeth II

On the accession of Elizabeth II in 1952, the status of the monarchy in Canada had already been significantly transformed. Over the preceding quarter-century, Canada had acquired full political independence. And, as Vernon Bogdanor puts it, "the concept of a single Crown uniting the members of the Commonwealth [had been] replaced by that of several crowns linked by the person of the sovereign." Nevertheless, as the new Queen began her reign, the monarchy's future cannot have seemed wholly assured. Important links with Britain were broken or attenuated in this period, including the abolition of appeals to the

Judicial Committee of the Privy Council in 1949, the appointment of Canadian-born Governors General beginning in 1952, and the adoption of a new Canadian flag, *sans* Union Jack, in 1965. If the monarchy had been regarded as a British rather than a Canadian institution, or as a mere vestige of colonialism, it might have succumbed before long to the inexorable logic of nationalism and been replaced by a republican form of government. However, in the past half-century no organized movement to abolish the monarchy has emerged. Why not? Several reasons may be suggested.

First, while the Crown once embodied and symbolized Britain's ultimate colonial authority over Canada, it manifestly ceased to do so with the passage of the Statute of Westminster in 1931. With the gradual emergence of a constitutionally separate Canadian Crown, the assertion of Canadian autonomy no longer required the severing of the monarchical link. Paradoxically, the legitimacy of the Crown was preserved, if not enhanced, as it was shorn of its Imperial powers and trappings. A similar process arguably had ensured the continuity of the Crown in 1848, when responsible government came to Nova Scotia and the Province of Canada. Likewise, in Britain itself the Reform Act of 1832 contributed to a decline in anti-monarchism in the 19th century – although it would revive briefly in the early 1870s – by curtailing the political power of the Monarch. Professor Frank Prochaska develops this point in a recent book about the British monarchy. He notes that Prince Albert in particular recognized that "the monarchy would be more influential by keeping aloof from factional manoeuvring" while furthering its patronage of charitable, philanthropic, and other civil society institutions.

This is not to suggest that the Crown in Canada is purely ceremonial and lacks political power. The Governor General possesses all of the prerogative powers of the Crown, including the power to appoint or dismiss a prime minister and the power to grant or refuse the request of a prime minister for a dissolution. If these powers were flagrantly abused by a Governor General, or repeatedly exercised in a questionable manner, the effect might be to fuel popular demands for the establishment of a republic. For example, the dismissal of Australian Prime Minister Gough Whitlam in 1975 by the Governor General, Sir John Kerr, helped to galvanize republican sentiment in the Australian Labor Party. However, with the notable exception of the King-Byng Affair of 1926, the exercise of power by the Crown in Canada has not attracted widespread criticism. Indeed, among the institutions of government that have generated the most public debate and concern the formal executive hardly rates a mention compared to federalism, the political executive, and, in recent years, the first-past-the-post electoral system.

To proponents of the monarchy, the unobtrusiveness of the Governor General and of the Lieutenant Governors is a sign of their quiet effectiveness. Removed from the partisan fray, they are said to act as guardians of the constitution, deterring prime ministers and premiers from abusing the privileges of Parliament or otherwise violating the unwritten, non-justiciable aspects of the constitution. Critics of the Crown reply that the Governor General is the de facto head of state and is hardly above partisan politics. Not only is he or she nominated by the prime minister, but PMs have been in the habit of sending to Rideau Hall politicians affiliated with their own party since Pierre Trudeau nominated one of his former ministers, Jeanne Sauve, to the vice-regal post in 1984. This criticism is conceded by many supporters of the Crown in Canada. Frank MacKinnon, for example, advocates a less partisan procedure for nominating the Governor General, as does the editorial board of the *Globe and Mail*. In any case, this question has not engaged the attention of the Canadian public to date and has not been taken up by any of the federal parties.

### Vive la Republique!

To the extent that the monarchy has generated political controversy since the 1960s, Quebec neo-nationalism has been the principal driving force. The conservative nationalism of Honore Mercier, Henri Bourassa, and Maurice Duplessis had been broadly compatible with the institution of monarchy, if not with the foreign wars fought by the British Empire. In the 1960s, groups advocating independence for Quebec, from the RIN to the FLQ, expressed hostility toward the Crown, which they regarded as a symbol of oppression, past and present, by English Canada. The demonstrations that attended the Queen's visit to Quebec in October 1964, and the heavy-handed police crackdown on demonstrators, contrasted sharply with the warm reception the monarch had received on her visit five years earlier to officially open the St. Lawrence Seaway. Media coverage of what came to be known as *le samedi de la matraque*, together with lurid press reports published prior to the visit of a separatist plot to assassinate the Queen, provoked grave consternation across the country.

Republicans in English Canada could take little comfort from these events. Adherents of the new nationalism in Quebec – separatists and federalists alike – fundamentally took issue with Quebec's political relationship with the rest of Canada; for them, the Crown was merely the symbol of a hated status quo. Nevertheless, it should be acknowledged that on the few occasions in the 1970s when the monarchy was raised as a discrete issue of constitutional reform, both the PQ and the Quebec Liberal Party (PLQ) favoured the establishment of a

republican form of government. In the early 1970s, the PQ endorsed a presidential-parliamentary system for a post-independence Quebec, modelled on that of the Fifth Republic. The PLQ, in its Beige Paper of 1980, endorsed the abolition of the monarchy and the “repatriation” of the head of state. However, it did not consider the matter to be an urgent priority.

## Republicanism by Stealth?

The response of the Federal Government – of Federal Liberal Governments in particular – to developments in Quebec reflected an apparent ambivalence toward the monarchy that is still evident today. On the one hand, Liberal Governments since the 1960s have sought to promote national unity by establishing pan-Canadian symbols and institutions designed to bridge the linguistic divide. The new flag, the Official Languages Act, and the Charter of Rights were all instigated with this aim at least partially in mind. The Crown evidently was not considered to be useful to this project and its visibility was gradually lowered in a series of largely unheralded moves. A re-branding of government departments and agencies saw a purging of the word Dominion, with its monarchical connotations, and its replacement by the word Federal. At the same time, royal insignia were effaced from many public buildings and official documents. The Royal Mail was re-named Canada Post.

On the other hand, the Federal Government was cognizant of the continued attachment of many Canadians to the Crown. One sign of that attachment was the founding of the Monarchist League of Canada in 1970, a national organization that has had much success in the past 30 years in halting the further marginalization of the monarchy in Canada. In any event, Federal officials evidently reckoned that the goal of maintaining national unity would have been ill-served by opening a divisive debate on the future of the monarchy. Consequently, in spite of a deluge of constitutional reports and position papers that flooded the country from the 1970s to the early 1990s, little was said about the monarchy. In 1972, the Molgat-MacGuigan Joint Committee on the Constitution recommended no change in the status of the monarchy “[b]ecause of the state of divided opinion in Canada.” In 1979, the Pepin-Robarts Task Force reached a similar conclusion, while recommending that Lieutenant Governors should be appointed on the advice of the provincial premiers, not the PM.

That the monarchy still enjoyed significant latent support in this period is underscored by the extensive opposition that greeted the Federal Government’s Constitutional Amendment Bill (C-60), tabled in Parliament on 20 June 1978. Among many other things, the Bill proposed to rename the Governor General as the First Canadian and to declare executive authority to be “vested in the Governor General of Canada, on behalf of and in the name of the Queen.” The Governor General was to “represent the Queen in Canada and exercise for her the prerogatives, functions, and authority belonging to her in respect of Canada by the Constitution of Canada.” Meanwhile, the Privy Council was to be renamed the Council of State. The Government insist-

ed that the Bill was not intended to strengthen the office of Governor General at the expense of the Monarch, but merely to clarify and entrench the existing authority of the former in the Constitution. This view was accepted by some academics, such as Professor Edward McWhinney, but vigorously disputed by others. Before long, it was being denounced by the *Globe and Mail* as a plot “to shunt the monarchy to the decorative fringes of the constitution” and to “[downgrade] the symbol most central to Canada’s identity...” One critic denounced the Bill’s “crypto-republicanism;” another its “insufferably condescending” provision that nothing in the Bill should be “construed as precluding the Queen... from exercising while in Canada any of the powers, authorities or functions of the *Governor General*.” As Senator Forsey aptly put it, the Government had succeeded in “stirring up a hornet’s nest with a short stick.”

The fate of Bill C-60 was sealed when the provincial premiers issued their response to it from Regina in August 1978. In their communique, the premiers disputed the Federal Government’s authority to proceed unilaterally with amendments to the monarchy. On the substance of the Bill’s proposals touching the Crown, the premiers expressed their opposition to “constitutional changes that substitute for the Queen as ultimate authority a Governor General whose appointment and dismissal would be solely at the pleasure of the federal cabinet.” The Premiers reiterated this position at the First Ministers’ Conference in Ottawa in February 1979. With the defeat of the Trudeau Liberals in the Federal election of May, 1979, subsequent Federal Governments chose not to revisit the monarchy issue. Ultimately, the constitutional changes of 1982 ended up strengthening the position of the Crown. Under Section 41 of the Constitution Act 1982, amendments in relation to “the office of the Queen, the Governor General and the Lieutenant Governor of a province” require the unanimous approval of Parliament and all ten provincial legislatures.

## The Future of the Maple Crown

The absence of an organized movement for the establishment of a Canadian republic, together with the practical difficulty of meeting the constitutional requirement for unanimous provincial consent, will likely ensure the continuity of the monarchy in Canada well into the 21st century. This is not to say that there is negligible latent support, in principle, for a republican form of government. A Gallup Poll taken in July 1991 found that 50% of respondents favoured retaining the monarch as head of state while 36% favoured abolition. A decade later, an Ipsos-Reid poll conducted during the Golden Jubilee year disclosed that 48% of respondents agreed that the monarchy was outmoded and that Canada should adopt a republican form of government with an elected head of state. Meanwhile, an Ekos Research poll in 2002 found that the idea of abolishing the monarchy was supported by 25% of respondents in Saskatchewan and Manitoba, 30% of Alberta residents, 36% of Ontarians, 42% of residents of BC and the Atlantic provinces, and fully 54% of Quebecers.

The reliability of opinion polls on this question is particularly suspect since

Canadians have never engaged in a serious national debate on the monarchy. In considering the future of the monarchy, one embarks on a highly speculative enterprise. With that disclaimer in mind, I close by raising a number of issues that are likely to have some bearing on the future of the Maple Crown. On balance, its future seems to be relatively secure.

Perhaps the most important attribute of the Crown for Canadians today is its tendency to sharpen and define Canada’s identity vis-à-vis the United States. The aforementioned Ekos research poll conducted in 2002 found that 55% of respondents agreed that the monarchy “is one of those important things that provides Canadians with a unique identity separate from the U.S.” A similar question posed by Ipsos-Reid in 2002 elicited an affirmative answer from 62% of respondents, with regional majorities ranging from a low of 52% in Quebec to a high of 71% in the Atlantic provinces. Interestingly, among different age cohorts, the highest affirmative response (66%) came from those 18-34 years of age, compared to 57% for the 35-54-year-olds and 64% for those 55 and over. The same poll also found that those under 35 registered the highest level of support for retaining the monarchy. In an era in which Canada is becoming increasingly integrated into the North American economy, and is exposed to a relentless barrage of American culture, Canadians may be loath to discard an institution that is so deeply woven into the fabric of Canada’s political history. Further to this point, there is some evidence of growing popular interest in Canadian history – particularly among youth – as reflected, for example, in the success of the recent documentary series, *Canada: A People’s History*.

One of the leading criticisms of monarchy that is levelled by republicans is that it is inconsistent with the political values of equality and representative democracy, so highly valued by Canadians. This criticism has at least two major aspects. The first has to do with particular features of the British monarchy that offend the sensibilities of most Canadians in the era of the Charter of Rights. For example, the Act of Settlement of 1701 continues to bar Roman Catholics from the line of succession to the throne; it also disqualifies an heir to the throne who marries a Roman Catholic. Similarly, the law of primogeniture establishes inheritance by the eldest male issue. If these provisions were justiciable by Canadian courts, there can be little doubt that they would be found to violate Section 15 of the Charter of Rights and would fail to pass muster under Section 1, the “reasonable limits” clause.

A related criticism of monarchy is that modern constitutions ought to be conceptually clear and consistent and that they ought to reflect the times. Andrew Fraser criticizes constitutional monarchy on these grounds, describing its doctrines variously as metaphysical, incoherent, and logically muddled. For his part, Randall White sees in Canada’s continued link to the monarchy evidence that the country is “trapped in a time warp.”

Neither of these criticisms is likely to be fatal to the Maple Crown. On the first point, there is reason to believe that fundamental changes to the law of succession may be implemented within the next few years by the UK Parliament.

After all, the Labour Government of Tony Blair has been exceptionally active in recent years in the realm of constitutional reform, having established regional parliaments in Scotland and Wales, removed all but 92 of the hereditary members of the House of Lords, and proposed to abolish the office of Lord Chancellor. It should also be noted that members of the Royal Family have expressed, or made known, their support for various reforms. For example, the Queen is said to support changes to the law of succession that would accord equal treatment status to male and female heirs, while Prince Charles has mused about the desirability of changing the Royal style and title from “Defender of the Faith” to “Defender of Faiths,” in recognition of the increasingly multicultural make-up of British society.

As to the alleged illogic of monarchy, this indictment is unlikely to disturb the equanimity of most Canadians. Unlike the citizens of states forged by revolution, Canadians have never demanded a rigorous theoretical symmetry in the design of their political institutions. As David Smith puts it, “Canadians have displayed a high tolerance for ambiguity when it comes to constitutional arrangements.” While this empirical approach to government is one that reflects the historical influence of British constitutional practice, it has been employed in Canada by generations of political leaders seeking ways to accommodate the various regional, linguistic, and ethnic communities that comprise the Canadian polity.

## Conclusion

The monarchy is no longer the unifying epicentre of Empire that it was in an earlier era. However, it serves to remind Canadians of a shared political heritage – one of which they have reason to be proud. At the same time, the Crown continues to play a crucial, if largely overlooked, role in anchoring and maintaining constitutional government in Canada. As part of what Peter Hennessy has called the “hidden wiring” of the constitution, the monarchy ensures the proper functioning of parliamentary government. Perhaps more than anything else, it is Canadians’ instinctive knowledge of this basic fact that has made republicanism a non-issue in Canadian politics.

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- 1 The circumstances of this transformation are recounted in Stephen Phillips, “The Emergence of a Canadian Monarchy: 1867-1953,” *CMN* (Summer 2003), pp.18-19.