

Peter Russell: Thoughts On The Canadian Crown

Re-Appraising The Crown in Canada

by Peter Russell



This past weekend I participated in a three-day conference on The Crown in Canada: A Jubilee Assessment.

The conference was held at Government House in Regina and attended by scholars and writers, young and old, interested in the Canadian Crown as well as representatives of the vice-regal office in nearly every province and Rideau Hall.

The general assessment of the Crown in Canada was that in ebb-and-flow terms it was definitely in flow mode in attracting public interest and support.

The glamour and glitter of the Diamond Jubilee and the appeal of the young royal couple, Kate and Will, are partly responsible for the upswing.

But shedding party patronage from the process of filling the positions of those who represent the Queen in Canada, has also helped.

In Canada's original constitutional plan, provincial Lieutenant Governors were designed to be political agents of the federal prime minister in provincial capitals.

Those days are now long gone. Since the 1970s, prime ministers have sought the assistance of provincial governments, including those led by parties in opposition to the governing party in Ottawa, in identifying good candidates for the vice-regal position in their province.

Increasingly that office has been filled by persons who represent groups who tend to be marginalized in our society. The death last week of Lincoln Alexander, our first black Lieutenant Governor, is a reminder of that fact, as was the incumbency of James Bartleman, an Ojibwa man, and as is the current office holder David Onley, who is physically handicapped.

It is in the community outreach side of the office that contemporary incumbents of vice-regal positions are performing so well.

The diversity of those who hold the office enables Lieutenant Governors, as one of the conference attendees put it, “to represent the province to itself.” A similar point can be made about recent Governors General.

In an age of excessive partisanship the state is well served when it is represented by high quality and diverse people who are outside of politics.

All that has to do with what Walter Bagehot, the great English constitutional writer, referred to as the “dignified” side of the office.

There is also what Bagehot would call its “efficient side” – its role in the operation and safe-guarding of parliamentary democracy.

Most of the time, the Crown’s representatives in Canada, in exercising their powers to summon, prorogue and dissolve parliament and legislative assemblies, act on the advice of first ministers accountable to the elected legislature.

But there are occasions on which the constitutional duty of the Crown is to decline the advice of the premier if it contravenes the principle of responsible parliamentary government.

On those occasions, the Crown is our first line of defence in maintaining parliamentary democracy. This constitutional duty of the crown is its least understood dimension.

Our schools do nothing to alleviate this situation.

At the Regina Conference, Nathan Tidridge, a high school history teacher from Waterdown, Ontario and author of an excellent new book, *Canada’s Constitutional Monarchy*, gave a startling account of the treatment of the Crown in approved civics textbooks.

Not only do they provide no information about the Crown's constitutional role (one book simply says "The governor general is a figurehead, a ruler in name only"), but they also give misinformation. According to one of these texts, "the lieutenant governor is appointed by the governor general on the advice of the provincial premier".

We who see the value of the Crown as a Canadian institution have educational work to do. It may begin with the question of secession to the throne, which is likely to arise if and when the Duchess of Cornwall (William's "Kate" to most of us) has a baby and it is a girl. Then we will learn about the agreement among the first ministers of the sixteen of Her Majesty's Commonwealth realms, to take steps together, each in their own country, to amend the law governing secession so that Kate's first born child, regardless of sex or religion, becomes William's heir to our thrones.

And finally, by the way, we monarchists must encourage Canadians who tend these days to lean in the republicans direction to consider more carefully the case for monarchical heads of state in parliamentary democracies.

For starters I suggest they compare the performance of the presidential heads of state in parliamentary countries with their monarchical counterparts.

Looking at the calibre of our current vice-regal family in Canada, and the character, intelligence and humanity of our Queen in the sixtieth year of her reign, it is difficult to see why we would want to go down the republican path.

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