

# REPUBLICAN TENDENCIES

*There is no longer any strong idea behind the Canadian monarchy and its representative in Canada. Left as it is, the monarchy will continue to atrophy. Canadians, who have often led Australia in constitutional change, would do better this time to follow the Australian lead, and adopt a minimal republican state, one that retains the essence of parliamentary government and changes only the way the head of state is chosen. Any reforms should take care to assure that those powers that still reside with the Sovereign should be transferred to the new head of state.*

*Au Canada, la monarchie et son représentant canadien ne suscitent plus le même engouement que par le passé. Laissez à elle-même, la monarchie continuera de périr. Les Canadiens, qui ont souvent montré la voie aux Australiens en matière constitutionnelle, seraient bien avisés, cette fois-ci, de suivre l'exemple australien et d'adopter un État républicain tout en conservant les principaux éléments du régime parlementaire et en ne changeant que le mode de sélection du chef de l'État. Les réformes devraient faire en sorte que les pouvoirs qui demeurent encore entre les mains du souverain soient transférés au nouveau chef de l'État.*

## David E. Smith

I was asked to contribute to this issue of *Policy Options* because, according to the invitation, I was reputed to have “republican tendencies.” Until then I had not thought of my disposition to monarchy quite in those terms. Yet, on reflection and after spending the last six years writing about monarchical and republican forms of government, this description, as well as any, probably reflects where I stand — or lean. It seems to me time to at least start talking about what might replace the monarchy.

For what they are worth, which may not be very much, since polling on the question of retaining the monarchy occurs erratically and usually in tandem with a royal visit, surveys indicate that most Canadians seem to be grouped about the mean. Some (even a majority) of the Queen's older subjects are



inclined towards retention of the Crown, while others (including a majority of younger respondents) favour abolition. Statistically, there is not a lot of evidence to make a strong case either way, although there seems no doubt that the numbers who desire change are on the increase. Whether someone with “republican tendencies” can yet be labelled a representative Canadian is perhaps open to dispute; but neither can he be described as on the fringe of public opinion.

The fact that opinion does appear to be almost equally divided is in some ways less interesting than the resounding silence that usually envelops the issue of monarchy in Canada. In pre-Confederation Canada, expressions of republican sympathy were episodic, but since Confederation they are essentially unheard. Simply put, no one talks about abolition.

In this regard Canada is quite unlike Australia, a parliamentary federation with which it has much in

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common, including, for the moment, the same person as monarch. Republican sympathies long preceded the creation of the Commonwealth of Australia in 1901. They were often weak and perhaps fragmented, but they were always given expression. Beginning in the 1950s, and especially after the governor-general's dismissal of the Whitlam Government in 1975, republican sentiment has grown. (Gough Whitlam, the prime minister, retained the confidence of the House of Representatives but refused — to the governor-general's satisfaction, at least — to resolve a budget stalemate that had developed between the lower house and the Senate.) A republican future for the country is official Australian Labor Party policy, and even a majority of ministers in the ruling Liberal-National coalition government led by John Howard share that ambition, though Mr. Howard does not.

Demographic and settlement patterns in the two countries partly account for the contrast but they do not fully explain it. There is a recurring republican theme in Australian history that is worth examining and which has been the subject of several recent books in that country. The absence of the same theme, but the slow growth of republican sentiment nonetheless, must be the focus of any parallel study in Canada.

Divided opinion on this undebated issue seems yet another example of what political scientist Carolyn Tuohy has called Canada's “institutionalized ambivalence.” Is our national sport lacrosse or hockey? Do Canadians want entrenched rights and freedoms, or do they think a notwithstanding clause essential? Can Quebec be an independent nation in a united Canada? Canadians have displayed a high tolerance for ambiguity when it comes to constitutional arrangements; and those who seek greater precision in such matters, for example the architects of the Meech Lake and Charlottetown Accords and the proponents of a Triple-E Senate, have yet to realize their ambition.

The monarchy has clearly benefited from Canadians' disinclination to be definitive. Evidence for that assertion appears as soon as supporters of the current system begin to defend it. To critics who say that monarchy is the last remnant of imperial rule, monarchists invariably reply that Canada's monarchy is just that — Canadian: Elizabeth II reigns here not as Queen of Great Britain but as Queen of Canada. However logical that defence, and however certain its legal basis, this proposition only underlines the gap between rhetoric and reality that appears whenever the subject of monarchy is raised. Indeed, the more detailed the argument in support of it, the more, not less remote the institution becomes — which suggests the case for the Crown will not be won on either the quantity or quantity of the facts presented. But, then, neither is the less concrete claim that the Crown is a great unifying force in national life easily supportable. While it is quite true that monarchical institutions helped shape Canada's political development and integrate its federation — the Crown is the constitutional pivot of both levels of government — it is less obvious that the symbolic role its defenders claim for the institution continues to be important today.

A case might even be advanced that monarchy never offered Canadians the cultural cues that a head of state is supposed to provide. By contrast, the Empire with the monarch at its head did, because it gave colonial Canada a universal dimension. The pride constitutional experts later felt in their skill at dividing the Crown, so that Great Britain and its dominions might enjoy equal constitutional status, may yet prove misplaced. Canada and Australia, along with New Zealand and a handful of small states, inhabit an unusual constitutional world whose only criterion for belonging is that its members be derivative monarchies, that is, that they share the same head of state. One of the strongest arguments Australian republicans advance for constitutional change is precisely that a shared monarchy cannot fill the symbolic space required of a head of state. Only a native-born Australian will do. To those who say that Australia (or Canada) already has a functionally domestic head of state in the person of the governor-general, republican advocates reply that this is an anaemic institution, and conventionally weightless because of the partisanship that envelops it. Monarchists find themselves caught between defending either an absentee monarch or the local institution of monarchy. Either way their argument grows less convincing.

A country's head of state needs a larger, more expansive framework, beginning with how he or she is to be selected. Australian republicans have split over

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this question. The majority, organized as the Australian Republican Movement, favour selection of a president by Parliament. Assisted by a committee, the prime minister would nominate candidates. Other republicans argue for a process of popular selection, while polls show that a majority of those who favour abolition of the monarchy also want a say in choosing the new head of state. The arguments on both sides are more substantive than this summary suggests, but the contrasting principles of narrow vs. broad selection are clear. There is, as well, the issue of dismissal or removal of a president, and how that would be accomplished. Yet the point remains that either of these methods would found the president on a broader base than the current system, in which appointments are made by the Queen on advice of the prime minister. The new selection procedure, proponents say, would make the institution of the head of state Australian to a degree that is not true now. Australia would be seen as Australian both at home and abroad. In fact, the need for Australia to be represented abroad by one of its own citizens is a recurrent theme in the case made by republican advocates.

Even Mr. Howard, an avowed monarchist, has admitted that “the symbolism of Australia sharing its legal head of state with a number of other nations is no longer appropriate.” But there is more to the republican case than symbolism. Monarchy of the British type is about more than a person. It is also about power, and in this regard it is different from other constitutional monarchies, such as those of Scandinavia and the Low Countries. The story of responsible government has been told so often and so well that the powers of the Crown, normally exercised on the advice of the political executive, have disappeared from public view. Yet its powers in the matters of appointments and patronage and in the summoning and dissolving of legislatures remain extensive.

This point needs emphasis because, if monarchy is to be replaced, some provision must be made for the transfer of these powers. In particular, whoever is to hold those powers in a republic must exercise — or, more to the point, not exercise — them according to the existing conventions of the constitution.

The powers of the Crown not only are substantial, they are necessary. Australian experience underlines this truth. In February 1998, delegates to the constitutional convention in Canberra, half of whom had been popularly elected, agreed that not all of the Crown’s discretionary power should be codified, and that a new head of state would still possess discretionary power. This is one of the reasons why agreement on a selection process has proved so difficult. If eventually there should be a president of Australia, that official will be more than a symbol — he or she will have the means to affect the fortunes of governments.

Republican sensibility, however, is about more than designing a system that holds a president in check. One of the lessons republicans took from the crisis of 1975 was not that the governor-general was too strong but that because of the manner of his selection he was vulnerable to dismissal by the prime minister. Any president of a future republic, they believe, needs more independence than is currently the case, and that will come from a more public process of accountability.

The republican model Australians will vote on later this year is a parliamentary one. One of the arguments in its defence is that retention of the parliamentary system makes a “minimalist republic” possible. In place of the monarch and her representative, there will be a president, but the rest of the political system will look the same. In fact, popular election of the president is rejected by the majority of republicans on the grounds that it represents too great a change, and introduces too great a potential for disruption of the existing arrangement of power. There are, of course, different kinds of parliamentary republics. In Ireland, for historical (read “anti-royalist”) reasons, the president’s powers are truly minimal; in France’s Fifth Republic, the president and prime minister share power to an extent that would not be acceptable to politicians in parliaments based on the Westminster model. Australia’s new constitution will be different from these parliamentary systems, because the transition requires an arrangement of powers to take account of its monarchical inheritance.

It will be different in another respect because Australia, like Canada, is a federation. The Australian states and the Canadian provinces are themselves

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monarchies and, as a result, federalism in these countries can be described as a system of compound monarchies. For that reason, any constitutional innovation which has as its objective the replacement of monarchy by a republic may expect to encounter some opposition from the partners in the federation. Queensland and South Australia argue that, notwithstanding the Commonwealth constitution’s amending formula, which requires support in a majority of states as well as in the national popular vote, no state should have such fundamental constitutional change forced upon it. In Canada, an even higher standard — unanimity on the part of provincial and federal governments — must be met to amend “the office of the Queen, the Governor General and the Lieutenant Governor of a province.”

There are, of course, parliamentary federations that are republics — India is a major example — but Canada and Australia are among the world’s oldest federations. Critics of republicanism (more vehemently in Australia because the issue has been in the public arena for a longer time) say that it is a centralizing device. More emotively, they say it is anti-federal in its intention, and some have even linked what they see as the deterioration of the autonomy of the Indian states to a central government in New Delhi that controls the republic.

When our own federal government set out in the Constitutional Amendment Bill, 1978, to Canadianize the office of governor-general by codifying its powers and designating its occupant as “the First Canadian,” provincial premiers objected on the grounds that a more distinctively Canadian institution might undermine the status of the provinces. They said the same about the Bill’s provision to reform the Senate unilaterally. The Trudeau government eventually dropped the monarchical reforms, while in a reference opinion the Supreme Court of Canada declared unilateral change to the Senate beyond the competence of Parliament acting alone. Yet, a federal republic need not mean a stronger central government — the United

States invented both modern federalism and republicanism to limit central power. Moreover, debate at the constitutional convention in Canberra suggests that whatever form a new head of state takes it is likely to limit rather than expand the powers of the political executive.

In claiming autonomy from Great Britain, Canada traditionally has led Australia. We immediately adopted the provisions of the Statute of Westminster, 1931; Australia followed only in 1942. Canada flew its distinctive maple leaf in 1965; discussion about a new flag for Australia drags on. In the matter of the monarchy, however, we have proved less adventurous. One reason is that since before Confederation, governors-general sought to accommodate the English and French parts of our identity. Their interest in our history, their knowledge of the French language, even their summer residence at the Citadel in Quebec, underlined this commitment. Any proposal to abandon the monarchy must recognize and honour that involvement, which has contributed to Canada’s unity.

But recognition of that past cannot change the fact that it is the past. Notwithstanding the personal qualities of the appointee, which have often been extraordinary, the Canadian governor-general has become a hermetic head of state — ignored by press, politicians and public. The fundamental problem is that there is no longer any strong idea behind the Canadian monarchy and its representative. And in its absence there can be no pulse in common between the people and their constitution. A parliamentary republic, with a head of state appointed with the approval of Parliament, would represent a substantial improvement over the present system. It would be misleading to say that a republic will solve Canada’s social or political problems, but it is reasonable to suggest that even a “minimal republic,” comparable to the one Australians will vote upon in this year’s referendum, would change the way Canadians view themselves. For the first time they would have a common stake in the outcome of the selection of their head of state.

Before that occurs, a debate on the question of the Crown’s retention is essential. This issue of *Policy Options* is part of that debate. Left as it is, monarchy in Canada will continue to atrophy. A reminder of the past, it no longer accords with any sense of the country’s future.

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