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The Republican Option in Canada, Past and Present

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Part 1: Why Is There No Republicanism in Canada?

Definitions and Distinctions

To prepare for the debate it is important to be clear about terms, beginning with the two central concepts, monarchy and republicanism. At one level the contrast would seem simple enough: a monarchy is a system of government in which there is a king, in a republican system there is no king. But as Chapter 2 will show, the meaning of republicanism is less easy to explain than this simple dichotomy would suggest. More specifically, the concept reaches beyond the composition of the executive. Of concern is the extent to which all parts of the constitution promote popular participation in the affairs of the state and the degree to which each part acts in harmony with the others: institutional balance is an essential element of republican theory. While these are fundamental matters in explicating republican forms, they hold interest for other systems of government as well. In constitutional monarchies such as Canada, demands for procedural and institutional reform - most persistently Senate reform - bear witness to this overlap of mutual concern. **Indeed, that overlap draws attention to a claim frequently made by republican theorists, that monarchical and republican forms are not necessarily incompatible. It is even possible for a republic to have a King.¹³ How this can be so must await later elaboration, but that it is deemed possible should alert those interested in republicanism to the complexity of the subject.**

The ambiguity is partly the result of the popularity of republicanism in the twentieth century. For Canadians, who have lived alongside the United States since before there was a United States, this perspective may appear distorted. Nevertheless, and looking beyond North America, it needs to be remembered that as late as the end of the First World War, 'France [was] still the only great European republic,' a distinction Anglo-American observers attributed to the Third Republic's reputation for instability, and thus an unhappy model 'to invite imitation.'¹⁴ **Republican government has now become so much the accepted ruling form – the expected last stage of constitutional development** - that, it is easy to forget its recent ascendancy. It was events associated with the two world wars, when old regimes and colonies were replaced by independent republics, which moulded an attitude that accepts republican government as natural and proper. This is a presumption which, in Canada at least, Eugene Forsey volubly and vigorously disputed.¹⁵

¹³ See, for instance, J .G.A. Pocock, 'States, Republics, and Empires: The American Founding in Early Modern Perspective: in Terence Ball and J.G.A. Pocock, eds., *Conceptual Change and the Constitution* (Lawrence: University Press of Kansas, 1988),62.

¹⁴ H.A.L. Fisher, *The Republican Tradition in Europe* (New York: G.P. Putnam's Sons, 1911),320.

¹⁵ See his 1967 essay, 'Constitutional Monarchy and the Provinces: in Eugene Forsey, ed., *Freedom and Order* (Toronto: McClelland and Stewart, 1974), 21-32.

But the imprecision that surrounds the republican concept is not solely the consequence of its late arrival as the constitutional standard. It is also the product of its unopposed success, for republicanism gained the field more by default than by design. It has never had to defend itself. While it is true that the major thinkers of Western political thought, among them the authors of the Federalist Papers, Montesquieu, Machiavelli, and the classical theorists, wrote about republican rule in one form or another, it is also the case that what they had to say fired few of this century's republican leaders to action. On the contrary, republicanism became the automatic replacement regime in the wake of the collapse and withdrawal of imperialism. Ireland and India, for example, declared themselves republics in 1949 and 1950, respectively, in order to sever the last visible ties with Great Britain. It is difficult in either country, before or after independence, to find philosophical arguments being advanced for republicanism as a more perfect form of government. On the contrary, the culture of the government in these countries, as distinct from that of the people, scarcely changed at all.¹⁶

The successor states of the earlier Austro-Hungarian empire opted for republican structures in a similar pragmatic spirit. The Czech democracy born in 1918 was expected by those closest to the negotiations to be an independent monarchy under a foreign prince - Russian (until the Revolution), then Belgian or Danish. Only as the war drew to a close was it agreed at Geneva that the country 'would be a democratic republic and that [Thomas] Masaryk (who had accepted a monarchy as inevitable) would be its first president.'¹⁷

In these instances what mattered was national independence, with republicanism the means to signify that achievement. The same cannot be said of Canada or Australia today. They are and, except in the most formalistic way, have been independent for over sixty years. Thus the republican debate in Australia now, and in Canada to come, must proceed along a different course: the drive to republicanism in these countries must emanate from internal rather than external considerations. Where, in the cases just cited, the need was to demonstrate to others independence from a former dominant power, in the latter instances the need is equally or more to convince themselves (or that portion who experience doubt) that they are a community. That at least would seem to be the conclusion to draw from Paul Keating's defence of an Australian head of state: 'We need to be in every case, including the symbolic one, our own masters. It is why the affirmation of our nationhood is central to our psychology.' If, as one observer has said, Australian republicanism is a "'post-colonial" movement' - an act of repossession, so to speak - it is one that addresses more directly and urgently its fellow citizens than it does outsiders.¹⁸

The spurts of republican growth after each world war were paralleled in Canada by initiatives to assert a national identity, first in the international arena and then domestically.

¹⁶ In the mid-1950s, when he was Canadian high commissioner to India, Escott Reid observed that although India was a republic, at the governing level relations between the English and the Indians remained close. By contrast, he said, Americans did not understand Indian manners or culture. They especially did not understand parliamentary democracy and the role played by senior civil servants. But 'at the grass roots in India, the American is likely to get on better than an Englishman.' NA, MG 31, E46, Escott Reid Papers, vol. 8 (file: 1955/22), 'My Voyage of Discovery of India: Progress Report' (June 1955), 9.

¹⁷ Victor S. Mamatey and Radomir Luza, *A History of the Czechoslovak Republic, 1918-1948* (Princeton: Princeton University Press, 1973), 26; R.W. Seton-Watson, *Masaryk in England* (Cambridge: Cambridge University Press, 1943), 44; for Poland, see Green Haywood Hackworth, *Digest of International Law*, vol. 1, chs. 1-5 (Washington: GPO, 1940), 214-17.

¹⁸ John Urh, 'Instituting Republicanism: Parliamentary Vices, Republican Virtues?' AIPS 28 (Special Issue, Australia's Republican Question, 1993), 32.

At the Paris Peace Conference, and later at the League of Nations and in relations with Great Britain during the 1920s, Canada vigorously defended Canadian interests and, in the process, gave substance to her external personality. After 1945, she took initiatives to promote a national identity at home by advancing cultural policies broadly defined and by creating the concept of Canadian citizen in addition to the existing status of British subject. But the quest for independence and an identity inside or outside Canada never matured into either official or unofficial sentiment to sever constitutional ties with Great Britain and form a republic. Canada's search for national autonomy in the first half of this century and the impact this had on the country's muted republicanism is explored more fully below.

The lineaments of republicanism remain unclear because there is no genus republican. Instead there are the republics of Greece and Rome, Venice, seventeenth and eighteenth-century England, America and France, and the much larger number that appeared in this century. (This is not an exhaustive list - Switzerland could be mentioned - but it is sufficient to indicate the historical rhythm of republicanism.) Do these systems that claim a common name actually have anything in common? From the point of view of the traditional republican ideal, which sought (using different terminology to be sure) to keep the executive subordinate to the legislature and both subordinate to the people, the answer must be no. The republican systems created this century are overwhelmingly parliamentary republics, distinguished by the absence of a separation of institutions, which is the hallmark of the United States constitution and a crucial index favoured by earlier republican theorists. Here again is another distinction to complicate the republican debate.

But if content is put aside for the moment, then all republican models share one feature that is significant in the context of this study - the belief that as a form of government republics can be engineered. The idea that republics are malleable and, by implication, that monarchies are not, is highly important to the discussion that follows. Australians are learning, for instance, that the unwinding of monarchy from the processes of parliamentary and cabinet government is less simple or practicable than the proponents of this last 'colonial' reform have allowed. Of course dynasties can be created (Norway, for example, created one in 1905), but the constitutional import of that action is restricted to the executive. Republics are another matter: the only limit on change is what can be agreed upon. In the final analysis then, republics are based on the acceptance of rules rather than rulers. Admittedly, this language sounds idealized in a world where parties and politicians wield power. Still, the distinction is basic and its foundation authentic.

In those republics that are not just mock monarchies but where the classical concerns for balance and participation remain alive, attention to rules and the procedures invoking them assume prominence. The republican system Canadians are most familiar with is the American one; the American system is their republican referent. And the contrast between how these two systems deal with essential issues – representation (the different history of the rep-by-pop principle), citizenship (the contrasting weight each country gives to political considerations), or federalism (the principle of state equality enunciated in the Northwest Ordinance of 1787 versus special status for every province in Canada) underscores that north and south of the international boundary different political cultures prevail. The question this book must eventually answer is whether republican and monarchical constitutions are responsible for the difference. For the moment, it can be said that on the Canadian side politics are conducted to achieve effect, a style of ruling which elsewhere has been labelled managerial or purposive. On the American side, in a system where power has been deliberately shared out so that it cannot all be grasped in the same hand, and where,

as a consequence, the concept of governing is incongruous, politics are about access rather than ruling.¹⁹

Government by design is one of the chief attractions of republics, for they offer opportunities to renovate institutions and redistribute powers. For this reason republican metaphors tend to be mechanistic in allusion, monarchical ones organic. And the artifice in republicanism lends credence to the idea that it is a governmental form of 'rigid simplicity.' The aesthetic suggested by that phrase is yet another subject for later discussion, although it can be said to embrace art, literature, and architecture. But the political cast of the description, which is credited to Catharine Macaulay, friend of George Washington and radical critic of David Hume and Edmund Burke, has been long and influential.²⁰ A century later A.V. Dicey focused on the adjective. In the most influential work of constitutional law of the Victorian era, Dicey celebrated the flexibility of English institutions through invidious comparison with the 'rigid' institutions of the post-Napoleonic republics of France.²¹ Dicey's opinion carried great influence over the generations, adding to historic English distrust of the French a denigration of their political aptitude and practice.

Neither the whiff of the guillotine nor institutional failure, however, hung over the other great republic, the United States. The British knew the Americans and, generally, were unstinting in their admiration of them and their potential. If there was a reservation it lay in the practical and acquisitive politics practised by the citizens of the republic, a politics neither mediated nor tempered by transcendent loyalties. It remained for Walter Bagehot, again, to summarize in memorable fashion this distinction between the two greatest powers of the Anglo-American world. Monarchy was strong government, he said, because it was intelligible and it was intelligible because people were emotionally committed to the sovereign. It was, if one might be excused the verbal play, effective because it was affective. On balance, monarchical government was easy government. By contrast, he believed, government in a republic deals 'only [with] difficult ideas.' If sentiment and ceremony are not absent, they are at the very least kept to a minimum. Republican government depended for support upon appeals not to emotion but to the reason of its citizens.²² It was also in this regard - to return to Catharine Macaulay's useful phrase - that the simplicity of republics might be found.

¹⁹ On 'purposive' politics in Canada, see David E. Smith, 'Party Government, Representation and National Integration in Canada: in Peter Aucoin, ed., *Party Government and Regional Representation in Canada* (Toronto: University of Toronto Press in co-operation with the Royal Commission on the Economic Union and Development Prospects for Canada and the Canadian Government Publishing Centre, Supply and Services Canada, 1985), 1-68. For a critique of managerial politics, see Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 1975), 146. See Oakeshott, ch. 2, *passim* for an informative discussion: 'On the Civil Condition.'

²⁰ Bridget Hill, *The Republican Virago: The Life and Times of Catharine Macaulay, Historian* (Oxford: Clarendon Press, 1992). Washington welcomed her to Mount Vernon as 'a Lady... admired by the friends of liberty and mankind' (127) and Burke christened her 'our republican Virago ...the greatest champion amongst [the Bill of Rights people]' (173).

²¹ A. V. Dicey, *An Introduction to the Study of the Law of the Constitution*, 10th ed., intro. E.C.S. Wade (London: Macmillan, 1962), 127.

²² Bagehot, 93. The source of Bagehot's famous dichotomy between dignified and efficient parts of the constitution can be seen in his discussion about intelligibility. For a critique of this argument and, in particular, Bagehot's belief 'in the affective poverty of republics: see Eugene F. Miller and Barry Schwartz, 'The Icon of the American Republic: A Study in Political Symbolism: *Review of Politics* 47, no. 4 (December 1985), 536. Nonetheless, viewers who in 1995 watched television coverage of the fiftieth anniversary celebrations of V-E Day in London, Paris, and Washington could not help noting the immense crowds gathered before Buckingham Palace in the first city and the limited public participation, even interest, in the other two locations.

If republicanism means more than government without a king, monarchy means more than government with one. Monarchy of the British style, which is the style at issue here, permeates the political system over which it reigns. This is as true of Canada and Australia as it is of Great Britain. In each country justice is carried out by the Queen's judges, laws are enacted with royal assent, administration is the responsibility of the Crown. All of this is so commonplace and accepted as to occasion little comment from the citizens of these countries and yet, in a discussion of republicanism, it should. For it is the very ordinariness of the Crown, rather than its majesty, that indicates the intricacy of the concept.²³ For instance, it is said by those who are promoting a republic in Australia that they want to replace a hereditary with an elected executive. But the monarch or her surrogate, in the case of the governor general, is not an executive only. Monarchy is more, the Australian critics point out, than 'a mere element' of the constitution; it is the rock on which the whole edifice stands.²⁴

As Bagehot understood, it is easy in a monarchy to personalize government. The implications of that assessment, however, go further than he implied. The meaning of citizenship, loyalty, even personal identity can become embedded in monarchical attachments; more than that, these attachments once were imperial. Canada and Australia would not be monarchies now had Great Britain not been an imperial power. The spirit of empire in late-eighteenth-century North America was different from the spirit of empire a century later in the South Pacific, but in either case and well into this century, it was imperial sentiment nonetheless. This is a point too easily forgotten in an anti-colonial age: for most of her history Canada was more than a colony, she was part of 'a world-encircling empire, its railways filling the gap in communication between Europe and the East, its natural resources contributing to a global technology, its young men taking part in the only social activity they were really wanted for outside Canada, imperial wars.'²⁵

There is another feature about monarchy in North America that needs to be recalled: the contemporaneous histories of early modern Canada on the one hand and the reign of Queen Victoria on the other. The combination of new communication technology, mass literacy, and royal longevity imprinted on the country's landscape - and in its gazetteers - one dominant royal personage. This national attachment to Queen Victoria provides an opportunity to make a final comment about monarchy at a time when republican interest is expected to rise. Allegiance to the Crown has traditionally acted as a check on republican sentiment; that was certainly the effect of 'the imperial tide' at the end of the last century, with the Queen-Empress at its head.²⁶ It was the sentiment expressed at the beginning of Victoria's reign, too, when advocates of democracy in Lower Canada (including Papineau, Cartier, and Plessis) nevertheless expressed the belief that 'the accession of a young Queen

²³ See David E. Smith, *The Invisible Crown: The First Principle of Canadian Government* (Toronto: University of Toronto Press, 1995).

²⁴ Stephanie Lawson and Graham Maddox, 'Introduction: AJPS 28 (Special Issue, Australia's Republican Question, 1993), 5.

²⁵ Northrop Frye, 'National Consciousness in Canadian Culture: TRSC 14 (1976), 59.

²⁶ Dorothy Thompson, *Queen Victoria: Gender and Power* (London: Virago, 1990), 92; John Cannon, 'The Survival of the British Monarchy: TRHS 36(1986), 155; Freda Harcourt, 'Gladstone, Monarchy and the "New" Imperialism, 1868-74: JICH 14 (1995), 20-51.

afforded a favourable opportunity for renewing the conditions of the social compact.²⁷ As textbooks commonly note, sovereigns reign but do not rule; political parties may oppose one another but they are loyal to the throne and, because they are loyal, government of one party peacefully succeeds government of another. The significance of that homily has become dulled by familiarity and political stability. Yet a study of radical political movements in Britain or her possessions underscores an important truth: the Crown was equated with the constitution and loyalty to the one signified loyalty to the other.

Those who sought radical change had reason to value the crown for its protection. Of course, some monarchs were seen as good, and some not so good, but monarchy as an institution never fell into disrepute.

Catharine Macaulay, who witnessed both the American and French revolutions and who became a fervid republican sympathizer, visited France a few years before the storming of the Bastille. A memory she took home and later recorded was the striking absence of monarchy in daily French life, save for passport and customs control. The implication of her comment was that the French were in advance of the English in moving beyond feudal loyalties. The accuracy of that assessment is not the issue - clearly Macaulay was not representative of her age or her country. The importance of her observation lies in the revelation that monarchy assumes multiple aspects and that the institution may cease to function even while the king lives.²⁸ Similarly, there is a big difference between the '*ancien regime*' and modern-day Australia, Canada, and, for that matter, Great Britain. No one can accuse the Queen or her representatives of Bourbon pretensions. But while this is true, it also misses the point that monarchy, today as two centuries ago, is about more than a person. It is about attitudes toward governing that pervade the political system and, in the constitutional monarchies under discussion, it is the political executive who believes most implicitly in these assumptions.

²⁷ Working Men's Association (London), 'An Address to the People of Canada; with their reply to the Working Mens Association [1837] (CIHM 21616). The originators of the address referred to themselves as English 'democrats: history calls them Chartists. The address justified revolution when 'representative rights' were destroyed. At that time, it said, 'society is dissolved into its original elements.' The reply acknowledged that 'the destiny of continental colonies severs them from the Metropolitan State.'

²⁸ Hill, *The Republican Virago*, 210; see also Francois Furet, *Interpreting the French Revolution*, trans. by Elborg Forster (Cambridge: Cambridge University Press and Maison des sciences de l'homme, 1981): 'What is called "the French Rev-olution" ...was but the acceleration of a prior political and social trend' (15).