

Frank MacKinnon

THE CROWN IN A DEMOCRACY

A CONSTITUTIONAL MONARCH protects democracy from some peculiarities of political power. It has been retained in our system because it works. Other reasons, such as nostalgic recollections of the past and sentimental ties with Britain, are secondary—to some, irrelevant—and should not obscure basic facts of government. One of these facts is a tendency of man, whether deep-sea diver or astronaut on the one hand or politician on the other, to suffer from the “bends” during rapid rises from one level of pressure and atmosphere to another.

History clearly indicates how common and serious are the “bends” in government. Even small rises from private citizen to mayor may bring on giddiness while major ascents from back bencher to minister or from minister to head of government can cause acute distress of the equilibrium. Constitutions have prescribed various remedies. Complicated procedures select those who are to make the political climb; ascent by stages is sometimes provided—perhaps by planned pauses in the back benches or the opposition; control of those on high is arranged through established contacts with those below; and, most difficult of all, some arrangement must be made to end the stay in political orbit of those who have been there long enough and can not or will not come back by themselves. A sure cure has not yet been devised, however, and the “bends” remain a major occupational hazard of rulers, which some overcome for varying periods and to which others fall quick and tragic victims.

To relieve this difficulty at the heights of political power is the main purpose of the constitutional monarchy. Some human being must be at the summit of government, and much depends on his stability. Unfortunately great talent, public acclaim and hero worship, and even assumptions of “divine right” have not been reliable stabilizers when the head of state wields power. We therefore place two persons at the top: one is at the very summit and he stays there permanently and is accustomed to living at that level; the other is temporary and he is made to understand that his status is sponsored and may be ended at any time.

The monarch holds power in the state on behalf of the people, and he or she is the personal symbol of authority which man finds necessary in every system. Heredity makes his tenure unquestioned and ensures a rigid training for the job. Pomp and ceremony attract respect and provide the show which people always expect from heads of state. But the monarch is not allowed to wield the power of head of state by himself; the pomp and ceremony are all that he can manage safely at his level and he must wield the power only on the advice of others.

These others are the sovereign's ministers, especially the prime minister, who is the head of government. A prime minister is almost at the summit but not quite, and that difference is crucial to democracy. He is given no power whatever; he advises the Crown on the exercise of the Crown's power; and that difference is also crucial to democracy. He has no pomp of his own, so that he knows that he is not an indispensable symbol. He is a trustee into whose hands is placed the exercise of power but not power itself.

This separation of pomp and power at the top took centuries to develop and was the result of the mistakes of many sovereigns and ministers. Other arrangements for such separation in other systems did not go so far as the British, who make the monarch so colourful and the prime minister so powerful and responsible an adviser that each, regardless of the personalities concerned, knows his place. The German chancellorship under Hindenburg, by contrast, was not detached and colourful enough, so that Hitler could combine it with his own presidency and outdo monarchs in power and pretensions with disastrous results. Later the aged Chancellor Adenauer dominated, and therefore weakened, both the presidency and parliament. Napoleon became dissatisfied with republican status for himself, assumed an imperial crown, and even raised several relatives to thrones. Later, de Gaulle took the headship of government with him when he became head of state, and "grandeur"—which is difficult to deal with in elected officials—was the result.

The monarchy therefore serves democracy. It keeps the ministers in second place as servants of the state—electable, responsible, accountable, criticizable, and defeatable—a position necessary to the operation of parliamentary government. The people and their parliament can control the head of government because he cannot identify himself with the state or confuse loyalty to himself with allegiance to the state and criticism with treason. He is discouraged from the common tendency of officials, whether elected or not, to regard and make themselves indispensable, to entrench themselves in expanding power structures, to resent accountability and criticism, and to scoff at the

effects of prolonged tenure of office or advancing years. Moreover, such control avoids the charges of treason, executions, assassinations, revolutions, and miscellaneous other expensive upheavals which so often accompany attempts to control and change governments that take themselves too seriously.

The democratic sensibilities of some people are disturbed by the idea of an élite, a symbol, an official who is neither elected nor chosen by someone who is elected. They err if they think the withdrawal of monarchy will remove such elements from government. These elements are characteristic of government itself, whatever its form, and are simply transferred to other institutions when a monarchy disappears. Whatever their system, men will have élites and symbols. Heads of government, elected or not, will take to themselves if they can the prestige and power of monarchs, disguised perhaps, but with the same basic elements; they find them a natural and necessary feature of governmental authority. The existence of a monarchy protects the prime minister from such temptations.

By contrast, opportunities of criticizing or removing Franco in republican Spain are really negligible. De Gaulle overshadows republican France and its government and calls to mind the old monarchist slogans "l'état, c'est moi" and "après moi le déluge". The Kennedys have taken on many colourings of a royal family. In Communist countries the uniform is common on the heads of government. The collecting and revering of Mao's sayings and the display of his photographs on the walls of stores and the coat lapels of store clerks seem in fact no less monarchical than the adulation of ancient Chinese emperors. One can compare Red Square ceremonies with Czarist ceremonial, and Stalinist purges with the peccadillos of Ivan the Terrible. It took a revolution to elevate Castro, and it will take another to remove him. The game of constitutional musical chairs has been popular at the summits of many governments. In this "age of democracy" the headship of government has been an uncertain office, indeed, in the most self-styled people's republics, often an undemocratic one. Meanwhile, Britain can defeat a Churchill after making him a national hero, and Canada can withdraw her mandate from a Diefenbaker after giving him an unprecedented majority in parliament. In Britain and Canada such men are not at the very top, and the change can therefore be made with relative ease.

Monarchical phenomena are common in other activities of society. The cult of the celebrity is as dominant in our day as it ever was in history. How often is "I touched him" heard in a screaming crowd! The élite in athletics have always been admired and well paid. Universities feature academic cere-

monial. There are many resemblances between churches and royal courts—the raiment, titles, powers of clergy, even the throne, tiara, and crown. And in the smallest communities the dignities and regalia of fraternal and religious lodges are reminiscent of the potentates and knights of old. These are such natural and acceptable phenomena that it is not difficult to understand government officials taking advantage of them. Man has found, however, that in government it is hard to criticize and advise a tremendous swell in robes or uniform who also has power, a retinue, and a palace. Our system discourages these things as much as possible for working politicians, but, since they are inevitable anyway, they are placed with the Crown, partly to provide a good show, mainly to strengthen the democratic state.

All systems, including democracy, contain the means for their own destruction. It is in time of crisis, when some serious and unexpected dislocation takes place for which there is no normal remedy, that systems break down for good. This century has had a surfeit of disintegrations. In many instances the head of government was the prime target for destruction and his fall often carried away other institutions and the constitution as well. Parliamentary government presupposes change as required; but such change means orderly alteration of power, not conditions of general panic and destruction. When an electoral system is stalemated, when a parliament breaks down, when a prime minister dies in office and there is no obvious successor, when a leader becomes very ill or insane and everyone knows it but himself and the public—these are among the times when political paralysis is brought on by shock and uncertainty. In such circumstances a constitutional monarch provides a symbol of continuity, order, and authority. He can not, of course, step in and take over; he can only encourage others and sponsor the search for an orderly solution of the difficulties. He is above suspicion and can command confidence because of his prestige, because he is above politics and ambition for personal aggrandizement, and because he does not exercise power on his own initiative. Even in such modest periods of upheaval as elections, he represents the state as a whole while the parties involved, including the government, can oppose each other to even the most vituperative extremes—a process which should never be taken for granted. No political leader can be a symbol of the whole state either in crisis or in elections; nor should he be in a parliamentary democracy. That is the job of a monarch.

There are other purposes of the monarchy: the encouragement of dignity and respect for government, the example of a royal family, the colour of pageantry, the sponsorship of good works and the inevitable social activities

of government; the source of honours and awards; a continuing focus of loyalty and emotion; a unifying force among a people; and, in our monarchy, a headship for a family of nations, the Commonwealth. Each of these functions has its own merits and weaknesses. Whether or not we approve of any or all of them, we must remember that none is irrelevant or disposable: each one crops up in some form in every system of government. When a monarchy disappears, other institutions soon take them on. Then trouble begins because of the transfer of such functions to the power structure. Officials and political parties from right to left have found many ways of using them to protect themselves and their powers and prestige from the legitimate operation of democracy. They are in safer hands, and are more effective, with the Crown.

An elected non-political president is often used as an alternative to a monarch. His main problem, aside from the temporary and relatively uninteresting and colourless character of his office, is the ease with which he can be overshadowed by the prime minister and, worse, the ease with which he can compete with the prime minister. Everyone concerned knows exactly where the monarch and his advisers stand in relation to one another and to the people. This arrangement, as already noted, is not so clear in a republic because two elected heads can get in each other's way and trespass on each other's powers.

An elected political president wielding power directly is a completely different institution at the head of a different system of government. He could not function in the parliamentary system as we know it. As every American president has testified, this kind of official also finds burdensome the combination of head of government and head of state.

Which is the "best" system? No one knows; some people tend to think their own is "best" whatever it is; others tend to admire any system other than their own; some are more concerned with the kind of system they have than with how it works. Two things, however, are clear; that systems are not automatically transferable from one place to another—too much depends on the environment; and that any system must allow, not only for logical forms and cherished principles, but also for peculiarities of human nature in government, particularly the hierarchal "bends".

Canadians have retained the Crown as represented by the Sovereign, the Governor-General, and the Lieutenant-Governors. All the reasons for the Crown have applied in both federal and provincial governments, and, on the whole, the relations between the Crown and the Ministers have worked extremely well. The twelve incumbents together cost a little more than two

cents per citizen per year. By no stretch of the imagination can the Governors-General or the Lieutenant-Governors be considered to have played any significant role in actual government in our time, or to have obstructed or overshadowed their Premiers. Their job has been to occupy the top levels in their respective jurisdictions and to handle the decorative and emergency functions, while leaving the Prime Ministers and Premiers to handle the powers of government without actually possessing them, and to be electable, responsible, accountable, criticizable, and removable. The Governors-General and the Lieutenant-Governors are something more than constitutional presidents; they have a Sovereign's auspices to signify authority, to enhance their prestige, and to clearly mark the line between pomp and power.

Over the years, Canada's eleven heads of government have been a mixed lot. Some have been everything democratic theory describes, real leaders of a parliamentary system. Some have been virtual dictators; some could control their legislatures personally with an iron hand; some had delusions of grandeur; some would do with their constitutions exactly what they could get away with. Some, on the other hand, have been weak, indecisive, ineffective, or inadequate to the demands of high office. The offices of Prime Minister and Premier, like any office, are only partially what the constitution says they are; they are in large measure what the talents and personalities of the incumbents make them. To all of them, the fact that they were elected gave them a mandate. It did not ensure good government, but it did make them responsible and disposable. The existence of the Crown made sure that they stayed that way.

Without the Crown its functions would remain and pass to the heads of federal and provincial governments and their officials. Nothing in Canada indicates that it could escape the resulting processes so obvious elsewhere. One could conjure up a vision of an R. B. Bennett in scarlet and ermine, perhaps not at first, but ultimately, and especially if he had to compete at official functions with an Ottawa lady mayor in tricorne and fur-bordered robes. A W.A.C. Bennett in Windsor uniform is as interesting a prospect as a Pierre Trudeau in marshal's regalia. The control by a Maurice Duplessis of government and politics, particularly of the legislature, invites thoughts of what he would have done if he had possessed as well as wielded power. A William Aberhart and a Joseph R. Smallwood, with supreme power that was their own, provide tantalizing speculation. Similarly, a dominant party in unassailable control with a leader who is a symbol as well as a master is not difficult to imagine at either federal or provincial level. The fact is that such men and

Canadian parties would not now attempt such things, even if they should dream of them. They are not allowed to; the powers they wield they wield in trust.

Those who worry about the monarchy sometimes doubt the relevance in Canada of the Sovereign herself because she is Queen of several countries. Such a situation is common in Canada; many citizens owe allegiance to outside heads of their businesses, churches, unions, international political parties, and other groups. Nevertheless, a shared head of state is controversial. We need to remember that under our constitution the Sovereign is a part of Parliament and is the formal, ultimate source of political power, and the law sets out the facts of power with clarity for all to see and recognize as authentic. Governments in Canada may have quarrelled over which may do what, but power to govern has itself been unassailable and unquestioned from colonial times to the present. This stability of law is by no means universal around the world in an age when constitutions have been unusually short-lived and unreliable and when human rights have enjoyed only modest protection. Governments and their supporters come and go, but the Canadian people know that their rights and the powers of their state enjoy a solid, recognized base and the validations of centuries of usage. The sovereign is the legal expression and permanent non-partisan symbol of that fact.

Canadians may some day have their own resident sovereign. Perhaps, when the Queen's reign ends, Prince Charles could become King of the rest of the Commonwealth while Prince Andrew moved to Ottawa to found a purely Canadian dynasty while continuing the stable heritage of constitutional power. Whatever happens, vague or emotional platitudes about monarchal and democratic theory and principle are unrealistic unless considered with the actual practical operation of government and the political performance of men. When the monarchy makes the constitution work as a plan for humans as distinct from a paper declaration, however grand, then it should be recognized as a bulwark of democracy and of the rights Canadians want to enjoy under their parliamentary system.