

The Ramifications of Sharing a Head of State: A Study in the Implications of a Structure

Sean Palmer

A thesis submitted to Auckland University of Technology in
fulfilment of the degree of Doctor of Philosophy (PhD)

2010

School of Law

Primary Supervisor: Noel Cox

Contents

Contents	2
Index of Case Studies.....	5
Index of Appendices	5
Acknowledgements	7
Attestation of Authorship	8
Abstract	9
Part I – Introduction and Foundation	11
Chapter 1 – Introduction and Foundation	11
Section 1.1 – Introduction and Purpose	11
Section 1.2 – Introduction to the Methodology	16
Chapter 2 – Theory, Methodology, and Structure.....	21
Section 2.1 – New Institutionalism	21
Section 2.2 – Historical Institutionalism – Advantages	23
Section 2.3 – Historical Institutionalism – Potential Disadvantages	25
Section 2.4 – Further Tools.....	30
Section 2.5 – Structure	33
Chapter 3 – Background.....	38
Section 3.1 – Introduction to Structural Concepts	38
Section 3.2 – Defining the term “Head of State”	40
Section 3.3 – Queen Elizabeth II	45
Section 3.4 – Consideration of the Governors General	50
Section 3.5 – A Head of Two Halves.....	55
Section 3.6 – Unique Opportunities Provided by the Commonwealth Realms.....	61
Section 3.7 – Conclusion	64
Part II – Ramifications Internal to Each Realm	68
Introduction to Part II.....	68
Chapter 4 – Structural Ramifications	70
Section 4.1 – Introduction	70
Section 4.2 – Governors General as Surrogate Sovereigns	72
Section 4.3 – The Model of a Modern Governor General	84
Section 4.4 – Tripartite Executive.....	93
Section 4.5 – Separate Symbolism – Points of Difference	100
Section 4.6 – Conclusion	104
Chapter 5 – Perceptions of the System	115
Section 5.1 – Introduction to perceptions	115
Section 5.2 – Popular Perceptions – Overt	116
Section 5.3 – Popular Perception – Inconspicuous	124

Section 5.4 – Government Perceptions	139
Section 5.5 – Judicial Elites – Pakistani Case Study	144
Section 5.6 – Judicial Elites – Solomon Islands Case Study	153
Section 5.7 – Conclusion	161
Part III – Inter-Realm Ramifications.....	164
Introduction to Part III	164
Chapter 6 – Avoidable Conflicts.....	166
Section 6.1 – Introduction to Inter-Realm Ramifications	166
Section 6.2 – Conrad Black Case Study	167
Section 6.3 – Conclusion	172
Chapter 7 – Inherent Conflicts?	175
Section 7.1 – Introduction to Inherent Conflicts.....	175
Section 7.2 – South African Neutrality	178
Section 7.3 – The First Indo-Pakistani War	186
Section 7.4 – Who – Royal Nationality	193
Section 7.5 – When – A Matter of Time.....	206
Section 7.6 – Where – Wandering Monarch.....	217
Section 7.7 – Representation Within Britain	221
Section 7.8 – The Other Side of the Coin	223
Section 7.9 – Conclusion	230
Part IV – International Ramifications	245
Introduction to Part IV	245
Chapter 8 – International Aspects	247
Section 8.1 – Introduction	247
Section 8.2 – Speaking for Several – Foreign Perceptions of The Queen	248
Section 8.3 – Viceregal Duties Abroad.....	253
Section 8.4 – Viceregal Receptions – An International Role at Home...	259
Section 8.5 – The Queen Working for the Realms Abroad	263
Section 8.6 – A Principled Solution to Ad Hoc Confusion	271
Section 8.7 – Conclusion	278
Part V – Conclusions.....	280
Chapter 9 – Conclusions	280
Section 9.1 – Recapitulation	280
Section 9.2 – The Power of Perception.....	288
Section 9.3 – Proposals for the Future	292
Section 9.4 – Further Study.....	296
Section 9.5 – In Retrospect	298
Appendices.....	301

Bibliography.....	341
Primary Sources	341
Primary Sources – Interviews	343
Secondary Sources – Books	343
Secondary Sources – Periodicals	352
Secondary Sources – Websites	356

Index of Illustrations:

Figure 1 – Three Perspectives on the Shared Monarchy.....	37
Figure 2 – Map of the Commonwealth Realms, 1952-Present	67
Figure 3 – Portraits of Elizabeth II as Used on Coinage.....	106
Figure 4 – Heads of State in Republics 1952-2007.....	107
Figure 5 – Female Governors General of All Realms 1952-2007	107
Figure 6 – Female Governors General 1952-2007.....	108
Figure 7 – Female Governors General of Present Realms 1952-2007.....	108
Figure 8 – Female Monarchs 1952-2007	109
Figure 9 – Female Heads of Government 1952-2007	110
Figure 10 – Nations of the World 1952-2007	110
Figure 11 – Previous Professions of Governors General of Present Realms 1952-2007	111
Figure 12 – The Queen’s Personal Standards in the Commonwealth Realms.....	112
Figure 13 – Emblems of Crown Offices in the Realms	113
Figure 14 – “Realm Specific” Photographic Portraits of The Queen	113
Figure 15 – Examples of the National Orders of The Commonwealth Realms.....	114
Figure 16 – Prince Philip Wearing the Uniform of the Royal Canadian Regiment	237
Figure 17 – The Passport of Prince Charles.....	238
Figure 18 – The Queen’s Location by Time (Total).....	239
Figure 19 – The Queen’s Location by Time (Outside The U.K.).....	240
Figure 20 – The Queen’s Location by Time (In the Realms)	241
Figure 21 – Percentage of Monies Invested in the Monarchy	242
Figure 22 – A Comparison of the Realm’s Populations	243
Figure 23 – A Comparison of Per Capita Expenditure on the Monarchy	244
Figure 24 – Feedback Loop in the Commonwealth Realms	291

Index of Case Studies:

Section 5.5 – Pakistani Case Study	144
Section 5.6 – Solomon Islands Case Study	153
Section 6.2 – Conrad Black Case Study.....	167
Section 7.2 – South African Case Study	178
Section 7.3 – First Indo-Pakistani War Case Study	186

Index of Appendices:

Appendix A – The Commonwealth Realms	301
Appendix B – All of The Queen’s Governors General.....	303

Appendix C – All of The Queen’s Prime Ministers.....	306
Appendix D – Career Paths of the Governors General of the Current Realms.....	311
Appendix E – Female Governors General (As of 1 July 2007)	314
Appendix F – Freedom House Democratic Index Figures	316
Appendix G – Heads of State: 1952 – 2007.....	323
Appendix H – Distribution of The Queen’s Days.....	328
Appendix I – Compilation of Finance Figures.....	329
Appendix J – Proclamations of Accession.....	330
Appendix K – List of Commonwealth Visits Made by Queen Elizabeth II ...	332
Appendix L – List of State Visits Made by Queen Elizabeth II	339

Acknowledgements

I gratefully acknowledge the assistance of a number of individuals who have been a tremendous help and support to me:

Nicholas Albrecht, Mark Barbisan, Brenda Claridge, John Dunn, Tania Grünewald, Charles & Leigh Hay, Simon O'Connor, Josephine Ogle, Christopher Palmer, Jason Palmer, Val Smytheman, and Michael Stone.

Many members of the university faculty and staff were vital to the successful result of this process. They include, Eathar Abdul-Ghani, Madeline Banda, Andy Godfrey, Kathryn McPherson, Jan Wilson, and Martin Wilson.

I extend particular thanks to my two thesis supervisors, Noel Cox and Charles Crothers, for their guidance throughout the process.

Above all, I thank Dale and Glenda Palmer, for making this possible. My gratitude can only ever be a small measure of what I owe to them.

Attestation of Authorship

I here declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements), nor any material which to a substantial extent has been submitted for the award of any other degree or diploma of a university or other institution of higher learning.

Abstract

Queen Elizabeth II holds the distinction, unique in the world, of being head of state (or Sovereign) in more than one nation. The nations over which she reigns, the Commonwealth Realms, are all components of the now-dismantled British Empire. Over the course of the twentieth century, each realm increasingly expressed its independence and individuality. This independence has been developed and demonstrated within the framework of a shared head of state. Though each realm is legally independent and in no way subordinate to any other, this framework adds a degree of complexity to their political and cultural structures which deserves more attention than it has received in the past. This thesis employs institutional theory to examine the ramifications of sharing a head of state. What consequences arise from this sharing arrangement? How are the benefits or costs distributed? To whom do these accrue? Can they be distributed through different methods? How and why has the system remained relatively stable over the past 60 years?

The head of state the realms share, and the structure which has evolved to make this possible, is a pronounced commonality. The realms' reactions to this commonality, however, are quite diverse. The role of the monarch varies from realm to realm, as does the role of her representative. Each country has nationalised their sovereign to a greater or lesser extent. Some have incorporated the monarchy into not just their laws, but also their culture. Others have sought to minimise their association with the monarchy.

Upon close inspection, it appears that the differences between the Commonwealth Realms are not in their relationship with the broad structure (the crown) they share, but in many smaller details. While such details may appear insignificant, their impact on the shared structure is important. Their principal effect upon the structure is in their capacity to create and influence the perception of that structure. The significance of such perceptions should not be underestimated. Perceptions of the shared structure clearly recreate that

structure in a continuous feedback loop; a cycle of perception, modification, and operation. This feedback loop is probably the most significant ramification of sharing a head of state to be found within the shared structure as it exists at present.

The loop has the capacity both to reinforce the structure's strengths, and to further its limitations. Thus, it is a major factor in the system's potential perpetuation or collapse. However, the shared structure, as it presently exists, is a complex and organic structure which is constantly evolving. Its flexibility allows for adaption to new circumstances; circumstances which might even include changing perceptions of the structure itself. This resilience serves to dampen the negative effects of the loop. It does not eliminate the perpetuation of the structure's potential weaknesses, but it may help reduce their impact. This would indicate that the feedback loop is rather weak; its effects are somewhat muted.

This thesis is a study of constitutions, their operation, and the perceptions of them. By analysing institutions it develops the hypothesis that such constructs do not exist within a vacuum, and that the perception of them is a powerful factor in their establishment and perpetual recreation. The supposition that a feedback loop may help to explain the ongoing evolution of institutions is an original contribution. Furthermore, through an analysis of the Commonwealth Realms, and their shared Head of State, this thesis specifically considers a subject which is not frequently studied. Indeed, these nations have never been systematically examined as a collective group. In addition to these contributions, the method of study utilised herein is unique in this field. This is not a legal study, a political study, or a sociology study. Rather, it takes a multidisciplinary approach to the material. By considering this subject from the perspective of numerous fields, a unique understanding of the topic emerges. This holistic approach is one of the most effectively ways of considering the subject, and is, in itself, a contribution to scholarly understanding.

Part I – Introduction and Foundation

Chapter 1 – Introduction and Foundation

Section 1.1 – Introduction and Purpose

Sixteen nations around the world currently share a single head of state in the person of Queen Elizabeth II.¹ They share an historical connection through the long-dismantled British Empire and a present-day association through the Commonwealth of Nations, but they are by no means a homogeneous collection. They are tremendously varied in their geographic, economic, and demographic makeup. While three-quarters of Commonwealth nations have adopted their own heads of state, either presidents or local monarchs, these sixteen Commonwealth Realms have chosen not to do so. Instead, each has developed a local “Crown”, a distinct legal and political entity separate from any other. They are however, content to allow their local Crown to be embodied by a woman who not only embodies fifteen other crowns, but who, in most cases, lives thousands of kilometres away.

This remarkable arrangement is the subject of this thesis. The sharing of Elizabeth II as a head of state is a significant political concept worthy of scholarly consideration. As will be demonstrated, the political structure created to permit many nations to share a single office-holder has wide ranging implications. This structure is part of the foundation of the government for many countries, including particularly prominent states such Australia, Canada, New Zealand, and The United Kingdom of Great Britain and Northern Ireland². The structure not only underpins the fabric of their national governments, but has implications for their cultural and national identities, their international relationships, and the strength and stability of their

¹ The definition of a head of state is a complex matter which will be addressed in the thesis subsequently. In the meantime, a simplified definition will suffice. A head of state is that official who, in one manner or another, formally represents the nation to the rest of the world.

² Hereafter, The United Kingdom of Great Britain and Northern Ireland will be referred to as The United Kingdom, for the sake of brevity.

democracies.

The subject of constitutional monarchy has not been widely examined in the study of political structures.³ This is an unfortunate irony, given its significance to the past and present development of democratic concepts. The Commonwealth Realms represent not only a significant fraction of the world's constitutional monarchies, but also the only extant examples of a shared monarchy. This aspect of constitutional monarchy is even less frequently considered. Indeed, the concept of a shared monarchy, or any other form of shared head of state, has never been studied in any great depth.

Vernon Bogdanor⁴, Noel Cox⁵, Nigel Greenwood⁶, and David Smith⁷ have each published significant works on the monarchy's role in their respective countries. Each devotes, at most, a small section to recognising that the monarchy is shared and that this must have some implications for the realms, though none make an attempt to determine exactly what those implications might be. Bogdanor devotes approximately one tenth of his extraordinary treatise on the monarchy to The Queen's role in the Commonwealth. His work is very clearly focussed on the Crown in the British constitution.

Greenwood's work, "For the Sovereignty of the People," is an excellent example of the spirit of this thesis. He argues that the Crown in the Westminster parliamentary system better serves democratic government than does a presidential model. He touches upon the value of sharing a head of state, but does not make it his focus, or principal argument. It was written to address the republican debate in Australia leading up to the November 1999 referendum, and its emphasis is upon Australia.

³ This is evidenced by the observation that the standard texts on the subject are limited in number and focus.

⁴ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995)

⁵ Cox, Noel. *A Constitutional History of the New Zealand Monarchy* (2008)

⁶ Greenwood, Nigel. *For the Sovereignty of the People* (1999)

⁷ Smith, David. *The Invisible Crown* (1995)

Other prominent authors in the field include, Alan Atkinson⁸, Tauaasa Taafaki⁹, and Peter Larmour¹⁰. Each of these authors considers some aspects of the political system of the realms, but there is no generic study of the shared monarchy per se. David Smith, for example, considers the implications for Canada's federal system of a federal/provincial Crown dichotomy, without developing general principles which might be applicable to other countries.¹¹ Similarly, Atkinson considers the role of the Crown in the Australian constitutional arrangements. Taafaki and Larmour, on the other hand, whilst concerned with Tuvalu and Fiji respectively, do not address the institutional importance of the Crown beyond a consideration of its prerogative powers. As early as 1865 such a narrow view was rejected as not reflecting the true nature of the Crown.¹² Since that time there has been much work done on institutional theory, but little to date on the Crown.

There has been increased interest over recent years in the study of the Crown as a political institution. However, the majority of the literature written on the subject of constitutional monarchies within the Commonwealth is concerned primarily with Australia, Canada, New Zealand, and the United Kingdom, particularly the latter.¹³ While Bogdanor does offer a view of a generic Crown, whose constitutional principles have relevance beyond the confines of the United Kingdom, most of his work, and that of Maurice Sunkin and Sebastian Payne, is concerned with the powers and prerogatives of the Crown in Britain.

In 2008, as this thesis approached completion, Peter Boyce produced an excellent treatise on the subject of the crown shared between three of the

⁸ Atkinson, Alan. *The Muddle Headed Republic* (1993)

⁹ Taafaki, Tauaasa. *Governance in the Pacific: The dismissal of Tuvalu's Governor-General* (1996)

¹⁰ Larmour, Peter. *Westminster in the Pacific: A 'Policy Transfer' Approach* (2001)

¹¹ Smith, David. *The Invisible Crown* (1995)

¹² See Bagehot, Walter. *The English Constitution*. Smith, Paul. Ed (2001)

¹³ See, for example, Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) and Sunkin, Maurice and Sebastian Payne. *The Nature of the Crown* (1999)

largest realms. The work, “The Queen’s Other Realms”¹⁴ covers a great amount of material, but only considers the crown’s relationship with Australia, Canada, and New Zealand. Thus, the book does not strictly address the political system, but rather, prominent elements of the system.

The work that comes nearest to a study of the monarchy “Commonwealth-wide” is that of Noel Cox.¹⁵ However, the scope of his works is limited by its size and its legal focus. It does not address the issue of sharing a head of state.

The scholars discussed above have all considered facets of the shared monarchy, but it is a vast field. No one has ever considered it as a larger shared structure. This perspective deserves attention.

This thesis will analyse the concept of sharing a head of state by specifically considering the monarch of the Commonwealth Realms. The concept itself is large and complex, even when confined to an analysis of this particular monarchy. As the subject has been little studied to date, even rather simple elements might reveal important information, and could serve as a logical place to begin an analysis. This thesis will focus on two important aspects of the shared structure.

The first aspect is the benefits and detriments of these arrangements. For the nations involved, these would be a substantial component of the ramifications of sharing a head of state. To determine what the advantages or disadvantages of sharing a head of state are, and to whom they devolve, necessitates analysing those aspects of the arrangement which are of mutual concern to the states involved. Issues which must bring one nation into competition with another are the most telling. Where one state may gain, others will lose. Thus, sharing a head of state involves economic and cultural

¹⁴ Boyce, Peter. *The Queen’s Other Realms: The Crown and Its Legacy in Australia, Canada and New Zealand* (2008)

¹⁵ See, for example: Cox, Noel. “The Theory of Sovereignty and the Importance of the Crown in the realms of The Queen” (2002) 2(2) *Oxford University Commonwealth Law Journal* 237-255

coordination, as well as political and diplomatic sensitivity. The inherent difficulty in sharing such a figure stems from the fact that The Queen is only one woman, despite her many “offices”. As a result, some cooperative arrangements have been made. This thesis will examine many conflicts which arise out of the need for compromise. Throughout this study, the term “conflict” will be used in a narrow sense. It is intended not to imply dramatic antagonism, but rather a dynamic tension that occurs within and between political structures.

The second aspect of sharing a head of state to be analysed in this work is the extent of the system’s durability and the degree to which it is tenable in the future. These are both indications of the system’s strength as a political mechanism. The measure of this strength is of importance to this study as it is a fundamental ramification of sharing a head of state. Whether a system can continue to perpetuate itself, without, or indeed despite, political influence is of major significance. It indicates a level of efficacy which is integral to the system. The fact that The Queen has been shared by so many states for so many years is extraordinary, and could be seen as a testament to the effectiveness of the system.

This thesis will examine the ramifications of sharing a head of state by considering the benefits and detriments of such sharing, and by considering the potential durability of a system which does. The former consideration is one of technical aspects, the actual operation of the structure. The latter is an issue of consequence. Less tangible aspects of the structure, such as popular perception of it, fall into this category. By considering both, it is possible to examine the past, present, and possible futures of the structure.

The ultimate endeavour of this study is to aid in the pursuit of a “better” political reality. It is to contribute to a more nuanced understanding of the forces involved in the structure of a shared head of state. This understanding might point towards either a better political system or areas where the existing structure could be refined. In doing so, it should add to the understanding of

the role of any type of head of state. Such knowledge is applicable to all nations.

This thesis has been undertaken with a belief that the shared Commonwealth monarchy, and constitutional monarchy in general, is a structure of government with substantial merits. Nevertheless, every effort has been made to ensure academic objectivity. It is not the purpose of this thesis to demonstrate the possible advantages of a monarchical system over a republican one. Indeed, this will not be done except where the contrast has a direct bearing on the subject of a shared head of state.

Section 1.2 – Introduction to the Methodology

An expanded consideration of the methodology utilised throughout this thesis will be detailed in Chapter 2. Nevertheless, this introduction would not be complete without some reference to the underlying epistemology of the work. This study will be a comparative political analysis from a New Institutional perspective.¹⁶

Historical Institutionalism is the most relevant theoretical framework from which to analyse the concept of a shared head of state because the study's very focus is an institution and its influences. It allows an appreciation for the course of history that created this unique institution, and permits a perspective on events which is broader than is possible with the other, related methodologies.

This is not to say that this thesis will focus to a large extent on historical events. It is not a study of the separation of the crowns. It will only briefly discuss how The Queen became sovereign of more than one country, as

¹⁶ New Institutionalism is a series of analytical approaches which seek "to elucidate the role that institutions play in the determination of social and political outcomes." See, Hall, Peter and Rosemary Taylor. "Political Science and the Three New Institutionalisms." *Political Studies* Vol. 44 No. 4 (1996) 940

that may assist in putting the institution in context. Otherwise, this study will focus exclusively on the practical implications of this reality.

Prominent institutionalists examined during the course of this thesis include, Pierson¹⁷ and Skocpol,¹⁸ Marsh,¹⁹ Batters, and Savigny. In addition, Meadwell's²⁰ critique of the theory, and his concerns, which principally revolve around the difficulties in determining what an institution actually is, has been taken into consideration.

The Historical Institutionalism utilised in this study will be augmented by the incorporation of relevant aspects of Role Theory. Elements of this theory are ideally suited to considering the concept of a shared head of state because, at its most basic, that study is an investigation of roles. The maintenance of multiple roles by a single figure is a central issue in this thesis. Furthermore, the concept of Role Conflict,²¹ a substantial element of Role Theory, directly relates to the assumption of numerous, potentially incompatible roles.

This thesis makes substantial use of case studies. There are five such studies used to illustrate important concepts throughout this document. They provide valuable information which might otherwise have been impossible to collect. Empirical data on shared monarchies, indeed, monarchies in general, is difficult to find as the subject is inherently veiled. Monarchies are associated with sensitive political subjects and confidentiality is important and expected. As a result, information about their operation or motivation cannot always be released to scholars. Instead, scholars must consider the actions of a monarchy and surmise the rationale for those actions as logically as possible. Thus, case

¹⁷ Pierson, Paul. *Politics in Time: History, Institutions, and Social Analysis* (2004)

¹⁸ Pierson, Paul and Theda Skocpol. "Historical Institutionalism in Contemporary Political Science" *Political Science: State of the Discipline* Ira Katznelson and Helen V. Milner, eds (2002)

¹⁹ Marsh, David, Elizabeth Batters and Heather Savigny. "Historical Institutionalism: Beyond Pierson and Skocpol." *Political Science Program, RSSH, ANU* (2004)

²⁰ Meadwell, Hudson. "Institutions and Political Rationality" *New Institutionalism: Theory and Analysis* André Lecours (2005)

²¹ Katz, Daniel and Robert Louis Kahn. *The Social Psychology of Organizations*. (1966) 18-33

studies provide some insight into the less-visible aspects of the monarchy. The work of Robert K. Yin²² has been of great assistance in the formulation of these studies.

The methodology, the epistemological lens, is not the only factor contributing to the framework of this study. Considerable effort has also gone into the creation of a multi-disciplinary approach to the material. The need for such an approach arises from the study of monarchy in general. The study of monarchies, whether shared or not, can be undertaken in a number of ways. Common methods include a focus on exclusively historical, social, political or strictly legal perspectives. For example, Jennings' and Evatt's works are legal treatises. Twomey²³ and Bogdanor²⁴ are much more politically or sociologically oriented. These divisions are convenient and very effective for detailed analysis of certain aspects of the subject. However, such narrow divisions cannot present an accurate account of the shared monarchy as whole. The monarchy, constitutions, and government generally are all hybrid constructions, the foundations of which draw upon a number of disciplines. As such, a broad analysis encompassing many of these disciplines can be more useful than a narrower approach.

The monarchy is integral to the society of which it is a part. While each of its relationships with individual aspects of society is worthy of study, a more holistic approach would provide a very different account of the interaction between the monarchy and society. It is rare to find a study of monarchy which encompasses all of the fields in which the monarch has a role to play. Given how little academic attention the monarchy has received over previous decades, it would be more appropriate to analyse the shared monarchy across a variety of disciplines than in one field in minute detail. This thesis will endeavour to examine the social, political, and legal aspects of the monarchy.

²² Yin, Robert K. *Case Study Research: Design and Methods* (2003)

²³ Twomey, Anne. *The Chameleon Crown: The Queen and Her Australian Governors* (2006)

²⁴ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995)

Doing so will broaden the field of study and may limit the depth to which any one discipline can be explored, but it will provide a more comprehensive illustration of the shared structure overall. This will be achieved through a multidisciplinary approach integrated through the use of Historical Institutionalism, a political studies methodology. As will be shown in Section 2.3, there are some limitations to the methodology as well. These will be addressed at that point.

Care has been taken to ensure that the broad multi-disciplinary approach used in this thesis does not make an already substantial topic completely unwieldy. To that end, the scope of the thesis has been assiduously managed. As a study of an institution, rather than an historical survey, the scope is limited in two clear ways. First, it will focus exclusively on the Commonwealth Realms as a case study. Though there have been shared monarchs in the past, the Commonwealth provides more than enough material to conduct a study without having to refer to them. The reasons for their exclusion are their historical remoteness, and current political obscurity.

The second limiting factor of this subject will be the focus on Queen Elizabeth II and her reign. There is very little agreement at this time on when exactly the Commonwealth Realms, as they are currently understood, appeared. Some might argue that the name “The Kingdom of Canada”, almost made official in 1867, suggests that the separation of the crowns stretches back to that date. Others might suggest that the Statute of Westminster in 1931 is the more likely date.²⁵ Whatever the date actually was, it was before the start of Queen Elizabeth’s reign in 1952. For that reason, only those realms which share Queen Elizabeth II as their head of state are examined. This leaves a total of 31 countries to be considered. Some of those countries were

²⁵ Morton, William Lewis. *The Kingdom of Canada: A General History From Earliest Times* (1963) 324

independent realms for a very short time, such as Kenya and Uganda²⁶, and so do not feature in this study.

Having discussed the purpose, goals, and framework of this thesis, it would be appropriate at this point to examine in greater detail the theoretical structure which underpins this work. This will be addressed in the next chapter.

²⁶ Each was a realm for exactly one year. Stewart, John. *The British Empire: An Encyclopedia of the Crown's Holdings, 1493 Through 1995* (1996)

Chapter 2 – Theory, Methodology, and Structure

Section 2.1 – New Institutionalism

This thesis analyses large national and international political institutions. As such, an appropriate choice of theoretical framework would be one which espouses the significance of institutions. However, institutionalism, as it was originally conceived, has a variety of oversights which have seen it fall into disuse. The new institutional theories have endeavoured to correct some of the oversights from which the original theory suffered. For example, new institutionalism recognises “institutions” in a broader sense than did its predecessor.²⁷ Political institutions are now generally viewed as only one type of institution; others include cultural mores, and even language itself.²⁸ Furthermore, new institutionalism recognises a dynamic relationship between subject and structure.²⁹ Each may constitute the other to some degree. This expanded understanding of institutions has revitalised the study of them as part of a viable theoretical framework.

Despite its advancements over the original conception of institutionalism, the new theory is not without its difficulties. The most obvious is that new institutionalism is not a single theory. In actuality, scholars do not entirely agree on the number of theoretical perspectives, or “sub-types” existing within new institutionalism.³⁰ Peter Hall and Rosemary Taylor support the belief that there are three types (historical, rational choice, and sociological).³¹ Guy Peters proposes that there are actually seven divisions, while Mark Blyth suggests that there are only two.³² This disagreement

²⁷ Marsh, David, Elizabeth Batters and Heather Savigny. “Historical Institutionalism: Beyond Pierson and Skocpol.” *Political Science Program*, RSSH, ANU (2004) 6

²⁸ Ibid. at 6

²⁹ Ibid. at 6

³⁰ Ibid. at 5

³¹ See, Hall, Peter and Rosemary Taylor. “Political Science and the Three New Institutionalisms.” *Political Studies* Vol. 44 No. 4 (1996) 940

³² Marsh, David, Elizabeth Batters and Heather Savigny. “Historical Institutionalism: Beyond Pierson and Skocpol.” *Political Science Program*, RSSH, ANU (2004) 5

notwithstanding, it appears that there is a growing acceptance of, or at least a growing body of work that addresses, Hall and Taylor's views.

Any of the three new institutionalisms recognised by Hall and Taylor might be used to provide an interpretive lens on the subject of this thesis. There are advantages and disadvantages to each. Rational choice institutionalism is very much a "calculus" approach to the relationship between institutions and individuals.³³ This view focuses on "those aspects of human behaviour that are instrumental and based upon strategic calculation."³⁴ It assumes that humans are rational individuals who consider the array of options before them and choose based on what they believe will maximise their own gain. Based on this assumption, institutions are seen as the framework within which the choice for maximum gain is made. They make the behaviour of others more predictable, and therefore the pursuit of personal gain more stable.³⁵ Institutions are the foundation upon which decisions are made because they assist in the prediction of a likely outcome. This variety of new institutionalism would permit an analysis of this subject material in a very logical, albeit narrow focus. The reason it was not chosen as the theoretical underpinning of this thesis is that the theory assumes a high degree of prescience in individual actors. It discounts the unpredictability of people, events, and institutions. It also neglects the social, cultural, and emotional influences which may impact individuals. Given that the sharing of a head of state is bound to include these influences, any view which does not permit their consideration is probably not the best suited.

³³ The term "calculus" as referred to here is described in Hall, Peter and Rosemary Taylor. "Political Science and the Three New Institutionalisms." *Political Studies* Vol. 44 No. 4 (1996) 942 The term "cultural", referred to subsequently, is referred to at the same source. The calculus and cultural epithets are implied by Hall and Taylor as appropriate definitions of rational and sociological institutionalism. They are explicitly referred to as such in, Hay, Colin and Daniel Wincott. "Structure, Agency and Historical Institutionalism" *Political Studies* XLVI, 951-957 (1998) 952

³⁴ See, Hall, Peter and Rosemary Taylor. "Political Science and the Three New Institutionalisms." *Political Studies* Vol. 44 No. 4 (1996) 942

³⁵ See, Hall, Peter and Rosemary Taylor. "Political Science and the Three New Institutionalisms." *Political Studies* Vol. 44 No. 4 (1996) 942

In contrast, sociological institutionalism is described by Hall and Taylor as a more “cultural approach”.³⁶ “Institutions do not simply affect the strategic calculations of individuals... but also their most basic preferences and very identity.”³⁷ This view suggests that rationality can often be overridden or reshaped by cultural norms and that culture itself is actually a form of institution. From this, theorists argue that institutions influence behaviour by overtly guiding actors’ decisions, and also by limiting the variety of actions an individual can envisage as options. While sociological institutionalism adds a great deal of scope to an analysis, it is not without criticisms. Hall and Taylor argue that it is “curiously bloodless”,³⁸ that it does not focus enough attention on the competing interests of various actors in a society. In essence, it neglects the rational calculations of participant agents.

Section 2.2 – Historical Institutionalism – Advantages

It is not surprising that these two theoretical perspectives, rational choice and sociological institutionalism, diverge significantly from each other, despite both being institutionalist in nature. The weakness of one theory is often the strength of another and vice versa. Merging strengths from two theories is difficult and invariably, highly controversial. Hall and Taylor espouse their belief that while a “crude synthesis” is undesirable, there is evidence that the theories can seek common ground, learning from each other and growing stronger in the process.³⁹ While Hall and Taylor do not implicitly state that they believe this common ground is to be found within Historical Institutionalism, the implication is clear. Hay and Wincott suggest that Hall and Taylor are attempting to make Historical Institutionalism “appear ‘pivotal’

³⁶ See, *Ibid.* at 951

³⁷ *Ibid.* at 951

³⁸ *Ibid.* at 955

³⁹ *Ibid.* at 957

to [a] future dialogue between institutionalisms.”⁴⁰ Hay and Wincott make it clear that they do not support this idea, a position which will be examined in greater detail shortly. The idea that Historical Institutionalism can encompass some of the hitherto mutually exclusive ideas adhered to by the other institutionalisms, is not without merit. Hall and Taylor suggest that the “insights of one approach might be used to supplement or strengthen those of another.”⁴¹ For example, scholars might benefit from examining the possibility that actors are motivated in a “calculus” manner, pursuing their own goals, but are at the same time constrained within their cultural environment.⁴² Historical Institutionalism can serve as a meeting-point, as it recognises the importance of both approaches.⁴³ Furthermore, it adds a unique dimension not addressed by the other institutionalisms. The passage of time, and the consideration of large periods of history are integral to this perspective.⁴⁴ This appreciation for evolution over time allows Historical Institutionalists to examine more case studies, to consider slow, incremental or sequential changes, and the oft-overlooked variable of historical knowledge and experience gained. Given the nature of this thesis, and its subject matter, a long view of history may be particularly useful.

Another principal advantage of using Historical Institutionalism to guide the undertaking of a study of this nature is its position on path dependency.⁴⁵ It “rejects the traditional postulate that the same operative forces will generate the same results everywhere in favour of the view that the

⁴⁰ Hay, Colin and Daniel Wincott. “Structure, Agency and Historical Institutionalism” *Political Studies*, XLVI, 951-957 (1998) 951

⁴¹ Hall, Peter and Rosemary Taylor. “Political Science and the Three New Institutionalisms.” *Political Studies* Vol. 44 No. 4 (1996) 957

⁴² Hall, Peter and Rosemary Taylor. “Political Science and the Three New Institutionalisms.” *Political Studies* Vol. 44 No. 4 (1996) 957

⁴³ Ibid. at 944

⁴⁴ Pierson, Paul and Theda Skocpol. “Historical Institutionalism in Contemporary Political Science” *Political Science: State of the Discipline* Ira Katznelson and Helen V. Milner, eds (2002) 698

⁴⁵ Path dependency “refers to a property of contingent, non-reversible dynamic processes, including a wide array of processes that can properly be described as ‘evolutionary’.” David, Paul A. Path Dependence, its Critics and the Quest for ‘Historical Economics’ (2000) 2

effect of such forces will be mediated by the contextual features of a given situation often inherited from the past.”⁴⁶ This is a particularly useful tool for analysis given the comparative character of this thesis and the disparate nature of the nations to be considered. However, the position on path dependency supported by Hall and Taylor illustrates some of the drawbacks to Historical Institutionalism as well.

Section 2.3 – Historical Institutionalism – Potential Disadvantages

There appear to be three particularly prominent criticisms of Historical Institutionalism. First, some critics⁴⁷ have argued that Historical Institutionalism is not a theory in its own right, but a variant of another. They suggest that its focus is too wide, and that institutions themselves are often too broadly defined. This results in the incorporation of so much material into the study that it is impossible to analyse it effectively. Second, the theory is predicated on the consideration of counterfactuals, scenarios devised to serve as a contrast class. These are established to allow a comparison between what could have occurred, and what actually did. In many ways, Historical Institutionalism is an analysis of the hypothetical. Finally, some have asked how scholars can separate an institution’s possible cause from its purported effect.

The first criticism is a rather broad one, encompassing a variety of problems with Historical Institutionalism. Historical Institutionalism is a theoretical perspective predisposed to examining large and significant questions. It is ideally suited for the consideration of “important or surprising

⁴⁶ Hall, Peter and Rosemary Taylor. “Political Science and the Three New Institutionalisms” *Political Studies* Vol. 44 No. 4 (1996) 945

⁴⁷ Hay, Colin and Daniel Wincott. “Structure, Agency and Historical Institutionalism” *Political Studies* XLVI, 951-957 (1998) Meadwell, Hudson. “Institutions and Political Rationality” *New Institutionalism: Theory and Analysis* André Lecours (2005)

patterns, events, or arrangements”⁴⁸ which have appeared either recently or in the more distant past. This goal-oriented focus necessitates the consideration of a huge array of factors. Indeed, Historical Institutionalists have described institutions as “the formal or informal procedures, routine, norms and conventions embedded in the organisational structure of the polity or political economy.”⁴⁹ This definition allows for the consideration of many factors, but may lead scholars who use this theory to become more descriptive than explanatory. Hudson Meadwell argues that “institutionalism seems to be ubiquitous because it trades on features of political and social life... What is described as institutional analysis is for the most part the analysis of structures, cultures, organizations and time.”⁵⁰ Ironically, it is this perceived weakness of the theory which is actually seen by many supporters as a strength. The complexity of the focus and the broad field of analysis are precisely what makes Historical Institutionalism such a reliable perspective. The real world is complicated and while a simple theory to explain it would be highly desirable, one has yet to be discovered. Historical institutionalism recognises the many factors shaping human society and accepts that they all have a role to play in explaining it. That is why, contrary to what their name might imply, “historical institutionalists rarely insist that institutions are the only causal force in politics.”⁵¹

Despite the advantages provided by Historical Institutionalism’s large scope, for the sake of manageability, some restrictions on subject matter are necessary. This thesis is primarily concerned with political institutions. Thus, considerable effort has gone into clearly focusing on the primary institution to

⁴⁸ Pierson, Paul and Theda Skocpol. “Historical Institutionalism in Contemporary Political Science” *Political Science: State of the Discipline* Ira Katznelson and Helen V. Milner, eds (2002) 697

⁴⁹ Hall, Peter and Rosemary Taylor. “Political Science and the Three New Institutionalisms.” *Political Studies* Vol. 44 No. 4 (1996) 941

⁵⁰ Meadwell, Hudson. “Institutions and Political Rationality” *New Institutionalism: Theory and Analysis* André Lecours (2005) 84

⁵¹ Hall, Peter and Rosemary Taylor. “Political Science and the Three New Institutionalisms.” *Political Studies* Vol. 44 No. 4 (1996) 946

be studied. As discussed in the preceding section, this thesis will examine the ramifications of sharing a head of state by limiting the study to shared monarchs. This will eliminate the need to consider different types of republics, and how they may relate to each other and to monarchical forms of government. Indeed, this thesis will focus even more closely by restricting the study to a single individual. At present, the only shared monarchical head of state is Queen Elizabeth II. By studying her, many variables can be eliminated. Her personality and beliefs, such as her commitment to democracy, will not be different from one realm to another. This limitation further restricts the scope of the thesis by placing it within a finite temporal period. The reign of Elizabeth II began in 1952, and no events prior to that period will be considered unless they are necessary to place the institution in context.⁵² This restriction in scope may appear to affect the long view of history that Historical Institutionalism requires. However, it is useful to remember that sixty years is a long time in politics, particularly when considering young nations.

Some scholars question the process by which Historical Institutionalism attempts to reveal the truth, and its predictive powers in general. Herein lay the closely-related second and third criticisms of Historical Institutionalism. The theory's dependence on counterfactuals is a serious ontological concern. Historical Institutionalism attempts to draw lessons from history, and political institutions, both of which are inherently open to interpretation. Yet, in order to draw conclusions about a subject of study, scholars must be able to test their theories. The complexity of political institutions and the historical backgrounds in which they arise are almost never reproducible. Therefore, it is virtually impossible to prove that an Historical Institutional theory is correct. All that can be done is to create a supposition. If one believes that an historical

⁵² Outside of the Commonwealth Realms, all shared heads of state existed prior to 1952. The vast majority of them existed prior to the 20th century. As enlightening as it might be to study Portugal and Brazil, or Norway and Sweden, the plethora of material would be prohibitive. Furthermore, considering these, and many other nations, would only serve to convolute the issue being studied in the aforementioned ways.

event or institution was the cause of a political situation, one must envision a case where that event or institution did not exist. The danger inherent to Historical Institutionalism is that these thought experiments might descend into “a literature of the imagination.”⁵³

It would appear that there is little that can be done to address these concerns, other than to acknowledge their existence. The social sciences are replete with theories re-examining evidence and proposing new explanations for past events. Whether that theory happens to be Marxist, Feminist, or Historical Institutionalist, each faces the problem of being largely untestable. No theory has yet developed a model which can make flawless predictions about future events. For the purposes of this thesis, the counterfactuals developed will endeavour to keep assumptions to a minimum, to make them logical, and to clearly argue for their plausibility.

The final criticism often levelled at Historical Institutionalism is one of cause and effect. Understanding the causal relationship between any two phenomena has been a focus of political scholars for centuries. The inherent complexity of human society and the intricacies of historical events through time make this an exceptionally difficult task. Adam Przeworski outlines the argument well.⁵⁴ He asks, following an election, “Why do the losers go home? Why don’t they storm the palace [seat of government]? Is it because the constitution says that whoever obtains the majority should move in and whoever does not should go home? Or is it because the losers know that they would be beaten had they tried to move in?”⁵⁵ Essentially, he is asking whether the losing candidate’s withdrawal is the result of the constitutional institution, or whether the institution is the result of the situation? Was the candidate constrained by the institution, or by his lack of public support? It is the very fact that these questions can be raised which serves as the criticism of

⁵³ Hawthorn, Geoffrey. *Plausible Worlds: Possibility and Understanding in History and the Social Sciences* (1991) 167

⁵⁴ Przeworski, Adam. “Institutions Matter?” *Government and Opposition* 39(2): (2004) 530

⁵⁵ Ibid. at 530

Historical Institutionalism.

The prominent French Revolutionary figure, the Marquis de Condorcet, argued that elections were not devised as a “means to avoid errors and to conduct themselves [the public] on the basis of decisions based on truth, but... that, for the good of peace and general welfare, it was necessary to place authority where the force was.”⁵⁶ He suggested that the structure grew out of the situation. Of course, this line of reasoning is not an effective counterargument to Historical Institutionalism as it too relies on an untestable premise. If one cannot argue for certain that the structure gave rise to the situation, then surely one cannot argue the opposite either. Nevertheless, the criticism that a cause and effect paradox may be insurmountable is valid. As with the issues raised in utilising counterfactuals, one can only rely upon logic and plausibility. Obviously, decisions on the strength of the logic and the degree of plausibility must be left to the reader.

The criticism of Historical Institutionalism can be dealt with through careful consideration. The scope of a study can be restricted, logic can be used to guide the development of counterfactuals, and the complexities of cause and effect can be recognised, if not fully accounted for. A scientific case for the validity of Historical Institutionalism may never be developed. Indeed, it may be that no scientific theory for any of the “social sciences” will ever be developed. Thus far, only convincing arguments can be postulated, and in the final analysis, “convincing” is in the eye of the beholder.

Historical Institutionalism then, is essentially a theoretical framework ideal for the consideration of highly significant events in the development of human society. It acknowledges as engines of change both the rational thoughts of individual actors and the pervasive environment culture provides in the decision-making process. It does not suggest that institutions are the only mode through which events and changes can be explained, but that they, in all

⁵⁶ de Bernon, Olivier. *Sur les Elections et Autres Texts* (1986) 9-196

their forms, are significant. Furthermore, Historical Institutionalism recognises the passage of time as an important factor in any political study. Its views on path dependency are that it is a tendency, rather than a rule, and that results of a causal action in one place and time may not trigger the same results elsewhere. The theory has flaws, but some of these may stem from over-ambitious studies. If care is taken in preparing an investigation, they can be overcome, and will provide a far more accurate model of the real world than can a narrowly focussed theory.

Section 2.4 – Further Tools

In addition to Historical Institutionalism, this study has been heavily influenced by Role Theory. As the topic is a political office, a political role, the thoughts of scholars familiar with this perspective are useful.

Bruce Biddle attempted to refine Role Theory into five potential perspectives.⁵⁷ However, this thesis will not utilise the theory in sufficient depth to warrant consideration of these refinements. A broad understanding of the theory is sufficient to guide the work which follows this section and to provide some background for the reader.

Role Theory proposes that much of human behaviour is guided by expectations. These expectations are held by individuals and by the collective around them. They manifest themselves as modes of behaviour or roles. Thus, the behaviour of a teacher, for example, is based on the generally accepted view of the role.

An individual operates with a large repertoire of roles and assumes appropriate ones to suit circumstances and environments. The diversity of potential roles corresponds to the complexity of social life. One individual

⁵⁷ Biddle, B.J. "Recent Developments in Role Theory". *Annual Review of Sociology* (1986) 12: 67–92

might be a mother, doctor, artist, and friend, adopting each appropriate mode of behaviour as warranted.

There is considerable value in this theoretical perspective in the field of politics, particularly in the Westminster common-law tradition, where norms and expectations play a substantial part in the defining of a role or office. An obvious example is the role of the Prime Minister. In the older Commonwealth Realms the office is rarely, if ever, defined in any written law.⁵⁸ Instead, the role is conceived in the minds of the general public and bestowed upon an individual according to precedent and tradition. Changing perceptions of a role, or variation in perceptions from place to place, can have a substantial effect upon such uncoded positions.

The theory is also particularly useful in considering the role of the shared head of state. Such a role includes not only the challenges inherent in a largely uncoded office, but also those that arise from multiple simultaneous perceptions. The potential for two roles to come into conflict is always present. From the daily life of ordinary citizens, to the unique position of a shared monarch, roles must be balanced or juggled to ensure that all expectations are met. The Queen must meet the expectations of 16 nations. While these expectations are compatible this is possible, but the potential for conflict is always present.

Both Historical Institutionalism and Role Theory have informed the perspective of this thesis. In addition to these theories, the nature of the study has been shaped by the use of case studies. As a method of gathering information, a research strategy, case studies are very useful in analysing a large topic with an extensive history and a multiplicity of different aspects. As used frequently throughout this thesis, they serve as a method of analysis which is quite complementary to Historical Institutionalism. Whereas the latter

⁵⁸ In New Zealand, for example, the role was not formally defined until 1996. Miller, Raymond, Ed. *New Zealand Government and Politics* (2006) 227 In Canada, the office was not mentioned in the written constitution until 1982. Forsey, Eugene. *How Canadians Govern Themselves*, 6 ed (2005) 29

theory considers long trends and broad structures, Case Study Theory is ideal for examining the finer details of specific situations.⁵⁹

Much of this thesis compares the manner in which the shared head of state is understood in the various realms. This comparative analysis makes up a substantial portion of the body of the work. To this comparative milieu are added five detailed case studies. Each has been chosen to illustrate a complex feature of the shared head. With some examples, this has been done to make the illustration clearer than could have been achieved in other ways. Other cases are utilised to shed light on background issues, information about which is not available to the public or scholarly community. These five case studies are information-oriented cases⁶⁰, as opposed to random samplings. Of the four types of information-oriented case studies, the principal ones used in this work are extreme cases and critical cases. Extreme cases are utilized to demonstrate perceptions about royal authority and the boundaries between shared and unshared aspects of The Queen. The South African Neutrality study in Section 8.2 is an example of this. The critical cases are used to illustrate situations in which a feature of the shared structure has been demonstrated in one realm but may be applicable to others as well. The Pakistani Case Study in Section 6.5 illustrates this principle.

The utilisation of Historical Institutionalism, Role Theory, and Case Study Theory is an attempt to provide a thorough understanding of a very large subject. By refusing a dogmatic approach to theory, and by incorporating elements from several theoretical perspectives, a more accurate depiction of reality can be obtained. "Good social science is problem driven and not methodology driven in the sense that it employs those methods that for a given

⁵⁹ Flyvbjerg, Bent. "Five Misunderstandings About Case Study Research." *Qualitative Inquiry*, vol. 12, no. 2, (April 2006) 220

⁶⁰ Flyvbjerg, Bent. "Five Misunderstandings About Case Study Research." *Qualitative Inquiry*, vol. 12, no. 2, (April 2006) 219-245

problematic, best help answer the research questions at hand.”⁶¹

Section 2.5 – Structure

As discussed in the preceding sections, this thesis will examine the shared crown of the Commonwealth Realms as a political structure from an Historical Institutional perspective. Having considered the theoretical and methodological underpinnings, it is now appropriate to consider its structure. This thesis is divided into five parts. The first part, Part I, includes the introduction and foundation. This part consists of an introductory chapter, a chapter on methodology, and another on structural concepts. The chapter on structural concepts will analyse a variety of subjects and materials which have a direct bearing on the nature of this study. Parts II through IV will examine the substantive subject material, the ramifications of sharing a head of state, at three different levels. At each level, different social, popular, and political issues will be examined. By addressing each of these perspectives separately they can be considered in greater detail. Then, by combining these facets, a greater understanding of the whole can be achieved. Part V will recapitulate the arguments from the preceding chapters and form the final conclusion of the thesis.

When considering the structure of this thesis, it is important to remember that it is not a study of a single Commonwealth Realm, or of a unitary structure. If it was, there would be only two possible levels of study, only two possible perspectives. Internal issues and external issues would encompass all of the possible ramifications of the structure in question. This thesis considers a shared political structure. It is essentially examining a relationship between nations. Thus, the shared structure can actually be

⁶¹ Flyvbjerg, Bent. "Five Misunderstandings About Case Study Research." *Qualitative Inquiry*, vol. 12, no. 2, (April 2006) 242

examined from three perspectives. First, it can be seen to exist within a single realm. This internal perspective can only account for the manner in which the structure impacts upon a constituent nation. Relationships with external entities cannot be considered unless they are perceived internally. In Figure 1, page 37, the Crown can be seen to be entirely encompassed within circle A. It is important to note that the circle, or realm, is not the subject of the study. Rather, the Crown's place within it is the issue.

The second perspective from which the structure can be examined is its placement within the shared dynamic. In Figure 1, the Crown is shown within the relationship, shape B, which arises from the overlap of the two circles A. Here the perspective of analysis does not address internal matters other than those which stem from sharing the structure. Thus, the perspective is sensitive to external concerns, but only those which stem from the shared relationship.

The third perspective from which this subject can be considered is an entirely external one. Note in Figure 1 that circle C entirely encompasses the shared institution. This environment maintains contact with the subject, but not as a participant or component.

In this manner, the shared structure can be considered in three ways. Its individual pieces can be studied through the internal perspective of the component realms. It can be studied in its entirety as an inter-realm phenomenon. Finally, its relationships with other states can be studied within its wider environment through the external perspective.

It may be questioned whether The Queen's personal perspective might provide a fourth perception of the subject material. However, the monarch is only a component of the shared relationship. That component has a unique role to play in the structure, but it must be examined from the three perspectives outlined. She has a role to play within each of the realms, between the realms in their complex relationship, and with external nations outside the realms. She has a role to play in the structure, not a perspective from which it can be analysed.

Part II of the thesis will examine those aspects of a shared head of state which impact the internal affairs of nations which utilise this arrangement. The first chapter, Chapter 4, will focus on structural ramifications. It will consider the gap between public understanding and political reality with regard to the roles and responsibilities of the head of state. It will address specific consequences and the realms' interpretations of them.

The second chapter, Chapter 5, will focus on the perceptions of the system held by a number of groups within the realms. Whereas the first chapter of Part II will look at concrete consequences of sharing a head of state, this second chapter will consider less tangible, though equally substantial ramifications. Perceptions have the capacity to radically impact the actual operation of the structure. Indeed, their consideration will be a substantial component of this entire thesis.

Part III of the thesis will focus not on the internal affairs of the Commonwealth Realms, but on their relationship to each other. They are in a unique position at present, and one with relatively little historical precedent. As such it is not surprising that there is some confusion stemming from the relationship. The first chapter in Part III, Chapter 6, will examine the issue of conflicting advice and the unintended tensions in the system. Confusion over who has the right to advise the shared head of state is not generally a concern of the public. However, it has proven to be a problem for governments. The most recent, and public, example of this was the Conrad Black case.

The second chapter, Chapter 7, will consider those traits of the system which are, it would appear, necessarily a source of conflict. History has demonstrated that the capacity of one realm to wage war against another is not impinged by sharing a head of state. India and Pakistan established this precedent. Similarly, South Africa considered declaring neutrality in World War II. It is not the purpose of this chapter to suggest that armed conflict is likely. Rather, the chapter will use such historical tragedies to demonstrate the genuine level of independence the realms enjoy despite their shared sovereign.

However, the theoretical detachment between realms must be weighed against the reality of the Crown's embodiment in a single person. The consequences of actions taken against that person, in any of her capacities, may not be easily compartmentalised.

Part IV will examine the international reaction and response to the concept of a shared head of state. This section will consider some of those nations which do not participate in the sharing of a head of state, and are unfamiliar with the idea. International media coverage appears to demonstrate the considerable misunderstanding of The Queen's roles around the world.

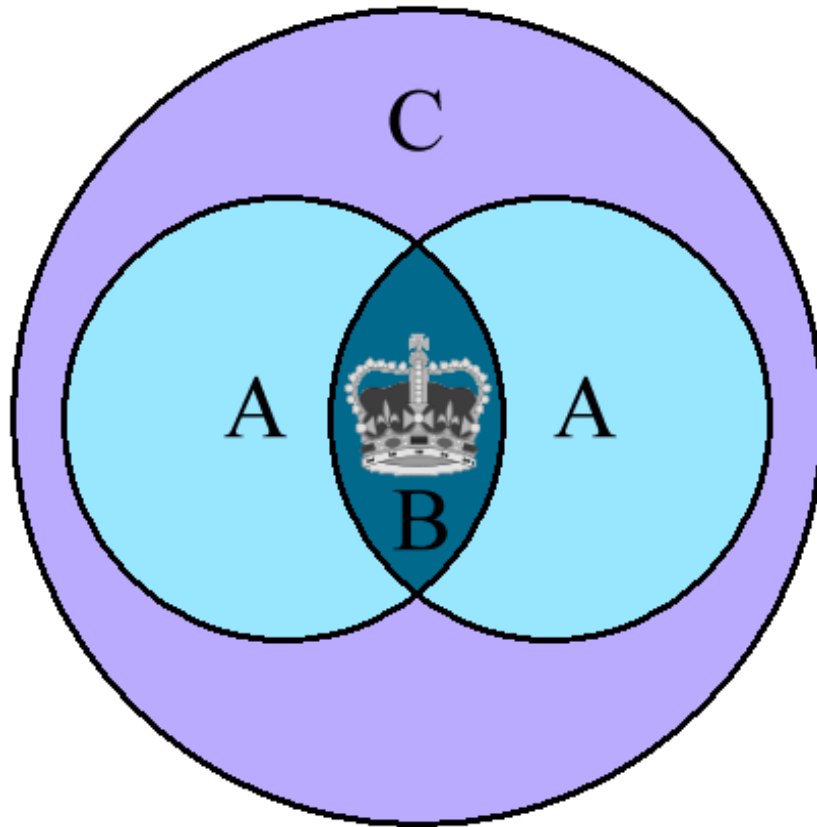
At the international level, one aspect of sharing a head of state is a close association with a world-famous figure. All of the realms have a connection to The Queen. However, any advantage in this arrangement may be offset by the world's failure to fully associate the shared head of state with any nation other than Britain. Rather than improved global profile, the realms may suffer from reduced recognition through the employment of Governors General.⁶² Part IV will also consider inconsistencies exhibited by the realms, and ways in which the system might be better utilised without the need for structural modification.

The final part of the thesis, Part V, will serve as the conclusion. It will attempt to synthesise a concise understanding of the issues affecting shared heads of state and draw wider implications from the specific cases examined.

With the broader outline addressed, it is now logical to discuss the various items in detail, beginning with institutional concepts. The following chapter will consider a variety of terms and principles that will be central to this study.

⁶² In most of the Commonwealth Realms, the term Governor General is usually hyphenated. Canada is the only exception to this rule, apparently due to a printing error in the 19th century. Boyce, Peter. *The Queen's Other Realms: The Crown and Its Legacy in Australia, Canada and New Zealand* (2008) vii The author of this thesis acknowledges his origins by using the style with which he is most familiar.

Figure 1 – Three Perspectives on the Shared Monarchy



The Crown can be considered from within either of Shapes A which represent the internal perspective of the realms. It can also be examined from within Shape B which illustrates the common components of the inter-realm perspective. Component C represents an external perspective on the Crown

Chapter 3 – Background

Section 3.1 – Introduction to Structural Concepts

Having considered the theory, methodology, and structure of this thesis in the previous chapters, and before examining the more substantive elements of this thesis, it would be appropriate at this point to define a number of political concepts used throughout. Many of these concepts revolve around the current constitutional status of a number of countries in the Commonwealth of Nations. That organisation consists of 54 independent states. Of these, 32 are republics, with some form of president. Five are monarchies with a King, Sultan, or other hereditary figure as head of state. A third group of nations are monarchies who share a single sovereign. It is this group of nations, the Commonwealth Realms, with which this thesis is primarily concerned.

The term “Commonwealth Realm” is applied to any of a number of sovereign nations which share Elizabeth II as their queen. Frequently, the realms are referred to as sharing the “British monarch.” While this may have been accurate in the past, it implies a British pre-eminence which does not now exist in law or politics.⁶³ As this term, “realm,” denotes no obligations, and no special status within the Commonwealth of Nations, it would be unfair to categorise them as a cohesive group. In reality, these nations are in a personal union with each other, and remain legally distinct entities in every way.⁶⁴

The first Commonwealth Realms were originally called “Dominions”,

⁶³ There is some disagreement about whether Elizabeth is queen of other realms by virtue of the fact that she is Queen of the United Kingdom, or merely because she was invited to be queen of each realm. For example, see the Constitution of Papua New Guinea, Sections 82 and 83. In that document it is clear that she was invited to be queen. However, it specifically links PNG to the British rules of succession.

⁶⁴ A “personal union” (sometimes known as a “union of crowns”) forms when a monarch is shared by more than one independent nation. It should be noted that personal unions are by no means a feature unique to the Commonwealth Realms. For example, the English and Scottish crowns were united in a personal union in 1603. Cannon, John and Ralph Griffiths. *Oxford Illustrated History of the British Monarchy* (1997) 359

and were political entities within the British Empire.⁶⁵ The Imperial Conference of 1907 resolved that “Dominion” would be the term applied to self-governing territories. However, over the next three decades, as the empire evolved into the Commonwealth, the term itself fell increasingly into disuse. The process was gradual, but particularly noticeable at the proclamation of Elizabeth II.⁶⁶ In that document, the term Dominion was not used at all.

There have been 34 Commonwealth Realms since the creation of the concept. Two, India and Ireland, became republics before The Queen acceded to the throne. Of the 32 over which The Queen has reigned since 1952, 16 continue in these arrangements, the others having followed India’s lead.⁶⁷ The majority, but not all, of the British Imperial territories were granted independence as realms. Some, such as Canada and Australia, have maintained this status for over a century. Other territories, such as some of those in Africa, remained realms for a very short time. Kenya, Uganda, and Tanzania were each realms for only one year.⁶⁸

This thesis focuses not on the Crown of the United Kingdom of Great Britain and Northern Ireland,⁶⁹ but on the institution shared by all of the realms. It would be inaccurate to call this entity “a shared Crown” as, technically-speaking, there is no shared Crown, but rather sixteen separate ones.⁷⁰ Nevertheless, for the sake of convenience, this thesis will frequently

⁶⁵ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 243

⁶⁶ See Appendix J for a comparison of the proclamation texts.

⁶⁷ Strictly speaking, Ireland was declared a republic before India was. However, Ireland did not rejoin the Commonwealth. In this way, India established the precedent followed by other Commonwealth Republics.

⁶⁸ The reasons for a territory becoming a realm or a republic upon independence, and the choice to retain or abolish the system later, vary from realm to realm. It is not possible to address such matters at this point. However, throughout this thesis, a number of issues will be examined which do impact upon the desirability of maintaining or altering the system.

⁶⁹ The full name of the British nation is used here to ensure that there is no confusion caused by the term “United Kingdom”. The Commonwealth Realms must not be confused for some form of united kingdom. Throughout this thesis, the term “United Kingdom” only refers to the United Kingdom of Great Britain and Northern Ireland.

⁷⁰ This separation of the crowns is an essential political principle in the realms. It will be a recurring theme throughout this thesis.

refer to a shared Crown, a shared monarchy,⁷¹ and a shared institution. While theoretically imprecise, it is of great practical value to recognise the realms as a unique group of states, and not merely unrelated nations sharing a single person as their head of state.

This chapter will attempt to consider a number of institutions. Specifically, it will examine the concept of “head of state”, the position of Queen Elizabeth II, and the role of her representatives, the Governors General. Furthermore, this chapter will briefly examine the Commonwealth Realms with particular regard for their utility in revealing the ramifications of sharing a head of state. All of these issues are intrinsic to the realms.

Section 3.2 – Defining the term “Head of State”

The term “head of state” frequently arises in discussions on political structures. Yet, despite its frequent use, a clear, comprehensive definition is virtually impossible to find. The term is actually a recent one. Prior to the late nineteenth or early twentieth century it was virtually unheard of.⁷² The difficulty in defining the concept is that the office varies considerably from nation to nation. To address this, Sir David Smith proposed that, “The Office of Head of State is defined by the duties performed by the occupant of the Office, not by the label attached to the occupant.”⁷³ This suggestion allows one to consider practical actions and responsibilities in defining the role. A

⁷¹ It should also be noted that the monarchy is an institution larger than the shared crown. Indeed, it is larger than The Queen alone. The royal family consists of many people who have all had different experiences and relationships with the realms. However, The Queen is the focus of this thesis because she is the embodiment of the crown. She is the only component of the monarchy with constitutional powers and it is those responsibilities which are of concern to this study.

⁷² This would explain its omission from the Oxford English Dictionary. See the author’s personal correspondence with Juliet Field, Senior Editor of the Oxford English Dictionary. (23 February 2005)

⁷³ http://www.norepublic.com.au/essays/Essay_GG_HoS_2004.htm (*Quadrant Magazine* Volume XLVIII Number 9 - September 2004)

serious analysis demonstrates that it is possible to divide such actions and responsibilities into four categories.⁷⁴ The first category includes those powers which relate to the position of supreme government authority. The role of constitutional guarantor, and as the living symbol of the nation, falls into this category. The second category includes powers related to the control of legislation. The promulgation of new laws and signing authority on all international treaties demonstrate this power both within, and outside, the country. The third category involves jurisdiction over the government. The right to summon and dissolve the legislature, and the appointment of key officials are such examples. Finally, control of the state's monopoly on physical force is generally vested in the head of state. Command of the military and police forces demonstrate this. These four categories, and the responsibilities they include, are commonly described as the purview of heads of state. However, it is important to note that not all nations employ heads of state which exercise all of the powers addressed above.

One of the most anomalous head of state arrangements is found in Sweden. In 1975, a new constitution transferred virtually all of the King's powers to the speaker of the Riksdag. The removal of his executive powers has quite possibly resulted in the demise of his reserve powers, though this has not been tested. He is still the Swedish head of state⁷⁵ and symbolises the nation, but he exercises none of the other functions usually associated with that position.

Less extreme cases of anomalous executive roles can be found in many nations. For example, while the President of the United States of America is

⁷⁴ There is virtually no scholarly material considering heads of state as a collective, world-wide phenomenon. The description outlined in this chapter is the result of extensive research into numerous individual heads of state and their roles. Sources include, Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) Smith, David. *Head of State: The Governor-General, the Monarchy, the Republic and the Dismissal* (Macleay Press, Paddington, 2005) Ghai, Yash and Jill Cottrell. *Heads of State in the Pacific: A Legal and Constitutional Analysis* (1990) Lowi, Theodore and Benjamin Ginsberg. *American Government* (2000) Lijphart, Arend. *Parliamentary Versus Presidential Government* (1992)

⁷⁵ As is explicitly stated in the 1974 *Instrument of Government* Sweden (1974) Art. 5

unquestionably the nation's head of state, he has very limited authority over the legislature.⁷⁶ As with many presidential models of government, the president does not generally summon or dismiss Congress, and his signature is not technically required for legislation to become law.⁷⁷ The situation is different in Ireland but unusual for another reason. As in many republics, legislation only becomes law in Ireland with the president's promulgation. However, Article 13 of the Irish constitution states that the president must promulgate all legislation passed by the Irish parliament.⁷⁸ No discretion, or recourse, is given to the president. This might prompt some to wonder where ultimate political power actually lies. The president of Israel faces a similar constitutional directive.⁷⁹ Such restrictions on presidential discretion do not occur in other nations, such as France, Finland, or Portugal.⁸⁰

According to the Basic Law of Germany, the president is not the commander in chief of the military. This role falls to the Minister of Defence.⁸¹ A similar situation existed in Pakistan for many years. In that nation, the commander in chief was drawn from the military, and not the political arena. The Governors General, and subsequent presidents, were not commanders in chief.

The concept of "head of state" has evolved out of international practice. With 193 countries in the world today, it is not entirely surprising that there are exceptions to any definition of the term. Nevertheless, despite some variation, heads of state are generally in a position of supreme constitutional authority, have power over the promulgation of laws, are responsible for maintaining a

⁷⁶ Lowi, Theodore and Benjamin Ginsberg. *American Government* (2000) 138-156

⁷⁷ Contrary to popular belief, the president of the United States is not required to either sign or veto legislation. If inclined, he can simply ignore the legislation. As long as Congress does not dissolve itself within ten days of passing the legislation, it will be deemed to have been signed. Thus legislation can become law without promulgation by the head of state. Lowi, Theodore and Benjamin Ginsberg. *American Government* (2000) 116-118

⁷⁸ *1999 Irish Constitution* (1999) Art. 13 - 3.1 and 3.2

⁷⁹ Basic Law of Israel (1958) 11.1

⁸⁰ Lijphart, Arend. *Parliamentary Versus Presidential Government* (1992) 143-145

⁸¹ German Basic Law (1949) 65a

viable government, and control the state's monopoly on force. An analysis of the powers commonly shared by most heads of state is not sufficient to define the role. Further complicating the matter is the need to recognise that while virtually all heads of state may be charged with similar responsibilities, in some cases their responsibility may be more technical than practical. Governments can be divided into three categories based upon the role of their head of state. These are the full presidential, semi-presidential, and parliamentary systems.⁸²

Full presidential models generally grant the head of state executive authority with the expectation that it will be utilised in daily government operations.⁸³ The United States of America employs this model of government. The president is the head of state, but also plays an active role in the shaping and enacting of legislation. The American constitution grants the president a wide range of powers, from the granting of pardons, to the recognition of foreign governments.⁸⁴ The vetoing of legislation is not uncommon, and the use of his executive authority is not reserved for crises.

Semi-presidential systems are somewhat less common.⁸⁵ These involve some separation of the head of state's powers from those of the head of government.⁸⁶ The head of government is a significant political figure who usually has majority support in the legislature. The president takes an active role in government, but the head of government is responsible for a variety of portfolios outside the president's purview. In France, for example, the president is generally responsible for foreign affairs, while the Prime Minister controls domestic policy.⁸⁷ In semi-presidential systems the head of state is the dominant political figure, but his or her power is generally exercised through

⁸² Lijphart, Arend. *Parliamentary Versus Presidential Government* (1992)

⁸³ Lijphart, Arend. *Parliamentary Versus Presidential Government* (1992) 42

⁸⁴ United States of America Constitution (1787) Article II, Section 2

⁸⁵ Sixty-two nations presently use a presidential system; thirty-eight use a semi-presidential structure. *Europa World Yearbook 47th Ed.* (2006)

⁸⁶ Lijphart, Arend. *Parliamentary Versus Presidential Government* (1992) 20

⁸⁷ Constitution of the Fifth Republic of France (1958) Article 20-21

ministers responsible to parliament. In France, while eight presidential actions can be executed at the president's discretion, a far greater number must be counter-signed by a minister.⁸⁸

Parliamentary systems place the daily control of the government firmly with parliament and its representatives.⁸⁹ The head of state may maintain a significant array of political powers, but they are almost never exercised without the advice of a minister. Indeed, the head of state's discretionary powers may be used so infrequently as to prompt some scholars to wonder whether they exist at all. Nevertheless, the head of state remains the nominal face of the nation. Many people regard the head of state's symbolic role as his or her paramount responsibility, but this may be neglecting a role as constitutional guardian.

Though the powers exercised by most heads of state are generally fairly uniform, the system of government employed by each nation significantly impacts how much independence the head of state will have when executing those powers.

Heads of state are difficult entities to define, particularly if one seeks to use simple labels. Emperor, King, Prince, Grand Duke, Emir, Sultan, Pope, Chairman, Paramount Chief and President are only some of the titles given to heads of state around the world. However, if one focuses on the roles and duties they have in common, rather than the titles they hold, some understanding is possible. Nevertheless, even this method, which defines heads of state based upon their responsibilities and duties, has an inherent complication in the form of Governors General. The difficulties presented by this office will be addressed in Section 3.4. Before analysing Governors General in that section, it would first be useful to consider Queen Elizabeth II, to whom they are all subordinate.

⁸⁸ Constitution of the Fifth Republic of France (1958) Article 19

⁸⁹ Lijphart, Arend. *Parliamentary Versus Presidential Government* (1992) 32

Section 3.3 – Queen Elizabeth II

Elizabeth II, commonly known as Queen of the United Kingdom, is currently the second longest-serving head of state in the world.⁹⁰ Her popular prestige and global profile is, no doubt, due to a variety of factors. Her longevity in office is surely one factor. Her famous lineage and historic office, also contribute.⁹¹ However, she enjoys one unique distinction to which no other head of state can lay claim. She is presently the only person recognised as the head of more than one state.⁹² Indeed, throughout history there are very few, if any, who could rival her total number of offices. She is now queen of sixteen completely independent realms, and has ceased to serve that function in another sixteen states.⁹³ The issues, personalities, and political structures addressed by The Queen in each of her realms are, and always have been, unique. Thus, it is not an exaggeration to tally consecutively the number of years she has served as monarch in each of these realms. The total of 605 years, though perhaps difficult to imagine, is a useful way to understand The Queen's involvement in world politics. She has had 141 Prime Ministers.⁹⁴ At the moment Queen Elizabeth is head of state to over 127,600,000 people, spread throughout her realms around the world.⁹⁵ This makes her the monarch with the largest total number of subjects, and places her tenth in the list of heads of state ranked by population.⁹⁶

Despite The Queen's global prominence, and her half-century of

⁹⁰ The longest serving is ภูมิพลอดุลยเดช, Bhumibol Adulyadej, King of Thailand. *Europa World Yearbook 47th Ed.* (2006) 4267

⁹¹ Hoey, Brian. *Her Majesty: 50 Regal Years* (2002) 349-350

⁹² The tiny principality of Andorra proves to be a minor exception to this rule. The President of France can claim to be both a president in his primary state, and a co-prince in the nation of Andorra. However, the relative insignificance of this secondary title is immediately apparent.

⁹³ See Appendix A for a complete list.

⁹⁴ See appendix C for a complete list.

⁹⁵ *Europa World Yearbook 47th Ed.* (2006) The Japanese Emperor is a very close second with approximately 127,400,000 subjects.

⁹⁶ Ibid

service to more than 30 countries, there is a danger that politicians, and the public in general, may misunderstand her position. Her shared role is unique and can be seen from different perspectives. The potential for misunderstanding is substantial due to the complex sharing arrangements with which most other nations do not grapple.

Building upon the preceding section of this thesis, which attempted to outline the duties and purpose of heads of state in general, it may be useful to narrow the focus to those duties undertaken by constitutional monarchs. From there, duties unique to Elizabeth II can be considered.

Constitutional monarchy is a form of government which has evolved over the past few centuries to allow greater input from the governed.⁹⁷ Whether the monarch's powers have been limited by written statute, or by convention, monarchs are no longer the sole rulers of their realms. Indeed, in all cases of constitutional monarchy, the sovereign has effectively "loaned" power to elected representatives of the public, so that they may make day-to-day government decisions. While a few absolute monarchs still rule in various places around the world, all constitutional monarchies are democratic, by their very nature.⁹⁸ Furthermore, all constitutional monarchies are inherently parliamentary systems of government. This is a logical necessity, as the head of state is unelected. To give any day-to-day decision-making responsibility to the monarch would be thoroughly undemocratic. Thus, parliament and its representatives hold those responsibilities. Beyond this, the variation in the responsibilities of constitutional monarchs is considerable.

At one end of the spectrum is the King of Sweden. As of 1975, the new constitution removed virtually all of his executive authority. His signature is no longer required for legislation, and any means of control he might have used

⁹⁷ Spellman, W. M., *Monarchies 1000-2000* (2001)

⁹⁸ Norton, Philip. "Constitutional Monarchy" *The Oxford Companion to Politics of the World*. Krieger, Joel, ed. (2001)

in a political crisis are probably now gone.⁹⁹ He remains recognised as the nation's head of state and continues to carry out representative and diplomatic functions. However, by law and not by custom, his role in government has been reduced to almost nothing. The sovereigns of Sweden have become virtual figureheads, and while the term is often incorrectly applied to many constitutional monarchs, it accurately applies almost exclusively to those of Sweden.

At the other end of the spectrum are the Princes of Liechtenstein. While their powers do not appear to be any more substantial than those of most other constitutional monarchs, this may be deceptive. Most constitutional monarchs appear to have considerable power on paper. However, in practice, their powers are executed by others, or on the advice of elected officials.¹⁰⁰ This is not the case in Liechtenstein. The Prince exerts considerable authority without advice. He has publicly threatened to remove governments from office, and to declare emergency rule in the past. In 2003 his controversial plans to increase his personal authority were accepted in a state-wide referendum. The Council of Europe, a body that monitors democratic principles within Europe, criticised these reforms as a step away from democracy, although they took no further action. The constitution of the principality makes it clear that the sovereign is a constitutional one.¹⁰¹ Whether this is an accurate reflection of reality is another matter. It must be said however, the Article 13 of the constitution includes a clause quite uncommon in a monarchy. It grants the citizens of Liechtenstein the right to move a vote of no-confidence in the monarch. The monarch then has six

⁹⁹ The extent of the King's informal influence is difficult to determine. A high public profile, and the capacity to speak to the nation as a whole, is probably a source of considerable influence. However, to be recognised as being virtually powerless, or at least to be perceived as such, certainly detracts from any potential influence.

¹⁰⁰ Indeed, advice from a minister is often seen by the public as being binding on the monarch, though this is not necessarily true. Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 65

¹⁰¹ Constitution of the Principality of Liechtenstein (1921) Article 2

months to address the situation.¹⁰² This passage is probably included because the Prince of Liechtenstein has some role to play in the day-to-day government of the state.

Elizabeth II falls between the two extremes demonstrated by the sovereigns of Sweden and Liechtenstein. Indeed, depending upon the realm in question, she may fall in several places on the spectrum. Unfortunately, determining her place, or places, on the spectrum is a difficult and perhaps even subjective task. There is some information on the role of The Queen within her realms, though the volume is hardly commensurate with the political significance of her office. Worse yet, competing agendas, and occasional misconceptions, have seen the distribution of less than accurate material.

Walter Bagehot¹⁰³ was among the most successful at disseminating his understanding of the monarchy. Although not fully qualified to make detailed assertions on the nature of the monarchy, he has nonetheless, become a recognised authority on the subject.¹⁰⁴ He acknowledged its social value, albeit in a now thoroughly outdated sense, but claimed that the Crown had no authority to contradict parliament. He asserted that the Crown is essentially a meaningless cipher in so far as the actual workings of parliament are concerned. He denied that the right to refuse assent existed. It was his opinion that the so-called “royal veto” had faded into history, and that the sovereign “must sign her own death-warrant if the two Houses unanimously send it up to her.”¹⁰⁵

Contrary to Bagehot’s supposition, there are no absolute legal constraints on the Crown’s ratification of proposed legislation. Convention mandates that the sovereign assent to all legislation presented to her under

¹⁰² This passage is not clear about what kind of rectification is required. It refers to something called “Dynast Law,” but information on this is scarce. Presumably it makes provisions either for abdication or for the restoration of the monarch’s popular image.

¹⁰³ Walter Bagehot (1826-1877) was an English journalist and economist.

¹⁰⁴ Greenwood, Nigel. *For the Sovereignty of the People* (1999) 110

¹⁰⁵ Bagehot, Walter. *The English Constitution*. Smith, Paul. Ed (2001) 48

normal circumstances.¹⁰⁶ In the vast majority of cases, the Crown does indeed authorise duly passed legislation and it becomes law. However, convention is a code of conduct to which individuals are expected to adhere. It is a normative principle, not a legal one.¹⁰⁷ There is nothing in the formal laws of most of the sixteen realms which states that the Crown must assent to legislation.¹⁰⁸ This being the case, there is every reason to expect that the Crown may have, at least, a legal right to withhold assent.¹⁰⁹ Whether such an action would be politically astute is another matter entirely. The withholding of assent has not been tested in modern times, and while some, including Bagehot, have argued that its lack of use has signalled its desuetude, there is no legal evidence to support this. Indeed, rather the reverse appears true. As summarised most effectively in Section 16 of the New Zealand Constitution Act 1986, “the power to grant the assent implies the power to withhold assent.”

Though The Queen has never refused assent, this cannot be interpreted as a sign that the Crown is without political power.¹¹⁰ Despite the public’s widely-held expectation that representatives of the Crown¹¹¹ will act only on the advice of a minister, there is clearly no legal requirement for them to do so.¹¹² Indeed, there are several examples where, for the good of the nation and its democracy, Crown representatives have felt it necessary to act without advice, or against the advice, of a minister.¹¹³ Such interventions by the Crown are quite rare, as well they should be. As Lord Hailsham of St. Marylebone

¹⁰⁶ Joseph, Philip. *Constitutional & Administrative Law in New Zealand* (2007) 713

¹⁰⁷ Joseph, Philip. *Constitutional & Administrative Law in New Zealand* (2007) 248

¹⁰⁸ A few of the smaller realms (such as the Solomon Islands) include constitutional passages which could be interpreted as indicating that the crown must assent to duly passed legislation, but as with all written documents, there is some ambiguity and room for interpretation. See, *Constitution of The Solomon Islands* (1978) S.59 (2)

¹⁰⁹ Joseph, Philip. *Constitutional & Administrative Law in New Zealand* (2007) 713

¹¹⁰ Royal Assent has not been withheld since 1707, during the reign of Queen Anne. Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 126

¹¹¹ The term “representative of the crown” is used in this thesis to indicate both the incumbent monarch and viceroys, such as Governors General.

¹¹² Joseph, Philip. *Constitutional & Administrative Law in New Zealand* (2007) Ch 18

¹¹³ See Low, D.A., ed. *Constitutional Heads and Political Crises: Commonwealth Episodes, 1945-85* (1988) Palmer, Sean. *The Role of Constitutional Monarchy in the Defence of Democracy* (2005)

stated, the Crown's "most important working function as part of the machinery of government never attracts attention precisely because it is working exactly as it was designed to do."¹¹⁴

The power of a constitutional monarch is potentially quite considerable. The reserve powers of Elizabeth II are not the only significant aspect of her role as head of state, though. As mentioned previously, one aspect common to virtually all heads of state is a representative function. The Queen is intrinsically associated with the United Kingdom. Her association with the other realms is known, but seems not nearly as significant to most of the world's population. This is probably the result of the manner in which The Queen came to be queen of more than one state. This process was an evolutionary one, with few well-defined moments for the public to grasp. The process that created this peculiar problem, if it is indeed a problem, also supplied the solution. Substitutes for The Queen were created. Of course, substitutes or representatives, with regard to heads of state, are a complicated issue. This matter will be addressed in the next section.

Section 3.4 – Consideration of the Governors General

The process of determining the identity of the head of state within many nations is most easily achieved by analysing their duties. As was discussed in Section 3.2, determining which official is a nation's head of state is often an intuitive endeavour. Generally, observers recognise the duties of a head of state and label the appropriate official accordingly. However, there are presently sixteen countries in the world where making this determination is more difficult. The Commonwealth Realms are a group of states, the number and names of which have fluctuated over the past 60 years. Despite their many

¹¹⁴ Greenwood, Nigel. *For the Sovereignty of the People* (1999) 134

differences, they all have one important, defining commonality. They have all adopted the monarch of the United Kingdom as their own. This situation is unusual but not without historical precedent.¹¹⁵ Out of this arrangement grew a peculiar complexity. The figure recognised by most observers as the common head of state for the realms, the shared sovereign, could only be resident in one nation at any time.¹¹⁶ The absence of the head of state did not diminish the executive functions that needed to be conducted in each realm. Therefore, a manner was devised to allow these functions to be recreated locally. This was the purpose the office of the Governor General evolved to fill.¹¹⁷ Governors General are relatively uncommon around the world and their roles are potentially confusing positions of considerable complexity. Their gradual evolution is a source of uncertainty to the public,¹¹⁸ and the delineation of their duties, a point of contention among scholars and politicians. However, a careful analysis of these concerns may shed greater light on the nature of heads of state, particularly in the uncertain domain of the Commonwealth Realms.

For centuries, governors administered overseas territories of the British Empire.¹¹⁹ While there was some variation between the responsibilities with which each was charged, their vital functions were generally the same. Appointed by the British Government, they served as the source of executive power within the territory.¹²⁰ They commissioned heads of government, assented to legislation, and granted dissolutions of the legislatures (in those

¹¹⁵ Shared monarchies throughout history have included, Aragon and Navarre, León and Castile and Portugal and Galicia, Denmark and Norway and Sweden, Lithuania and Poland, Bohemia and Hungary, Austria and Hungary, England and Scotland and Ireland, Portugal and Spain, Portugal and Brazil, Russia and Finland. See, MacLagan, Michael. *Lines of Succession* (1981)

¹¹⁶ There is considerable debate on the issue of whether the sovereign is the head of state in the realms. This will be discussed further, subsequently.

¹¹⁷ McLean, Gavin. *The Governors* (2006) 9-17

¹¹⁸ Cox, Noel "The Control of Advice to the Crown and the Development of Executive Independence in New Zealand" *Bond Law Review* (2001) 219-221

¹¹⁹ At present there are governors in the Australian states and in the British Overseas Territories. There are Lieutenant Governors in the provinces of Canada. While these officials undertake many of the same duties that Governors General do, they will not be addressed in this thesis for reasons discussed at the end of this section.

¹²⁰ McLean, Gavin. *The Governors* (2006) 72

territories that had them). They were agents of the British government who ensured that Britain's interests were considered in local affairs. They were particularly involved with legislation affecting tariffs and navigation, issues of considerable importance to a maritime empire.¹²¹ Though they exercised the authority of the Crown, and were formally appointed by the monarch, they were definitely not heads of state. Obviously, the territories they headed were not independent nation-states. Furthermore, as the term head of state was not frequently used prior to the beginning of the twentieth century, the concept was probably never even considered.

As Britain's colonial possessions were amalgamated into larger unions within the empire, and subsequently given greater autonomy as Dominions, Governors General were created. They continued to serve as the source of executive authority, and like governors of smaller territories continued to act as agents of the British government.¹²²

In the first half of the twentieth century, the development of a new legal-political conception in the imperial government radically changed the role of the Governors General. This principle was called the "separation of the crowns."¹²³ It allowed observers to regard the monarch as the representative of a divisible Crown. While there was but one sovereign, there could be many crowns. The crowns of Australia, of Canada, and of New Zealand, came to be seen as separate legal entities. The sovereign of the United Kingdom of Great Britain and Northern Ireland came to be monarch of a variety of nations. The entire concept of a divisible Crown developed concurrently with the growth of national consciousnesses in the Dominions.¹²⁴ Divisibility allowed authority to be transferred from the imperial government in the United Kingdom, to the

¹²¹ Cartwright, Silvia. *The Role of the Governor-General* (2006) 5

¹²² Greenwood, Nigel. *For the Sovereignty of the People* (1999) 266-267

¹²³ Sometimes also referred to as the "divisible crown." See, Cox, Noel "The Control of Advice to the Crown and the Development of Executive Independence in New Zealand" *Bond Law Review* (2001) 166-189

¹²⁴ Joseph, Philip. *Constitutional & Administrative Law in New Zealand* (2007) 586

governments of the other realms, without seriously altering the government structure of those nations. Governors General discontinued functioning in the name of the sovereign of the United Kingdom, and instead operated at the behest of the sovereign of their own realm. As this principle came in to greater acceptance, Governors General concerned themselves less with the role of their nation within the empire, and more with their nation as an independent entity.¹²⁵ They became national figures, rather than officers of British oversight. Furthermore, beginning with Sir Isaac Isaacs of Australia in 1931, they were increasingly native-born to their realms.

Governors General are now fully recognised as proxies of the sovereign. The term proxy, though accurate, is usually eschewed in favour of viceroy. With the delegation of virtually all the sovereign's powers, the Governor General is also frequently referred to as the de facto head of state. Few dispute this epithet.¹²⁶ In their own realms, the Governors General are usually treated as the highest-ranking officials of state, with the exception of The Queen. For example, The Queen is given a ceremonial 21gun salute. A Governor General receives the same,¹²⁷ but a Prime Minister is generally not entitled to any.¹²⁸

Abroad, Governors General should properly be received as The Queen would be. This was the case during the installation of Japan's Emperor Akihito in 1989.¹²⁹ Following the installation, the Emperor granted individual audiences to each of the heads of state present, and one group audience to the

¹²⁵ Greenwood, Nigel. *For the Sovereignty of the People* (1999) 267

¹²⁶ Indeed, perhaps the only objections would come from those who would bestow upon the viceroys more than the title "de facto head of state". See Smith, David. *Head of State: The Governor-General, the Monarchy, the Republic and the Dismissal* (2005) See also, Flint, David. *Republicans Themselves Say The G-G Is Head Of State – Sometimes!* (2004) http://www.norepublic.com.au/index.php?option=com_content&task=view&id=1251&Itemid=24 (As of 29 January 2010)

¹²⁷ On special occasions, such as a jubilee, the monarch may receive a larger salute, an honour reserved exclusively for her. *DFO 113, Protocol, Ceremonial and Related Matters* Chapter 10

¹²⁸ The Prime Minister of Canada is unique in being entitled to a 19 gun salute, though this is rarely given in practice.

¹²⁹ Greenwood, Nigel. *For the Sovereignty of the People* (1999) 281

representatives of heads of state. The Governors General of Australia, Canada, and New Zealand each received individual audiences. This was the correct protocol to be followed, though strictly speaking Governors General are not heads of state. They fall into a category unique to the Commonwealth Realms. Unfortunately, due to confusion over the term, they are more often seen merely as personal representatives of The Queen, in the same manner that Prince Charles might attend a function on his mother's behalf.¹³⁰ The nations of the world do not generally recognise the concept of a de facto head of state. If this term were more widely understood, the role of the Governor General could be taken into account more easily and the office-holders treated according to the unparalleled position they occupy.

There have been a variety of studies in the past on the nature of the role of a Governor General.¹³¹ Nevertheless, politicians, scholars, and the general public sometimes mistake the true purpose of the position. Ultimately, the role of a Governor General is to carry out the functions of the monarch. In her absence, the proxy undertakes ceremonial, public, and political responsibilities that would normally fall to her.¹³² Because the duties of a constitutional monarch are often poorly understood by the public and grossly oversimplified by the political establishment,¹³³ the Governor General is sometimes seen as an

¹³⁰ In the realm of diplomacy, a "personal representative" is considered less substantial than the individual they represent and is treated accordingly.

¹³¹ For example, see, Stephenson, MA and C. Turner, Eds. *Australia, Republic or Monarchy: Legal and Constitutional Issues* (1994) Kelly, Paul. *November 1975* (1995) Smith, David. *The Invisible Crown* (1995)

¹³² This should not be construed to indicate that the monarch's presence in a realm invalidates the Governor General's authority. The presence of the sovereign does not automatically alter a Governor General's powers or responsibilities in any legal or constitutional sense. Smith, David. *Head of State* (2005) 96

¹³³ It was Walter Bagehot who engaged in one of the greatest oversimplifications of the monarch's role, as mentioned in Section 3.3. In his analysis of the monarchy he established a series of premises which have become so renowned they appear to be accepted by the monarchy itself. The monarch's own website refers to him and argues that his views were essential to the development of constitutional monarchy. <http://www.royal.gov.uk/output/Page4682.asp> (As of 31 October 2007) Of course, Bagehot is not the only individual to have misunderstood the role of the monarchy. Journalists, activists, and politicians have been manipulating the public perception of the monarchy for centuries to further their own goals.

ambiguous figure. Indeed, if the monarch's responsibilities are misunderstood, it is difficult to imagine how one could understand the duties of her representative. The fact that so few countries around the world employ Governors General adds to their perceived peculiarity.

Before concluding this section, it is necessary to briefly address the offices of Governor and Lieutenant Governor in Australia and Canada. These sub-national offices evolved to fulfil a role very similar to that of the Governor General at the national level. It is not uncommon for a study of the crown in either realm to include them.¹³⁴ Indeed, that is quite appropriate as their roles are significant, and can broaden a study by expanding the pool of available case studies. However, this thesis will not be considering them. While the national and sub-national representatives of the crown share many similar responsibilities in their respective spheres, this is a study of sovereign nations. The Australian states and Canadian provinces are not sovereign entities on the world stage, but rather are subordinate components of nation states. The Queen of Australia is not simultaneously the Queen of Queensland and the Queen of New South Wales.¹³⁵ A shared head of state in international politics is not comparable to the head of state in a federation. To avoid potential confusion, sub-national representatives of the crown will not be considered in this thesis.

Section 3.5 – A Head of Two Halves

That the monarch cannot be in two places at once, much less sixteen different realms, requires that the head of state's powers be divided between The Queen and her representatives. A Governor General exercises virtually all

¹³⁴ See, for example, Smith, David. *The Invisible Crown* (1995) Ch. 8

¹³⁵ Twomey, Anne. *The Chameleon Crown: The Queen and Her Australian Governors* (2006) Ch. 12

of The Queen's powers, with one very important difference. No Governor General, anywhere in the world, is empowered to appoint his or her successor.¹³⁶ The power of appointment and dismissal of a Governor General is reserved exclusively for the sovereign. It seems likely that this is done for two reasons. First, it highlights the monarch's authority over the Governor General. It illustrates very clearly that the sovereign, though not exercising executive authority as frequently as the Governor General, is still the source of that authority. The Governor General is only a representative, formally chosen by the monarch and replaced in the same manner.¹³⁷

The second reason for reserving the power of appointment to the monarch is that doing so develops something of a balance between the two positions. This balance consists on one hand of the bulk of executive authority vested in the viceroy. On the other hand, the most significant authority, the power to regulate the Governor General, through appointment or dismissal, remains with the sovereign.¹³⁸ Unfortunately, the vast majority of the realms' populations appear to find this arrangement confusing. They seem unable to determine who the head of state actually is.¹³⁹ Indeed, if one can best recognise a head of state by the duties he or she carries out, as discussed in Section 3.2, and if a large portion of the population does not understand those duties, one must wonder if there is any value in the ambiguous term. This raises questions about the efficacy and importance of the role of head of state. Worse still, politicians and the media tend to complicate the matter further by pandering to the public desire for a simple answer to the question, "who is the

¹³⁶ Though, in Jamaica, the Governor General actually swears in his or her successor. *Jamaica Gleaner* "Kenneth Hall is New Governor-General of Jamaica" (24 January 2006)

¹³⁷ Of course, the monarch's choice is the one advised by the appropriate, responsible minister or constitutional authority. *Cabinet Manual* (New Zealand) (2001) 7

¹³⁸ There is also the monarch's exclusive authority to disallow the actions of the Governor General, or to have something reserved for the sovereign's consideration. See, for example, *Constitution Act* (Canada) (1982) Article 56. Or, *Commonwealth of Australia Constitution Act* (1901) Article 59. There is some variation from realm to realm.

¹³⁹ This is hardly surprising given the lack of agreement in political and academic circles. Note the conflicting views in, Smith, David. *The Governor General is Our Head of State* (2005) Ch. 5 Winterton, George. "Who is Australia's Head of State?" *Quadrant* (September, 2004)

head of state in a Commonwealth Realm?”¹⁴⁰

While this underlying confusion exists in virtually all of the Commonwealth Realms, it achieved unparalleled prominence in Australia during the republican debate of the late twentieth century. The public rejected the motion but the identity of the head of state was never fully resolved. Some scholars argue that The Queen is unquestionably the nation’s head of state, much as she would be considered in the United Kingdom.¹⁴¹ Others argue that the United Kingdom does not have a Governor General to confuse the matter, and that in actuality, he or she is Australia’s head of state.¹⁴² For all but one perspective, the argument appears to turn on the matter of the Governor General’s legal standing.¹⁴³ Those who support the viceroy as head of state argue that he or she is clearly the de facto head of state and that the office is not defined in any way except by the duties the occupant carries out. Those who insist The Queen is head of state rely on a generally accepted interpretation of the Australian constitution, and tradition.¹⁴⁴ While “executive authority” is vested in the sovereign, it should be noted that the term “head of state” is not used anywhere in the document.¹⁴⁵ Those who rebut this interpretation point out that much of the Australian political landscape has changed over the past century, and that the wording of the constitution is not indicative of the reality of Australian government at present.¹⁴⁶ The one dissenting voice to both of these theories is that of Nigel Greenwood.

Dr. Greenwood argues that neither position accurately reflects the reality in Australia.¹⁴⁷ Instead, he proposes that both the Governor General and The Queen together fulfil all the duties of most other heads of state. To name

¹⁴⁰ Ibid

¹⁴¹ Winterton, George. “Who is Australia’s Head of State?” *Quadrant* (September, 2004)

¹⁴² Smith, David. *The Governor General is Our Head of State* (2005) Ch. 5

¹⁴³ Greenwood, Nigel. *For the Sovereignty of the People*. (1999) 213

¹⁴⁴ Winterton, George. “Who is Australia’s Head of State?” *Quadrant* (September, 2004)

¹⁴⁵ Smith, David. *The Governor General is Our Head of State* (2005) Ch. 5

¹⁴⁶ Greenwood, Nigel. *For the Sovereignty of the People*. (1999) 281

¹⁴⁷ The same could thus be said for any of the other realms, with the exception of the United Kingdom.

one or the other is incorrect. To explain this unparalleled phenomenon, he coined the phrase “bipartite monarchy”.¹⁴⁸ Essentially, Greenwood suggests that in the Westminster parliamentary systems used by the Commonwealth Realms, the “Crown” itself is the head of state. Of course, as an abstract concept, the Crown’s authority is more fluid than the body of a single person, such as a president. Its authority can be divided, and as such, all those in whom it is deposited ought to be considered the head of state together, with no one individual receiving priority over any others. This view is not widely held by the public or the scholarly community,¹⁴⁹ but it has considerable merit.

Both Switzerland and Andorra deposit the authority of their “head of state” in more than one person. In Switzerland, the entire seven-member Federal Council carries out not only the functions of a cabinet in a parliamentary government, but also fulfils those duties usually carried out by heads of state.¹⁵⁰ Andorra’s joint heads of state are the President of France and the Catholic Bishop of Urgel.¹⁵¹ Despite these two other examples, the principle cannot be considered a common one. Of the 193 countries in the world today, only about 9% could be said to have some form of multiple heads of state.¹⁵² This is a small, but not insubstantial percentage.

The evolution of the post of Governor General has seen it change from one of imperial agency to one of relatively autonomous power. The growth of its prestige and independence has created something of a divide between the authority of the sovereign and her representative. Both exercise nearly the same powers, and the presence of one does not drastically alter the position of

¹⁴⁸ Greenwood, Nigel. *For the Sovereignty of the People*. (1999) 214

¹⁴⁹ No other scholars have adopted this perspective. However, it does receive considerable attention in this author’s MPhil. Palmer, Sean. *The Role of Constitutional Monarchy in the Defence of Democracy* (2005) Smith and Winterton argue considerably different perspectives from that espoused by Greenwood.

¹⁵⁰ Europa World Yearbook 47th Ed. (2006) 4170

¹⁵¹ Ibid., at 522

¹⁵² The United Nations has 191 members, all of the world’s countries except for Taiwan, and The Vatican. *Europa World Yearbook 47th Ed.* (2006) 4

the other.¹⁵³ In essence, a "dual head of state" has arisen.

Noel Cox argues that, in the realms, the Crown "occupies the conceptual place of the State."¹⁵⁴ While this appears quite accurate, the analysis can be taken a step further. Throughout history, the Crown has been embodied by the sovereign. The monarch both embodies the Crown, and represents it.¹⁵⁵ While the legal reality of the situation remains as true today as it was centuries ago, Governors General have altered it to some degree. These viceregal representatives are imbued with the capacity to exercise Crown authority. They do not embody the Crown in the same manner that the monarch does, but represent it nonetheless. One might wonder whether a head of state must be the embodiment of state authority, or simply a representative of it. Given that most presidents would not claim to embody their nation,¹⁵⁶ one must assume that the criterion for being a head of state is the representation of state authority. If this is indeed the case, then it would be incorrect to argue that either one of the Crown's representatives is the sole head of state.

Elizabeth II may indeed be head of state in each realm, but only in the same way that Carl XVI Gustav is head of state in Sweden.¹⁵⁷ Neither monarch regularly exercises executive functions in their realms,¹⁵⁸ something which is an essential part of any head of state's role. Conversely, the Governor General does routinely undertake the duties of a head of state, but is clearly not one in the traditional understanding of the term. He or she is subordinate to another figure in the national government and generally derives his authority

¹⁵³ Obviously, only The Queen has the power to appoint and dismiss Governors General, and only she can disallow a Governor General's assent.

¹⁵⁴ Cox, Noel. "The Theory of Sovereignty and the Importance of the Crown in the Realms of The Queen" (2002) 2(2) *Oxford University Commonwealth Law Journal* 237-255

¹⁵⁵ Cox, Noel. *A Constitutional History of the New Zealand Monarchy* (2008)

¹⁵⁶ See, for example, Joshua Brook's assessment, "Article II provides for the impeachment and removal from office of the president. The Constitution treats the head of state as a public servant, not the embodiment of the nation's ideals." Brook, Joshua. "Red World, Blue World" *World Policy Journal* (2007)

¹⁵⁷ See Section 3.2 for an elaboration on the peculiarities of the Swedish king's role.

¹⁵⁸ The U.K. is an exception to this principle.

entirely from that figure.¹⁵⁹ Perhaps, as has been advocated by Nigel Greenwood, the two offices, that of The Queen and the Governor General, need to be combined to fully meet the criterion of a head of state. To do otherwise is to create an orphan model similar to that employed in Sweden. Such a suggestion would be to assert that both the King of Sweden and the Queen of Canada are "heads of state" in their respective countries in merely a formal sense. Sweden's case is acknowledged as an unusual one. To place all 32 past and present Commonwealth Realms in the same peculiar category is quite unnecessary.

If a combination of monarch and Governor General is required to truly parallel the prevailing conceptions of a head of state, surely it would be more accurate to say that it is the Crown which is actually the closest analogy to a head of state. This term, broad though it is, actually outlines the powers as they relate to executive authority. The Crown, for example, has the right to dissolve the legislature. He or she who actually exercises this authority is a secondary matter. In each realm, the Crown is the head of state, with its authority being exercised by either The Queen or the Governor General. There is considerable evidence to support this proposition. One small, but pronounced example can be found in recent Australian history. Sir William Heseltine stated in his letter to Gordon Scholes¹⁶⁰ following the 1975 Gough-Whitlam crisis, that the palace believed the "Australian Constitution firmly places the *prerogative powers of the Crown* in the hands of the Governor-General..."¹⁶¹ He did not refer to The Queen's prerogatives, but rather the Crown's.

¹⁵⁹ The Australian Governor General does in fact derive some authority from that nation's written constitution. However, this is a complex and anomalous arrangement which cannot be addressed here in the interest of conciseness. For further discussion of this issue, see Smith, David. *Head of State: The Governor-General, the Monarchy, the Republic and the Dismissal* (2005)

¹⁶⁰ Gordon Scholes (1931-) Australia politician and Speaker of the House of Representatives (February 1975 – November 1975).

¹⁶¹ Greenwood, Nigel. *For the Sovereignty of the People* (1999) 282 (Emphasis added)

The confusion surrounding the office of Governor General is, in many ways, quite understandable. The Commonwealth Realms employ a structure of government rarely, if ever, seen elsewhere. The duties of the Governors General may lead some to describe them as heads of state, and yet by their very definition, they cannot be considered as such. Public confusion over the nature of their role in government complicates their position further. It hinders their freedom of action and imperils their capacity for government oversight. Yet this is not surprising given that much effort has been spent trying to determine whether it is a Governor General, or the sovereign, who is actually a realm's head of state. As a result the true nature of the head of state has gone undetected. The Crown as head of state best accounts for all of the attributes ascribed to most of the world's other heads. Nevertheless, perhaps it is a difficult concept for the population at large to imagine. As a result, one representative or the other is often pushed forward as the candidate. Regardless of which Crown representative is declared head of state by the public, the media, or even politicians, the truth is not a simple one-name answer.

Section 3.6 – Unique Opportunities Provided by the Commonwealth Realms

The Commonwealth Realms are clearly an unusual group of nations.¹⁶² Their peculiarity however, affords a unique opportunity for scholars. Several issues in political studies can be examined with a far greater degree of accuracy through them, than by any other means.

As mentioned in the preceding sections, the realms share a single person as their head of state. She has one mind, one perspective, one set of values and opinions, one life experience. At present, no other nations on Earth

¹⁶² See Appendix B for a complete list. See Figure 2, page 67, for map.

enjoy such similarities among their heads of state. The Queen is very much a “control factor”¹⁶³ in that her presence is a constant throughout the realms. Her role is virtually identical in all of them. Her dedication and personality do not vary from one realm to the next. The criticism so often levelled at Historical Institutionalism, that it depends upon counterfactuals, is at least partially addressed through this narrowing of variables. Studying the realms allows one to separate the office from the office-holder. As the office-holder is the same in each of the realms, the personality of that individual cannot vary from one to the other and one may discount it as a source of uncertainty in any comparison between nations.

In addition to sharing an office-holder, the structure of the constitutional monarchies within the realms is remarkably similar. This is due largely to their common legal-political heritage, which was imported or recommended to them by the British during the imperial period. Despite this, the governments of the realms are by no means identical. Some utilise bi-cameral parliaments and others unicameral. Some are nations composed mainly of settlers and immigrants, while others are composed principally of indigenous peoples. Most have written constitutions, but two do not. Two (or possibly three) realms are federal in nature and the others unitary.¹⁶⁴ However, the differences between them are far smaller than the differences between most other nations. The realms’ commonalities are readily apparent, even in a cursory analysis. They each have a monarch whose actions are regulated to a large degree by custom. That monarch is non-resident in all but one of the realms, and is consequently represented by a Governor General in each nation. Furthermore, the roles of the Governors General and the Prime Ministers are virtually identical among those states.

¹⁶³ Simpson, J.A. and E.S.C. Weiner. Prepared by, *Oxford English Dictionary Second Edition* Vol. III (1989) 852

¹⁶⁴ Australia and Canada are the only two federations among the Commonwealth Realms, though there have been others in the past. Devolution in Britain has not yet created a typical federation at this point, but does contain a number of federal elements. Bogdanor, Vernon. *Devolution in the United Kingdom* (2001) 290

The Commonwealth Realms even face some of the same problems. Recognising that they operate under an uncommon political structure, each grapples with how this affects their identities. Questions that arise in one realm quite logically arise in others. For example, concerns about their independence, perception by the world, and republicanism, feature in the political discourses of virtually all the realms.¹⁶⁵ The manner in which each realm addresses these issues could potentially provide an insight into how social differences shape nations. It is probably not the insignificant differences in their political systems which raise these issues.

As previously mentioned in Section 2.3, tiny uncertainties introduced into any predictive formula may result in a great variety of outcomes. Even the relatively small differences between the realms may prevent accurate prediction of one realm's future based on the experiences of another. Nevertheless, the predictions, as tenuous as they may be, are bound to be more accurate than attempting to compare two states with considerably less in common. These Commonwealth "cousins" may not be identical twins, but they are certainly related, and bear a resemblance to each other that is far greater than the other nations of the world.

The traditional mode of constitutional analysis can be improved upon through studying the realms. It is not enough to compare monarchies to republics, or one type of republic to another. The cultural, historical, and economic disparities between nations are tremendous. Add to this the differences in the political system, and a genuine comparison is tenuous at best. While there are significant disparities in the social factors among the realms, at least their political systems are analogous.

¹⁶⁵ See Boyce, Peter. *The Queen's Other Realms: The Crown and Its Legacy in Australia, Canada and New Zealand* (2008)

Section 3.7 – Conclusion

This chapter has laid some of the groundwork for this thesis by examining heads of state. It began with a general analysis of the concept, to discern some form of definition or locate defining features. Common to most heads of state is the possession of the four principal powers or duties discussed. It is upon these features that any coherent definition of “head of state” must be based.

Though such features are reasonably recognisable, further complexity is exhibited when one considers the implementation of those features. The degree to which a head of state exercises his or her authority varies considerably across the globe. Generally, one can categorise a head of state by the frequency of their involvement in day-to-day governance, and the form that involvement takes. Parliamentary, semi-presidential, and full presidential models of government necessitate executive figures so different from each other in their duties it is remarkable that they can share the same titles. In recognising that a head of state is defined by the duties he or she performs, and not necessarily by the frequency with which those duties are performed, it is possible to develop a coherent conception of the term.

Following the discussion on heads of state in general, the chapter progressed towards the more specific peculiarities of one head of state in particular, Queen Elizabeth II. The woman most frequently identified as Queen of the United Kingdom embodies one of the world’s most famous monarchies. In terms of being a “constitutional monarch” she probably falls somewhere in the centre of the political spectrum. She is neither a strong figure in day-to-day governance, like the Prince of Liechtenstein, nor a constitutionally impotent figure like the King of Sweden. She has a number of well-recognised reserve powers which show no sign of having legally lapsed.

The Queen’s unusual position has given rise to a unique category of nations, and an uncommon governmental structure. The Commonwealth

Realms are remarkable for their shared head of state, and for their necessary employment of Governors General. They significantly complicate any definition of the term “head of state” and require that a substantially new perspective be developed to incorporate them. Defining the “Crown” in many other monarchical nations is fairly straightforward. In the Commonwealth Realms, the matter is complicated by the existence of Governors General. It seems quite possible that, as the Crown’s functions are divided between both the sovereign and her representatives, neither can claim to represent the Crown exclusively. Thus, perhaps it is most accurate to say that it is both The Queen and her Governor General combined, which is the actual head of state in a realm.

The purpose of this chapter was to elucidate a number of concepts which feature prominently in this thesis. As each section has shown, heads of state are complex creations with only a small number of shared commonalities. While the broad term is frequently used in politics and political studies, the closer it is analysed, the less precise it appears to be. Accuracy is most easily achieved through consideration of individual offices. Comparing the Swedish head of state to the British one is like comparing “apples and oranges”. The same might be said of comparing the presidencies of the United States and India. Comparing the Swedish head of state to the American head of state is akin to comparing apples and elephants. However, in the Commonwealth Realms a true “apple to apple” comparison is possible.

Indeed, the scholarly value of the Commonwealth Realms goes beyond their contribution to the head of state concept. They represent an opportunity for comparative structural study. The opportunity to remove a number of variables from any comparison, such as government structure, or head of state, increases the clarity and validity of a study. There are relatively few opportunities in comparative politics where common variables can be removed from equations. It is somewhat surprising that the realms are not examined more often for this reason.

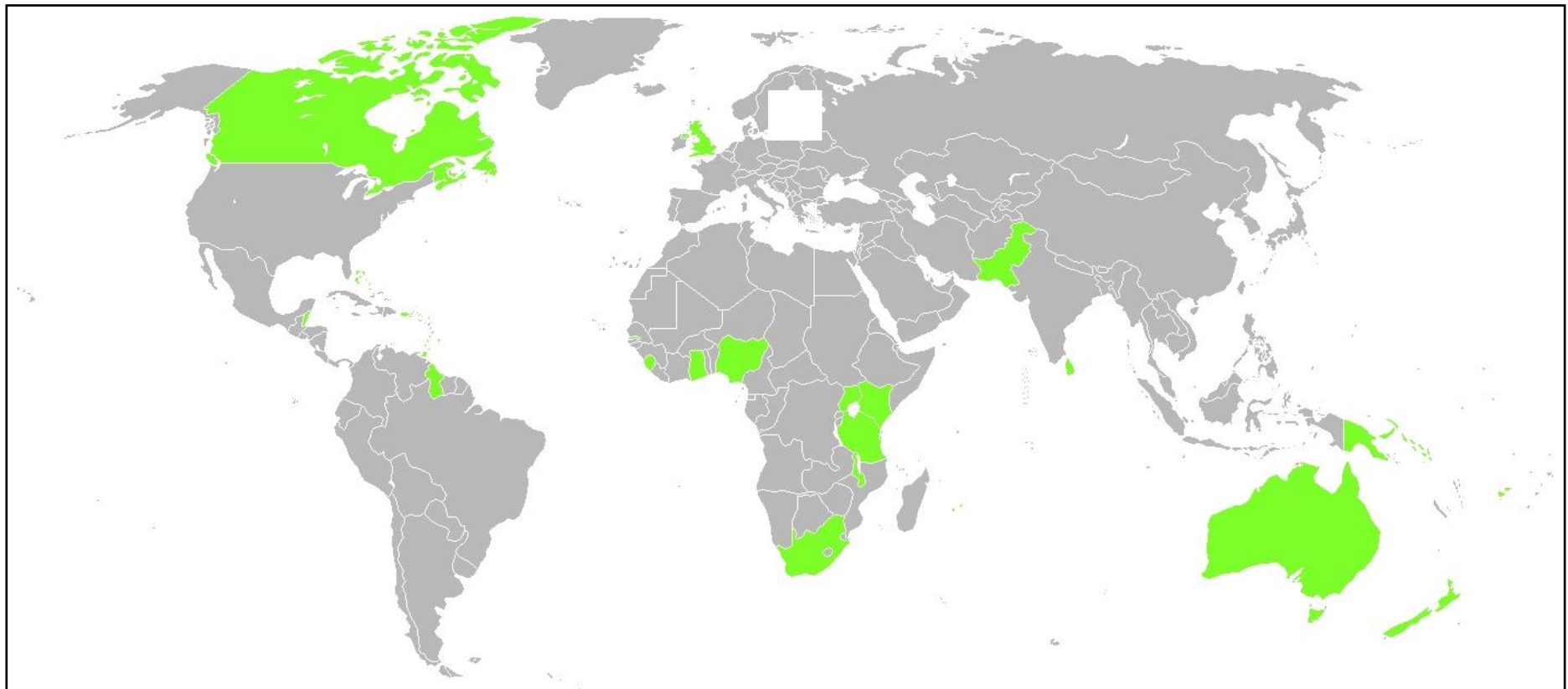
Historical Institutionalists acknowledge that “institutions constrain and refract politics but they are never the sole ‘cause’ of outcomes.”¹⁶⁶ They do not deny the significance of other factors and include in their definition of institutions “both formal organizations and informal rules and procedures that structure conduct.”¹⁶⁷ Chapter 3 laid the groundwork for this thesis by examining a number of formal institutions, such as the role of a head of state. However, it went beyond this to consider other factors which may influence political development. For example, the role of The Queen as a constitutional monarch is substantially affected by the normative influence of the uncoded nature of the crown.

Part I of this thesis has considered the purpose of the study, the theoretical framework, and it has expounded upon several basic concepts which underlie the subject material. Subsequent parts will build upon this foundation to resolve the thesis question; what are the ramifications of sharing a head of state?

¹⁶⁶ Steinmo, Sven, Ed. *Structuring Politics* (1992) 3

¹⁶⁷ *Ibid.* at 2

Figure 2 – Map of the Commonwealth Realms, 1952-Present



Part II – Ramifications Internal to Each Realm

Introduction to Part II

Most of this study is dedicated to analysing as many ramifications of sharing a head of state as possible. Given that there are a substantial number of these, an organisational structure is needed to consider them efficiently. Each of the subsequent three parts of this thesis addresses this subject from a different perspective. The first perspective is one of introspection. It examines the ramifications as they impact upon some of the realms themselves. The subsequent part considers the consequences of sharing a head of state from the perspective of the sharing nations as a collective. This perspective is something of a bridge between internal and external perceptions. It is both internal, in that it examines material common only to the realms, but also external in that these ramifications affect multiple realms simultaneously. Finally, the third perspective considers the ramifications of sharing a head of state as they pertain to relations with countries which do not share that figure. Thus, the ramifications are considered from within the individual nation, from within the collective of associated nations, and in the wider community of nations as a whole.

The introspective nature of Part II is a logical place to begin the analysis of the subject material. A case can be made to suggest that the accidents of history and external forces have a substantial role to play in the development of any nation's governmental structure. While this argument does have merit, it is probably more accurate to say that democratic nations are generally free to choose their own structures, even if their decisions are mitigated by external factors. The Commonwealth nations were free to choose whatever form of government they desired upon their independence. Some states accepted independence as republics; others became monarchies for only a short period, while still others have remained realms for more than a century.

The choice of government structure selected by the realms is

significant. It influences the government's relationship with its citizens, with other nations, and international institutions. Considering these influences allows one to examine the many ways governments have been shaped by this shared institution. Structural realities have grown out of the shared institution.

As was discussed in Part I, institutions are not easily defined. Many elements of human society which regulate behaviour are not derived from government action. Indeed, it could be argued that there are as many, if not more, elements of social organisation which have little to do with government. No less important than conscious structural matters, upon which the government is based, are the perceptions of those who live within them. While perhaps less blatant, they are almost certainly as apparent. Their impact on the lives of those within any given realm is just as profound as those codified in law.

Consideration of internal structures, whether they are governmental ones, laid down in law, custom, and precedent, or perceptions created and continually recreated in the minds of the citizenry will provide an insight into the ramifications of sharing a head of state.

Chapter 4 – Structural Ramifications

Section 4.1 – Introduction

Part I of this thesis established the structure and terminology to be utilised throughout this project. It demonstrated that there is a significant gap in the body of political knowledge. It showed that an analysis of shared heads of state will, in addition to contributing to a scholarly understanding of this phenomenon, give an important insight into the nature of institutions. Furthermore, the most practical theoretical model to use in the consideration of this subject is Historical Institutionalism. Finally, Part I also demonstrated that not all institutions are immediately recognisable as such. Structure arises in human society, not only through deliberate action and construction, but also through organic, uncoded relationships. Cultural, religious, and familial ties influence humans in a profound way, and to limit oneself to the study of merely the formal institutions is to miss a significant part of the subject. Having established this framework, it is now possible to consider the material to be studied within it.

Part II will focus specifically on those ramifications of sharing a head of state that fall within an individual realm. Chapter 4 will consider the consequences of the political structure. These aspects could be considered the deliberate and concrete results of sharing a head of state. Chapter 4 will specifically consider the role of the Governor General as a component of the shared structure. It will demonstrate that not only is the existence of Governors General one of the most significant consequences of sharing a head of state, but that many other important ramifications stem from their existence. This chapter will examine the Governor General as a surrogate sovereign and the advantages and disadvantages of such an unusual office. It will also consider the role of Governors General in the executive structure of the realms, a role unparalleled in any other nations.

It would be unfair to categorise all of the “internal” ramifications of

sharing a head of state as being directly linked to the Governors General. Chapter 4 will conclude with an analysis of issues which arise in each realm as they attempt to divide a Crown worn by a single individual. Following the analysis of the structural ramifications in Chapter 4, Chapter 5 will consider ramifications of perception. This second portion of Part II will illustrate how the political structure is perceived by various segments of the population.

The perception of institutions can broadly be divided into three main categories. The popular, the political, and the judicial understandings of the system all impact upon its function.¹⁶⁸ Popular perception refers to the wider national population. Specifically, it excludes those who could be said to be members of the judicial or political spheres. Those groups of people have specialised understandings of the monarchy, uncommon to people outside their professions. The majority of the population falls into the popular category, and their contact with shared institutions is roughly the same throughout. Their perceptions will be analysed in sections 5.2 and 5.3. The political perspective considered in Section 5.4 does not refer to everyone in parliament or the civil service. Specifically, the category applies to the individuals in those two fields who are frequently in contact with the shared institution. It is this frequency of contact that separates the members of the political sphere from the public. Furthermore, their close contact with the system may foster in them a different perspective on the institution from that held by most of the public. Finally, the judicial understanding encompasses all those in the various fields of law who are exposed to the shared institutions more frequently than the rest of the public. As with politicians, their specialisation may give them a different perspective. The understanding of this sphere will be addressed in Sections 5.5 and 5.6. All three categories affect the others through their own understandings of these institutions. Some of these understandings are difficult to strictly confine to one category or another, as there is some interaction and

¹⁶⁸ The foundation of these divisions will be discussed in Chapter 6.

overlap. The effect of this interaction will be addressed as necessary.

Chapter 5 will endeavour to demonstrate that even when the operation of the shared structure is not affected directly by perception, misunderstandings can be very significant. Any gap between public understanding and political reality with regard to the roles and responsibilities of the head of state could potentially be serious.¹⁶⁹ For example, it may allow some officials to shape the public's perception of various offices and to usurp powers in the process. Government officials may also share the confusion of the public in some cases, allowing individuals outside the government to exploit this ignorance.¹⁷⁰

Section 4.2 – Governors General as Surrogate Sovereigns

Of all the ramifications of sharing a head of state, perhaps the most obvious is the head of state's necessary absence from all but one realm at any given time. For states which do not share a common head of state, the head's presence can be counted on for the majority of his or her time in office. However, for those states that share a head, absence is more common than presence. This reality affects all aspects of the nation, but is of particular significance in the political sphere.

The purpose of the office of Governor General is to bring the monarch's executive powers physically closer to the government in each of the

¹⁶⁹ Two obvious examples of such dangerous confusion occurred in the island states of Grenada and Fiji. In both states, military coups were resisted by the Governors General, but with mixed results. Both representatives of the crown demonstrated their value to democracy. Palmer, Sean. *The Role of Constitutional Monarchy in the Defence of Democracy* (2005) Chapter 2 and 4. However, it could be argued they might have done more if their responsibilities to the government, the military, and the people, had been more widely understood and therefore better supported.

¹⁷⁰ It could be argued that the Australian Prime Minister, Gough Whitlam, exploited the public's lack of understanding when fomenting public outrage over his dismissal by the Governor General. He stated that it was not for the crown to dismiss an elected official. This is an incorrect assertion which, if practised could have had serious implications for democracy. Palmer, Sean. *The Role of Constitutional Monarchy in the Defence of Democracy* (2005)

realms, specifically to the cabinet and the people's elected representatives.¹⁷¹ They began their existence, and continue to this day, to be devices of convenience. Normally they exercise no powers which the sovereign could not generally exercise.¹⁷² The sovereign, however, is several thousand kilometers away from the governments of most realms. Therefore, for practical purposes, it is convenient to locate her executive authority closer to the place where it will be exercised. Herein lies the first difficulty all Governors General face. While they are the executors of the head of state's functions, and routinely perform all her functions, they are not heads of state in themselves. According to the definition generally accepted in the relevant portions of the academic community, and outlined in Chapter 1, a head of state is the individual deemed to exercise national responsibility in four specific areas. Heads of state almost always have final authority over legislation, the right to commission governments, to exert direct command over the armed forces, and occupy the highest office in the land as a living symbol of the state. Governors General meet all of these criteria except one. Like most heads of state, a Governor General bears ultimate authority for the promulgation of, and assent to, legislation. Most Governors General, although there is some variation and debate on the subject, have the right to withhold assent, thereby effectively vetoing a bill. This drastic action is no more likely to be exercised by a Governor General than it is by the monarch he or she represents.¹⁷³ Nevertheless, it is his or her signature which gives legal force to legislation, and nothing should presuppose his or her automatic compliance. This decision rests solely with the monarch's representative. Though the Governor General

¹⁷¹ Cox, Noel. *A Constitutional History of the New Zealand Monarchy* (2008) Ch 7

¹⁷² There is some variation on this matter from realm to realm. See *Cabinet Manual* (New Zealand) (2001) 8. The existence and position of Australia's Governor General is mandated by the constitution, as are many of his or her powers. For further analysis of this unique arrangement, see Smith, David. *Head of State: The Governor-General, the Monarchy, the Republic and the Dismissal* (2005)

¹⁷³ Royal Assent has not been withheld since 1707, during the reign of Queen Anne. See, Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 126. It does not appear to have been used in any of the realms following their attainment of independence.

will almost always follow the advice of ministers, neither The Queen nor any government official may force him or her to take a particular action. It should be noted that while a Governor General may choose to reserve a bill for the signature of the monarch¹⁷⁴, this is very rarely done.¹⁷⁵

Governors General also have the authority to commission governments,¹⁷⁶ make appointments, and to summon and dismiss parliament. This power too, is shared by virtually all heads of state. Of course, as with other heads of state in parliamentary systems of government, few decisions need to be made by the Governor General on a day-to-day basis. Ministers responsible to the parliaments in the realms make recommendations and it is generally expected that the Governors General will abide by this advice. During a crisis, however, it is not uncommon for a Governor General to become more involved in the selection of officials or the commissioning of a government. Grenada witnessed this in 1982, Australia in 1975, Pakistan in 1953, and Canada in 1926, to name but a few of the more than 80 examples known.¹⁷⁷ In each realm, it was the Governor General who commissioned a new government. The monarch played no role, and the potential for her involvement, while rarely considered by scholars, appears rather slight.

As Commanders in Chief of their respective militaries, Governors General bear responsibility for controlling the state's monopoly on physical force. As with the vast majority of heads of state, control of the armed services

¹⁷⁴ See, for example, *Constitution of Australia* (1901) S.60

¹⁷⁵ The Australian Royal Styles and Titles Act (1953) was reserved by the Governor General for The Queen's signature.

¹⁷⁶ In each realm, it is the Governor General's responsibility to select the individual most likely to be able to form a government, and request that they do so. In many cases this is the individual with majority support in the legislature, but the case is less obvious when no party has a clear majority. The selection of a Prime Minister is a reserve power exercised without advice from ministers. *Cabinet Manual* (New Zealand) (2001) 13

¹⁷⁷ See Low, D.A. *Constitutional Heads and Political Crises: Commonwealth episodes, 1945-85* (1988) and Boyce, Peter. *The Queen's Other Realms: The Crown and Its Legacy in Australia, Canada and New Zealand* (2008) 50

is a critical denotation of power.¹⁷⁸ While military oaths of loyalty are sworn to the sovereign, Governors General are explicitly declared “commander in chief in and over”¹⁷⁹ their realms. Thus, it is through the Governor General, not through The Queen, that ministers direct control of the Crown’s armed forces.

These three categories (final authority over legislation, the right to commission governments, and command over the armed forces) and the definitive powers they encompass are exercised by the vast majority of all heads of state, and by all Governors General. Indeed, upon cursory consideration, Governors General could easily be considered the equivalents of presidents within a strictly parliamentary democracy. There is, however, one very significant difference between Governors General and presidents in parliamentary systems. That difference is revealed by the fourth category for which heads of state bear responsibility. All heads of state are recognised as occupying the, admittedly nebulous, position of supreme government authority. Furthermore, from their position at the pinnacle of the government hierarchy, they serve as a living symbol of the nation. Whereas presidents are selected to be the supreme emblem of authority in their nation, a Governor General is not, and by definition cannot be. Supreme political authority in any given realm is generally understood to rest unreservedly with the monarch. That authority is lent to a Governor General, but there is nothing to suggest that once granted to a Governor General, The Queen ceases to enjoy those same powers.¹⁸⁰

The fact that a Governor General is only the penultimate power in a realm is made apparent in a variety of ways. Some are codified principles. In

¹⁷⁸ Sweden and Germany are notable examples of nations where the head of state is not invested with the role of commander in chief of the armed forces. See, for example, *German Basic Law* (1949) Article 115 b

¹⁷⁹ In Canada, The Militia Act, 1904, granted the Governor General the position of Commander in Chief. In Australia, the Constitution grants this power in Chapter II, S. 68. In New Zealand, the title is vested through The Letters Patent Constituting the Office of Governor-General, 1917.

¹⁸⁰ *Cabinet Manual* (New Zealand) (2001)

to this category falls the order of precedence. Others are logical deductions based on evidence which is not in itself conclusive but from which a sensible extrapolation can be made. An example of this could be the manner by which a Governor General receives his or her commission. Finally, there are less substantial indications which garner strength not from law, but from their prevalence in society and public perception of them. In this category one might consider the importance of royal portraits, on coins for example, or the subject of toasts at state dinners. These three illustrations raise an array of problems for anyone inclined to consider Governors General as *de jure* heads of state.

It is fortunate for scholars in this field if a government ranks the political precedence of various government officials in an official document. If the Governor General were the head of state in a realm, one would expect to find him or her listed first. Interestingly, in Canada, the Governor General is indeed given first place in the order.¹⁸¹ A footnote confirms that the presence of the sovereign within Canada does not affect the Governor General's authority to utilise the powers granted to him or her by the letters patent. However, the footnote continues, stating, "The Governor General, under all circumstances, should be accorded precedence immediately after the Sovereign."¹⁸² Though perhaps it could be worded more clearly, The Queen is obviously the preeminent figure in all of the realms' political hierarchies.¹⁸³ While it is convenient to have a national ranking of political figures, the majority of the evidence indicating that the Governor General is not the head of state is less straightforward, but no less emphatic.

There is some variation between the realms as to the manner by which Governors General are appointed. For example, some are nominated by

¹⁸¹ <http://www.pch.gc.ca/pgm/ceem-cced/prtcl/precedence-eng.cfm> (As of 14 January 2010)

¹⁸² http://www.canadianheritage.gc.ca/progs/cpsc-ccsp/pe/precedence_e.cfm#notes (As of 10 April 2005)

¹⁸³ The order of precedence raises an interesting question regarding the heir to the sovereign. In all of the realms but Britain, the Prince of Wales has no constitutional standing.

parliament, while others are appointed on the advice of the relevant Prime Minister.¹⁸⁴ Despite these differences, the principles remain the same and the text of appointment conveys virtually identical sentiments. Nowhere is it clearly written that the Governor General is subordinate to the sovereign, but that much is implied in a variety of texts. As early as the British North America Act of 1867, the principle was made obvious, “The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.”¹⁸⁵

Further implied evidence is manifold. In the case of Canada, part of the proclamation directing Madame Adrienne Clarkson to assume the office reads:

“WE do, by this Our present Commission under Our Great Seal of Canada, appoint you, Adrienne Clarkson, to be, during Our Pleasure, Our Governor General and Commander-in-Chief in and over Canada, with all the powers, rights, privileges and advantages belonging or appertaining to the office.”¹⁸⁶

Two points of particular importance can be discerned from this paragraph. First, the powers conferred on the Governor General are at the pleasure of the sovereign. Whether the term is open ended, as is the case in Canada, or for a fixed period, as in the Solomon Islands, does not affect the meaning of this term. Obviously, The Queen would not violate the law at her pleasure. Nevertheless, it implies that it is at the monarch’s personal request that an individual assumes the office.

The second point of importance is that the powers conferred on the Governor General are referred to as belonging to that office. To determine what powers are a component of that office, it is necessary to analyse the

¹⁸⁴ Greenwood, Nigel. *For the Sovereignty of the People* (1999) 225

¹⁸⁵ Constitution Act (formerly British North America Act) (1982) Ch. 3, S. 9

¹⁸⁶ <http://canadagazette.gc.ca/partI/1999/19991007-x/html/extra-e.html> (As of 03 April 2005)

proclamation further. It continues:

“AND We do hereby authorize, empower and command you, as Our representative, to exercise and perform all and singular the powers and directions contained in certain Letters Patent...”¹⁸⁷

The wording makes it clear that the monarch is not lending all of her prerogatives and responsibilities, but rather those formally delineated in a document established earlier. It so happens that the document referred to grants “all powers and authorities lawfully belonging to Us [the sovereign] in respect of Canada...”¹⁸⁸ Nevertheless, it is the clear demarcation of powers which is of importance.

The 15th article in the letters patent makes a final declaration as to the sovereign’s supremacy over the Governor General by declaring:

“And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem fit.”¹⁸⁹

Evidence of the sovereign’s supremacy is not merely present at a legal-political level. Public perception plays a large role in the conception of a head of state, particularly with regard to the symbolisation of the country. A symbolic state presence is generally found in most countries.¹⁹⁰ Whether that presence appears in the form of a flag, a national document, or state arms, it is intended as a unifying focal point for the nation. The symbol is intended to rise

¹⁸⁷ <http://canadagazette.gc.ca/partI/1999/19991007-x/html/extra-e.html> (As of 03 April 2005)

¹⁸⁸ <http://www.solon.org/Constitutions/Canada/English/LettersPatent.html> (As of 28 March 2005)

¹⁸⁹ Ibid. (As of 28 March 2005)

¹⁹⁰ <http://www.mch.govt.nz/embles/index.html> (As of 14 January 2010)

above politics and represent the state to all. Certain aspects of the monarchy serve this purpose in the realms.

At present, The Queen's portrait appears on the circulating coinage of twelve of the sixteen realms.¹⁹¹ While the role of the portrait on world coinage is far from uniform, in monarchies it usually represents state ownership.¹⁹² Originally intended as a symbol of personal ownership, the concept has now changed to one recognising the evolution of constitutional monarchy. No longer does the monarch's portrait represent the individual whose personal metal stores were used to construct the coin. Now, it symbolizes the state whose stores were used.

It is interesting to note that the sovereign's portrait as it appears on coinage is frequently updated to better reflect the actual appearance of the monarch.¹⁹³ Rather than being a symbol in its own right, the portrait is clearly intended to indicate that the sovereign is the symbol of state ownership. It would be quite inappropriate to use a portrait of a Governor General for this purpose (to say nothing of being quite impractical given their short tenures).

The sovereign features prominently in many state occasions even if she is not present at them. For example, ceremonies to confirm a new government official usually make use of an oath of allegiance. The last two decades have seen considerable modification of the form of oaths used throughout the realms. However, thirteen of the sixteen still employ oaths which make reference to The Queen.¹⁹⁴ Only Australia, Belize, and St. Lucia do not refer to

¹⁹¹ The Queen's portrait was removed from the coinage of The Bahamas, and Jamaica. It never appeared on the coins of Barbados or Papua New Guinea. Intriguingly, her portrait remains on the coins of Fiji, despite that country having become a republic in 1987. Bruce, Colin R. *Standard Catalog of World Coins 1901-2000* (2007)

¹⁹² Republics may include portraits on their coinage out of a sense of numismatic tradition. Their portraits are often of figures of national importance, usually deceased. This is nothing more than decoration, while state ownership is asserted on the reverse side of the coin through a state emblem. See, Spaulding, James. *Coin of the realm* (1984) 139

¹⁹³ See Figure 3, page 106.

¹⁹⁴ Oaths of Allegiance in Antigua & Barbuda, The Bahamas, Barbados, Canada, Grenada, Jamaica, New Zealand, PNG, St. Kitts, St. Vincent & the Grenadines, the Solomon Islands, and Tuvalu, all refer to The Queen. Of course, there are some oaths in various realms which

The Queen, but instead to ambiguous entities, such as the constitution and people.¹⁹⁵ No realm swears an oath to the Governor General. This is not surprising, as the sovereign is the embodiment of the state,¹⁹⁶ and the Governor General is the representative of the sovereign, not an embodiment of her.

Canadian scholar David E. Smith laments that the crown is caught in a “shortfall of understanding”.¹⁹⁷ There is considerable evidence that the public is not entirely certain about the nature of the shared monarchy and the role of the Governors General in particular. In 2002, for example, Ipsos-Reid demonstrated confusion, and some intriguing contradictions, regarding the nature of Canada’s political system. “While half (48%) of Canadians would prefer a republic (sic) system of government with an elected head of state, like in the United States, and two-thirds (65%) believe the Royals are ‘simply celebrities’ and should not have any formal role in Canada, eight-in-ten (79%) support the constitutional monarchy as Canada’s form of Government.”¹⁹⁸ A second survey in the same year by EKOS demonstrated that the public had “Low fluency on [the] constitutional role of monarchy”.¹⁹⁹ The firm found that 69% of Canadians thought the Prime Minister was Head of State, 9% thought the Governor General was, and 5% identified The Queen. 16% admitted not knowing.²⁰⁰ A more recent study has shown that “57% of the population felt the position of Governor General was important to Canada.” Yet, 67% of

do not refer to The Queen. It would not be possible to undertake such an intensive study in this thesis.

¹⁹⁵ See, for example, <http://72.14.235.104/search?q=cache:fnsMDS1wj6cJ:www.stlucia.gov.lc/gis/nationwide/2003/NationWide26July2003.pdf+%22st.+lucia%22+oath+allegiance&hl=en&gl=nz&ct=clnk&cd=7> (As of 12 August 2006)

¹⁹⁶ Cox, Noel. “The Theory of Sovereignty and the Importance of the Crown in the realms of The Queen” (2002) 2(2) *Oxford University Commonwealth Law Journal* 237-255

¹⁹⁷ Smith, David. *The Invisible Crown* (1995) 6

¹⁹⁸ Ipsos-Reid. *While Half (48%) of Canadians Say They Would Prefer A U.S. Style Republic System...* (2002) 2

¹⁹⁹ EKOS. Research Associates Inc. *Trust and the Monarchy: An Examination of the Shifting Public Attitudes Toward Government and Institutions* (2002) 46

²⁰⁰ EKOS. Research Associates Inc. *Trust and the Monarchy: An Examination of the Shifting Public Attitudes Toward Government and Institutions* (2002) 47

Canadians believed that her budget was a “poor” use of taxpayer dollars.²⁰¹ “When asked if they felt a stronger connection to the Queen or the Queen's representative, Governor-General Michaëlle Jean, 20 per cent named the Queen, 10 per cent said the G-G – and a remarkable 70 per cent said ‘neither’.”²⁰²

Public uncertainty over the role, powers, and responsibilities of the Governor General is a serious matter. Where there is confusion, there is the potential for deliberate misuse or official impotence. Misunderstandings over the Governor General's role can dramatically affect the position at the most unexpected, and serious, of times. While the public's grasp of the Governor General's ceremonial duties appears reasonably sound, the concurrent constitutional responsibilities are frequently misunderstood. It is during a crisis, when these powers are most critical, that an uninformed populace may encumber them. A Governor General concerned about the public response to his action in a crisis may hesitate when he ought to be decisive. He or she may not act at all, allowing a significant democratic safeguard, the office of Governor General, to fall into disuse.²⁰³ Indeed, given the public's clear understanding of the Prime Minister's powers, a direct conflict between the two offices would not likely resolve in favour of the Governor General, regardless of how correct the Governor General's actions were. Public perception is most likely to back the individual with the electoral mandate. As Sir John Kerr found in 1975, the constitutional capacity to act does not guarantee public understanding. The outcry over his decision to dismiss the government tainted himself, his office, and the institution of monarchy in Australia.²⁰⁴ Whether his actions were legally correct is rarely disputed.

²⁰¹ The Strategic Counsel. *Perceptions Toward Governor General* (2005)

²⁰² MacGregor, Roy. “We're Inferior No More” *The Globe and Mail* (1 July 2009)

²⁰³ For a succinct analysis of the crown's guardianship role see, Joseph, Philip. *Constitutional & Administrative Law in New Zealand* (2007) 715

²⁰⁴ Mclean, Iain. *Rational Choice And British Politics: An Analysis Of Rhetoric And Manipulation From Peel To Blair* (2001) 27

Whether they were justifiable is a more complex matter.²⁰⁵ While Kerr did successfully dismiss Whitlam, despite his majority support in the House of Representatives, the subsequent damage to Kerr's reputation speaks to the weakness of Kerr's position. Some people still decry his decision to glean the public's opinion through a general election.²⁰⁶ This can only be an indication of the population's failure to grasp not only his powers and responsibilities, but also what he sought to achieve.

The relationship between Governor General and realm is a complicated one. The mere existence of the office is one of the most visible effects of sharing a head of state. However, the existence of the Governors General has a particularly prominent structural consequence. The viceroy is unable to serve as a true substitute for the sovereign. It is not surprising that the Governor General is usually regarded with less esteem by the public, and politicians, than is the sovereign. Evidence of this is manifest in all of the realms, but one clear example can be found in the popular recognition of Australia's Governor General from 2003-2008. After three years in office, only 14% of the Australian public could identify the Governor General from his picture.²⁰⁷

Despite their comparable roles, the Governor General is not a monarch, and is viewed only as a surrogate.²⁰⁸ Unlike their monarchical superiors, Governors General do not serve for the course of their lives. They lack a comparable public profile, have a smaller budget, and their families are not generally internationally renowned. These facts prevent the Governor General from developing a "cult of the personality" and from overshadowing the sovereign. By the same token, however, they reduce the viceroy's political

²⁰⁵ The Australian dismissal controversy of 1975 has been well examined by a number of individuals. Doing so here would add little to the argument of this chapter. For more analysis, see Smith, David. *Head of State: The Governor-General, the Monarchy, the Republic and the Dismissal* (2005) Kelly, Paul. *November 1975* (1995)

²⁰⁶ For a thoughtful and well-reasoned argument from this perspective, see, Kelley, Paul. *November 1975: The Inside Story of Australia's Greatest Political Crisis* (1995) Ch 11

²⁰⁷ Barns, Greg. "For Queen or Country" *Courier Mail* (31 August 2006)

²⁰⁸ Boyce, Peter. *The Queen's Other Realms: The Crown and Its Legacy in Australia, Canada and New Zealand* (2008) 45

influence in government. In theory, the Governor General's day to day responsibilities are not very different from the sovereign's. In practice, Governors General are necessarily less significant.

Many of the attributes of constitutional monarchy which commend the system to the nation are weakened by the presence of a Crown representative. The monarch's lifetime of experience in government affairs is always available to the British Prime Minister of the day. There are many documented examples where the monarchs, particularly long serving ones such as Queen Victoria and Queen Elizabeth II, have been able to call on past experiences to advise and warn their ministers.²⁰⁹ Governors General cannot offer the same level of political experience. Indeed, depending on the viceroy's background, he or she might have no political experience at all. In such circumstances, the Governor General may be little help to a Prime Minister in need of advice. Furthermore, it has been lamented by some political figures and scholars²¹⁰ that Governors General cannot count on receiving Prime Ministers with the same regularity as The Queen does in Britain.²¹¹ Such contact varies from realm to realm and time to time. Australian Prime Minister John Howard met with Governor General Michael Jeffery for weekly breakfasts. Kevin Rudd and Quentin Bryce meet approximately every two weeks.²¹² Clearly, the capacity for a Governor General to offer advice to a Prime Minister of a realm is not analogous to The Queen's capacity to do so in the United Kingdom.

Though Governors General may not have a lifetime of political experience to draw upon, they are not appointed without serious consideration.²¹³ Usually they have come to public prominence through

²⁰⁹ See, for example, Greenwood, Nigel. *For the Sovereignty of the People* (1999) 128

²¹⁰ Boyce, Peter. *The Queen's Other Realms: The Crown and Its Legacy in Australia, Canada and New Zealand* (2008) 51

²¹¹ The Queen has had weekly audiences with her British Prime Ministers since 1952. Hoey, Brian. *At Home With The Queen* (2002) 203

²¹² Private Interview with the Official Secretary to the Australian Governor General, Stephen Brady (8 October 2009)

²¹³ Private Interview with Malcolm Hazell (19 April 2007)

achievements in their own work. One would expect that they could offer some skills as a result.

While some might consider the inability of a Governor General to completely replace the sovereign a failing in the system, others may point out some very significant advantages in utilising such an office. The opportunity to appoint people whose experience is from a field outside politics is one such advantage. The inclusion of individuals who might not be easily elected or who would not necessarily want to run for public office is another. The role of viceroy allows a greater range of people to be considered for the position than is possible in comparably high political offices in other systems. This suggestion appears to be borne out in an analysis of gender balance in the system. Section 4.3 will investigate this proposition.

Section 4.3 – The Model of a Modern Governor General

Appointees to the role of Governor General have grown increasingly diverse over the past 50 years. The appointment of women is a profound change which is emblematic of the modernisation of the role and its growing inclusivity.

A simple statistical analysis of the role of women in executive government reveals a number of interesting facts. Between 6 February 1952 and 1 September 2007, republics around the world employed a total of 1072 heads of state.²¹⁴ Of them, only 20 have been women. As illustrated in Figure 4, page 107, women account for only 2% of all heads of state in republics over the past 55 years.

Interestingly, if one were to consider Governors General heads of state,

²¹⁴ This number includes de facto heads of state, but not acting heads of state. Admittedly, given the enormous number of people, and the complexity of the project, there is the potential for a small margin of error in counting. For a breakdown of the counting statistics, see Appendix G.

the percentage in Commonwealth Realms is quite different.²¹⁵ While still nowhere near any form of gender parity, the figure among the realms is noticeably larger. Considering all Commonwealth Realms since 1952, the number of female Governors General is more than three times greater than the number of female presidents over the same period.²¹⁶ It must be acknowledged that the total number of Governors General is an entire order of magnitude smaller than the total number of presidents. However, in comparing percentages this is not necessarily a concern.

The first female Governor General, Dame Minita Gordon of Belize, was appointed in 1980. From that point onward, 1996 was the only year in which there was not at least one female Governor General in office.²¹⁷ A trend line shows a marked increase over the past three decades. A similar trend line can be found in an analysis of female presidents. Based on such an analysis, a case could be made to suggest that comparing realms of the past to republics of the present is not an entirely valuable statistical concept. Women did not appear in the executives of realms or republics until 1974 (President Isabel Martínez de Perón) and 1980 (Dame Minita Gordon). To compare one of the realms that existed only between 1952 and 1980 to a republic founded after 1980 could yield unreliable statistics.

It could be argued that comparing republics from the date of their foundation (post-1952) to realms from the date of their foundation (post-1952) would give a more accurate representation of the statistics. Such a comparison shows that current Commonwealth Realms have an even higher proportion of female Governors General.²¹⁸ Rather than three times greater, the figure is four times greater.²¹⁹

²¹⁵ There are difficulties in considering governors general as heads of state. (See Section 3.4) However, for the sake of statistical analysis, doing so is a valuable undertaking.

²¹⁶ See Figure 5, page 107.

²¹⁷ See Figure 6, page 108.

²¹⁸ Female Governors General have continued to be appointed, such as Australia's first in 2008. However, a cut-off point was selected to manage the large numbers.

²¹⁹ See Figure 7, page 108.

The collection of these gender statistics is a fairly straightforward matter. Their analysis is not. As is the case in many social sciences it is difficult to determine the cause of the trend revealed. Some speculation is required, but two plausible possibilities can be offered. Either possibility, or perhaps a combination of both factors, may have influenced the greater female representation in the realms.

First, the majority of Governors General are appointed, rather than elected.²²⁰ The small group of individuals responsible for selection of a candidate for appointment has the opportunity to study and become familiar with prospective personalities. In this manner candidates can be more easily judged on their individual merits. In a popular election, candidates have a limited time to convey information about themselves to the voters. Outward appearance, including race and gender, is easily and immediately conveyed, perhaps at the expense of more relevant information. A study conducted in the United States of America, shortly prior to the 2000 presidential election found that one third of respondents felt that “there are general characteristics about women that make them less qualified to serve [in politics]”²²¹ Such a statistic lends credence to the view advanced by political and communications scholars Ann Gordon and Jerry Miller who argue that most people judge political figures based on criteria which differs depending on the candidate’s gender. “The typical candidate is male, which suggests that information about male candidates may be processed using a candidate schema, whereas information about female candidates is processed using gender schema.”²²² It would seem that there is evidence that less enlightened segments of the population are uninterested in hearing the merits of a candidate once they know that the candidate is female.

²²⁰ Only Papua New Guinea and the Solomon Islands elect their Governors General in some manner. See, *Constitution of Papua New Guinea* (1975) Article 88 Section (2) *Constitution of the Solomon Islands* (1978) Article 27 Section (1).

²²¹ Bystrom, Dianne G., Ed. *Gender and Candidate Communication: VideoStyle, WebStyle, NewStyle* (2004) 3

²²² Gordon, Ann and Jerry Miller. *When Stereotypes Collide* (2005) 12

Second, it is possible that Governors General are more likely than presidents to be female because Governors General are a fixture of monarchies. Despite the succession laws in many countries which favour male heirs over female ones, the past 55 years have seen a greater percentage of women become heads of state in monarchies than have become presidents in republics.²²³ Perhaps female monarchs have, in some way, paved a path for other women in politics. While by no means an instant transformation, perhaps the fact that it was a woman at the pinnacle of the British Empire during its zenith affected the popular understanding of women and power.²²⁴

If female monarchs have demonstrated that political authority can indeed be “entrusted” to women, then one might imagine that female heads of government might also be more prevalent in monarchies. A quick survey of statistics does not demonstrate this to be the case.²²⁵ There is a reasonable correlation between the proportion of monarchies and republics in the world, and the number of female heads of government they have each produced. Outside the Commonwealth Realms, the monarchies of the world which do not permit female succession of any kind skew the statistic to some extent.

Whatever the reason may be, Commonwealth Realms do have a higher percentage of female leaders than do republics, particularly at the head of state level (as opposed to the head of government level). It is possible that this may be due less to the fact that the realms are monarchies and more to the fact that they employ appointed representatives of their heads of state. Indeed, among the 20 female presidents since 1952, only ten were directly elected. The others were indirectly elected or succeeded to the office upon the resignation of the previous president.²²⁶ Further study on the affect of direct and indirect elections in relation to the success of female heads of state is warranted, but not

²²³ See Figure 8, page 109.

²²⁴ Indeed, Queen Victoria is not the only example of a female head of state perceived as being very powerful. The list of strong, greatly admired female monarchs throughout history is substantial. Jackson-Laufer, Guida Myrl. *Women Rulers Throughout the Ages* (1999)

²²⁵ See Figures 9 and 10, page 110.

²²⁶ Author’s tabulation.

possible in this thesis.

Perhaps what might explain enhanced female representation best is a hereditary head of state, which leads to an increased likelihood of female representation in itself,²²⁷ combined with a relatively closed appointment process. Only the Commonwealth Realms utilise such a method of derivation, and only they demonstrate this greater female representation.

The slow growth of gender equality in the role is not the only change which has occurred lately. At one time, the role was the purview of aristocrats, bureaucrats, and diplomats. Now, as mentioned earlier in this chapter, Governors General are appointed from a wide array of previous professions. A study of all of The Queen's Governors General in the current realms reveals a number of issues of importance to this thesis. Before analysing these issues, however, one caveat is necessary. Attempting to discern the previous career paths of Governors General is a complex process. It requires a degree of generalisation and is somewhat subjective. In reality, most people appointed to the position have had long and distinguished careers which have spanned a number of fields. The professions ascribed to the Governors General by this thesis are delineated in Appendix D. They have been reached through a process which has been applied as uniformly as possible. Most categorisations have been based upon the profession which constituted the largest part of their career prior to appointment. That said, many have had some political experience through which they met those who would advise their appointment. If the bulk of an individual's career was not spent as a professional politician, but rather in another field, he or she was categorised according to that other field. However, it is recognised that political careers are usually not as long as other ones and so success in the political arena has also been considered. Those who rose to the rank of cabinet minister have been classified as a politician. Otherwise, the careers displayed are those that brought the viceregal

²²⁷ See Figure 8, page 109.

candidate the greatest prominence and are probably the principal reason for their appointment.

Figure 11, page 111, shows that slightly more than one third of all Governors General have come from political backgrounds. No similar statistical analysis has ever been undertaken with regard to the background of presidents in republics around the world. To do so here would be an undertaking beyond the scope of this thesis. However, some supposition is possible. It seems quite plausible that presidents elected by either universal suffrage, or by the national parliament, are likely to have a strong political background. It would be surprising if most republics did not have a higher proportion of presidents chosen from the political field than the realms do Governors General. Unfortunately, it is not possible to undertake a study of this supposition as part of this thesis because the scope of the project would be far too large.

The fact that the realms have such a large proportion of former political figures as their Governors General is not entirely surprising. Indeed, this fact can be looked at in positive and negative lights. The appointment of individuals familiar with politics and the political process could certainly be a strength of the system. They would be reasonably well versed in the operation of government, and in the capacities of their own office. Furthermore, they would probably be reasonably familiar with the major political personalities in the field at that point in time. This might offer them a better understanding of the actions, strengths, and weaknesses of those political personalities.

The potentially negative aspect of this familiarity presents itself in possible favouritism. There is a danger that a Governor General might feel indebted to the Prime Minister who recommended his appointment. Such gratitude might be demonstrated improperly through political favours. This would risk damage to the viceregal office and the nation at large. Fortunately, there is a public expectation that the Governor General will behave in a relatively unbiased manner. While far from guaranteed, the expectation

probably serves as some small restraint.²²⁸ There is no similar restraint in the Prime Minister's recommendation of appointees. Prime Ministers have routinely appointed people who could have been considered partisan figures. The appointment of former New Zealand Prime Minister Keith Holyoake to the office of Governor General is the most glaring example. Holyoake was recommended by a subsequent National Party Prime Minister, Robert Muldoon.²²⁹ There have been numerous other, slightly less obvious, examples of this kind of appointment in virtually all of the realms.

To expect there to be a complete lack of partisanship is, perhaps, unrealistic, given the appointment system used in all but two of the realms at this point in time. Of course, in republics where presidents are chosen by parliaments, candidates might be slightly less partisan. Once selected, however, it could be supposed that they might be more vociferous, having come to the belief that their views are supported by a large section of parliament. Once again, further study is certainly warranted in this enormous field of comparative research.

Figure 11, page 111, illustrates that the next largest proportion of Governors General is drawn from legal careers. This is probably not surprising given how frequently legal and political careers are intertwined. However, many of the Governors General from the legal profession did not necessarily come to the attention of a Prime Minister by entering parliament. There have been a number, in many of the realms, who were highly placed jurists and magistrates.

The only other figure which stands out as considerably larger than all of the remaining ones is the number of Governors General who came from a civil service background. Once again, their familiarity with the processes of government may have made them logical candidates. From a practical point of

²²⁸ Private Interview with the Official Secretary to the Australian Governor General, Stephen Brady (8 October 2009)

²²⁹ McLean, Gavin. *The Governors* (2006) 298 It should be noted that while in office, Sir Keith was considered to have conducted himself in a fair and impartial manner. *Ibid.* at 301

view, their professions probably also brought them into regular contact with government figures involved in the appointment process. This contact should not be underestimated. While it is reasonable to hope that Governors General are appointed based upon their success in their careers, it must also be expected that the government needs to be familiar with them to some degree.

The final category of figures revealed in this analysis shows that a third of all Governors General are appointed from a wide array of career paths. Among the most interesting feature of these professions is the number which feature some form of interpersonal communication. The oratory skills of a member of the clergy are bound to be of use to the office of the Governor General. So too would be the interrogative nature of a journalist, the tact of a diplomat, and the expository skills of a teacher. The appointment of people from these fields may serve to strengthen the office through the employment of practical skills and an increase in public admiration. The public has traditionally had a rather low estimation of politicians.²³⁰ The same is not true of doctors, teachers, journalists, and the clergy, who can all generally count on a higher degree of support.²³¹ Furthermore, appointing someone from outside the political arena is an opportunity to depoliticise the office of Governor General. It allows a nation, or its leadership, to make a statement about what attributes it values in its population. Belize is an interesting example of this. Though the list of Governors General is short in that small nation, both have had backgrounds in education.

The smaller realms, those with populations of less than one million people, have demonstrated a willingness to appoint individuals beyond professional politicians, lawyers and civil servants. Interestingly, the larger realms are presently showing a trend in this direction as well. It should be noted that many of the smaller realms are more recently independent than the larger ones. Thus, perhaps the appointment of less orthodox candidates is due

²³⁰ Benedetto, Richard. *Politicians are People, Too* (2006)

²³¹ UMR Research. *Annual Review Mood of the Nation* (2009) (6) 42

not to population size or time since independence, but rather to modern trends and preferences.

There will always be some difficulty in attempting to analyse general trends in a field which is both small, in terms of examples, and inherently individualistic. Governors General are chosen on a case by case basis and not according to a complex international formula. The reasons for their appointment are not always clear. This survey demonstrates that they are drawn from a wide field of possible candidates. Some come with political experience which may be either a hindrance or of great value. Others, more recently, come from beyond that sphere and represent a potentially new direction for the offices of the Governors General. This direction has the possibility to bring with it greater respect and prestige, a closer association with the general public, and a better capacity for communication. Indeed, perhaps the greatest advantage of including non-politicians is the possibility of improving communication between the office and the public. Political advice can always be found for the Governor General. The ability to interact with the populace is not so easily taught.

However Governors General are chosen, from whatever background they may come, the very existence of their role is among the most significant ramification of sharing The Queen. Their office impacts upon all of the realms in some rather profound ways, both positive and negative. Public confusion, as discussed in Section 3.5 is one such negative way. However, there are also positive ramifications of utilising Governors General. Their appointment provides a method by which non-politicians may be involved in the political arena. A wider variety of perspectives can be included in the framework of government than may otherwise be possible in a wholly elected system.

Perhaps the most significant consequence of having a Governor General, at least from a political perspective, is their impact on the nature of the political structure. They have resulted in an unparalleled structure, and as will be shown in the next section, have also had an unintended effect on the

stability of democracy within that structure.

Section 4.4 – Tripartite Executive

The majority of the world's nations have separated the offices of their "heads of state" and "heads of government".²³² The reasons for doing this are varied. One is to divide political responsibilities from ceremonial responsibilities. Another advantage to such a system is the capacity to divide political power between several people.²³³ More accurately, many nations would prefer to keep absolute power out of the hands of a single individual.

In the Commonwealth Realms, the process of power-division is taken one step further than it is anywhere else in the world. In these states, a tripartite executive has evolved, making democracy, it would appear, all the more secure. This section will consider the theory behind this assertion and examine one case-study which lends it particular credence.

Political turmoil is a reality which must be faced by potentially every government. It is dangerous and unrealistic to assume that any nation is immune to threats against its democracy. Occasionally these threats become so significant that they jeopardise the entire nation, or at least its understanding of liberty. In such scenarios, the structure of the government employed by the nation may have a significant impact on events. Considering a variety of political crises that have occurred in various realms over the past 50 years indicates that the tripartite structure has demonstrated its value on many occasions.²³⁴ These crises have illustrated that The Queen generally leaves

²³² Twomey, Anne. Updated by Bell, Rosemary. Background Paper 12 1997-98, Methods of Choosing a Head of State (Update of Background Paper No. 12 issued 7 June 1993) (1998)

²³³ Lijphart, Arend. *Parliamentary Versus Presidential Government* (1992) 33

²³⁴ There have been a number of well-known crises resolved through vice-regal intervention. The Kerr-Whitlam crisis in Australia is one example of viceregal action taken to ensure the security of democracy. Despite the controversy, Kerr's actions were effective, legal, and supported by voters at the next election. The same could not be said of the actions taken by

Governors General to attempt to resolve any problems before becoming directly involved herself. In the past, by exercising Crown authority, Governors General have been able to resolve problems quickly, and have successfully maintained democracy in virtually all of The Queen's realms. If necessary, Prime Ministers can be dismissed, and elections, the ultimate expressions of public will, can be held.

Governors General are charged with protecting their constitutional democracy²³⁵ from potential threats, including the dangers of a self-serving politician. Of course, a Governor General's power to operate is not absolute. The Queen and her Prime Ministers act together as a safeguard against the temptations of viceregal power. This is a significant feature of constitutional monarchy in the Commonwealth Realms. Given that Governors General are vested with considerable legal power, one must take into account the potential for misuse. Such cases are rare, but Papua New Guinea provides an example.

In 1991, Edward Diro, a prominent member of Papua New Guinea's parliament, was charged with 86 violations of the law.²³⁶ The charges included bribery, corruption, and misuse of office. Investigations into Diro's possible wrongdoings had been underway since 1987, but Diro was a well-connected politician who had already thwarted several inquiries. In 1988, he attempted to put pressure on the serving Prime Minister to help cover up his crimes. When the Prime Minister refused, Diro transferred his party's support from the government to the opposition. Despite his efforts, his case was eventually brought before a Leadership Tribunal. During the tribunal, the Governor General of Papua New Guinea, Sir Serei Eri, attempted to influence the Chief Justice, who was hearing the proceedings. Eri was an associate of

Whitlam which had precipitated the situation. Whatever one's opinion on Kerr's actions may be, one must acknowledge that ultimately, Kerr merely asked voters how the crisis should be resolved. High profile interventions are obviously newsworthy events. What is less well-known is how many crises may have been averted through the quiet actions of Governors General in private.

²³⁵ <http://www.gg.gov.au/res/Media/RoleOfGG2009.wmv> (As of 18 October 2009)

²³⁶ Greenwood, Nigel. *For the Sovereignty of the People* (1999) 201

Diro, and a former president of the political party Diro had founded. Diro had supported his appointment as Governor General in 1990. Chief Justice Sir Buri Kidu resisted the Governor General's blatant intrusions and Diro was found guilty on 81 charges. His dismissal was recommended for each of 71 crimes.²³⁷

Eri refused to accept the verdict and would not sign the orders of dismissal. Indeed, he reinstated Diro as Deputy Prime Minister. In response, Prime Minister Rabbie Namaliu sent a messenger to Buckingham Palace requesting that Eri be dismissed.²³⁸ The messenger did not reach London before Eri heard about his potentially impending dismissal. He resigned immediately, and on the advice of the Prime Minister, The Queen appointed an Acting Governor General. The new Governor General immediately dismissed Diro, as advised by the Prime Minister.

Though this crisis was not one which was likely to evolve into a threat against the constitution, or the wider democracy of Papua New Guinea, it illustrates a point. A well-connected politician of considerable influence has resources with which he may subvert the law. Democracy cannot exist in conjunction with arbitrary justice or without the rule of law.²³⁹ The intervention of The Queen, or the mere suggestion that she was about to intervene, was all that was required to return the situation to constitutional normalcy. Had there not been a figure above the Governor General, and indeed above all of the politicians, the situation could have resolved quite differently.

Nigel Greenwood cogently argues that Papua New Guinea's political system is well suited to preserving democracy from the kind of threat it faced in 1991. He points out that in all Commonwealth Realms except Britain, the Governor General's office is, in many ways, equivalent to a republic's

²³⁷ Ibid. at 202

²³⁸ Ibid. at 202

²³⁹ Allen, T.R.S. "Legislative Supremacy and the Rule of Law: Democracy and Constitutionalism" *Cambridge Law Journal* 44(1):111-143 (1985)

president. However, in such a system of government, there is no political figure more powerful than the president. There would be no equivalent to the office of The Queen. In such a situation, a rogue president has the power not only to protect his own interests, but to dismiss anyone (including the Prime Minister) who might try to intervene. The ingenuity of a tripartite executive is quite apparent. It provides one extra level of democratic control, one more array of political options, which is not otherwise present.

As long as the Prime Minister and the Governor General are not in collusion, anti-democratic actions can be combatted. This raises the obvious question: what if they are working together against democracy? It must first be pointed out that in virtually all republics where power is shared between a head of state and a head of government, if both officials conspire together, there is no further executive mechanism to restrain them. Parliament is an obvious safeguard, but, as Prime Minister Billy Hilly of the Solomon Islands and others have demonstrated, a perfectly legal prorogation of parliament can lead to an entirely unjust prolongation of a Prime Minister's authority.²⁴⁰ The courts may attempt some action, but in practical terms their verdicts and opinions are but well-reasoned words. In the face of a military force controlled by the executive, the courts could only protest alongside ordinary citizens.²⁴¹ Constitutional monarchy would fare no worse than republics in such a situation. However, because both the Governor General and the sovereign exercise the Crown's powers, there is always the possibility that the monarch may be able to intervene. Such a disastrous scenario has never occurred, but just as the Governor General has the power to dismiss a Prime Minister and call elections, so too The Queen has the legal capacity and responsibility to

²⁴⁰ The situation involving Billy Hilly of the Solomon Islands will be discussed at length in Section 6.6.

²⁴¹ Of course, this applies to all courts around the world, including the venerable United States Supreme Court. See, Lowi, Theodore and Benjamin Ginsberg. *American Government* (2000) 197-198

restore democratic order.²⁴² In a worst case scenario she has the authority to consult the will of the voters by triggering an election.

This thesis does not propose that the above scenario is likely or desirable. Indeed, it is an extremely remote, perhaps purely hypothetical situation. Direct royal involvement in the democratic processes is rare and exposes royal authority to substantial risk. Sir John Kerr demonstrated that royal (or vice-regal) intervention, while legal, can have serious political and social repercussions. As it would be a break with convention, the developing situation would have little precedent and could be very unpredictable.

The development of a crisis necessitating that The Queen trigger an election, operate without ministerial advice, or dismiss senior government officials is, without doubt, even more remote than the likelihood that a Governor General might need to remove a Prime Minister. Direct intervention by the sovereign would be an exceptional departure from convention which could only be justified in the most extraordinary circumstances. Surely, anti-democratic behaviour by both a Governor General and a Prime Minister together would constitute such a situation; particularly if all other methods of intervention had failed. Indeed, the crown's intervention must only ever be a "recourse of last resort."²⁴³ However in such a scenario, no matter how remote or chaotic it may be, it is worth recognising that the monarch could represent one final check on the political power of both the Governor General and the Prime Minister.²⁴⁴ Beyond the Commonwealth Realms, no system enjoys a

²⁴² The Crown's responsibility to protect democracy has been held by prominent scholars including Eugene Forsey, Ivor Jennings, and Stanley de Smith. See, Joseph, Philip. *Constitutional & Administrative Law in New Zealand* (2007) 715-717

²⁴³ Joseph, Philip. *Constitutional & Administrative Law in New Zealand* (2007) 715-724

²⁴⁴ Perhaps the only times something vaguely resembling this scenario has occurred in the Commonwealth realms was the 1979 coup in Grenada and the 1987 coup in Fiji. In both instances Governors General (at least temporarily) worked with the leaders of the coups, rather than the legitimately elected Prime Ministers who had been deposed. Unfortunately, when physical violence plays a role in democratic processes, even regal intervention is likely to have only limited value. The crises in Grenada and Fiji are very complicated events which deserve more consideration than can be given to them in this thesis. More analysis is available in O'Shaughnessy, Hugh. *Grenada: Revolution, Invasion and Aftermath* (1984) See also, Usher,

bipartite head of state, or the extra security that it provides democracy.

The value of the tripartite executive is clear when considering the possibility of a recalcitrant Prime Minister, and a rogue Governor General. There is, of course, always a chance that the third component of a realm's executive might choose to disregard convention, the law, and the principles of democracy. Modern constitutional monarchies have not witnessed many examples of such a situation. In all likelihood, the fate of King Charles I of England, and of Louis XVI of France might caution a monarch considering an anti-democratic action. The only modern example of a constitutional monarch suspending democratic rights and assuming autocratic authority is King Gyanendra of Nepal. Though Gyanendra may have acted in the pursuit of personal power, it is also possible he was genuinely concerned for the security of his country. Successive democratic governments had been unsuccessful in quelling a Maoist Rebellion, a conflict which verged on civil war.²⁴⁵ Following Gyanendra's return of power to the representatives of the public, his political powers were removed. He lost virtually every vestige of his office save the title. In May 2008, he lost this, and Nepal became a republic. Regardless of his motivation, his fate might serve to warn other constitutional monarchs against tampering with democracy.

There is statistical evidence which may contribute to the supposition that the tripartite executive increases stability and furthers democratic values. Every year, Freedom House publishes a report on the state of "freedom" around the world.²⁴⁶ The study takes a number of factors into account, broadly categorising them as political and civil rights. The highest possible score is

Len. *Letters From Fiji 1987-1990: An On-the-spot Record of What Happened Before, Between and After Two Military Coups* (1992) Palmer, Sean. *The Role of Constitutional Monarchy in the Defence of Democracy* (2005) considers the role of royal and viceregal power when democracy is threatened.

²⁴⁵ Nepal, Kiran. "Insurgency Timeline" *Nepali Times* Issue #146 (23 May 03 - 29 May 03)

²⁴⁶ Freedom House is a non-profit organization which maintains a number of programmes around the world monitoring and fostering democratic institutions. See, <http://www.freedomhouse.org>

100. In 2006, three republics and four monarchies achieved this score. The median score for the 192 nations was 65. The median score for republics, which comprise the bulk of the world's nations, was 64. For all monarchies, including both constitutional and autocratic, the median was 86. The median for the Commonwealth Realms was 91.

The high scores for both the realms, and for monarchies in general, are quite remarkable. It is immediately clear that both these groups of nations exhibit higher levels of democratic rights than do republics. As mentioned in the methodology section of this thesis, a cause and effect problem can arise when interpreting figures in political studies. These figures may indicate that there is a relationship between a nation's structure of government and the level of freedom its population enjoys. Alternatively, the freedom found in those countries may be the reason that monarchies have endured there. Only one feature can be noted with any certainty. The monarchical structure does not appear to have impeded freedom in general. This is not to say that all monarchies are more democratic than republics. The median score for monarchies includes autocratic nations where freedom is quite limited. The inclusion of both autocratic and constitutional monarchies in these statistics is done deliberately. Labelling monarchies with either epithet is difficult and, in many ways, subjective.

In principle, all monarchies operate similarly, with executive power concentrated largely in the hands of a single individual. Nevertheless, there are enormous practical differences from one to the next. A constitutional monarch's commitment to heed "advice" from duly elected advisors is a radical departure from traditional autocracies. Unfortunately for any scholars hoping for a simple categorisation, one does not appear to be possible. As was pointed out in Section 3.3, monarchies appear to operate across a spectrum of freedom. Some monarchs have more say in daily government than do others. This would affect the level of liberty in each nation.

Acknowledging that not all monarchies are democratic in nature is

important. Indeed, some are among the most undemocratic nations in the world. Nevertheless, when states are categorised according to their constitutional structure, freedom is assessed at a far greater level among all monarchies than among all republics. Furthermore, this thesis is not concerned with monarchies in general, but with the shared structure of the Commonwealth Realms. The statistics regarding monarchies in general are included here because the realms are a part of this category. However, it is the median figure for the realms which is of greatest interest to this thesis.

Whether the realms' score on the freedom index can be attributed to the tripartite executive, or to the shared structure in general, is not a matter which can be resolved in this thesis. The supposition would involve an extremely complex study which would warrant a thesis unto itself. The relationship between political structure and popular freedom is certainly a subject which deserves further scholarly attention.

The tripartite executive is a delicately balanced institution, and yet is also a remarkably robust structure. Its components, The Queen, Governor General, and Prime Minister, are well placed to protect democracy from each other, should the need arise. It considers the advantages of separating the "head of state" from the "head of government" and elevates the concept to another level by dividing the office of head of state between two individuals. The value this provides to the democracy of the Commonwealth Realms is quite substantial, and a significant ramification of sharing a head of state.

Section 4.5 – Separate Symbolism – Points of Difference

The existence of Governors General is a considerable consequence of sharing a head of state, as outlined in the preceding section. However, not all of the internal consequences of sharing a head of state involve the Governors General. The process by which the Commonwealth Realms have taken

ownership of the monarchy is not uniform and not complete (if ever it could be). There exists a great deal of confusion over The Queen's ability to distinguish her various roles. Efforts have been made to clarify these roles, and they have been thoughtful and imaginative. However, they do not resolve the issue fully. This section will consider the difficulty in dividing and demarcating a shared institution. Any such distinctions are clearly a ramification of the shared structure.

Given that most of The Queen's executive functions have been nationalised over the course of the 20th century, other areas must be examined for on-going changes. Though perhaps not as obviously significant as executive functions, the public face of the divisible Crown is an aspect of the shared structure not often examined by scholars or the public. Through titles, symbols, and artefacts, the realms have nationalised the monarchy over much of the twentieth century.

The growth of national symbols to surround the monarch, and her representatives, has created unique identities for the Crown. These symbols may seem small or insubstantial in themselves, especially when compared to the monarchy's very important executive functions. Yet, they are part of the character of the monarchy and strongly influence how the crown is perceived. The very first attempts at nationalisation of The Queen began in 1952, when the governments of the realms agreed to adopt separate titles to reflect her different positions.²⁴⁷ Building upon this principle, The Queen has had personal flags for many of her realms since 1962.²⁴⁸ These represent a very clear way of delineating the capacity in which the monarch is serving at any given time. It is interesting to note that, as of 2007, the governments of Canada and New Zealand depicted representations of their unique royal flags on their

²⁴⁷ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 268

²⁴⁸ See Figure 12, page 112.

respective government websites.²⁴⁹ While this is merely anecdotal information, it may give some small indication of how widely these creations are advertised. The executive functions of the crown have already devolved to the Governors General. Thus, the nationalisation of the monarch is not a legal issue, but one of perception. Public perception is dependent on exposure to the process. For this reason, the absence of information on the internet regarding this subject in most of the realms is significant.

There is one area of royal representation with which the public is in nearly constant contact. As discussed previously, portraits of The Queen are depicted on the obverse side of all coinage in fourteen of the realms.²⁵⁰ Interestingly, only one realm routinely uses a depiction rendered by a national of that country. Canada has not used the commonly shared portrait since 1990, when it began using one designed by Dora de Pedery-Hunt.²⁵¹ In 2003, this portrait was replaced by one produced by Susanna Blunt.²⁵²

The development of new, local, Crown emblems is not limited to The Queen and her “office”. Indeed, her representatives and agents in the realms have been nationalised through symbolism as well. The flags for the Governors General of Canada and New Zealand are two such example of this development. The emblem for the Australian Governor General, and the badge of the Herald Extraordinary of New Zealand, are others.²⁵³ These emblems combine autochthonous elements with traditional representations of the monarchy. This combination of symbologies is particularly evident with regard to national honours systems in the realms. Twelve of the fifteen realms

²⁴⁹ The Royal Standard for the UK is depicted on the Royal Website, but not on any other government site. The Royal Website is British however, as clearly indicated by its “.uk” domain.

http://www.pch.gc.ca/progs/cpsc-ccsp/sc-cs/o7_e.cfm (As of 1 November 2007)

<http://www.mch.govt.nz/nzflag/other-flags.html> (As of 1 November 2007)

<http://www.royal.gov.uk/OutPut/Page5016.asp> (As of 1 November 2007)

²⁵⁰ Bruce, Colin R. *Standard Catalog of World Coins 1901-2000* (2007)

²⁵¹ See Figure 3, page 106.

²⁵² See Figure 3, page 106.

²⁵³ See Figure 13, page 113.

(excluding Britain) have developed systems of their own, as befits independent nations.²⁵⁴

The honours and awards of the realms are the epitome of the nationalisation of the crowns. In each case the monarch is sovereign of the order and plays a role in their structures. Not only are these awards powerful symbols of the Crown woven into each realm, they are clear symbols of identification. Like The Queen's personal flags, the use of these orders can immediately indicate in what capacity the monarch is functioning. This series of photos, taken in the late 1990s, demonstrates two interesting facets of the nationalisation process.²⁵⁵ First, these photos allow a visual distinction of the monarch based on national symbolism. Second, the process is limited somewhat. The Queen can be identified as Australian, British, Canadian, or as a New Zealander. However, that was the full extent of the series. The other realms were not represented. This leads to an important question which must be considered: do all of the realms equally support the idea of nationalizing the monarchy?

Upon inspection of the Crown emblems in the realms, one trend seems particularly evident. Australia, Canada, New Zealand, and the United Kingdom, have developed the unique symbols of their monarchies far in excess of the other realms. One might be tempted to conclude that the "settler realms" are the most enthusiastic supporters of nationalizing the monarch. This is not necessarily the case. A number of factors may contribute to why these nations have developed their individual monarchies more fully than others. First, these are the oldest realms in the Commonwealth. They have had the most time to evolve these symbols. Second, these countries have the largest economies. They have the resources to invest in the process. The smaller, less developed

²⁵⁴ They are Antigua and Barbuda, Australia, The Bahamas, Barbados, Belize, Canada, Jamaica, New Zealand, Papua New Guinea, St Kitts and Nevis, St Lucia, Solomon Islands. See Figure 15, page 114, for examples. Stair Sainty, Guy and Heydel-Mankoo, Rafal Eds. *World Orders of Knighthood and Merit* (2006)

²⁵⁵ See Figure 14, page 113.

realms may be focused on more urgent public issues. Third, some of the younger realms may be keen to distance themselves from their more recent colonial past and so prefer to marginalize offices perceived to be associated with it. Fourth, in realms where literacy is not high, and internet usage is far from ubiquitous, governments may not feel it is productive to disseminate information about the monarchy in these manners. A consequence of this would be a paucity of information on the subject available to scholars in the rest of the world. For one reason or another, many of the realms have not chosen to vigorously nationalise their monarchy.

The political union of the realms has ended and all that remains is the personal union. The development of strong national symbols associated with the monarchy would quite likely strengthen the Crown in each of the realms by appealing to the nationalistic trend of the twentieth and twenty-first centuries. It would appear that by highlighting and enhancing the differences between the crowns in each realm, by ensuring a complete end to any vestiges of the political union, the monarchy is strengthened in each nation and the personal union is made more robust.

Section 4.6 – Conclusion







The variety of material examined in Chapter 4 speaks to the versatility of Historical Institutionalism as a theoretical perspective. It is able to illuminate formal political structures, as well as uncoded, evolutionary traits which are equally significant to the structure.

Chapter 4 has demonstrated the concrete ramifications of sharing a head of state as they apply internally to the individual realms. It has focussed particularly on structural matters, demonstrating that the legal separation of the crowns has essentially been completed. The Governors General wield executive authority as a consequence of the sharing arrangement. Not only are

they an outgrowth of the situation, they are also the root of several other ramifications. Their role in representation of the public, their contribution of unorthodox perspectives, and their responsibility for the security of democracy are all consequences of sharing a head of state.

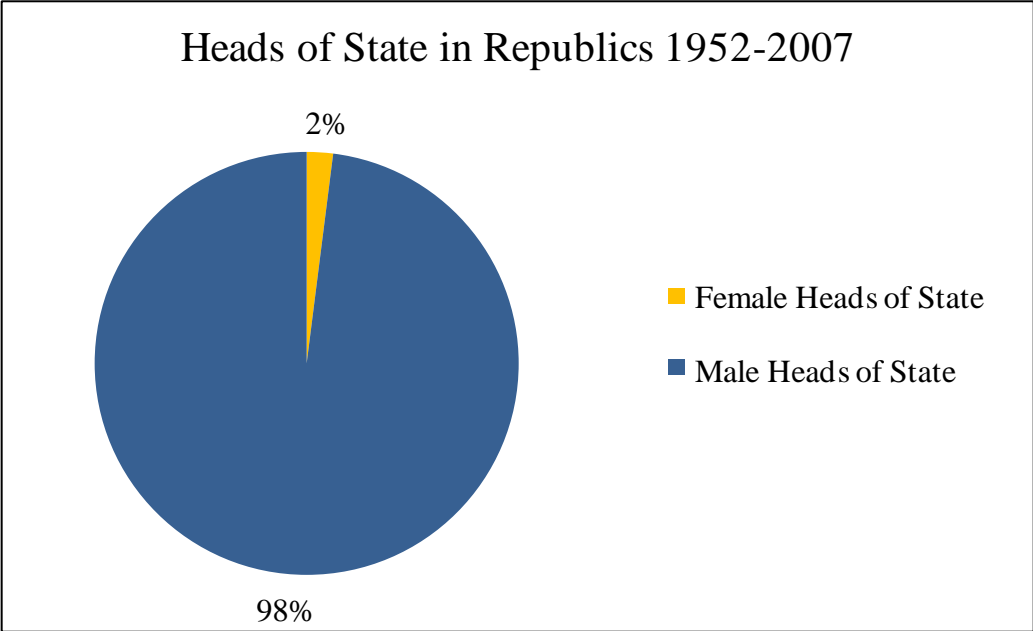
This chapter has also shown that the process of nationalisation begun with the Governors General in the 1930s is continued by all aspects of the Crown today, including The Queen. The visible symbols, and the evolution of the Governors' General executive functions, are tangible consequences of sharing a head of state. Though they evolved slowly, and with apparently little regard for their long-term implications, they are deliberate constructs. They are the sum of many small changes, not of a single grand design. Nevertheless, these small changes were made consciously, in response to various circumstances. Not all ramifications of sharing a head of state stem from such thoughtful deliberations. Some arise by accident, some from confusion. Chapter 5 will analyse several of these, with a particular focus on perceptions of the political system. Though not as deliberate or concrete as the matters raised in Chapter 4, the issues in Chapter 5 have a substantial role in shaping the monarchy, and the sharing arrangement.

Figure 3 – Portraits of Elizabeth II as Used on Coinage

The four portraits used on most Commonwealth Realm coinage	 Mary Gillick	 Arnold Machin	 Raphael Maklouf	 Ian Rank-Broadley
The two portraits used exclusively in Canada	As above	As above	 Dora de Pedery-Hunt	 Susanna Blunt

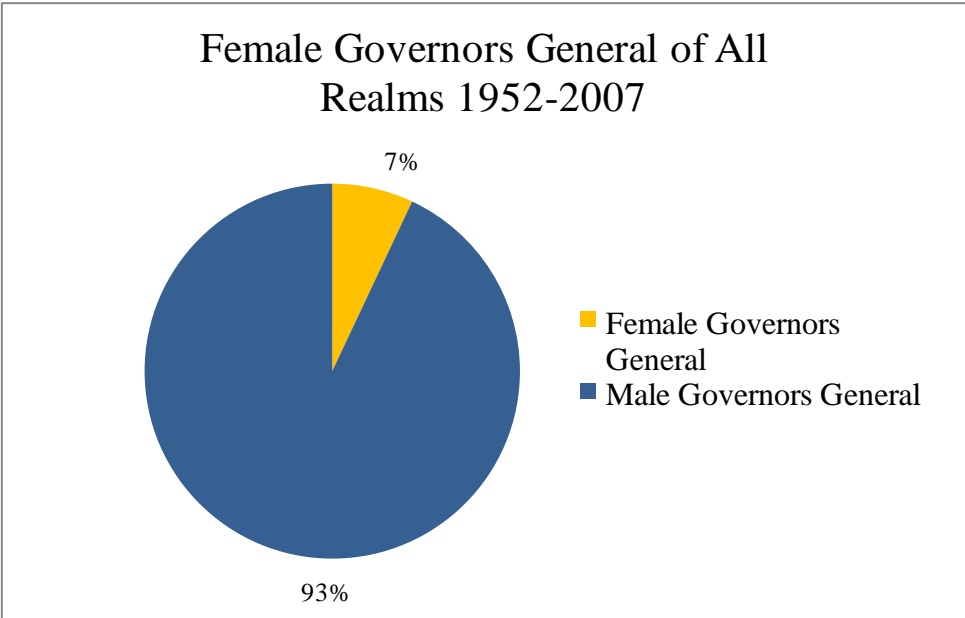
Source: Author's Private Collection

Figure 4 – Heads of State in Republics 1952-2007



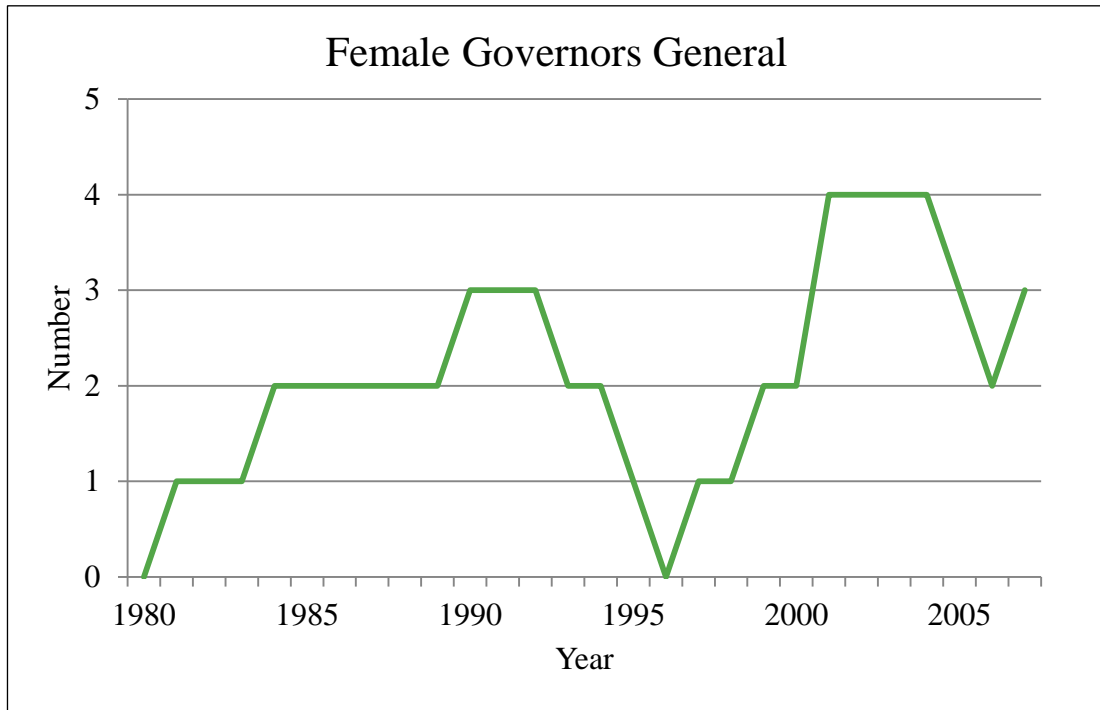
Source: Appendix G

Figure 5 – Female Governors General of All Realms 1952-2007



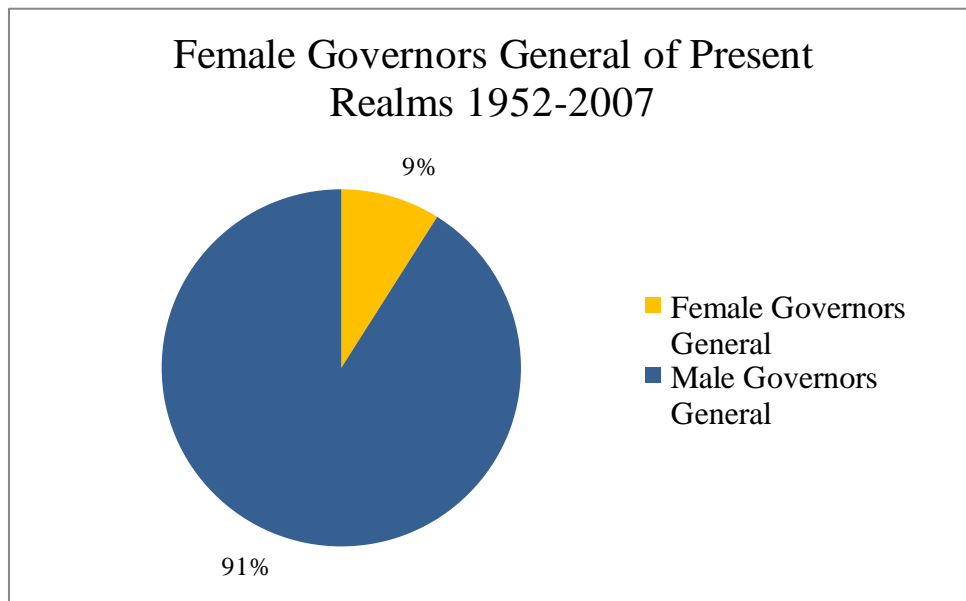
Source: Appendix E

Figure 6 – Female Governors General 1952-2007



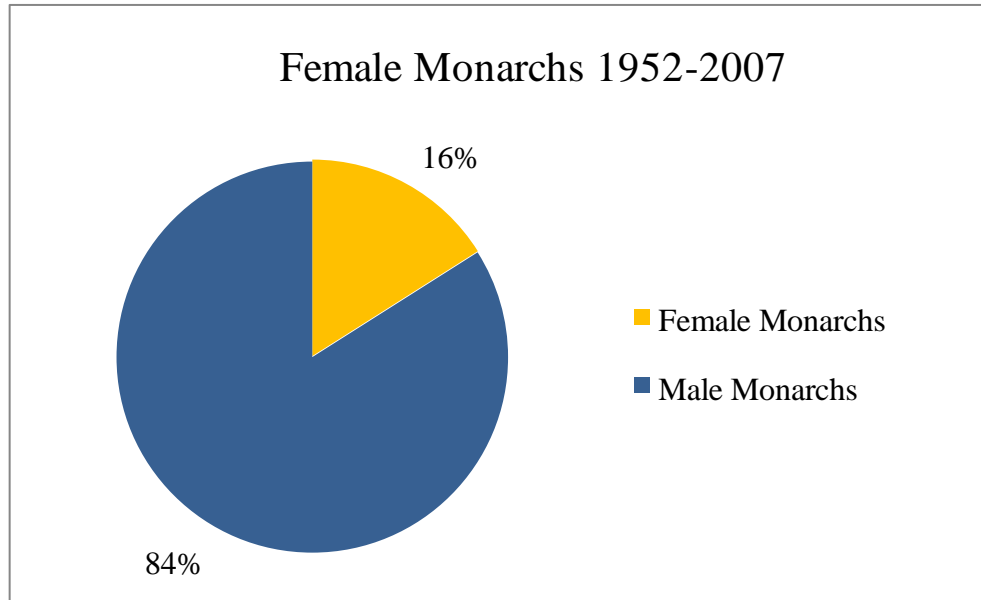
Source: Appendix E

Figure 7 – Female Governors General of Present Realms 1952-2007



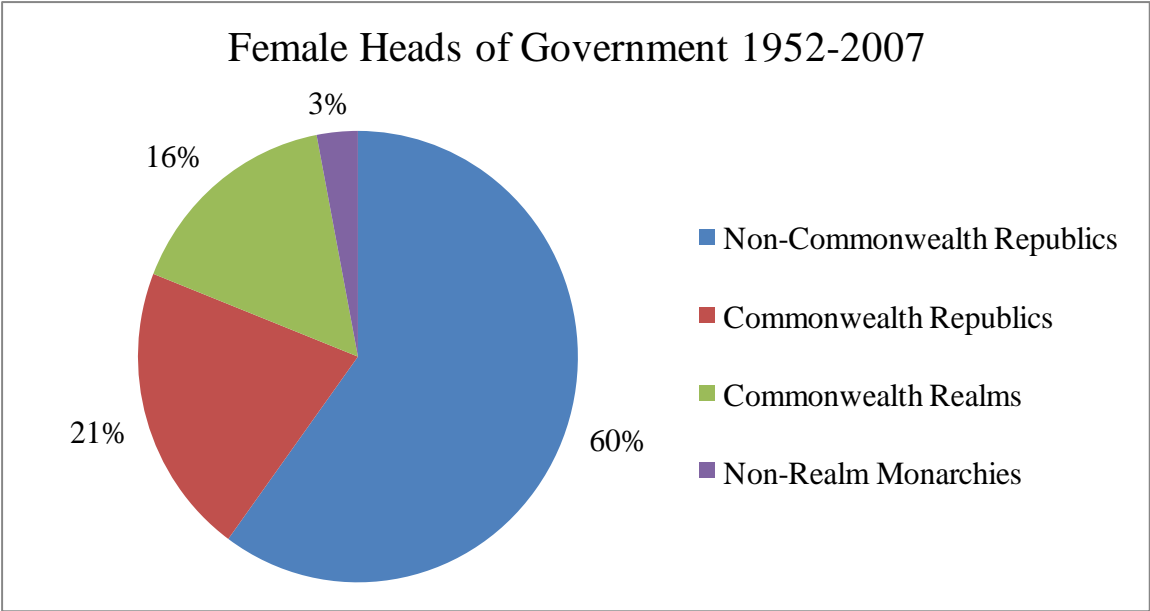
Source: Appendix E

Figure 8 – Female Monarchs 1952-2007



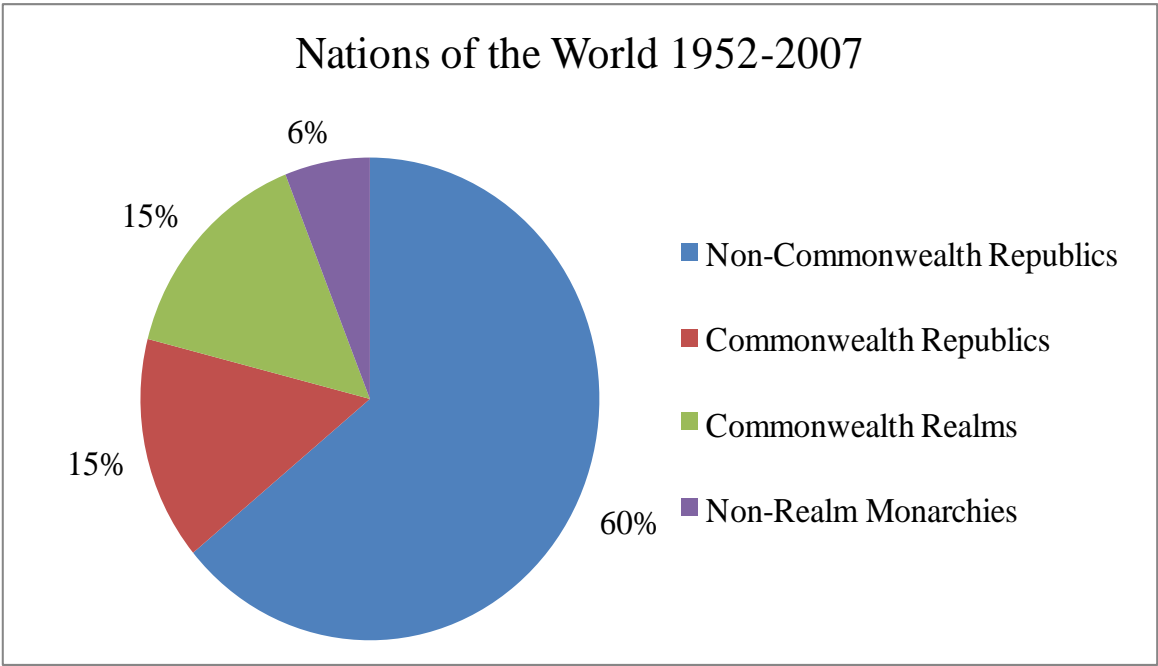
Source: Appendix G

Figure 9 – Female Heads of Government 1952-2007



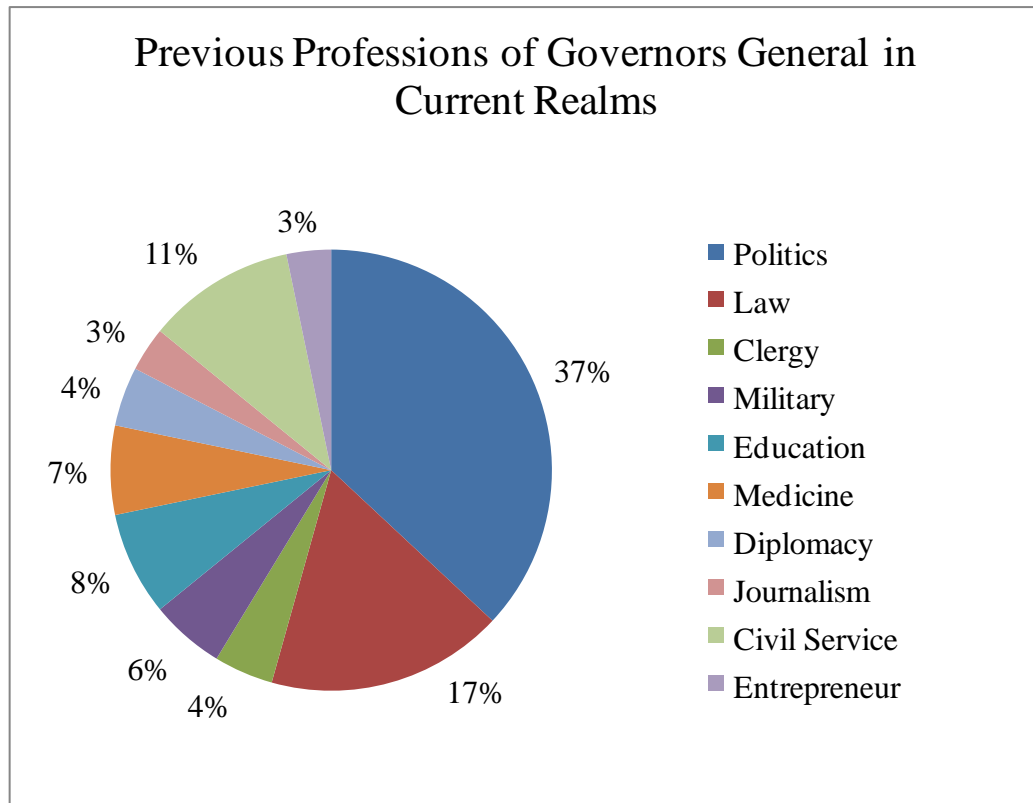
Source: Compiled from Wikipedia

Figure 10 – Nations of the World 1952-2007



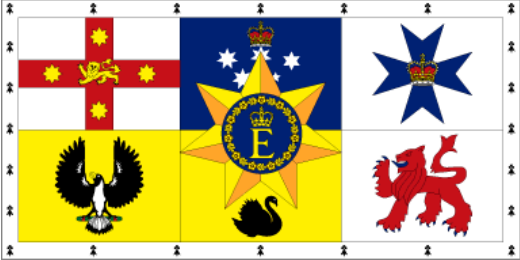
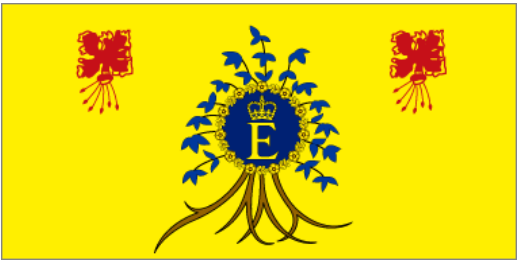

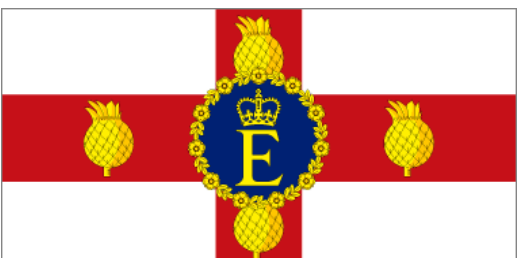


Source: Compiled from Wikipedia

**Figure 11 – Previous Professions of Governors General of Present Realms
1952-2007**






Source: Appendix D

Figure 12 – The Queen’s Personal Standards in the Commonwealth Realms

Royal Standard of Australia	
Royal Standard of Barbados	
Royal Standard of Canada	
Royal Standard of Jamaica	
Royal Standard of New Zealand	
Royal Standard of The United Kingdom	

Source: World Flag Database (<http://www.flags.net>)

Figure 13 – Emblems of Crown Offices in the Realms

		
The Flag of the Governor General of Canada	The Badge of the New Zealand Herald Extraordinary	The Badge of the Governor General of Australia

Source: Compiled from World Flag Database (<http://www.flags.net>); Website of the New Zealand Herald Extraordinary (<http://www.dPMC.govt.nz/honours/overview/herald-of-arms.html>); Website of the Australian Governor General (<http://www.gg.gov.au>)

Figure 14 – “Realm Specific” Photographic Portraits of The Queen

These photos have been removed by the author for copyright reasons

			
The Queen of Australia	The Queen of Canada	The Queen of New Zealand	The Queen of The United Kingdom

Source: Author's Private Collection

Figure 15 – Examples of the National Orders of The Commonwealth Realms

These photos have been removed by the author for copyright reasons

Order of the Nation (Antigua & Barbuda)	Order of Australia	Order of Merit (Bahamas)
Order of Canada	Order of St. Andrew (Barbados)	Order of the Nation (Jamaica)
Order of New Zealand	Order of Logohu (P.N.G)	Order of St. Lucia
	<p><i>Source: Stair Sainty, Guy and Heydel-Mankoo, Rafal Eds. World Orders of Knighthood and Merit (2006)</i></p>	
Order of the Solomon Islands		

Chapter 5 – Perceptions of the System

Section 5.1 – Introduction to perceptions

No political structures can be fully understood through an analysis of their intended design. Theoretical designs, when put into practice may be influenced by unexpected factors. In this chapter, the internal aspects of the shared monarchy will be examined in light of a profound but unpredictable influence, that of perception. Perception is defined as “the taking cognizance or being aware of objects in general.”²⁵⁶ While the term can be defined, perceptions themselves are difficult to codify. Indeed, they can be constantly changing and can eventually have little to do with the original reality. This chapter will demonstrate that perception can impact upon reality in very real ways. It will consider the role of perception in the construction of the shared monarchy. It will do so by focussing on three prominent segments of the realms’ populations. These three segments are drawn largely from Thomas Dye’s treatise on modern forms of social power.²⁵⁷ He divides American society into 10 segments for his analysis.²⁵⁸ However, that level of detail is considerably greater than is necessary here. All of the prominent elements of society he considers can be broadly classified as belonging to public, government, or legal spheres. This chapter will consider the perceptions of the people in these categories, subdividing them as necessary.

First, this chapter will consider the general public’s views of the monarchy and of sharing a head of state. In doing so, it will examine some of the reasons for these perceptions, how they are shaped, and built upon. Second, this chapter will touch upon political perceptions of the shared head of state. However, as much of this thesis examines the political relationship with the monarchy, many political perceptions are discussed throughout other

²⁵⁶ Simpson, J.A. and E.S.C. Weiner. Prepared by, *Oxford English Dictionary Second Edition* Vol. XI (1989) 522

²⁵⁷ Dye, Thomas R. *Who’s running America: The Bush Restoration*, 7th ed. (2002)

²⁵⁸ Dye, Thomas R. *Who’s running America: The Bush Restoration*, 7th ed. (2002) 8

sections. As a result, this section will discuss how political perceptions are demonstrated elsewhere in this document. Third, the perceptions of the judiciary will be considered. Two case studies will illustrate the courts' understanding of the shared monarchy, and how the perceptions of the judiciary can impact constitutional political reality.

Section 5.2 – Popular Perceptions – Overt

Notwithstanding the public illustrations of the monarchy discussed in the preceding chapter, the ramifications of sharing a head of state are less visible to the general population than they are within the political or judicial spheres. It is quite possible that as part of the constitutional framework of the nation, the shared Crown is taken for granted by the public. Indeed, in Australia, a Roy Morgan study showed that of all issues facing voters, constitutional matters were only ranked of major significance by 1% of the public. This is down from a high of 4% during the 1999 referendum campaign.²⁵⁹ In Canada, it has been estimated that only 0.6% of the population is actively involved in the Monarchy/Republic debate.²⁶⁰ Individuals are free to live their daily lives without considering the monarchy's impact on them. Like many constitutional principles, the Crown is such an integral part of government that it is generally only noticed when it malfunctions.²⁶¹ In this environment of cursory public interest, it is possible to divide the public perceptions of sharing a head of state into two categories.

The first category encompasses those perceptions that are held by the general public. These fairly obvious consequences are readily visible to the

²⁵⁹ Fix Education, Health, Electors Tell Government Morgan Poll (May 2008) <http://www.roymorgan.com/news/polls/2001/3398/> (As of 29 January 2010)

²⁶⁰ Hanon, Andrew. "Monarchists, Republicans Square Off". *Edmonton Sun*. (20 May 2005)

²⁶¹ Hailsham of St. Marylebone, Quintin Hogg Baron. *The Dilemma of Democracy: Diagnosis and Prescription* (1978) 142

public but tend to appear insignificant on a daily basis and are therefore given little attention. It seems these stem largely from the historical, evolutionary, accidents that created the shared apparatus in the first place. Such consequences include the perception of the shared head of state as uninvolved in the politics of the realms beyond Britain. Another of these evolutionary examples is the perception of the head of state as a link to the realm's heritage and history. The remote nature of their foundation, and the apparent inconsequence of their existence, belies the significance of these matters, particularly in the modern democratic age. These seemingly insignificant influences on the public are important, if for no other reason than that, when combined or sustained, they may induce the public into thinking that the shared head of state has no significant political role at all.

The second category of public perceptions stem from "elite" segments of the population. These elites are not part of the political or judicial classes, but form a highly influential segment of the general public.²⁶² The perceptions of the public, either general or elite, strongly influence the nature of sharing a head of state. The manner of this influence is an important aspect of the structure.

Among the elements of the monarchy most familiar to the general public are its close association with heritage and history.²⁶³ These two aspects of the shared monarchy are woven into its fabric. Their presence at the publicly perceived heart of the institution is both an advantage and a disadvantage.

Heritage and history are often closely associated terms.²⁶⁴ In this section, the terms will be considered separately, as both have distinct consequences for the public perception of the monarchy. Of course, they cannot be completely isolated from one another. The term heritage refers to

²⁶² The term "elite" will be expanded upon further in Section 6.3.

²⁶³ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 2

²⁶⁴ Simpson, J.A. and E.S.C. Weiner. Prepared by, *Oxford English Dictionary Second Edition* Vol. VII (1989) 969

the concept of inheritance, the passing on to others of some property or concept.²⁶⁵ In this way it is not difficult to see how the monarchy can be viewed as part of a nation's heritage.

The last three centuries have seen ever-increasing human mobility.²⁶⁶ Popular migration has been undertaken on a scale never before seen and those travelling bring with them at least some of the views and values held in their homeland. Those in new nations find themselves in radically different cultures which they must address. Cultural artefacts, such as the monarchy, which evolved to suit the needs of one culture, may not be relevant to those of other cultures. Furthermore, the emotional attachment to culture may defy logic. Appreciation for the monarchy at the cultural level may simply be a matter of personal preference. Those who are familiar with it may find it a source of comfort and stability. Those unfamiliar with it may find it restrictive or unnecessary. Constitutional and other serious political responsibilities aside, the monarchy is the art in government.²⁶⁷ Like many cultural entities, it may seem irrelevant to those disinterested in it.

Many people, including media pundits and editors, have argued that given the evermore multicultural society evolving in many of the Commonwealth Realms, the appeal of the monarchy will wane.²⁶⁸ This may be true if support for the monarchy is entirely derived from a cultural affinity.

The British royal website states that The Queen "acts as a focus for national identity, unity and pride."²⁶⁹ While once this could have been achieved as being representative of the wider British culture, the task is more difficult at present.²⁷⁰ Indeed, the monarchy's role as a symbol of shared

²⁶⁵ Ibid. at 169

²⁶⁶ Kleinschmidt, Harald, ed. *Migration, Regional Integration and Human Security* (2006) 21

²⁶⁷ Bagehot referred to the colour, pomp, and ceremony of the monarchy as the "dignified" aspect. Bagehot, Walter. *The English Constitution*. Smith, Paul. Ed (2001) 34

²⁶⁸ Miller, Raymond. *New Zealand Government and Politics* (2006) 142 Greenwood, Nigel. *For the Sovereignty of the People* (1999) 254

²⁶⁹ <http://www.royal.gov.uk/output/Page4675.asp> (As of 3 November 2007)

²⁷⁰ It should be noted that not all of the British culture is necessarily equally represented by the monarchy. The Irish, Scottish, English, Welsh, and even the Cornish all have different

national (or even inter-realm) culture may be very difficult to maintain. However, one of the monarchy's strengths has been its capacity to adapt. It has existed for many centuries and has weathered many challenges. Ironically, its very durability has become a source of potential problem in the eyes of the general public.

The public perception of the monarchy as a part of history has become very prominent.²⁷¹ Given the longevity of the institution in Britain, and in the realms as well, it is not surprising that this connection is obvious.²⁷² The monarchy itself often furthers this perception. For example, many historical facts, photographs, and quotes, are interwoven throughout Queen Elizabeth's website.²⁷³ This association with history is a double-edged sword. On one hand, acknowledging the past, and building upon it may be popular with some segments of the public. Older members of society do tend to register higher than average support for the monarchy.²⁷⁴ This may be motivated by a desire to retain the social and political structures with which they are familiar. The monarchy's role in the commemoration of historical military sacrifices is an example of drawing the past into the present.²⁷⁵ Indeed, the human tendency to

historical relationships with the monarchy. If each of them can be considered any more unitary in their culture than "Britain" can be, then perhaps the monarchy has found some measure of success in representing them. In her Silver Jubilee Address, The Queen stated, "I number Kings and Queens of England and of Scotland, and Princes of Wales among my ancestors... But I cannot forget that I was crowned Queen of the United Kingdom of Great Britain and Northern Ireland. Perhaps this Jubilee is a time to remind ourselves of the benefits which union has conferred..." Maybe the task of even wider representation in the realms is not impossible. http://news.bbc.co.uk/2/hi/uk_news/politics/1959535.stm (As on 29 January 2010)

²⁷¹ Smith, David. *The Invisible Crown* (1995) 6

²⁷² Cannon, John and Ralph Griffiths. *Oxford Illustrated History of the British Monarchy* (1997)

²⁷³ <http://www.royal.gov.uk> (As of 3 November 2007)

²⁷⁴ A 2009 New Zealand Election Study survey, found the average support for the retention of the monarchy registered at about 60%. Among people over 70, support was 70%. Among people over 80, support was registered at 78%. <http://www.nzes.org/> (As of 29 January 2010) It should be noted that there have been a number of polls showing increased support for the monarchy among the young. This trend, and its motivation, requires further study. See, for example, *Now Only 45% of Australians Want a Republic* Morgan Poll (2008) <http://www.roymorgan.com/news/polls/2008/4290/> (As of 29 January 2010)

²⁷⁵ The role of the monarch in remembering what might otherwise be forgotten over time is not, strictly-speaking, one that can be performed exclusively by hereditary leaders. Presidents

romanticise the past may be given a convenient vehicle through a hereditary leader.

On the other hand, the monarchy's close connection with the past may also present some segments of the public with two potentially negative associations. First, it may lead some to associate the monarchy with historical values, some of which are no longer relevant in modern democracies. The monarchy's link with imperialism and its potential association with domination over conquered peoples undoubtedly upsets some of the public.²⁷⁶ Immigrant and minority populations are often recognised in studies as having a lesser attachment to the monarch.²⁷⁷ Indeed, a poll conducted in 2009 reported that Maori, Pacific Islanders, Asians, and Other Ethnicities registered between 6% and 22% greater support for a republic than did those who identified themselves as European New Zealanders.²⁷⁸ This continues a trend that has been in existence for more than a decade. In 1996, Waikato and Victoria Universities investigated republican sentiment. While total support for a republic was 35%, the figures were markedly higher when broken down by ethnicity. 80% of Chinese, 65% of Maori, and 49% of West Europeans supported a republic.²⁷⁹

While reduced attachment to the monarchy may be partially explained by cultural differences, it goes beyond this. The cultural gap between a new immigrant and many aspects of his or her adopted country are bound to be substantial. No significant study has been undertaken to consider whether immigrants value free speech, impartial courts, or regular elections, any more or less than those who were born under such a system. A small, but possibly indicative, study suggests that minorities and immigrants are slightly more

in republics also fulfil this role, but arguably the history of a young office receives less attention and interest than that of an older one.

²⁷⁶ See for example, "JLP Says No Way - Wants Referendum on CCJ Before Support for Republican Form of Gov't." *Jamaica Gleaner* (24 September 2003)

²⁷⁷ Greenwood, Nigel. *For the Sovereignty of the People* (1999) 254-256

²⁷⁸ See the 2009 New Zealand Election Study. <http://www.nzes.org/> (As of 29 January 2010)

²⁷⁹ See <http://www.republic.org.nz/node/27>

suspicious of parliament and the government than the average. Maoris, Polynesians, and Asians, almost always rated parliament and the government more untrustworthy than did NZ Europeans.²⁸⁰ Perhaps this indicates that immigrant and minority groups feel less involved in the culture of their realm as a whole. Further investigation into feelings would help determine whether the views of these groups on the monarchy are isolated, perhaps due to historical associations with domination, or whether they are part of a larger cultural phenomenon.

Whether the monarchy is viewed with affection based on heartfelt conservatism, or suspicion owing to a deeply ingrained association with imperialism, both are difficult to separate from the rational, constitutional role of the monarchy as a political structure. This “baggage”, which travels with the structure, can be both a hindrance and an advantage in its operation. In this way the emotional associations with monarchy are very much a consequence of the structure.

The second potentially negative connotation that may arise when the monarchy is perceived as a largely historical institution is a belief that it is an outdated institution. The slow evolution of the monarch from an absolute figure to a constitutional one, obscures the relative modernity of the role as it exists at present. The roles of George III and Elizabeth II are virtually incomparable.²⁸¹ This slow evolutionary change has allowed the political structure of the realms considerable flexibility. The system has adapted to changing values and popular demands. It has also resulted in the lack of a clear demarcation between old and new. No office was created, or radically changed, at any time concurrent with an immediately recognisable increase in democracy in any of the realms.²⁸² In the absence of this demarcation, the

²⁸⁰ See the 2009 New Zealand Election Study. <http://www.nzes.org/> (As of 29 January 2010)

²⁸¹ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 302

²⁸² A very clear example of this can be found in the Canadian Political identity. Every year, three days prior to the United States of America’s celebration of independence, Canada marks an anniversary of its own. Many people regard it as an independence day, perhaps because of

modernity of the institution may be obscured and it could be branded as thoroughly outdated.

Neil Blain and Hugh O'Donnell demonstrate this view when they argue that the monarchy in Britain (and by extension the Commonwealth Realms) “is the only monarchy not required to justify itself by its contribution to political modernity.”²⁸³ This is based on their study of the British Crown and several European continental monarchies.

A detailed survey of television and newspaper reports about various royal events across Western Europe has led Blain and O'Donnell to conclude that the British monarchy is fundamentally different from others there. They argue that history is substantially more significant to the identity of the British crown than to the identity of other monarchies.²⁸⁴ To support this, they cite numerous examples that propound the Spanish monarchy as the symbol of a modern monarchy. Its recent reintroduction, following the death of Franco, and its defence of Spanish democracy against the attempted military coup in 1981, make this assertion fairly easy. The Scandinavian monarchies, often referred to as “bicycling monarchies”, have also established themselves as thoroughly modern.²⁸⁵ Not only does the crown of the Commonwealth Realms decline to “brand” itself as modern, in the way that other monarchies do, it actively promotes its historicity.

The public appears to perceive the monarchy as being closely connected to national heritage and living history. The consequences of the institution being perceived in this way could be considerable. An obvious

its proximity to that in the U.S. However, on close inspection it certainly cannot be. The actual date of independence, if there was indeed a single date, was not 1 July 1867. On that date, a colonial administrative change took place. Three colonies were united into one. The newly unified Canada had little more independence than had the colonies of New Brunswick, Nova Scotia, or the Province of United Canada (Upper and Lower Canada). See, Riendeau, Roger E. *A Brief History of Canada, 2nd Ed.* (2007) 260

²⁸³ Blain, Neil and Hugh O'Donnell. *Media, Monarchy and Power* (2003) 179

²⁸⁴ Blain, Neil and Hugh O'Donnell. *Media, Monarchy and Power* (2003) 80

²⁸⁵ http://news.bbc.co.uk/2/hi/special_report/1999/02/99/e-cyclopedia/1268315.stm (As of 3 November 2007)

ramification of this public perception is that the system risks being seen as obsolete and irrelevant. If a referendum were to be held in any realm on the establishment of a republic, the public may respond based on these emotional perceptions, rather than on any constitutional factors.

Perhaps an impediment to the perpetuation of the system is not that the public perceives aspects of the monarchy in a negative light, but that much of the public does not fully recognise the constitutional significance of the system.²⁸⁶ If the public comes to believe that the only responsibilities the Crown has are those they can see on a daily basis, there is a serious weakness in the system. While the public believes that the monarchy is a remote organisation concerned principally with an ever less relevant heritage and culture, the Crown will have a difficult time exercising any of its more significant powers. The public may essentially be creating a self-fulfilling prophecy.

The general public is not principally responsible for the creation of popular confusion or misconceptions. The perceptions of the public are limited by a number of factors, access to information being paramount among them. The vast majority of the public receives its information from the media.²⁸⁷ This reality raises an important consideration. To what extent are more powerful minority groups influencing the general public? Separate from the political and judicial entities which have their own perceptions of the shared monarchy, and which do influence the public to some degree, are segments of the general population empowered well beyond the others.

²⁸⁶See, for example, Jackson, D. Michael. "The Crown in Saskatchewan: An Institution Renewed" *Saskatchewan Politics: Crowding the Centre* Ed. Howard Leeson (2008) 12

²⁸⁷ de Vreese, Claes, and Semetko, Holli. *Political Campaigning in Referendum* (Routledge, Abingdon, 2004) 14

Section 5.3 – Popular Perception – Inconspicuous

There are segments within the public of every nation which have substantial roles in the formation of public opinion.²⁸⁸ While all individuals can be said to shape the views of those around them to some degree, certain individuals, through a variety of means, have a capacity to do this to a far greater degree. This section will examine a variety of these elite opinion-shapers, as well as their methods, goals, and motives.

Whether there is support for, or opposition to, the office of head of state by definable segments of the population, particularly influential segments, is an inherent consequence of any political structure. Furthermore, the motivation behind this support or opposition may have wider consequences for the structure and country in general. There may be a number of reasons why elites adopt their positions, depending on the type of elite in question. This section will consider the advantages to each group of elite in supporting or hindering this structure. It will then conclude with an analysis of the ramifications to the political system that necessitate from having a relatively small, but extremely prominent section of the population, potentially seeking its modification.

Before examining some of the specific types of elites, it is useful to consider the broad commonalities they share. “Elites are people who occupy power roles in society.”²⁸⁹ For the purposes of this section, the term “elites” is defined to include only those whose capacity to shape public opinion is far greater than the average member of the general public.²⁹⁰ The capacity to shape opinion is closely linked to social prominence.²⁹¹ This prominence is not

²⁸⁸ Simpson, J.A. and E.S.C. Weiner. Prepared by, *Oxford English Dictionary Second Edition* Vol. X (1989) 859

²⁸⁹ Dye, Thomas R. *Who's running America: The Bush Restoration*, 7th ed. (2002) 4

²⁹⁰ For a brief analysis of power and those who wield it, see: Allison, Lincoln "Power" *The Concise Oxford Dictionary of Politics*. Ed. Iain McLean and Alistair McMillan. (2003) Professor David Flint also considers the operation of “elites” in society, in his work, *Twilight of the Elites* (2003). However, he defines elites slightly differently, focussing on opinion shapers associated with left-wing political philosophy.

²⁹¹ Pierson, Paul. *Politics in Time: History, Institutions, and Social Analysis* (2004) 136-137

only an outgrowth of position, but also a factor contributing to it. The self-replicating relationship between political power and social prestige is well demonstrated by the Kennedy family of United States, for example. The social and financial prominence of Joseph Kennedy aided the development of the next generation's political rise. The position of John Kennedy, Robert Kennedy, and Edward Kennedy contributed further to the social status of their family.²⁹² This is particularly noticeable in the grandchildren of Joseph, who are famous less for inheriting their grandfather's social standing, and more for their fathers' political prominence.²⁹³ Though, the two are so intertwined now it may be difficult to disentangle them. In the realm of elites, prominence breeds prominence.²⁹⁴

The cyclical relationship between popular prestige and political power is not only noticeable on a generational timescale. Elite individuals can enhance their own power by increasing the scope of their popular personae.²⁹⁵ The reverse is also true, of course. The likelihood of a President or Prime Minister retaining office if he or she made no public or media appearances is greatly diminished, no matter how diligent a worker he or she might otherwise be.²⁹⁶ This is not to say that only those individuals with a high public profile can be considered elites. Some do choose to work outside of the general public's perception, but in doing so they must rely on an intermediary to project their influence to the public. A relationship with the masses, even an indirect one, such as that of a television producer who employs newsreaders, is the only way to secure social and political prominence. Upon close inspection, it becomes evident that there is actually more than one type of elite opinion-

²⁹² Bedell Smith, Sally. *Grace and Power: The Private World of the Kennedy White House* (2004)

²⁹³ Rachlin, Harvey. *The Kennedys: A Chronological History, 1823-Present* (1986)

²⁹⁴ In the case of the Kennedy family, this appears to be literally, as well as figuratively, true. Mills, C. Wright. *The Power Elite* (1959) 74-75

²⁹⁵ Ibid. at 74-75

²⁹⁶ Franklin, Bob. *Packaging Politics: Political Communications in Britain's Media Democracy* (2004) 16-17

shaper. Indeed, there are many. Through analysis of these elite opinion-formers, two distinct categories can be discerned.

In one category are those who could be termed “vocational elites”. These individuals are in a position to influence public opinion by virtue of their professions. Prominent members of this category include academics, media pundits, and business entrepreneurs. Perceived intellectual weight, pervasive opinion, and monetary power are tools wielded by each category respectively.²⁹⁷

The second group of elites are those who form opinion through the use of their celebrity status. Of course, this status is usually related to their vocation, but it is quite distinct from it in that they do not use traits related to their profession to shape opinion. Instead, their celebrity is the tool used. The money generated by a powerful businessperson as part of his or her vocation can be used to influence public understanding of the shared monarchy. The same could be said of a wealthy actor. However, an actor’s opinion is not commonly sought because of their wealth, or because they are a thespian. Rather, it is because they are a celebrity. The distinction is clear: one group of opinion-makers relies on the fame of their personality, while the other relies on a series of tools usually related to their work.

Broadly speaking, both of these groups appear to have a vested interest in abandoning the shared monarchy. Indeed, it will be demonstrated that they have a considerable interest in abandoning monarchy of any kind. As the two groups’ methods of influencing public opinion are different, so too are their motives.

The motives of the first group, the vocational elite, are varied. Those of academics are probably the least concerned with the perpetuation or abolition of the system. However, there is a tendency in academia to pursue avant-garde research theories for a number of reasons. The need to establish one’s position

²⁹⁷ Allison, Lincoln. “Power” *The Concise Oxford Dictionary of Politics*. Ed. Iain McLean and Alistair McMillan. (2003)

in the community of scholars, to raise one's profile, to secure funding or tenure, may predispose some scholars to radical theories.²⁹⁸ Perhaps, due in part to the critical culture of academia, political scientists will gain notoriety faster through the proposition of new ideas, rather than through further study of ideas already generally accepted. Alan Atkinson argues, "in the universities... there is no longer any positive virtue in the mere painstaking search for balance."²⁹⁹ There is the distinct possibility that adoption of a "contrary" position, such as support for a republic, will bring notoriety, and along with it, advancement. The one aspect of this phenomenon that can be readily criticised is the potential for academic dishonesty. A cursory analysis of virtually any university's library will reveal a plethora of books advocating or considering the merits of a republic.³⁰⁰ Despite the long-term existence, widespread use, and myriad of complexities to be analysed, there are very few works dedicated to studying the merits or nature of constitutional monarchies. One possible explanation for this imbalance is that there may be advantages in the academic community in advocating a change in government structure.

Another group of opinion shapers are media pundits. These individuals can range from journalists and reporters, to editors, to moguls owning giant media empires, though strictly speaking, the latter could also be included in the elite category of business entrepreneur. Members of the media are well placed to shape public opinion.³⁰¹ The first reason for this is the pervasiveness of their views. The general public is exposed to one form of media or another every day. Print, radio, television, and internet news not only provide the public with

²⁹⁸ The promotion policy of many universities requires original scholarly contributions from academics, encouraging them to advance bold propositions.

²⁹⁹ Atkinson, Alan. "The Australian Monarchy: Imperfect but Important" *Australian Journal of Political Science* (Vol. 28, 1993) 80

³⁰⁰ The American Library of Congress Subject Catalogue list 174 separate headings for "Republicanism". This includes state specific categories for the majority of nations in the world. Republicanism in general registers 49 titles. "Australian Republicanism" registers 27. It is interesting to note that while there is a subject heading for "Monarchy", there is no specific "Constitutional Monarchy" category, nor a category titled "Monarchism".

³⁰¹ Flint, David. *Twilight of the Elites* (2003) 66

facts about daily occurrences, but also biases and opinions. These biases, whether intentional or not, can be revealed in actions as simple as the selection of news to be reported.³⁰² Censorship has long been recognised as a valuable tool in controlling a population. It is disapproved of when overtly exercised by a government, but journalists and their employers routinely edit and select facts to suit their articles. In many cases, the public is not even aware that this subtle manipulation is occurring.³⁰³

The establishment of a republic would be of considerable advantage to prominent media figures. The potential increase in personal influence is clear. The media already play a tremendous role in politics. The endorsement of candidates and the support or condemnation of the media can make an enormous difference to any political campaign.³⁰⁴ Of course, the media's influence on politics does not end at the ballot box. Throughout a government's term, the media supports or condemns its actions and policies. In so doing, it attempts to move public opinion for or against the government, and each proposed policy. Politicians are well aware of the importance of the media and make great efforts to court it and its favourable opinion.

In virtually all forms of democratic government, the media can impact legislatures and ministers. However, in constitutional monarchies, the media cannot affect the selection of the head of state. Certainly, it can affect the sovereign's popularity, as it has for centuries. Nevertheless, where the media can potentially make or break a presidential candidate, it cannot directly affect royal succession, or the monarch once installed for life. Obviously, to replace this unelected figure with a politician increases the potential power of media elites. Furthermore, there is always the possibility that a media giant may use his or her power to gain office. The rivals of Silvio Berlusconi, Prime Minister

³⁰² Flint, David. *Twilight of the Elites* (2003) 62

³⁰³ Eldridge, John, Jenny Kitinger and Kevin Williams. *The Mass Media and Power in Modern Britain* (1997) 29

³⁰⁴ Hart, P. and D. Shaw, Eds. *Communication in U.S. Elections: New Agendas* (2001) 145-165

of Italy, often accuse him of this.³⁰⁵ It is argued that not only did he use his media resources to ensure a favourable public impression, but he then used his political powers to protect the consolidation of an even greater media empire.³⁰⁶

It seems that there is the potential for media figures to personally prosper more under a republic than under a monarchy. This would suggest an explanation for why a disproportionate number of media leaders, and media outlets, such as newspapers and television sources might support a republic. The more powerful the media personality, the greater the chance that that power could be translated into direct, or indirect, political power.³⁰⁷

Another powerful group of the popular elite is comprised of business magnates. How they came by their vast fortunes is less significant than the size of those fortunes. Their specific business interests, whatever those may be, are merely vehicles that deliver them to power. This power is derived from their monetary success, and can be utilised to enhance their positions in three ways. First, like prominent members of the media they are able to influence politics as far as the system of government will allow. They can support candidates of their choice, advertise against their opponents, and eventually expect reward for their support. Of course, other wealthy individuals have been known to take more direct route to power and simply run for office themselves. The United States of America has furnished many examples of this phenomenon.³⁰⁸

The pursuit of greater influence or political power might not be the only

³⁰⁵ Lane, David. *Berlusconi's Shadow* (2004) 121

³⁰⁶ Ginsborg, Paul. *Silvio Berlusconi* (2004) 139-140

³⁰⁷ It should be noted that in Canada, three Governors General in the last two decades have had strong media connections. While constitutional monarchy does not prevent media personalities from rising to positions of power, this thesis does not purport that it ought to. It merely seeks to point out the tremendous potential benefits which media figures might enjoy were a monarchy to become a republic. The precedent established in Canada demonstrates that high media profiles are readily accepted by the public as appropriate government office-holders.

³⁰⁸ Magleby, David B., Anthony J. Corrado and Kelly D. Patterson, Eds. *Financing the 2004 Election* (Brookings Institution Press, Washington D.C., 2006) 59

factors motivating business elites towards a republic. The role of monarchy in the relationship between government and society could also be a factor. Atkinson has suggested that monarchy has a historical tradition of personifying the government as a helpful institution. His assertion is supported by Patricia Springborg, who wrote, “publics under monarchies still conceive of society as a fund whose bounty is dispensed by the Crown and the attenuated series of representatives who spread its largess in turn.”³⁰⁹ She bases this belief upon research that suggests that European monarchical traditions have fostered societies that expect the government to care for the citizenry. This is the result of the personification of the government in a beneficent parental figure.³¹⁰ The same is clearly not true in many republics, particularly the United States of America, where government is often seen in a negative light. There exists in that country a generally anti-government milieu, a sense that citizens prefer that their government “leave them alone”.³¹¹ Whereas Springborg based her assertions on European studies, Atkinson believes they are equally applicable to Australia. By extension a case can probably also be made for their applicability to all the Commonwealth Realms.

Atkinson argues that the history of Australia has been one in which the government, intertwined with the monarch through the use of the term “Crown”, had a significant and beneficial role to play in society. He argues that, “the Australian monarchy, however alien it might sometimes appear to Australian culture, is in fact central to our whole traditional approach to government.”³¹² There are numerous instances through Australian history in which the Crown provided “minimum standards of food, clothing and working

³⁰⁹ Atkinson, Alan. “The Australian Monarchy: Imperfect but Important” *Australian Journal of Political Science* (Vol. 28, 1993) 69

³¹⁰ Springborg, Patricia. *Royal Persons: Patriarchal Monarchy and the Feminine Principle* (1990) 271

³¹¹ Lowi, Theodore and Benjamin Ginsberg. *American Government* (2000) 4

³¹² Atkinson, Alan. “The Australian Monarchy: Imperfect but Important” *Australian Journal of Political Science* (Vol. 28, 1993) 70

conditions”.³¹³ There is evidence that even matters of settler health were connected to the responsibility of the Crown, something the poor in England could not have expected.³¹⁴ The Crown was also directly involved in relations with the indigenous population. Attempts at peaceful relations were made, but were ultimately cut short with the introduction of responsible government and the weakening of Crown authority as exercised at the governor’s discretion.³¹⁵

Even after the rise of responsible government in the Australian colonies, “The work of the early governors had affirmed the common expectation... [that] there would always be a permanent and unassailable source of policy directed to the common good”.³¹⁶

This relationship, between the Crown as a benevolent aspect, or face, of the government, and the general population underlies a second reason business elites may wish to see it abolished. In the pursuit of a government withdrawn from the people, and with a limited obligation to their well being, the very wealthy would cease to find themselves “burdened” by a socially oriented government. The pursuit of an entirely capitalistic government could proceed in the Commonwealth Realms to an extent never attained anywhere but, perhaps, in the United States of America. Business elites, who have no need of a social security net, could see these systems dismantled in Australia, as well as in Canada, New Zealand, Britain, and indeed any of the European monarchies. Springborg corroborates this view stating, “Justice and beneficence are values not to be taken lightly to be dispensed with and their attachment to monarchy as a social form may be stronger than we realize.”³¹⁷

The third reason the wealthy elite may support a republic over the

³¹³ Ibid. at 72

³¹⁴ Ibid. at 72

³¹⁵ It should be noted that similar attempts were made to mitigate relations with the indigenous populations of North America during settlement there in the 18th century. This is evidenced by numerous treaties and edicts made demanding respect for the natives, perhaps the most prominent being the Royal Proclamation of 7 October 1763.

³¹⁶ Atkinson, Alan. “The Australian Monarchy: Imperfect but Important” *Australian Journal of Political Science* (Vol. 28, 1993) 74

³¹⁷ Ibid. at 80

monarchy is for purely practical business reasons. As times change, trading relationships and business practices change with them. It could be argued that new trading opportunities, such as those forming between Britain and the rest of the European Union, or between Canada and the United States, or Australia and China, might be hampered by nationalism. The age of sovereign nations may be passing away, and in its place, supra-nations, or major trading blocs may be developing.³¹⁸ Symbols and reminders of national sovereignty may be a hindrance to this new system and its economic advantages. J. G. A. Pocock notes, “the interplay of market forces is capable of abolishing whole national cultures if it does not need them anymore.”³¹⁹ This seems very relevant to a commonly argued position put forward by the Australian republican movement.³²⁰ This belief argues that cultural frameworks may somehow hinder relationships.³²¹ Whether this is the case or not is difficult to determine. Some might argue that in an age of multiculturalism, one nation’s monarchical heritage ought not to prove a problem to others, while other people could argue that any sign of distinction hampers amicable relations.³²² Whatever the reality, as multinational corporations continue to spread, and as national borders continue to diminish in significance, symbols of sovereignty may be increasingly viewed as a hindrance.

Available evidence suggests that whatever individual vocational elites may feel towards constitutional monarchy, they would benefit personally in the establishment of republican governments. The potential increase in their own power and prestige is probably a tempting lure and could explain the evident imbalance in public monarchy-republic discourses.

The second category of elites outlined in the introduction to this

³¹⁸ Ibid. at 79

³¹⁹ Ibid. at 79

³²⁰ Greenwood, Nigel. *For the Sovereignty of the People* (1999) 262

³²¹ Even if this was a possibility, one flaw remains. There are five prominent Asian nations which are constitutional monarchies. They are Brunei, Cambodia, Japan, Malaysia, and Thailand.

³²² Greenwood, Nigel. *For the Sovereignty of the People* (1999) 285-286

section, that of celebrities, is somewhat less diverse than the vocational category. Though celebrities may take the form of film and television performers, athletes, or even local news presenters, their capacity to influence opinion is drawn from the same source. As a focus of public attention, they have a large audience willing to receive their views.

Though these elites may have no greater understanding of an issue than the average individual, their opinions are held in the media spotlight by virtue of their profession. The utilisation of media figures in political campaigns is quite common. Prominent celebrities may endorse political candidates or campaigns, as Bruce Springsteen did for American Presidential candidate John Kerry in 2004, and Bono did for the British Labour Party in the same year.³²³ This was a particularly common strategy employed by the Australian Republican Movement during the 1999 referendum.³²⁴ Indeed, the campaign received considerable criticism for utilising athletes and celebrities in an attempt to sway voters.³²⁵ This is not to say that celebrities ought to keep their personal opinions to themselves. They have the same right to express themselves as anyone else. The onus must be on the public to understand that a televised opinion is not necessarily one founded on reason or special education.

One may question the value of inviting celebrities, who have no specialised knowledge of an issue, to comment on that issue for the public. It would seem that such an action would have little impact on rational, logical debate. Indeed, rather than addressing the issue in a reasonable debate, the

³²³ Holmes, Su, and Redmond, Sean, Ed. *Framing Celebrity: New Directions in Celebrity Culture* (London, Routledge, 2006) 88

³²⁴ Flint, David. "The Prince William Effect: Republican Celebrity Converts" *The Punch* (18 January 2010) <http://www.thepunch.com.au/articles/the-prince-william-effect-republican-celebrity-converts/>

Kirby, Michael. "A Centenary Reflection On The Australian Constitution: The Republic Referendum, 1999" *High Court of Australia Publications* (2000) http://www.hcourt.gov.au/speeches/kirbyj/kirbyj_menzies.htm (As of 29 January 2010)

McKenna, Mark. *The Captive Republic: A History of Republicanism in Australia, 1788-1996* (1997) 247

³²⁵ Irving, Helen. "An Australian Republic" *Inroads: The Canadian Journal of Opinion* (Winter 2003)

involvement of celebrity elites often speaks to an emotional argument. “The non-rational domain of the emotions (the affective domain, as it is sometimes called) has important implications.”³²⁶ The social popularity of the celebrity is to be linked with a position merely by association, in some cases, at the expense of reliable information.³²⁷

In the aforementioned manner, celebrities may be employed by other elites (such as media moguls) in an attempt to manipulate public opinion. However, they may be inclined towards republicanism of their own accord. The motivation behind such a stance is related to the underlying foundation of their prominence, their celebrity status. Celebrities are in a constant battle to maintain their position of prominence.³²⁸ David Flint points out that “the concepts of public opinion, sanction, and punishment are closely linked with one another.”³²⁹ This is particularly true of those who live their lives in the public eye. Just as celebrities’ popularity can be translated into greater fame and recognition, public disenchantment can diminish their careers and standing. Thus, while nationalism is a generally popular attitude, most celebrities can afford to be, or appear to be, nationalistic. The issue of a republic affords them an opportunity rife with emotion. They can neglect the complexities of this issue and make statements about the pride they have in their nation and its citizens. This jingoism, no matter how cynical it may be, is then disseminated to the general public by virtue of the speaker’s celebrity.

The capacity to question the existence of political apparatus is a central principle in most democratic nations. In the case of the Commonwealth Realms, many elites have a vested interest in overturning a particular state institution. A significant consequence of the shared monarchy is the existence of an opportunity for elites to modify the fabric of the nation to their personal

³²⁶ Evans, Jessica and David Hesmondhalgh. *Understanding Media: Inside Celebrity* (2005) 122

³²⁷ Ibid. at 42

³²⁸ Ibid. at 123-124

³²⁹ Flint, David. *Twilight of the Elites* (2003) 66

advantage. Of course, powerful interests have been manipulating national structures for centuries. At times, they have provoked revolutions, triggered constitutional changes, and created subtle, unwritten precedents. Such involvements are not found exclusively in monarchies. Perhaps, this situation is simply more noticeable in countries that have not become republics, as they can be contrasted with those that have. The potential for political manoeuvring can be contrasted against an existing reality. Given the advantages elites could incur with the demise of the monarchy, and the many examples where these advantages have been realised by their peers abroad, it is rather surprising the monarchy has not come under more considerable attack from this segment of the population.

It is difficult to determine what has perpetuated the monarchy against elite interests. There can be only two possible explanations, however. First, one could suppose that elites have been unable to abolish the monarchy because they have been prevented from doing so by some other political force. Such a force could be the power of the monarchy to defend itself. This seems unlikely, though, as the monarchy's capacity to take political action has been greatly restricted over the past two centuries. It is more likely that the substantial power of the general public has preserved the institution, perhaps due to a reluctance to change a system of government proven to be eminently functional.

The second alternative that could explain the retention of the shared monarchy thus far is that the interests against it are relatively new. The elites may not yet have had the time to pursue them. While the mass media has existed in one form or another for the past two centuries, its prominence now is unparalleled.³³⁰ Celebrity elites have seen their status and power expand exponentially along with the rise of mass media. Nevertheless, it seems unlikely that celebrities could be the principal engine of any change. While

³³⁰ Edwards, Lee. *Mediapolitik: How The Mass Media Have Transformed World Politics* (2001) 1-2

undoubtedly a valuable tool in modifying public opinion, they are not sufficient to create a groundswell of mass support.³³¹ In contrast, vocational elites, particularly wealthy magnates, wield a far more significant amount of political power. They have existed, and wielded their power, for many centuries. However, the wealthy elites of centuries past were, in many ways, indebted to the political structure for their position. Attempting to dismantle it might have struck at the roots of their own position. Media and business barons, unlike the feudal barons of the past, do not owe their success to the political structure under which they live. The relatively recent rise of these individuals over the past 150 years may mean that they have yet to fully grasp and pursue the advantages available to them in dismantling the monarchy.

The issues raised in this section thus far demonstrate some of the potential advantages elites might gain through the abolition of the monarchy. It would be unfair to neglect the contrary position. There is a body of opinion which has proposed that some elites have an interest in maintaining the monarchy.³³² Among their propositions is an interest based purely upon financial gains, largely involving the media elites. The value of the monarchy to the tabloid press in Britain, and the rest of the world, has long been recognised.³³³ Investigating this concept reveals some intriguing, if not altogether convincing, arguments.

Monarchs have maintained active public relations efforts for thousands of years. With the rise of the mass media a new phenomenon appeared. The media was no longer the tool by which monarchs made themselves known. Rather, the twentieth century has seen the media commodify the monarchy.³³⁴ It has been packaged as an entity for consumption through the media, and periodically undergoes repackaging. One prominent instance of rebranding is

³³¹ Kullman, Claudio. "Attitudes Towards the Monarchy in Australia and New Zealand Compared" *Commonwealth & Comparative Politics* (2008) 460

³³² Plunkett, John. *Queen Victoria: First Media Monarch* (2003) 200

³³³ Blain, Neil and Hugh O'Donnell. *Media, Monarchy and Power* (2003) 59

³³⁴ Blain, Neil and Hugh O'Donnell. *Media, Monarchy and Power* (2003) 20

associated with the collapse of the marriage of the Prince and Princess of Wales in the late 1980s and early 1990s. At this point, the media ceased to refer to the monarchy in terms of a fairytale narrative and began to refer to the stories as aspects of a soap opera.³³⁵ Constructed narratives allow complicated, personal matters of the royal family to be characterised in simple, saleable terms. Within this framework, the media creates drama by manipulating the images of various members of the royal family. It casts them in roles for the purposes of the media's story. This has been cited by some as the source of the extraordinary inconsistencies that are readily visible to those surveying the history of media coverage.³³⁶ A survey of monarchy-related articles over the course of the last two decades demonstrates this. Furthermore, it reveals that the royals are frequently ranked and compared to each. It has been argued that this is done for two reasons. First, the constant recasting of individual members of the royal family suits the needs of the media's story for sale. A hero and a villain are necessary for this purpose. Second, pitting individuals against each other allows for the development of further stories. Editors are able to create perceived, or in some instances, real conflict, to fuel future stories.³³⁷

The simplification of monarchy-related stories can certainly be explained by the hypothesis that the monarchy is being sold to the public by the media. This theory is further bolstered when one recognises that the inconsistent portrayal of individual royals aids in their commodification.

The principle that the monarchy is a lucrative subject for the media is well recognised by the public, and the financial reality is difficult to dispute.³³⁸ The evidence that the monarchy is being used for revenue generation does appear convincing. The question that must be addressed is whether that financial gain is significant enough to warrant the media perpetuating the

³³⁵ Ibid. at 84

³³⁶ Ibid. at 30

³³⁷ Ibid. at 33

³³⁸ Blain, Neil and Hugh O'Donnell. *Media, Monarchy and Power* (2003) 162-163

monarchy instead of seeking its replacement. Could the power to be gained through the establishment of a republic be a more tempting prize? Perhaps it is not an “either/or” scenario. Former monarchs such as Constantine of Greece, Simeon of Bulgaria, and the last Shah of Iran have featured prominently in the tabloid presses of the world.³³⁹ Their status as monarchs may not be the source of their perceived value to editors. Coupled with the fact that the press also pursues celebrities, it would appear that it is wealth and public recognition which are the traits most valuable to tabloids. It seems quite possible that the media would make as much money off deposed monarchs as it would from those reigning.

Whether popular elites, as a group, would benefit from the modification of the shared structure and/or the monarchy in general is a complex issue. There are a number of arguments which lend credence to the view that they could reap substantial benefit from such a structural change. Increased power would certainly devolve to media moguls and other business magnates. The ultra-wealthy might enjoy a number of new opportunities. The diminution of the perception of the beneficent state might appeal to those who benefit less from the Crown’s largess. Furthermore, the reduction of national identity might enhance international business opportunities for those who undertake them.

The plausibility of the suppositions raised in this section warrant serious consideration. Whether they are presently operating factors, or whether they ever will be is ultimately beside the point. The potential advantages which may accrue to some elite segments of the population are very much a concern of the shared structure within the realms. The capacity of these groups to influence the general understanding of the structure is significant. These groups may have the ability to radically alter the political system simply through modifying the general understanding of it. Therein lies a significant

³³⁹ Blain, Neil and Hugh O'Donnell. *Media, Monarchy and Power* (2003) 169

ramification of sharing a head of state.

Section 5.4 – Government Perceptions

The public perception of the monarchy is a significant component of the shared head of state structure. It has the power to reshape it, to concretise it, or to dissolve it. Nevertheless, the public is only one component of the national consciousness. The government is comprised of a number of powerful figures. Some are elected, some are not. Whether they are members of parliament or professional civil servants, these figures come into frequent contact with the shared structure in a number of ways that the general public does not. However, because their involvement with the structure is an integral part of that structure it is difficult to separate them from it. Many aspects of the shared structure discussed throughout this thesis incorporate some element of the government's perception of the structure. To demonstrate the ubiquity of government considerations, Section 5.4 will briefly examine a number of issues through which the government has demonstrated its perceptions in other parts of the thesis. These sections were all written to specifically address other themes or topics, but can also be read to reveal government perspectives on the subject in general.

It is not the purpose of this section to enumerate all government perspectives, but merely to demonstrate that those perspectives can be found throughout this thesis. For this purpose, it may be useful to consider what motivates government officials in their relationship with the shared structure. Interactions between governing figures and the structure are touched upon in several different sections of this thesis. The most prominent aspects of this relationship include attitudes towards structural redesign and popular support. The pursuit of increased political power underlies both of these themes.

It should also be recognised that the government, while drawing its

authority from political power, is also composed of members of the public. Many of the issues raised in Section 4.4 can be applied to government figures as well. For example, the benefits and concerns which stem from the maintenance of the monarchy or the adoption of a republic, as they apply to the wealthy elite members of the public, can also be applied to wealthy members of the governing elite. However, the principal source of government authority is not shared with elite segments of the population at large. It is their political influence that is the source of their authority.

Governing figures of the realms obviously have a particular interest in their own nation's structure of government. Being in frequent contact with it, the advantages it offers and the disadvantages it imposes are far from abstract or theoretical. The basis of political power, the ability to wield governmental control, is affected by the sharing structure in a number of ways.

As was discussed in Section 5.3, the tripartite executive is a feature of the realms' governments. That section demonstrated the stability, democratic security, and utility of such arrangements. Foremost among these is the balance of power which does not permit governing officials to wield unlimited control. Disrupting this balance of power could benefit these figures through removing the checks which have evolved over the history of the shared monarchy. While some political factions may desire this, their partisan opponents would presumably resist it. A change of structure would probably benefit the incumbent political figures.³⁴⁰ After all, most structures were established by figures that recognised the potential utility of that structure for their own ends.³⁴¹

Any change to the constitutional structure would also represent a strengthening of the governing "class" across the political spectrum. This

³⁴⁰ A recent example of this might be found in the 2009 referendum in St. Vincent and the Grenadines. A new constitution was rejected by the main opposition party and the voting public, at least partly due to concerns that the Prime Minister would wield too much power under the new structure. See, <http://www.antillean.org/2009/11/26/constitutional-reform-referendum-defeated-in-st-vincent-the-grenadines/> (As of 29 January 2010)

³⁴¹ Pierson, Paul. *Politics in Time: History, Institutions, and Social Analysis* (2004) 109

assumption is based upon the expectation that democracy is well-enough entrenched in a realm that any advantage to the ruling party would eventually be inherited by the next party to lead the government. This reality may be something of a deterrent to change however. The designers of political institutions “know that continuous control over institutions is unlikely. This lack of continuous control has implications both for how institutions are designed and for the prospect of changing institutions once they are created.”³⁴² Political figures fear the loss of their political influence. They do not want their rivals to overturn their achievements when the balance of power shifts. It has been argued that, to prevent this, they remove their achievements from the realm of ordinary politics through a constitutional structure. They are willing to put their achievements beyond their own reach to secure them against their rivals.³⁴³ To tamper with a constitutional structure is to risk providing one’s political opponents with the opportunity to wield any change to their advantage.

Chapter 8 will offer further insight into government reluctance to tamper with the shared structure. It will examine the impact the evolution of the structure has had upon the distribution of the Crown’s finite resources. There is a possibility that governing officials have not modified the shared structure for fear of unintended consequences. While deliberate changes might see the expansion of the governing figures’ powerbase, political structures are rather organic and can be unpredictable.³⁴⁴ It is probably easier to mould public opinion within the current system, than it is to create a new system and ensure that the public’s perception of it is consistent with the desires of the governing class.

As will be shown in Chapter 7, the reality of sharing a head of state necessitates both co-ordination and recognition of constraints imposed by the

³⁴² Pierson, Paul. *Politics in Time: History, Institutions, and Social Analysis* (2004) 145

³⁴³ Pierson, Paul. *Politics in Time: History, Institutions, and Social Analysis* (2004) 145

³⁴⁴ Pierson, Paul. *Politics in Time: History, Institutions, and Social Analysis* (2004) 109

system. While such issues might be considered problematic for governing figures, there is a corollary in that the sharing relationship also affords unusual opportunities for international communication. In as much as this arrangement is imbued with obligations, it also incorporates opportunities. The realms are an association of nations which have no legal bonds to one another.³⁴⁵ They are politically separate, and yet remarkably similar. As a result, they can serve as guides for each other. Political and social policies can be tested in one realm and the results considered from a distance by others. Such a relationship between nations is unparalleled. Its unique nature is bound to be a source of both political consternation and possibility. How well these two aspects are balanced is difficult to determine for certain. In some former realms which have become republics, it would appear that inconvenience outweighed advantage. In other, longer-established realms, the opposite may have been true. It seems unlikely that this bond between realms is a very large factor in the political class' perspective on the monarchy. Nevertheless, it probably ought not to be completely discounted.

Political structures are the mechanism through which the power of political figures can be enhanced or diminished. However, it is through their relationship with the general voting public that they are actually granted power, or removed from it. There are significant advantages to such figures appealing to popular sentiment. Section 5.3 discussed the potential power which can arise from controlling popular causes. This is particularly true of people whose power is dependent on popular good-will. In terms of popular nationalism, a politician can either endorse patriotic fervour at the expense of the monarchy, or could associate it with the monarchy. His or her decision on this matter is probably closely connected to how the voting population feels about the monarchy. It is possible to embrace a nationalism in the realms which excludes the monarch. This plays upon the popular conception that the realms

³⁴⁵ The separation of the crowns doctrine has made this legally true, regardless of the person who may be shared.

are in some way less independent for sharing a head of state. With such a perception, it is possible for a politician to boost his or her profile and enhance the popular belief in their patriotism by supporting the creation of a republic. Alternatively, politicians might find considerable popularity in fervently supporting the status quo. Resistance to an unpopular republican plan, even if strictly partisan, might prove very advantageous. Furthermore, Section 9.5 will recognise that association with the monarchy has historically been a successful way to gain attention and prestige. Media coverage of monarchs is traditionally very great.³⁴⁶ Those seen beside them will naturally gain coverage as well. Political involvement in royal ceremonies is, no doubt, a very effective means of garnering public attention.³⁴⁷

The public perception of the shared system was considered in detail in the preceding two sections. The government perception of it is, perhaps, too large to confine to a small number of sections or chapters. Instead, this section attempted to draw attention to the ways in which the government reveals its perceptions of the shared system. How government officials understand the structure, and whether they might perceive it to be to their benefit or detriment, is manifest in many different sections of this thesis.

Government officials are not the only members of society who have a particularly unique view of the shared monarchy. The entire judicial system is closely linked to the monarchy. As such, it has a perspective unlike that of the general public and of those in the political arena. The next two sections of Chapter 5 will be devoted to the relationship between the judiciary and the shared monarchy.

³⁴⁶ Eldridge, John, Jenny Kitzinger and Kevin Williams. *The Mass Media and Power in Modern Britain* (1997) 85

³⁴⁷ New Zealand Prime Minister Robert Muldoon demonstrated this immediately prior to the 1981 election. He attempted to ingratiate himself into every aspect of The Queen's tour, much to the consternation of The Queen and Governor General. McLean, Gavin. *The Governors* (2006) 290

Section 5.5 – Judicial Elites – Pakistani Case Study

Like political figures, individuals in the field of law witness aspects of the political system which much of the general public does not. Specialisation in their field gives them a unique perspective on the shared monarchy. The judiciary is the body which makes “decisions by interpreting the laws which are passed by Parliament.”³⁴⁸ It is therefore an integral part of the state apparatus. In a state with a single written constitution, the courts are able to interpret the precepts of the constitution to determine whether new laws conform to its requirements. This concept of judicial oversight can have great ramifications for a government. Through this mechanism, the courts of some nations have been asked to rule on the actions of the government, or Crown. In these cases, their decisions have impacted upon the state quite dramatically. It is because the courts have such potential for involvement in political affairs that the perspectives of its members should be considered. Not only do they witness the actions of the government, and feel the impact of those actions in their daily work, they also have the potential to influence that government through their own work.

In this section, two case studies have been chosen to illustrate a variety of consequences that arise from sharing a head of state. They were separated by four decades, thousands of kilometres, and occurred in very dissimilar ways. Yet they both demonstrate very clearly that sharing a head of state does have an effect on the judiciaries of the realms.

During the reign of Queen Elizabeth II, there have been several examples of the judiciaries affecting the governments of the realms. Two are particularly instructive for the insight they provide into the judiciary’s understanding of the shared monarchy. The first case occurred near the beginning of The Queen’s reign, in the most populous of her realms. In 1955,

³⁴⁸ <http://www.justice.govt.nz/judiciary> (As of 14 November 2005)

Pakistan operated under a constitution which had been imported with the intention of it being merely temporary.³⁴⁹ The country was facing an array of significant difficulties, foremost among them, internal political strife. The Governor General intervened in a radical manner and the courts were requested to consider the constitutional legality of the action. This case is particularly interesting because it not only deals with the ramifications of sharing a head of state, but also addresses a single political body which served two separate functions. The Legislative Assembly of Pakistan was composed entirely of the same people who comprised the Constitutional Assembly. These bodies had different mandates, and different rules of procedure. Unfortunately for the stability of Pakistan, these differences were often blurred, and eventually, a constitutional crisis resulted.

A second illustration of the judiciary's understanding of the shared monarchy is demonstrated in a nation that is remarkably different from Pakistan. In 1994, the tiny Pacific nation of the Solomon Islands faced a potential threat to its democracy in the form of a Prime Minister attempting to govern without the support of parliament. The Governor General took action to prevent this breakdown in democracy, and the Prime Minister took him to court. The case revealed that the principle of reserve powers functions in the Commonwealth Realms, and more importantly, may do so against the expressly written statements of the constitution. The case furthermore demonstrated that the decisions of one judiciary may impact upon the judiciaries in other realms.

Ghulam Muhammad³⁵⁰ was Pakistan's third Governor General. His tenure was a turbulent time for Pakistan. The young country was suffering through civil unrest and political turmoil. In 1953, Muhammad had attempted

³⁴⁹ This was stipulated in the *Indian Independence Act* (1947)

³⁵⁰ ملک غلام محمد Ghulam Muhammad (1895 – 1956) was a Pakistani statesman. He served as Governor General 1951-1955.

to lessen the chaos by removing the Prime Minister, Khawaja Nazimuddin.³⁵¹ However, this action was not his last direct involvement in government. Just over a year later he declared a state of emergency and dissolved the Constituent Assembly on the grounds that he had “considered the political crisis with which the country is faced... [and] come to the conclusion that the constitutional machinery has broken down.”³⁵² It was this dissolution which the courts were required to rule upon. However, before considering their ruling, it is necessary to examine the events that led up to this action, and the action itself.

The March 1954 provincial elections in Bengal highlighted the political chaos afflicting Pakistan. Despite being the party which had won independence, established Pakistan, and had held majorities in all of the nation’s parliaments,³⁵³ the Muslim League lost. It had splintered, and many political factions had capitalized on its increasing unpopularity. Of the 309 seats in the Bengali legislature, the League retained only 10.³⁵⁴ The parliament was now dominated by a coalition of parties which had campaigned together on a platform of greater autonomy for Bengal.³⁵⁵ Ak Fazlul Huq, head of the “The United Front”, was invited to become Chief Minister. Strife within the coalition was so intense that it took him two months to negotiate the selection of a cabinet. He subsequently delivered a speech which included remarks about autonomy for Bengal. These comments were construed as seditious and

³⁵¹ خواجہ ناظم الدین Khawaja Nazimuddin (1894 - 1964) was a Pakistani statesman. He served as Governor-General of Pakistan 1948–1951 and then as Prime Minister 1951–1953.

³⁵² Callard, Keith. *Pakistan* (1957) 141

³⁵³ The Muslim League held power not only in the Federal Legislature, but also in all four of the provincial legislatures. Prior to 1954, three provincial legislatures had held elections and the Muslim League maintained their hold on power in each.

³⁵⁴ Weekes, Richard. *Pakistan* (1964) 240

³⁵⁵ The campaign platform included radical changes demanding “the central government should delegate to the eastern province all subjects except defence, foreign affairs and currency. It also called for recognition of Bangla as a state language, release of political prisoners... the nationalisation of jute, guarantee of fair prices for commodities, and public support for cooperatives and cottage industries.”
http://banglapedia.search.com.bd/HT/U_0022.htm

riots broke out in which 400 people were killed.³⁵⁶ Fourteen days after the cabinet was sworn in, the Federal Government dismissed Huq's government over this incident and initiated "Governors Rule"³⁵⁷.

The following months saw continued public unrest, and further infighting amongst members of the Muslim League. Keith Callard analysed the wider Pakistani political situation stating, "The conclusion seems unavoidable that a group of about twenty individuals made all important political and governmental decision at every level... [The trouble in 1954] showed that differences within this group could no longer be assuaged by compromise."³⁵⁸ The situation in Bengal was creating a political rift in Pakistan far wider than its actual geographical divide. Nazimuddin, and other prominent Bengali politicians, were still upset by their dismissal from the Federal Government and recognised an opportunity to return to power.

Several Bengali statesmen in the Federal Legislature appear to have waited until the Governor General was convalescing in Abbottabad, in the North West Frontier Province, before acting. Rather than having the Prime Minister propose a new Governor General to The Queen, they sought to usurp the powers of the office. They quickly repealed the Public and Representative Offices (Disqualification) Act of 1949 (PRODA), having the Speaker of the Assembly sign the bill into law as had been customary since the time Muhammad Ali Jinnah³⁵⁹ held the Governor General's Office. They claimed that PRODA had been used as a weapon against Muhammad's political opponents.³⁶⁰ It is conceivable that this could have been true. PRODA had been passed in 1949, in an attempt to give the Governor General the power to

³⁵⁶ Weekes, Richard. *Pakistan* (1964) 240

³⁵⁷ This was a form of direct rule in which the governor was not expected to act on ministerial advice, but according to his own discretion. Presumably, he would be inclined to heed the advice of those in the Federal Government, as it was they who determined his appointment. Callard, Keith. *Pakistan* (1957) 170

³⁵⁸ Ibid. at 26

³⁵⁹ محمد علی جناح Muhammad Ali Jinnah (1876 – 1948) was a Pakistani independence leader and first Governor General from 1947 – 1951.

³⁶⁰ Ibid. at 103

remove corrupt officials, and to bar them from serving in office again. Essentially, PRODA allowed the Governor General on his own authority, or any five ministers in cooperation, to refer corruption complaints to a court.³⁶¹ If found guilty, the individual was barred from serving in public office for a term of up to ten years, at the Governor General's discretion.

Repealing PRODA would not necessarily have affected the Governor General's ability to protect democracy. The Governors General of other realms had no such power. However, the legislation went further and attempted to curtail one of the Governor General's fundamental rights. Within eighteen hours, the Assembly passed legislation which would have had far reaching consequences. The Bill, entitled "Government of India³⁶² (Fifth Amendment) Act 1954", included a variety of edicts which would have affected the role of the Prime Minister. More importantly though, it also stated, "Wherein this Act the Governor-General is required to perform any function or exercise any power, he shall until the context otherwise provides be deemed to perform this function and exercise these powers in accordance with the advice of the Ministers."³⁶³ This stipulation is of fundamental importance to any concept of constitutional monarchy.

In less than one full day, factions in the Constituent Assembly had attempted to convert the Crown's role from its substantial, Westminster norm, into a meaningless cipher. It should be noted that The Queen's role was unaffected by this legislation, but the Governor General would have become a completely powerless figure.³⁶⁴

³⁶¹ Unlike most of the Governor General's other powers, PRODA made specific references to the viceregal representative's right to act in his own judgement. Whether this was originally intended to give Nazimuddin more personal power (because he was a trusted individual) or whether it was hoped that the Governor General would be an honourable figure above party concerns is difficult to determine.

³⁶² The original bill was passed in 1935, before the subcontinent had been partitioned, but remained in effect in both countries, hence the reference to India. See, *Indian Independence Act* (1947)

³⁶³ Callard, Keith. *Pakistan* (1957) 106

³⁶⁴ Ibid. at 106

Perhaps even more shocking than the content of the bill was the manner by which it was passed. Proper procedure for the dissemination of the bill was not followed. Normally, proposed legislation would be published fifteen days in advance of its introduction to the House. This bill was published at 4pm on 20 September 1954, to be introduced the following day. At 6pm the steering committee altered the original order of business for the house and gave the new bill precedence over all other matters. Between 11pm and midnight, the President of the Assembly announced that the house would resume the following day at 9am, instead of the previously scheduled 10am. The morning of 21 September found the legislature “thinly attended”. Oddly, the bill was introduced not by a member of parliament, but by an Officer of the House, Deputy President Gazder. According to the Hansard, it was passed in ten minutes, with no objections, debate, or divide. Intriguingly, the next order of business was a motion moved by a Bengali member to grant a substantial housing allowance to Gazder. It was amended twice by two other Bengalis who each proposed larger allowances.³⁶⁵

Whatever actions the Governor General had taken to elicit the wrath of prominent members of the Assembly, whatever extra powers he may have had at his disposal, the attempt to enervate the Governor General’s Office was clearly undemocratic if not illegal. Furthermore, the Constituent Assembly was filled by appointments made in the provincial legislatures. It should be remembered that only six months earlier, the legislature of Bengal had radically changed composition. Indeed, if the new legislature there had been permitted to make new appointments, conceivably more than half of the people in the Constitutional Assembly would have been replaced.³⁶⁶

Faced with an attack not directed simply at him, but at the office he occupied, Muhammad responded quickly. He returned from the North West Frontier Province, and with the consent of the Prime Minister, dissolved the

³⁶⁵ Ibid. at 109

³⁶⁶ Weekes, Richard. *Pakistan* (1964) 241

Constitutional Legislature.³⁶⁷ Whatever his motives might have been, this was not a step away from democracy, as it is so often perceived.³⁶⁸ Rather, it was the defence of an office which must retain its right to object to advice. To forfeit this right would have allowed the cabinet unbridled power. Ayub Khan, Commander in Chief of the Pakistani Military at the time, later recounted a conversation he once had with one of the members involved.

“If you did not want him, you should have removed him. But you did not have the moral courage to do that. Instead a subterfuge was adopted. The change meant not only limiting the powers of an individual but destroying the focal point of authority.”³⁶⁹

The situation was undoubtedly complex. The different interpretations placed on the events of September and October may never be fully reconciled. It was amidst this turmoil that the Federal Court of Pakistan was asked to consider the matter.

Initially, the High Court of Sind heard the case, *Federation of Pakistan vs. Tamizuddin*.³⁷⁰ The court ruled in favour of Tamizuddin, arguing that the Governor General did not have the right to dissolve the Constitutional Assembly. Presumably, their ruling was based on the belief that the Governor General was endowed only with those powers expressly granted to him by Pakistan’s constitution as it existed at the time.

At this point it may be useful to consider the complex relationship

³⁶⁷ He called for new appointments to be made. In 1955, through a form of indirect election similar to that prescribed by the 1935 Government of India Act, a new Constitutional Assembly was selected. This new house consisted of 80 members, only 14 of whom had held seats in the previous assembly. Callard, Keith. *Pakistan* (1957) 119 If nothing else, Mirza was correct in his assertion that the assembly had grown unrepresentative.

³⁶⁸ Ahmed, Salahuddin, Ahmed. *Bangladesh Past and Present* (2004) 143 See also <http://www.storyofpakistan.com/person.asp?perid=P012>

³⁶⁹ Khan, Ayub. *Friends, Not Masters* (1967) 51

³⁷⁰ Tamizuddin Kahn (1889 - 1963) was president of the Pakistan Constituent Assembly and Speaker of the Pakistan National Assembly.

between the Constitutional Assembly and the Legislative Assembly. The Constitutional Assembly had evolved out of the 1946 All-India Constituent Assembly, which itself had been drawn from legislatures around the subcontinent. Though these legislatures had been filled by a general election, the process was so far removed from the body which eventually became the Constituent Assembly that its claim to represent the public was rather weak. This Assembly was charged with drafting a constitution. In addition to this responsibility, it was also expected to serve as the Federal Legislature until one could be convened under the new constitution.

Callard argues that the “two roles of the Assembly were fairly sharply distinguished. Its proceedings were published in two series under the headings of ‘Constituent Assembly’ and ‘Constituent Assembly (Legislature)’”.³⁷¹ While this clear distinction may have been made initially, it would appear that confusion did gradually appear. It is not at all surprising that this happened, as the members of the Constituent Assembly were also those who made up the membership of the Legislative Assembly. The same officers served in both bodies, and both were permitted to pass laws. There were substantial differences between the two bodies, though. The Constituent Assembly appears to have considered itself the more powerful of the two. Interestingly, Mohammad Ali Jinnah served as Pakistan’s first Governor General, and as the first President of the Constituent Assembly. This meant that, for the first two years of Pakistan’s existence, one signature could sign legislation passed by either assembly. This was almost certainly a source of confusion following the events of 1954.

Following the outcome of “Federation of Pakistan vs. Tamizuddin”, the government appealed to the Federal Court. On 26 March 1955, the court ruled that “the procedure for challenging the dismissal had not been validly enacted

³⁷¹ Callard, Keith. *Pakistan* (1957) 85

by the Constituent Assembly.”³⁷² Over the years, the Constituent Assembly, in its capacity as Legislature, had passed several bills. These bills had then been signed into law by President of the Constituent Assembly. If these bills had been passed through the Constituent Assembly, they would have been perfectly legal. However, as they were technically passed through the Legislature, they required the Governor General’s signature to become law. As a result, forty-four acts, including the one which Tamizuddin based his case upon, were recognised as invalid.³⁷³

By relying on this extremely significant technicality, the Federal Court was able to avoid the entire question of whether the Governor General was legally entitled to dissolve the Constituent Assembly. However, it appears it was not long before the government came to realise that it needed more legal support for its past actions, and those it intended to take to resolve the situation.³⁷⁴

The court waded into the quagmire. It argued that the Governor General did not have the power to dissolve the Constituent Assembly in its legislative capacity. This was because the power of dissolution had been removed from the “Government of India Act” by a properly enacted Constitutional Order. However, this power had not been explicitly rescinded in relation to the Constituent Assembly proper. The court reasoned that the Governor General had the power to dissolve the Assembly in keeping with the Crown’s common law prerogative.³⁷⁵

The significance of this decision is remarkable. The court decided to uphold a legal-political concept that Pakistan had inherited from another country, the United Kingdom. This principle was not written anywhere in the Pakistani constitution as it existed at the time. Furthermore, it was not even written in the constitution of the U.K. The Federal Court Justices had taken the

³⁷² Callard, Keith. *Pakistan* (1957) 143

³⁷³ Ibid. at 143

³⁷⁴ Ibid. at 144

³⁷⁵ Ibid. at 146

view that the shared monarchy carried with it not only an historical connection to other countries, but also legal-political concepts.

The very complicated situation which developed in Pakistan in the 1950s highlights some of the complications which arise from sharing institutions. While, strictly speaking, the initial problem which arose from Jinnah holding two offices is not completely comparable to a shared head of state, there are similarities. Whether the average citizen of a nation regards the government as being comprised of people or offices is difficult to determine. It would appear that Jinnah's signature on legislation was all that was required in the minds of many. Few seem to have questioned the capacity in which he signed various documents. If they had done so, perhaps the later difficulties surrounding Muhammad's dissolution of the Constituent Assembly might have been clearer.

Ironically, the difficulties encountered as a result (at least partly) of Jinnah assuming two offices were rectified through a reliance on the shared head of state. It does not appear that The Queen, the actual shared individual, was called upon to act during the crisis. This was almost certainly due to the desire to appear completely independent, a fact many people even today, may feel is obscured by sharing a queen. There was little legal reason that The Queen needed to be involved. As has been discussed in Chapter 3, the role of head of state is most accurately fulfilled by the Crown, an entity embodied partly by the sovereign, and partly by the Governor General.

Section 5.6 – Judicial Elites – Solomon Islands Case Study

One of the most remarkable facts about the Commonwealth Realms is their symmetrical equality.³⁷⁶ All realms, regardless of size, have equal

³⁷⁶ See, *O'Donohue v. Canada*, 2003 CanLII 41404 (ON S.C.)

political importance in matters regarding the monarchy they share. In this way, even the tiny Pacific nation of the Solomon Islands can contribute to the nature of the institution, and to the perception of it. Indeed, the Solomons have helped highlight the judiciary's understanding of the shared head of state.

In 1994, the Solomon Islands faced a clear threat to its democracy. Having governed for a year with the smallest possible parliamentary majority, Prime Minister Frances Billy Hilly began to face problems in the months leading up to October 1994. While he had previously controlled 24 of the 47 seats in the unicameral parliament, six members, five of whom were ministers, left his party. As parliament had been prorogued since January, there was no opportunity for the Leader of the Opposition to move a vote of no confidence.

The Governor General, Sir Moses Pitakaka, was aware of these developments and on October 2, questioned Billy Hilly on the situation in the House. Billy Hilly assured Pitakaka that he was still in control and that he would provide him with a list of government supporters to prove this. He further promised to resign if the list did not comprise a majority of the House.³⁷⁷

Three days later Billy Hilly wrote to the Governor General informing him that his Government no longer had a majority and that he wanted more time to consider various options. The Governor General granted him a week but suspected that Billy Hilly might attempt to continue governing without the support of parliament. Pitakaka was not willing to allow this undemocratic possibility. He contacted the Attorney General and asked what methods of dismissal might be available in the event such action was necessary. The Attorney General refused to assist him, arguing that the constitution did not allow the Governor General to dismiss the Prime Minister, or to call parliament without ministerial advice.³⁷⁸

Believing that his obligation was more to the people and democracy of

³⁷⁷ Greenwood, Nigel. *For the Sovereignty of the People* (1999) 164

³⁷⁸ Ibid. at 165

the Solomon Islands than to the constitution, he prepared and proclaimed an Order on 13 October 1994. He ordered the Speaker of the National Parliament to reconvene the House at the end of the month. He also made it known that the Billy Hilu government would remain in office as a caretaker government. Finally, he informed the Commissioner of Police that it was his duty to ensure that law and order was maintained and that members of parliament were able to convene.³⁷⁹

Concerned by this unorthodox occurrence, Billy Hilu brought the matter to the courts. Before the end of October the Court of Appeal³⁸⁰ ruled unanimously that the Governor General's actions were not in violation of the constitution. This is an interesting interpretation of the constitution of the Solomon Islands which states:

“In the exercise of his functions under this Constitution or any other law, the Governor-General shall act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet except in cases where he is required by this Constitution to act in accordance with the advice of, or after consultation with, any person or authority other than the Cabinet or in his own deliberate judgment.”³⁸¹

Convening parliament is not stated to be an act undertaken in the Governor General's “own deliberate judgment”, yet despite this section, the justices believed that the Governor General had the authority to act. Williams JA believed this authority to be derived from the traditional understanding of

³⁷⁹ Ibid. at 165

³⁸⁰ The Court of Appeal consisted of Connolly P., Williams, and Los JA. It is interesting to note that none of the judges were citizens of the Solomon Islands and thus were unencumbered by political allegiance or pressure.

³⁸¹ Constitution of The Solomon Islands (1978) S.31 (1)

the Crown's reserve powers.³⁸² Of course, the reserve powers of the Crown had never been delineated in the Solomon Islands. Indeed, in its short history as an independent nation, there had not been any situations which could be construed as have created or conferred any such powers on the Sovereign of the Solomon Islands, or on her representative. These reserve powers could only have developed by virtue of the head of state being shared with a country in which these powers were already established. The fact that the head of state was shared expanded the range of precedent and judicial opinion upon which the court could rely. While the Solomon Islands were undeniably a sovereign, independent state, the fact that it shared its head of state with other nations allowed the justices to consider rulings in other nations. Despite their independence, most realms have enough of their political structure in common to justify arguing that what is effective in one realm can be assumed to function in a similar way in the others. Politically speaking, this is probably a fallacy. Just as any realm could change the law of succession to result in a future monarch unshared with the other realms, so too, it could be argued, a realm might declare themselves devoid of any reserve powers.

Some might argue that the Solomon Islands did indeed declare through law that there were no reserve powers in that realm. However, even this indicates the significance of sharing a head of state, as the justices were prepared to rule in line with the accepted, shared principle, despite explicit law to the contrary. One of the justices, Glen Williams, argued that,

“If a Prime Minister without majority support in Parliament sought to continue governing without convening Parliament I am of the view that the reserve prerogative powers would authorise

³⁸² Francis Billy Hill & Others v. The Governor-General of The Solomon Islands [1994] SBCA 1 (CA of Solomon Islands)

the Governor-General to direct that Parliament be convened.”³⁸³

Faced with a government willing to circumvent democracy, the Governor General acted to ensure the supremacy of parliament, the representatives of all citizens. Though the constitutionality of these actions has been debated, democracy survived. The nation did not, even for a short time, fall into the hands of an individual who was unaccountable to parliament and the public.

An interesting addendum to this case study further highlight the impact sharing a head of state may have on the judiciary. Less than a decade after the events of 1994 in the Solomon Islands, a similar disagreement erupted between the Prime Minister and Governor General of Tuvalu.

Tuvalu’s tiny parliament consists of only fifteen members. The government, under Saufatu Sopoanga had a majority, but in 2003, two by-elections returned candidates from the opposition party.³⁸⁴ The house was prorogued at the time, and thus Sopoanga’s leadership could not be directly challenged. The opposition party began to call for Sir Tomasi Puapua, the Governor General, to reconvene parliament.

Sopoanga took the matter to The High Court of Tuvalu. It considered the issue and stated that despite the wording of the constitution, the Governor General did have the right to recall the House in support of democratic necessity. The Chief Justice of Tuvalu, Gordon Ward, offered this advice,

“I would suggest that, if his [the Governor General’s] consideration of the evidence still leaves him uncertain as to what is the true support for the Prime Minister in the House, he should

³⁸³ Francis Billy Hill & Others v. The Governor-General of The Solomon Islands [1994] SBCA 1 (CA of Solomon Islands)

³⁸⁴ The by-elections were necessitated by the untimely death of one MP and the decision that another had not followed proper electoral procedures and should not have been elected in the first place.

take the course which allows it to be determined with certainty and that must be done in Parliament.”³⁸⁵

He made this ruling, recognizing that it conflicted with section 116 article 1 of the Tuvalu constitution which states that, “Subject to this section, Parliament shall meet at such places in Tuvalu, and at such times, as the head of state, acting in accordance with the advice of the Cabinet, appoints.”³⁸⁶ Unlike most other realms, but similar to the Solomon Islands, Tuvalu’s constitution does not give the Crown much discretion in this matter. Cabinet’s approval for the assembly, prorogation, and dismissal of parliament seems a requirement. Despite this, Ward believed that the Governor General would have to decide in “his own, deliberate judgement” whether it was practical to comply.³⁸⁷ If Puapua did not believe that it was practical, Ward suggested that he certify this in writing, and then reconvene parliament regardless of Cabinet’s advice.³⁸⁸

Puapua considered the views of all political sides. He decided that, given the likelihood of Sopoanga getting a majority again in yet another impending by-election, he would not intervene. The Prime Minister had argued that the tiny parliament of Tuvalu was very susceptible to change and that this was a threat to its stability.³⁸⁹ The Governor General appears to have agreed.

Ward’s decision contradicted the written constitution of Tuvalu. However, it was based on the precedent established in the Solomon Islands. Clearly, one of the consequences of sharing a monarch is that the precedents relied upon by the courts are not confined to those established within the country. Rather, they are based largely on case material which has affected the

³⁸⁵ *Amasone v. Attorney General* (2003) TVHC4 (Tuvalu)

³⁸⁶ Constitution of Tuvalu (1978) S.116 (1)

³⁸⁷ *Amasone v. Attorney General* (2003) TVHC4 (Tuvalu)

³⁸⁸ *Ibid.*

³⁸⁹ <http://www.pacificmagazine.cc/pm122003/pmdefault.php?urlarticleid=0021> (As of 4 September 2004)

shared head, regardless of the realm in question.

One must wonder whether judiciaries in two republics sharing a president would react the same way they have in the realms. Consideration of such a concept would help to determine whether the courts in the realms acted because they share a head of state, or because they share a monarch. It is difficult to achieve any more than speculation on this matter, but one may hypothesize. The situation is predicated on two principles. The first is the role of the head of state as seen by the involved nations' judiciaries. The second is the practical realities confronted by the courts placed in what are surely, very difficult positions.

The Commonwealth Realms operate a system of government which has evolved organically over decades, if not centuries. There have been very few clear breaks in this evolution, and thus tradition and precedent feature prominently in the operation of government. In contrast, the vast majority of republics each undertook a significant, planned reformation of their government. Evolution was replaced by codification. Written law, usually in the form of a constitution, became paramount.³⁹⁰ Furthermore, republican constitutions are generally, inherently less similar to each other than those in the Commonwealth Realms. These considerations suggest it is unlikely that a president in one state could rely upon his mandate there to justify his use of a power in any other republic over which he may be president. The office of president probably does not confer power in the same way that a throne may. The president's powers would vary from nation to nation according to the constitutions, and a power enjoyed in one would not necessarily be enjoyed in another.

As much as the constitutional nature of republics may preclude them from permitting the use of powers not explicitly granted by law, another factor

³⁹⁰ There are a few rare exceptions to this concept however. The Constitution of the Fifth Republic of France allows the president to exercise some exceptional powers. There are restrictions placed upon these powers, but his or her discretion is wide-ranging. *Constitution of France* (1958) Article 16. The constitution of the Republic of Italy provides similar powers.

must be considered. The judgements given by justices in the realms have in some instances directly contradicted rather explicit laws. It is difficult to imagine how a justice could interpret a law to mean virtually the opposite of what it says. The motivation for this may stem from the recognition that law cannot operate in a vacuum. There is a possibility that the justices recognised that democracy was under threat and that the constitution's wider principles, those of democracy and liberty, ought to take precedence over smaller details. In this case, the concept of reserve powers provided a convenient counterweight to the constitutional principle being abused. There is no reason to assume that a judge in a republic would not make a similar realisation, and adjudicate accordingly. Nevertheless, the ruling would appear less authoritative without the legal precedent of the reserve powers to fall back upon.³⁹¹

To say that the judiciaries of the Commonwealth Realms have a uniform understanding of the shared monarchy would be rather imprudent. From realm to realm there is great diversity in the popular and political perceptions of the Crown. The same is probably true of the judiciaries. However, while the public and their political leaders have been increasingly eager to demonstrate their independence by minimizing the perceived role of the Crown, judiciaries have not. The political or popular actions of one realm have not been seen as a legitimate justification to take the same action in another.³⁹² In contrast, judicial precedents in each realm have influenced the others. It would be convenient to suppose that this is because the majority of the realms are small nations. Relying on outside precedent fosters a more stable legal tradition. However, as Pakistan demonstrated more 50 years ago, this is not always the case, and the size of a nation is not always a factor. The

³⁹¹ Of course, the presence or absence of reserve powers is affected by the structure of government, not by whether the head of state is shared. It is only an issue insofar as shared monarchs do exist, while shared presidents do not, and never have.

³⁹² For example, the substantial 2002 Golden Jubilee celebrations in the United Kingdom were not mirrored in the other realms.

relationship between the judiciaries of the Commonwealth Realms is not due to that realm's age, its population, or majority ethnicity. It is due to the shared institution of monarchy and the related legal components which underlie it.

Section 5.7 – Conclusion

“Historical Institutionalism represents an attempt to illuminate how political struggles [or activities] ‘are mediated by the institutional setting in which [they] take place.’”³⁹³ Such institutional settings can be narrowly defined to include constitutional dictums, or broadly defined to include less concrete factors, such as public perception. The variable depth of analysis this theoretical perspective permits is a great asset. If a study was conducted in which only the strictest definition of institution was applied, the implications of popular perceptions, as outlined in this chapter might be entirely missed. Given their demonstrated significance, their absence from a study on shared heads of state would substantially affect any findings.

Chapter 5 has established the wide array of perceptions held regarding the shared head of state structure. Furthermore, it has shown how these perceptions shape reality in the present, and how they might have a substantial impact upon the structure's future.

Popular perceptions of the monarchy include close association with concepts such as history and heritage. There is the possibility that these concepts, which are culturally-based, may have less significance in the modern world than they once did. By being associated with them, the monarchy and the shared structure may risk a similar decline. Indeed, the perception that the monarchy is a benign, but insignificant attribute of government is a disturbing one. Rather than judging the system in its entirety, there is a danger that only

³⁹³ Steinmo, Sven, Ed. *Structuring Politics* (1992) 2

the most visible aspects are considered. This is not entirely surprising, but probably bespeaks a need for greater public education. Cultural and historical aspects of the monarchy are not the most significant aspects of the shared structure. For the public to be largely unaware of the structure's political implications raises the prospect of misuse or manipulation.

Such manipulation may be undertaken by any number of people. Elite segments of the population are likely to find benefit in altering the political system of the realms. The opportunity to restructure the government to suit their interests is a substantial one. However, even if they are not able to directly affect the structure of a new system, they will invariably see an increased role within it. The capacity to shape public opinion will become an even more valuable attribute in any new system of government involving another elected office. That this office would be the paramount political one would make it an even more tempting prize.

Of course, it is not only members of the public elite which would find this new political system a source of potential power. Government officials would also stand to benefit substantially. They would have a very large part in the construction of this system and while altruism might be hoped for, it cannot be guaranteed. Government perceptions of the monarchy go beyond the advantages or disadvantages of modifying the political structure. Government officials have demonstrated their understanding of the monarchy in many ways and have been noted throughout this thesis. Regardless of the individual perceptions they demonstrate, it is the power of perception itself which is of real significance. Section 5.4 focussed primarily on the government's perceptions of their own power within the structure. Their power is limited by the constraints they envision. There are examples throughout this thesis where a change in perception has impacted upon the reality of the structure. The value of precedent is quite substantial.

Precedent is not only important in the political sphere. It has a substantial role to play in the perceptions of the judiciary. The Commonwealth

Realms have something of a shared legal tradition which stems from their common historic ties. Their shared head of state goes beyond this commonality. With regard to the operation of the head of state, there can be clearly delineated legal differences between the realms. These differences might be constitutional, or based on previous legal precedent. However, despite these differences, it appears there is an assumption that the shared head of state had a common starting point. From this point, changes could be made, but the institution itself remained common in all other aspects. This assumption of commonality was clearly demonstrated in Pakistan, where powers were ascribed to the Governor General based upon precedents established in the other realms.

The Solomon Islands and Tuvalu case studies demonstrated that the perceived commonalities of the shared head of state structure can even override expressly written law. The precedents of one realm appear to be transferable to other realms, and there is clear evidence that the common understanding of the unwritten prerogative can supersede a written constitution. In this way, the perceptions of the judiciary substantially affect the nature of the shared structure in the realms.

It is ironic that a subject so intertwined with law, constitutional politics, and historical precedent, should be so substantially affected by perceptions. As human constructs, systems of government invariably require interpretation. Through these interpretations the theoretical system is turned into a political reality. Yet, in the translation process, changes occur. Perhaps, because this shared head of state structure involves more than one nation, it is subject to an even greater amount of change as it is created and constantly recreated in each of the realms. Where some institutions are shaped by the public, the government, and the judiciary of one nation, the structure studied in this thesis is changed by those groups in sixteen nations.

Part III – Inter-Realm Ramifications

Introduction to Part III

The previous Part of this thesis addressed the internal ramifications of sharing a head of state. However, there are a number of ramifications which could be classified as “partly internal”. This is largely due to the manner in which one defines “internal”. These preceding sections of introspection do not address any of the issues the realms feel as a collective entity.

The sixteen Commonwealth Realms existing at present are a collective phenomenon unlike any other group of nations in the world. They are, by definition, independent, sovereign states. Yet, they share with each other a political office no other group of nations do. This unprecedented bond has no parallel. There are many international organisations which require the surrendering, or “pooling” of sovereignty. All have been joined voluntarily by the conscious decisions of national governments. The United Nations, The European Union, and N.A.T.O. are but a few examples of organisations which impose responsibilities upon their member nations. Such entities have received much scholarly attention.

Unlike these organisations, the Commonwealth Realms exist as an entity more in practice than in theory. There are no conferences exclusively for Commonwealth Realm governments. There are no binding legal documents, evolving treaties, or written principles governing their interaction. The realms are often treated merely as a convenient (and sometimes quirky) subset of states within the Commonwealth of Nations. The Commonwealth itself depends upon many declarations and treaties for its existence and maintenance, but the realms are rarely, if ever seen as a cohesive body, and have never been deemed to require such organisation. This lack of structure impacts upon the Commonwealth Realms in a profound manner. While a strict body of guidelines, principles, and treaties helps shape the relationship of nations bound together by them, the lack of any formal understanding does so as well.

Given the lack of a formal relationship between these nations, on the basis of their shared structure, it may be tempting to simply consider the ramifications of sharing a head of state from an internal/external dichotomy. Indeed, virtually nothing has been written on the inter-relation of the Commonwealth Realms. Yet, analysing this uncodified relationship allows one to better understand a form of ramifications that might otherwise be missed.

The potential for conflict and cooperation between the realms is not merely an internal ramification of the system. Nor is it strictly an external one. In many ways, it is both. Over the past 50 years, a small body of events, precedents, and theory has grown alongside the realms, which may shed some light on their interaction. Given the logistical complexity of sharing a head of state, it is remarkable that conflict has not occurred more frequently between these realms. Evolution of the structure and developing precedent have addressed some of these concerns, but probably not all of them. They appear to lay dormant, unrecognised, or at least undisturbed, until an unanticipated event forces government action on the issue. In this murky relationship between the realms, the opportunities for cooperation, and the potential for conflict are rife. By examining this bond, a category of ramification can be discerned for a body of nations which itself has never been properly defined.

Chapter 6 – Avoidable Conflicts

Section 6.1 – Introduction to Inter-Realm Ramifications

Part II of this thesis demonstrated a variety of consequences which arise from nations sharing a head of state. It focussed specifically on those aspects which affect the nation internally. These internal consequences are closely associated with perception. The perceptions of institutions, whether by the general public or various specialists, not only reflect reality, but also mould them. In the same way, perceptions about national independence, what that means, and how it is to be achieved, are also self-perpetuating. Many factors, some in harmony, and others in conflict, influence the complex arrangement that is a necessary part of a shared institution. While many of these influences are internal, in that they shape, and are shaped by the nation and its institutions, some are external. Having considered these internal ramifications, it is necessary to now consider the sharing nations within the larger, international community.

Part III of this thesis will analyse those consequences of sharing a head of state which derive from the relationship between sharing nations. For the sake of clarity, these “realm-to-realm” ramifications will be termed “inter-realm”. These ramifications do not include those arising from relations between a realm and a non-realm. Those considerations will be raised in Part IV.

Part III will be divided into two chapters. The first, Chapter 6, will consist of a case study chosen to demonstrate the potential, unintended conflicts arising from a shared head of state. Such unintended consequences are those which could be avoided if the system was better understood by those involved. Through the Conrad Black³⁹⁴ affair of 1999, this chapter will consider some of the potential constitutional problems for one or more realms

³⁹⁴ Conrad Black, Baron Black of Crossharbour, (1944-present) is a British biographer, financier and newspaper magnate.

which developed because the system was not utilised in the manner intended. This case demonstrates that the rapid evolution of the Commonwealth Realms over the twentieth century may have resulted in portions of their political system being poorly understood, even by the politically-involved. The Conrad Black case was chosen to illustrate this point because it is one of the very few examples of inter-realm conflict to have garnered any public attention. There have been very few, if any, other such conflicts.

Chapter 7, the second chapter in Part III, will focus on inherent conflicts as a result of sharing a head of state. These conflicts, unlike those considered in Chapter 6, cannot be resolved through a better understanding of the institution. The fact that the shared head of state is a single individual mandates that at some point, division is not possible. While the separation of crowns is possible, the separation of the wearer is not. Chapter 8 will consider the consequences of this reality through two case studies and an analysis of several political concepts which relate directly to conflicts inherent in the shared structure.

Before considering these difficult, and potentially intractable, issues, it is important to ensure that they are indeed inherent difficulties in the system, and not simply the result of misunderstandings. To that end the following case study is presented to demonstrate that a detailed understanding of the shared institution is imperative to its smooth operation.

Section 6.2 – Conrad Black Case Study

In 1991, the British government initiated a process to ennoble Conrad Black, a prominent media and finance magnate. The process was approved by all necessary authorities in Britain. However, before being formalised, a customary courtesy was undertaken. Conrad Black has dual citizenship in Britain and Canada, and as such, his ennoblement was discussed with the

Canadian government.³⁹⁵ It has been the practice for many decades for any nation wishing to confer an honour upon a citizen of more than one nationality to discuss the matter with officials in the relevant nations.³⁹⁶ In the case of Commonwealth republics, and foreign nations, most Commonwealth Realms require the Queen's approval for an honour to be bestowed.³⁹⁷ Between Commonwealth Realms, Prime Ministerial approval is required.³⁹⁸ Presumably this distinction is made to tidy the somewhat peculiar possibility that The Queen of two realms might end up being of two minds on the matter. If The Queen is pleased to honour an individual, it would seem odd to seek her own approval, albeit in a different capacity. For this reason, the matter becomes one for Prime Ministers to resolve.

Initially, the Canadian government granted permission for Black to be ennobled in a letter dated 9 June 1999.³⁹⁹ Having secured the necessary approval, the British Prime Minister, Tony Blair, advised The Queen to confer the honour on Black. Shortly thereafter, the Canadian Prime Minister, Jean Chrétien intervened and gave The Queen contrary advice. This advice complicated the entire situation and gave rise to considerable constitutional questions. Had Chrétien simply refused permission when his office was initially approached, the matter would probably have ended there.⁴⁰⁰ The Canadian Prime Minister's approval is required. If it were to be withheld, it

³⁹⁵ The propriety of this discussion between sovereign states will be discussed further shortly. The argument supporting the practice is that a citizen of more than one country is bound by the laws of more than one country. To accept an honour in one may be a violation of the law in another. Out of mutual respect, nations consult each other and retain the right to refuse the granting of an honour to one of their citizens, regardless of shared nationality.

³⁹⁶ See, <http://www.dpmc.govt.nz/honours/overview/rules-foreign.html> (As of 27 January 2010)

³⁹⁷ Of course, The Queen's refusal or acceptance is delivered on the advice of responsible ministers. See, <http://www.dpmc.govt.nz/honours/overview/rules-foreign.html> (As of 27 January 2010)

³⁹⁸ See, <http://www.dpmc.govt.nz/honours/overview/rules-foreign.html> (As of 27 January 2010)

³⁹⁹ Cox, Noel. "Black v. Chrétien and the Control of the Royal Prerogative" *Constitutional Forum* (2003) 94

⁴⁰⁰ In actuality, had Chrétien refused permission at that time, the events which were triggered later would probably have occurred sooner.

would have been quite unprecedented for the British government to press the matter.

In the event, Chrétien's office did alter its instructions. Though, perhaps undesirable, there is nothing to say that this is inappropriate, or beyond the scope of the PMO. The difficulty is in the manner by which the Canadian Prime Minister expressed his disapproval. Rather than addressing the British government, he made contact with The Queen.

Unfortunately for scholars, there is considerable confusion surrounding the Conrad Black Affair. Inaccuracies in media reportage, government silence, and self-serving arguments by those involved, have obscured the matter. Nevertheless, the facts appear to be as follows:

Jean Chrétien, as Prime Minister of Canada, did not have the right to offer advice to The Queen of the United Kingdom, any more than the British Prime Minister can advise The Queen of Canada. This is a fundamental tenet of the separation of the crowns. Whether Chrétien was aware of this is difficult to determine. Hopefully, The Queen and the Buckingham Palace staff would have recognised the constitutional impropriety of his communication. Chrétien's advice could have no legal bearing on the situation. This course of action would not have achieved the results Chrétien sought, and eventually won.

Chrétien contacted The Queen as Queen of Canada, and was thus within his right to offer advice. However, The Queen of Canada cannot interfere in the presentation of British honours by The Queen of the United Kingdom.⁴⁰¹ The only possible advantage to Chrétien in speaking to The Queen of Canada is that she can, as Queen of the United Kingdom, advise and warn her British ministers.⁴⁰² Technically, it would appear that The Queen of Canada conveyed the disapproval of Chrétien to The Queen of the United

⁴⁰¹ Here the separation of crowns results in The Queen wearing many "hats", and each must be strictly observed.

⁴⁰² As advocated in Bagehot, Walter. *The English Constitution*. Smith, Paul. Ed (2001) 111

Kingdom, who passed the information on to her British ministers. The final recommendation rested, as always, with the British ministers. Having been informed of Chrétien's displeasure, the diplomatic course was to withdraw the recommendation of ennoblement.

Of course, it was not necessary for Chrétien to involve The Queen of Canada (or of any other realm) in any way. He could have conveyed his disapproval to his British counterpart, or to any other appropriate government official. Despite the confusion, The Queen appears to have handled the situation correctly. The Black Case demonstrates that the sharing of a head of state, while potentially confusing, also has the capacity to facilitate greater communication than may exist between states with individual heads.

The situation's complexity raises an interesting hypothetical question which ought to be considered in this section. Cox points out that the Black case demonstrates the importance of cooperation between The Queen's ministers in her realms. "Doubtless, the British Prime Minister did not insist on the conferral of Black's peerage."⁴⁰³ His implication is that if the British PM had done so, The Queen would have faced conflicting advice from two Prime Ministers and would have been forced to refuse the advice of one. Such a situation would have been a serious consequence of sharing a head of state. It would have impinged not only on the principle of separate crowns, but on national sovereignty as well. However, Cox's position does not fully recognise The Queen's different roles. If indeed she had received countervailing advice from her Prime Ministers, The Queen's responsibility and course of action would be clear. She would be obliged to take both Ministers' advice as far as is possible. From Chrétien she could have requested written instructions to deny permission for the ennoblement. She could then act on this as Queen of Canada, conveying it through her office as Queen of the United Kingdom to Blair. Once in possession of this information, protocol would have dictated

⁴⁰³Cox, Noel. "Black v. Chrétien and the Control of the Royal Prerogative" *Constitutional Forum* (2003) 100

that Blair withdraw his recommendation as he would if he had received word of it from any other foreign leader. Black would not have been given his peerage, and the decision would have ultimately been the British government's, having taken the Canadian objection into consideration. If Blair had instead, pressed ahead with his advice, flouting the courtesy employed by nations around the world, he could have insisted on the peerage. In this situation The Queen would have been obliged as Queen of the United Kingdom to accept his advice.⁴⁰⁴ Black would have received his peerage over the protestations of The Queen of Canada. However, she would have had no further opportunity for involvement. The blame for any resultant political ill-will between Britain and Canada would be the British government's fault, not The Queen's.

While the situation, as it actually transpired, was complicated, the final decision was not one which needed to be made by The Queen. It seems that both Prime Ministers understood the international protocol for conferring foreign honours better than they understood the position of their sovereign.⁴⁰⁵

To demonstrate the severity of the Black case, Cox continues his analysis by considering further events in 2001. With regard to subsequent knighthoods granted to British/Canadian citizens, he states, "Perhaps it was a message to Jean Chrétien that he ought not to interfere with the British honours system."⁴⁰⁶ While this might have been the case, it seems unlikely. The suggestion does not take into account the fact that, for those honours to have been bestowed, Canadian permission was required in exactly the same manner as had been for Black. If Chrétien had wanted, he could have declined

⁴⁰⁴ Of course, as discussed in Section 3.3 the sovereign is never legally bound to follow advice. However, such a serious use of the prerogative powers could hardly be justified with regard to the creation of a single life peer. Such a trivial situation could be contrasted with the serious circumstances George V faced in 1910. At that time he was asked by Prime Minister Asquith to privately promise to radically increase the number of peers in the House of Lords should they continue to obstruct constitutional reform. See, Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 113-122

⁴⁰⁵ Or their sovereigns, as may be more accurate!

⁴⁰⁶ Cox, Noel. "Black v. Chrétien and the Control of the Royal Prerogative" *Constitutional Forum* (2003) 101

permission for them as well. These later honours, and consideration of a hypothetical dispute between obstinate Prime Ministers, illustrates that it is not the shared head of state which caused the Black debacle, but a failure to communicate between the proper authorities. The separation of the crowns can be maintained in this case, demonstrating that it was not an inherent conflict in the system, but an avoidable one.

Section 6.3 – Conclusion

The Conrad Black Case is an essential part of this analysis of sharing a head of state. Case Study Theory allows one to consider specific examples and scenarios that illustrate important aspects of a subject. The Black Case demonstrates a deviation from the normal operations of the wider shared structure. In doing so it provides important information which would be less readily visible through other theoretical perspectives.

The case is a demonstrable example of a breakdown (albeit a small one) in the sharing of a head of state. Remarkably, it is one of the few such examples to have come to light in the past 60 years. There have been other potential moments of discord, but the shared system has coped with them rather well. These conflicts, such as the first Indo-Pakistani War, and other potential issues will be discussed further in Chapter 7.

The Black case reveals that there have been break-downs in the sharing arrangements of the realms. More importantly though, it clearly demonstrates a cause for such break-downs. In this instance, a failure to understand the boundaries of the arrangement led to significant problems for two realms and the palace. Whether various government officials chose to misunderstand, or whether there was genuine confusion is difficult to say for sure. The latter would be disappointing, and a passive threat to the perpetuation of this structure. Genuine misunderstandings are unpredictable and probably

unavoidable over long periods of time. Deliberate “misunderstandings” are substantially more serious. They represent a will to manipulate the complexity of the shared structure to serve a particular purpose. Presumably such an action would be undertaken to further a political goal which might be more difficult to achieve through orthodox methods. Actions such as these might prove beneficial initially, but would quickly damage the fabric of the structure. If there were frequent conflicts over many issues, even trivial ones like the bestowal of honours, it is hard to imagine how political and public support could remain with the shared structure.

The Black situation was a remarkably public failure of the political structure. The details of the matter, as discussed in this chapter, were well publicised in the media. Of course, this does not preclude the possibility that further details were kept confidential. The potential secrecy of inter-realm conflicts is a matter of some importance. Whether there have been other, more private confrontations between realms may not be known until after The Queen’s reign, if ever. At this point in time however, there do not appear to have been any others.

If there have been no other inter-realm conflicts, the Black case represents an anomaly among their relations. Given the large number of possible bilateral relationships it would suggest that the shared structure is capable of functioning for considerable periods of time without conflicts arising. This is perhaps a testament to the robust nature of the structure and the ease in which politicians can operate within it.

Alternatively, if there have been a number of conflicts which have been kept from the general public, one must consider two concerns. First, if conflicts are occurring on a more frequent basis, a study of their causes is surely warranted. Whether they are routinely caused by confusion or misunderstanding has obvious implications. If they are caused by factors which are an inherent part of the structure, this has other ramifications. Both possibilities represent an impediment to the long-term viability of the sharing

arrangement simply by indicating that it is possible an insoluble problem might eventually arise. Then again, if the clashes have successfully been kept from the public, and have always been resolved in some manner, one could hardly suggest they represent an imminent threat to the stability of the structure.

A second concern one must consider if there have been numerous secret conflicts between the realms is why they have been kept secret. The question is made all the more vexing by the nature of the conflict which was conducted in public. The Black case seems hardly worth bringing to the public's attention. Conversely however, it could be argued that it is such a relatively trivial matter that it is hardly worth concealing from the public. Perhaps this indicates that any other possible conflicts between the realms have been of such significance that it was agreed by all parties to resolve the matter without public involvement. Such a conflict might have revolved around matters upon which the public would be easily inflamed, and which could significantly damage the realms' relations. Though entirely speculative, one might assume such conflicts could involve passionate subjects such as nationalism or the financial obligations of the realms.

The number of possible, structural conflicts inherent to the shared head of state arrangement is quite substantial. The next chapter in this thesis will examine a number of these. Whether any have actually served to cause a quiet tension between the realms is unknown, but the possibility does exist.

Chapter 7 – Inherent Conflicts?

Section 7.1 – Introduction to Inherent Conflicts

Much of this thesis has been concerned with possible conflicts arising from the sharing of a head of state. These conflicts are consequences of the system which may cause political or diplomatic difficulty for the Commonwealth Realms. They are aspects of the political system which, at first consideration, appear to be an impediment to national sovereignty resulting from the shared figure.

Chapter 6 demonstrated that the only conflict which has, so far, arisen from sharing a head of state appears to have been due to a misunderstanding of the system. It would be unwise to assume that all conflicts in the future must also be the result of political confusion. Some might not be caused by misunderstanding but could be a consequence of the system itself. Such conflicts would revolve around aspects of the shared structure which cannot actually be shared, or at least not shared equally.⁴⁰⁷ While the Crown, as a constitutional and political institution, can be divided and separated, the sovereign, as a physical person, cannot. Individual titles, such as “Queen of Canada” and “Queen of New Zealand” can denote the existence of a legal and political distinction, but they do not alter the fact that The Queen is a single individual.

An analysis of modern Commonwealth history reveals that there are actually very few examples of apparently insurmountable, systemic conflicts, caused by sharing a head of state. Indeed, the history of each of The Queen’s past and present realms appears to demonstrate none over the course of her reign. Given the length of the present queen’s reign, and the number of countries over which she has reigned, this is remarkable. It is difficult to speculate what may have caused this. Perhaps the evolution of the system,

⁴⁰⁷ Perhaps it may be even more accurate to say that they are not presently shared equally, and practicality may dictate the impossibility of doing so.

with its bias towards British pre-eminence, may have minimized any potential conflict. For example, the monarch's principal residences are all in Britain. The potential disagreement over which country she ought to spend most of her time in has been resolved by default, through historical evolution and precedent. Related to this issue is another example. The Queen spends most of her time in Britain, and it is that country which pays for the majority of her expenses. These two examples demonstrate how the evolution of the system has given Britain a unique position among the realms. It is also possible that conflicts did not arise during the reign of Elizabeth II because the shared monarchy had been developed in the reign of her predecessor, and many difficulties had been dealt with then. There were a number of disaccords during the reign of George VI which tested the viability of the sharing arrangements. Two particularly prominent ones warrant consideration. These two conflicts tested the newly developed concept of the separation of the crowns and demonstrated the difficulties in maintaining complete independence when sharing a head of state. This chapter will be divided between these two case studies.

The first study will consider an incident that occurred in 1939, at the onset of the Second World War. South Africa, a Dominion with full control of its domestic and foreign affairs, was forced to choose between neutrality and supporting Britain. The issue was extremely contentious, with the South African cabinet being nearly evenly divided. In this case study, an analysis of what actually occurred will be followed by a consideration of the potential outcomes of alternative courses of action. South Africa certainly had the political right to take a position different from that of Britain, but war is a dangerous and unpredictable event. How might the dangers to the King of the United Kingdom have been interpreted by South Africans in the context of the King of South Africa? Here the inseparability of the King's person becomes evident.

The second case study in this chapter will examine the war which

occurred between India and Pakistan in 1947. This conflict is the first and, at present, only example of a military altercation between two Commonwealth Realms. As such, it is of great significance to this thesis. There are few political actions more recognised as the right of an independent country than the right to wage war. Few heads of state have ever warred with themselves.⁴⁰⁸ This contrast, between simultaneously waging direct conflict and sharing a significant state figure, is intriguing. As was tragically demonstrated in 1947, it is also entirely tenable.

Though these two case studies occurred before the reign of Elizabeth II, they must be included in this thesis as the only known examples where serious inherent complications in the sharing of a head of state have arisen. Augmenting these case studies will be an analysis of a number of other aspects of the system which are difficult to share between the realms. Each aspect can be summarised briefly with an interrogative or interrogative pronoun. These sections will endeavour to examine the identity issues of the monarchy by considering “who”, “when”, “how”, and “where”. These elements do not stem from any previous conflict between the realms. They are areas in which, by their very nature, conflict could occur in the future. The reasons that these potential issues have not become more prominent will be discussed throughout. By considering them, one may come to a better understanding of conflicts seemingly inherent to sharing a head of state.

⁴⁰⁸ Prior to the modern state concept, there are examples of feudal European rulers obliged to provide military forces to an enemy. For example, Henry II was King of England and Duke of Normandy. As Duke of Normandy he was required to provide military assistance to his liege, the king of France. While the two kings did not war during Henry’s time, if they had, an interesting paradox would have arisen. As one of the French king’s vassals, Henry would have been setting a dangerous precedent for his own English vassals if he had not fulfilled his duchy’s military obligation. The potential for conflict when an individual is expected to fulfil two roles has been present for a very long time. Warren, W.L. *Henry II* (2000)

Section 7.2 – South African Neutrality

South Africa was one of the founding Dominions of the Commonwealth of Nations. Along with Australia, Canada, the Irish Free State, Newfoundland, and New Zealand, it agreed to the principles of the Statute of Westminster in 1931. Of course, each of the Dominions had its own unique history. The Union of South Africa arose in 1910, from the ashes of the Second Boer War (1899-1902). The two former Boer Republics and two British colonies were combined into a unified state. The black majority of the population was not enfranchised, and thus the voting population was split into two similarly-sized populations, those who spoke English and those who spoke Dutch (or Afrikaans). Tensions between the two were quite apparent in the early decades of the union. Two issues were particularly divisive. Generally, the Boers supported racial segregation while the English preferred to see it minimized.⁴⁰⁹ This issue was a constant consideration, with ramifications which lasted almost all of the twentieth century. Tied to it was another issue. The Boers desired an independent republic with no ties to the British Empire, while the English settlers preferred Dominion status.⁴¹⁰

The Boer mindset, which is often described as fiercely independent,⁴¹¹ coupled with their loss of the Boer Wars and the atrocities committed by the British during them, resulted in particularly strong anti-Imperial sentiment. In 1914, the British Dominions found themselves immediately at war with Germany when Britain entered the First World War. This was seen with some resentment by the Boer segment of the South African population.⁴¹² By the time of the Second World War, the Commonwealth had evolved to the point

⁴⁰⁹ This is particularly evident in the political parties which lent support either to the segregationist Sauer Commission, or the Fagan Commission which proposed the opposite. Papenfus, Theresa, Ed. *The Road to Democracy in South Africa: 1960-1970* (2004) 28

⁴¹⁰ Bunting, Brian. *The Rise of the South African Reich* (1969) Ch 1

⁴¹¹ McKean, Erin, Ed. "Boer" *The New Oxford American Dictionary*, 2nd Edition (2005)

⁴¹² Furlong, Patrick Jonathan. *Between Crown and Swastika: The Impact of the Radical Right on the Afrikaner Nationalist Movement in the Fascist Era* (1991) 121

where Dominion support was no longer automatic.

A vote was held in parliament on 4 September 1939, in which neutrality was to be advocated by Prime Minister Barry Hertzog.⁴¹³ Hertzog believed that he had the support of the house, but was regarded as having been an apologist for Hitler in his speech earlier that day. This may have turned the tide in favour of Minister of Justice Jan Smuts, who maintained that South Africa should side with Britain.⁴¹⁴ The house narrowly voted to support South Africa's entry into World War II. However, given the pro-German sympathies of large portions of the South African population, and the small margin by which Smuts was supported, it is quite conceivable that the opposite outcome could have occurred.

Given how easily the situation might have evolved in a different direction, it is not without merit to consider other hypothetical outcomes. As discussed in Section 2.3, Historical Institutionalism lends itself to of "thought experiments". Consideration of various scenarios reveals more information about a subject through logical analysis and the examination of plausible alternative events in history.

If South Africa had declared itself neutral, King George VI would have been placed in a constitutionally difficult, but theoretically tenable position.⁴¹⁵ Initial difficulties would have been more pronounced for the governments involved, than for The King. Though, the situation would likely have rapidly deteriorated for him as well.

In the case of the British government, there probably would have been a

⁴¹³ James Barry Munnik Hertzog (1866 – 1942) was a Boer general and the Prime Minister of the Union of South Africa from 1924 to 1939.

⁴¹⁴ Smuts, Jan Christian. *Jan Christian Smuts* (1952) 375

⁴¹⁵ It should be noted that the U.K., Australia, and New Zealand all entered the war on September 3, 1941. South Africa declared war on Germany on September 7, and Canada joined on September 10. Canada declared war on Japan on December 7, 1941. The U.K., Australia, and New Zealand all declared war on Japan on December 8. The U.K., New Zealand, and South Africa declared war on Thailand on January 25, 1942. Australia did not follow suit until March 2. Canada never declared war on Thailand. Ireland (and thus, King George VI of Ireland) remained neutral throughout all of World War II. Girvin, Brian. *The Emergency: Neutral Ireland 1939-45* (2006)

sense of embarrassment that a close ally had failed to rally in support. This could have had a demoralising affect on the general public, and could have conceivably triggered a backlash against South Africa.⁴¹⁶ Public outrage might have forced the British government to consider a hostile stance against South Africa.

If taken to extremes, popular anger could have placed The King in a difficult position, particularly if his pro-war realms demanded his abdication in South Africa. Such a demand, if it were made, would actually have made the situation worse. The South African parliament would have had to authorise any instrument of abdication, as had been the case in 1936. Indeed, South Africa was the first realm which made a point of accepting Edward VIII's abdication, as opposed to merely accepting the British Parliament's approval.⁴¹⁷ Furthermore, accepting The King's abdication would not necessarily have resulted in the end of the monarchy in South Africa. Rather it might have hastened the accession of The King's heir. He would almost certainly not have placed his daughter, Elizabeth, in such a situation.⁴¹⁸ In all likelihood, if the King threatened to abdicate, the Hertzog government would have used the situation to establish a republic, a desire long-held by many of his supporters.⁴¹⁹

Had the South African government actually pursued a policy of neutrality, it would have clearly demonstrated the divisibility of the monarchy.

⁴¹⁶ This would have almost certainly been the case if Hertzog's proposal for a "neutrality" favouring Germany were to have been enacted. Furlong, Patrick Jonathan. *Between Crown and Swastika: The Impact of the Radical Right on the Afrikaner Nationalist Movement in the Fascist Era* (1991) 121

⁴¹⁷ Cox, Noel. *A Constitutional History of the New Zealand Monarchy* (2008) 140

⁴¹⁸ When Russian Tsar Nicholas II abdicated in 1917, he abdicated for himself and his son and heir. Some have questioned the legality of this, see, for example, Broek, Pieter. *A Genealogy of The Romanov Dynasty, The Imperial House of Russia, 1825-1994* (1994). Nevertheless, it could have provided a precedent of sorts through which George VI could have abdicated the throne for himself and others. The confusion that followed could have substantially damaged South Africa's political process, but would have virtually guaranteed the establishment of a republic.

⁴¹⁹ The creation of a republic was made National Party policy in 1940. Stultz, Newell Maynard. *Afrikaner Politics in South Africa, 1934-1948* (1974) 72

Indeed, having successfully made this distinction, South Africa would not have had to take any further action on the matter of its military position. It might have been necessary to minimize any ill will felt by the British government and people, but that is not a constitutional matter.

There is one eventuality with which the South African government might have had difficulty dealing. If the King of South Africa had been killed in the course of the war, as might have happened when Buckingham Palace was bombed on a number of occasions,⁴²⁰ this may have provoked a South African response. Obviously, South African leaders, and the public in general, were aware of the King's responsibilities as sovereign of several states. They would probably have recognised that he was attacked as King of Britain, and not of South Africa. Nevertheless, the King of South Africa was legally not a belligerent party. If killed by German action, his death would have resulted in a new sovereign. Constitutionally, this may not have substantially impacted upon South Africa, but it might have stirred public sympathy. It is impossible to know what impact The King's death might have had. Though, if the South African public and government had not been prepared to go to war in the first place, they would probably not have placed any special significance on his death. It may have simply provided another opportunity for the government to press for a republic.

Perhaps the most intriguing aspect of South Africa's hypothetical neutrality would not have affected the King of South Africa directly. Unlike the British government, South Africa would have had to consider a further complicating matter in the form of its Governor General. Given the extensive role Governors General play under ordinary circumstances in the political life of a nation, there can be little doubt that this office would have been affected by any conflict with The King. Indeed, if one considers the small number of constitutional crises that have occurred during the reign of Elizabeth II, the

⁴²⁰ "Buckingham Palace Bombed Again" *The Times* September 14 (1940) 4

importance of Governors General during a politically-confusing situation becomes apparent.⁴²¹

In the case of a neutral South Africa, it is quite possible that the Governor General's role as a surrogate head of state would have been enhanced. Marginalising The King in favour of his viceroy would have caused little constitutional difficulty. Indeed, it could be argued that the history of Governors General has been dominated by the steady transfer of ever more powers from the sovereign to the Governor General. New transfers continue to this day in many realms. For example, in 2006,⁴²² the New Zealand government declared that, in future, the Governor General of New Zealand would accept diplomatic credentials from foreign countries in his or her own name. This is a perfectly acceptable legal arrangement, permissible under the letters patent of 1983,⁴²³ which mirrored similar changes in the other large realms.⁴²⁴ Nevertheless, it does look like a marginalisation of the sovereign, or at least a form of delegation not undertaken in previous decades. This marginalisation of the monarch in favour of the Governors General will be discussed further in Chapter 9. It is considered here insofar as it directly demonstrates a principle which might have been utilised in the South African situation.

It would appear that it is possible to divide the Governor General's powers into two categories. First, there are those powers he or she exercises in the name of the sovereign. These powers include the more traditional aspects of the role. They are those responsibilities which fall to the Governor General as a surrogate sovereign. These might include granting royal assent, the commissioning of ministers, or the opening of parliament. These could be

⁴²¹Low, D.A. *Constitutional Heads and Political Crises: Commonwealth episodes, 1945-85* (1988)

⁴²² See, Dame Silvia Cartwright Addresses NZ Institute of International Affairs, Sixteenth Annual Dinner (Wellington, 27 June 2006)

⁴²³ *Cabinet Manual* (New Zealand) (2001) Appendix "1"

⁴²⁴ Canada took this action in 2004, for example. See, Finch, Robert, ed. "Editorial Comment" *Canadian Monarchist News* (Autumn 2009) 15

considered the sovereign's "ordinary" powers. They are derived from the fact that the Governor General is the sovereign's representative.

The second category of powers includes those which are exercised in the Governor General's own name. These powers have been granted to the Governor General, by either The Queen or parliament, for their use by the Governor General in his or her own right. These "extraordinary" powers could include any political actions beyond those required for the running of the government. The distinction is perhaps a difficult one, and there are bound to be some grey areas, but it is nevertheless useful. More recent decades have seen a shift from delegations of powers found in the first category, to those in the latter. The acceptance of credentials in New Zealand is among the most prominent examples.

In 1939, most of the King's ordinary powers had already been granted to the Governors General of the realms, including South Africa. The use of the remaining, "extraordinary" powers are where conflict between neutral South Africa and the United Kingdom might have arisen. One way to minimize any conflict might have been to attempt to transfer these powers as well. The ramifications of this could have been quite substantial. In some respects, The King might have welcomed this concept as a convenient way out of the crisis. Theoretically, all of the King's powers, including the most extraordinary of them all, the authority to appoint and dismiss a new Governor General, might have been transferred to the viceroy. This would have allowed the government of South Africa to completely divorce The King from the government of South Africa. The South African parliament could have removed his reserve powers, and he could have either resisted, and risked a revolution, or acquiesced, and accepted his marginalisation. He would have become nothing more than a powerless figurehead. Retiring Governors General could simply have used

their own authority to appoint their replacement.⁴²⁵

All of these difficulties surrounding the Governor General of South Africa focus largely on constitutional procedure. They do not take into account the personality of the Governor General at the time of the crisis. Sir Patrick Duncan was the incumbent.⁴²⁶ He rejected a call by Hertzog to dissolve parliament, and instead appointed Smuts Prime Minister. This use of the reserve powers, while perfectly legal, is quite uncommon in the history of The Commonwealth. Thus, he was prepared to take unorthodox actions, either to pursue his own beliefs about the betterment of South Africa, or to follow the unofficial suggestions of the British government. It may never be possible to know which actually motivated him. His personal involvement may have complicated the matter, but it would not have affected the constitutional aspects of the crisis.

Had South Africa chosen neutrality in 1939, King George VI would still have been legally capable of taking advice from both his governments. However, the potential for conflicting advice would have been increased, and the military nature of the situation would raise some interesting questions regarding confidentiality. For example, could the King have been a security risk to either nation? The fact that two of his governments were pursuing different courses of action might have raised concerns. For the separation of the crowns to be fully maintained, both South African secrets and British secrets would have to have been guarded. The necessity of compartmentalising information might have resulted in a genuine conflict of interest for the King. One can easily conceive of a situation in which South African ministers forwarded confidential information to their sovereign. This information might

⁴²⁵ Jamaican Governors General presently illustrate the possibility of such a concept. While not actually able to appoint their successors, they are the only viceroys who swear their successors into office. *Jamaica Gleaner* "Kenneth Hall is New Governor-General of Jamaica" (24 January 2006)

⁴²⁶ Sir Patrick Duncan (1870-1943) was the sixth Governor-General of the Union of South Africa, holding office from 1937 to 1943. Potgieter, D.J., Ed. *The Standard Encyclopaedia of Southern Africa* Vol. 4 (1971)

have had value to British military plans. While it would have been technically inappropriate to pass on this information, the fate of one or more pro-war realms, and the safety of his family and himself, might have complicated the matter. Whether it is possible for a monarch to be seen as a security risk is an interesting question. An unshared sovereign could conceivably betray the confidence of his or her nation. Louis XVI of France was perceived to have done so in 1792 when it appeared that he had colluded with Austria and Prussia in an attempt to quell the French Revolution by force.⁴²⁷ A shared sovereign has the same potential, but it is complicated by his or her uniquely difficult position. A serious zero-sum scenario between two realms would be a substantial test of the shared sovereign's commitment to both nations and a challenge to the shared structure itself.

There can be little doubt that had South Africa declared itself neutral during World War II, several difficulties would have arisen. Whether these difficulties would have led to the establishment of a South African republic is impossible to know. However, given the political figures involved, the government structure, and the events which actually occurred, some hypothesising is possible. It is entirely possible that the Governor General would have seen his role expanded. He (or potentially a more nationalistic replacement) might have become king in all but title. A desire not to end up on opposing sides of the conflict might have forced both governments to maintain some level of cooperation with regard to their heads of state. Nevertheless, embarrassment or outrage expressed by each country's population might have impacted their positions. This complication would have placed The King in a very difficult situation. It would seem that constitutional realities, no matter how sophisticated, may be less important in such a situation than the whims of public opinion. Government manipulation of these emotions could have been a very large factor influencing any political changes. If both governments were

⁴²⁷ Price, Munro. *The Road from Versailles: Louis XVI, Marie Antoinette, and the Fall of the French Monarchy* (2004)

inclined to allow The King to straddle different policies, it would not have been impossible. Realities, such as the trustworthiness of King George VI, the loyalty of the Governor General to South Africa, and the will of both governments towards each other, would have been more significant than the structure shared. It would appear that, if the people within the system understood the responsibilities imposed upon them by that system, there need not have been any irresolvable conflict resulting from the structure of government.

Section 7.3 – The First Indo-Pakistani War

The very real possibility that South Africa might have declared neutrality in World War II placed two of King George VI's governments in different, but not diametrically opposed positions. Section 7.2 demonstrated that such a situation would have been endurable. The structure of government was capable of coping with two different, but reasonably amicable, positions. It would be useful to consider how the structure would cope with a single sovereign facing two conflicting policies. Once again, there have been very few examples of such a problem. Indeed, the only one occurred during the reign of George VI. The example is particularly useful because the British government was not a belligerent party.⁴²⁸ This section will endeavour to consider the difficulties faced by the shared head of state when two of his or her governments come into direct conflict on a serious issue. This will shed further light on potentially inherent conflicts arising from the sharing of the figure.

On 22 October 1947, the new nation of Pakistan invaded the Princely

⁴²⁸ The British government, often seen as the paramount one within The Commonwealth, is perhaps an unequal player on that stage. While constitutionally no more significant to the monarch than any other realm, some would doubt the practicality of such a position.

State of Jammu and Kashmir. The invasion was not strictly a standard military operation, being comprised of not only Pakistani Regulars, but also pro-Pakistan Tribal forces from the Northwest Frontier Province of Pakistan. No formal declaration of war was made, nor was there a peace treaty at the end of the conflict. Instead, a ceasefire was signed on 31 December 1948 between Pakistan and India, who had come to Kashmir's aid.

This conflict was unremarkable in a global historical sense in its scope, scale, and motivation. However, it is unprecedented in one way. It was the first modern example of two armies under the authority of a single individual waging war against each other. Civil wars involve the armies of a single nation fighting each other, but that always necessitates one side rejecting the authority esteemed by the other.⁴²⁹ In the case of the first Indo-Pakistani War, two warring nations fought using armies loyal to the same head of state. This is the first and only time in modern history, that two armies have waged war in the name of the same lawful commander. Strictly speaking, King George VI was not the Commander in Chief of either military,⁴³⁰ but he was definitely the head of state in each realm, the supreme authority, even if in two different capacities.

The process leading to the partition of the subcontinent was arduous and fraught with difficulty. The British government had made an effort to ensure that both realms maintained not only a common sovereign, but also a shared Governor General.⁴³¹ This unprecedented proposal was ultimately rejected by Jinnah who became the first Governor General of Pakistan. Lord Louis Mountbatten became the first Governor General of India. Unlike

⁴²⁹ Zartman, I. William, ed. *Elusive Peace: Negotiating an End to Civil Wars* (1995) 5

⁴³⁰ This post was held on behalf of both new realms by a single individual, Claude Auchinleck. Claude Auchinleck (1884-1981) was a British Field Marshal and Commander in Chief, India (1941 – 1947). Parker, R. A. C. "Auchinleck, Claude" *The Oxford Companion to British History* John Cannon, Ed. (1997)

⁴³¹ The reasoning behind this was to facilitate the orderly division of the subcontinent's assets between the two new nations. Mansergh, Nicholas, ed. *Transfer of Power 1942-7* Volume XI (1983) 898

modern Governors General, who are “commanders in chief of and over” their respective nations, neither Jinnah nor Mountbatten actually held that title. Due to a lack of Indian and Pakistani Officers in their respective militaries, an arrangement was made for Britain to provide each nation with personnel (including commanders in chief) to fill this need until domestic appointments could be made.⁴³²

General Sir Douglas Gracey was Army Commander in Chief (Pakistan) at the time of the Kashmir Conflict. General Sir Francis Bucher was Commander in Chief in India. As British officers, both men were under the command of the British Field Marshal Sir Claude Auchinleck, Supreme Commander in Chief of India and Pakistan. This arrangement does not appear to have been particularly well thought out in terms of national sovereignty. Auchinleck appears to have remained a British officer who did not constitutionally have authority in either independent realm. However, because both Gracey and Bucher remained British officers, Auchinleck retained some authority over them.

Jinnah ordered Gracey to send Pakistani troops to the Kashmir in support of the revolt occurring there on 27 October 1947. Auchinleck immediately threatened to withdraw the British Officers serving in the Pakistani Army if the order was carried out.⁴³³ This is a fascinating if not inexplicable failure to compartmentalise duties and roles. Gracey, the Commander in Chief of Pakistan, had been ordered by the Governor General of Pakistan to send Pakistani troops (regardless of their ethnicity, nationality, or other allegiances) into battle. Instead of complying, Gracey consulted with his superior in the British Army. He and Auchinleck played upon the ambiguity of troops with dual loyalties. This confusion however, is not an aspect of sharing a head of state. It is a legacy of colonial rule, and the result of the rapid granting of independence to both nations. Even if Pakistan had utilised a

⁴³² Mansergh, Nicholas, ed. *Transfer of Power 1942-7* Volume XI (1983) 115

⁴³³ “Death in the Vale” *Time Magazine* (Monday, Nov. 10, 1947)

separate head of state, its dependence on the British military to provide a Commander in Chief would have raised the same problem. The issues which arose by having a Commander in Chief loyal to two command structures highlights how sharing an official can lead to inherent problems. The Commonwealth Realms' process of sharing is considerably more developed than was the system which allowed Gracey and Auchinleck to question their duties and which ultimately force Jinnah to rescind his order. Nowhere is this more obvious than in the existence of a Governor General.

Governors General are essential in maintaining not only national independence, but the shared head's viability as the holder of more than one office. The existence of this viceroy maintains each realm's autonomy, while at the same time allowing them to retain their link through the sovereign. Though the office was developed for reasons quite unrelated to this function, it adapted well, filling the need for a "stop-gap" sovereign.⁴³⁴ They are in effect, the sovereign's alternate personalities, ensuring that he or she never needs to be of two minds about one issue. This serves not only to make the system a more convenient arrangement, but also saves many realms, and the sovereign herself, from much potential embarrassment.

Nowhere is this need for separate personae demonstrated more clearly than in the unfortunate reality of war. Two Governors General in the Indo-Pakistani conflict allowed the King to present himself to both sides in an honest and functional manner. He could perform those duties which did not cause conflict between the nations, such as lending his name to the acceptance of international diplomatic credentials, or issuing commissions and letters patent.⁴³⁵ At the same time, Governors General could play the role of nationalists, translating the King's words and actions from those of the shared figure, into those of the single national leader.

⁴³⁴ See, Keith, Arthur Berriedale. *Speeches and Documents on the British dominions, 1918-1931: From self-Government to National Sovereignty* (1961) 164-5

⁴³⁵ Wheeler-Bennett, John. *King George VI* (1958) 715

Evidently, Governors General make the sharing of a head of state possible, at least when the head of state's person is not at stake. In the case of Pakistan and India, separate Governors General allowed the two realms to take the unfortunate but sovereign action of waging war. It is interesting to consider how the situation might have evolved if the early suggestion, that Mountbatten serve as joint Governor General, had been accepted. Presumably, because the Commanders in Chief of the two armies were separate, the war would still have been possible. The cabinets of the two nations could have directed the policies of the war through the separate Commanders in Chief. Orders might have been issued by the Commanders in Chief, instead of beginning at the viceregal level.

The idea of a joint Governor General is somewhat odd, in light of evidence that the Governor General's role is to serve as a surrogate sovereign for individual realms. To have a joint sovereign represented by individual viceroys is possible, and demonstrably practical. However, to have joint viceroys rather defeats the purpose. Constitutionally, a joint Governor General would be under the same obligations to take advice from appropriate ministers as is the monarch. However, without a lieutenant of his own, a Governor General in this position might face serious difficulty. Foremost among them would be the Governor General's inability to represent each nation properly. The King's inability to do this, combined with the viceroy's, would have necessitated yet another figure to fill this need. The entire structure would have been impractical. A joint Governor General would have served no purpose and might have appeared to be an unnecessary link in the chain between joint sovereign and separate national leaders.

Ultimately, General Gracey agreed to order troops into Kashmir. The King's Indian and Pakistani armies fought, and both sides suffered casualties. The war was resolved with the U.N. ceasefire agreement of 1948. The shared head of state played no more of a role in the peace process than he had in the war. Indeed, when the final border line was settled, in the Karachi Agreement, it was a minister without portfolio, Mushtaque Ahmed Gurmani, who signed

for Pakistan.

The events of 1947 in Kashmir demonstrate very clearly that two realms sharing a single head of state can indeed engage in diametrically opposed policies. This is made possible by the doctrine of the separation of the crowns, combined with the development of the Governor General's office as a surrogate sovereign. An individual waging war against him or her self might appear absurd. However, this does not imply an inherent conflict in the system of shared a monarch. The separation of the crowns and Governors General allow complete national independence, in both the theoretical and practical sense.

A failure to understand the system may lead some to conclude that there are insurmountable difficulties in the shared head of state espousing two different, even conflicting, policies. In reality, such confusion is little more than a source of potential embarrassment. If the shared system was more widely understood, perhaps the threat of embarrassment to the sovereign or her governments would be an even less significant factor. One could imagine a hypothetical scenario in which Governors General were not utilized to make a controversial policy or political statement. If the sovereign were to deliver two different messages on an international issue, as instructed by two separate governments, this might prove confusing to the citizens of those realms and to the international community as well. There would be an opportunity to portray the sovereign as uncertain or confused, to those unclear on the role of the shared sovereign. No doubt, the monarch would find the arrangement difficult. It is hard to see how such a situation would be of benefit to the realms making the statements. Fortunately for the realms, the entire situation is avoided by the existence of Governors General. As useful as these officials have proven to be in this role of translation and differentiation, there are drawbacks to their use. It could be argued that viceroys lack the international gravitas the sovereign might bring to bear on an issue. This is an adverse consequence of the structure that impacts upon the efficacy of the arrangement.

It may be possible to reach a compromise position regarding the use of the sovereign and viceroy for policy statements. The Governor General is useful for clearly establishing a given realm's policy, especially if it conflicts with another realm's. The Queen, with her higher profile, is a logical figure to draw attention to issues where there is no conflict between realms. Indeed, there is evidence that The Queen's utility in such matters has been recognised. In 1970, the Canadian government requested that The Queen tour its arctic territories.⁴³⁶ There had been some arguments put forward by the United States of America that Canada did not have a legitimate claim on those areas.⁴³⁷ Canada hoped to draw attention to the area, and issue, by requesting that the head of state visit those territories. The Governor General could easily have been sent, but the attention gained would have been of very little international interest. Some scholars contend that The Queen's presence raised the profile of the matter on the international stage and strengthened Canada's claim to the territory.⁴³⁸ Because the arctic territory was not in dispute between realms, The Queen was the appropriate choice. Had two Commonwealth Realms been claiming the territory, The Queen would probably not have succeeded in affirming either nation's sovereignty over the area. In such a case, Canada's Governor General would have been the more effective officer to send.

One could argue that dividing the head of state's role into shared and unshared components is a tremendous advantage for the realms. Sharing a world-renowned figure raises their profile on the international stage and may, perhaps, give them a greater importance than they would otherwise enjoy. If Canada were a republic, only 30 million Canadians would call its head of state their president, but The Queen, despite the separation of the crowns, is Queen to more than 110 million people. In addition, The Queen is internationally known, has held her office for more than 55 years, and has a familial

⁴³⁶ Diubaldo, Richard J. "Arctic Archipelago" *The Oxford Companion to Canadian History* Hallowell, Gerald, Ed. (Oxford University Press, Oxford, 2004)

⁴³⁷ Ibid.

⁴³⁸ Bousfield, Arthur and Garry Toffoli. *Royal Observations* (1991) 141

association with many important historical figures. These advantages can be afforded to the realms, while, at the same time, Governors General can demonstrate the realms' independence when necessary.

It is probably a fallacy to assume that there are inherent conflicts in the sharing of a head of state. Those which may be perceived as such are, in reality, most likely to be problems stemming from confusion like that discussed in Chapter 6. Sections 7.2 and 7.3 have demonstrated that as long as the separation of the crowns is recognised and respected, and the office of the Governor General is utilised properly, it is possible to circumvent most problems. At the very least, the governments of the realms can manage any such problems using these tools, provided that there is the will to do so.

Sections 7.2 and 7.3 examined specific incidents in history in which potential problems with sharing a head of state might have arisen. Each case study illustrated concerns arising from the sharing agreement. However, it is possible to conceive of potential problems which have not, as yet, been demonstrated in reality. These issues deserve consideration despite their being theoretical at this point. The four issues which make up the remainder of Chapter 7 could be described as the “who, when, where, and how” of the monarchy. Each is an aspect of identity and an area of potential tension. This tension arises from the realms' different views on the royal identity. These different views appear to stem from different perspectives on the shared structure and because the issues may never have been fully considered by each of the realms.

Section 7.4 – Who – Royal Nationality:

The Oxford English dictionary defines a “citizen” as “A member of a

state, an enfranchised inhabitant of a country, as opposed to an alien.”⁴³⁹ Given the complexity of the concept of citizen, this definition is a useful reference point. However, this very simple definition raises difficulties for scholars considering a monarch’s citizenship. Can a monarch be both a “member of a state” and an embodiment of the state at the same time?⁴⁴⁰ This question is of significance to this thesis because it addresses the identity of the shared head of state. It is clear that she cannot be in residence in more than one of her realms at any given time. However, many people around the world have multiple nationalities, and their place of residence is little indication of their national status. In the modern age of nation states, identity is often connected to nationality.⁴⁴¹ Nationality is closely associated with citizenship, particularly as the Oxford English Dictionary defined the term. Monarchs predate the modern nation state, and thus find themselves in a complicated grey area.

This section will attempt to determine the national status of monarchs. It will examine the legal aspects of citizenship itself in the realms, and how they may impact upon the monarch’s national status. This section will also consider factors beyond prescriptive law with regard to royal citizenship. There are indicators that may demonstrate that The Queen does have citizenship by virtue of her holding some other status in a realm, Canada, for example. Such status may include a military rank or possession of a passport, both of which are available only to Canadians. Indeed, possession of a passport is potentially illuminating because those documents deal directly with matters of identity and nationality. The royal family’s usage (or non-usage) of these travel documents is an intriguing insight into their national status. Through the analysis of citizenship law, and consideration of other indicators, this section will help determine whether the shared sovereign’s national

⁴³⁹ Simpson, J.A. and E.S.C. Weiner. Prepared by, *Oxford English Dictionary Second Edition* Vol. III (1989) 250

⁴⁴⁰ For more on the monarch as the embodiment of the state, see Section 3.4.

⁴⁴¹ Davison, Graeme. "National identity" *The Oxford Companion to Australian History*. Graeme Davison, John Hirst and Stuart Macintyre Ed. (2001)

identity can, in actuality, be shared.

Around the world, Queen Elizabeth's national identity is, perhaps, most closely associated with Britain. She spends the vast majority of her time there, focuses most of her energy on British political issues, and has a profound historical and cultural link to that nation. It is logical therefore to consider first The Queen's nationality in relation to that country.

In 1705, the English Parliament passed the Sophia Naturalization Act. This legislation was designed to pave the way for Sophia, Electress of Hanover, and her heirs to claim the throne upon the death of childless Queen Anne.⁴⁴² The bill clearly grants naturalisation to the Electress and the "Protestant issue of her body".⁴⁴³ This would undeniably include Elizabeth II. Thus, The Queen is definitely of British nationality. However, the bill granted naturalisation, not citizenship. The sovereign can claim British nationality, but citizenship status remains unaddressed by this legislation.⁴⁴⁴

Within the Commonwealth and British Empire, the concept of citizenship can be said to have arisen in the late 1940s. At the Commonwealth Heads of Government meeting in 1947, it was decided that each of the Dominions would create its own citizenship status.⁴⁴⁵ Prior to this point everyone living within the British Empire held the same legal status, that of British Subject, stemming from allegiance owed to The King.⁴⁴⁶ Following the development of Dominion citizenships, people within the Commonwealth were able to hold both the citizenship of their realm of residence (including the

⁴⁴² An Act for the Naturalization of the Most Excellent Princess Sophia Electress and Duchess Dowager of Hanover and the Issue of Her Body (1705)

⁴⁴³ Ibid

⁴⁴⁴ This legislation did not address citizenship as, at the time, the concept of citizen was not generally considered by governments. Indeed, the term as we understand it today was not in existence. See the author's personal correspondence with Juliet Field, Senior Editor of the Oxford English Dictionary. (23 February 2005)

⁴⁴⁵ Wilson, Robert R. and Robert E. Clute. "Commonwealth Citizenship and Common Status" *The American Journal of International Law* (Vol. 57, No. 3 1963) 566-587

⁴⁴⁶ Strictly speaking, the conference was necessitated by the passage of the *Canadian Citizenship Act*, 1946. Boyer, Pierre, Linda Cardinal, and David Headon, Ed. *From Subjects to Citizens: A Hundred Years of Citizenship in Australia and Canada* (2004) 1 and 22

United Kingdom) and be British Subjects.⁴⁴⁷

In 1948, as part of the process of “nationalising” citizenship, the British Parliament passed the British Nationality Act which provided for a new status, Citizen of the United Kingdom and Colonies. This was granted to any naturalised British nationals, specifically, to those who were born in the United Kingdom, or to those descended from a British father.⁴⁴⁸ The Queen would have qualified both as a descendent of Sophia and as having been born in Britain. Thus, it would seem that The Queen is a citizen of the U.K., presuming that one can be a citizen and a sovereign. It will be assumed at this point that this is indeed possible, but the matter will be revisited later in this section.

The Queen’s next oldest realm, and the next most populous, is Canada. This country was the first realm to initiate citizenship legislation.⁴⁴⁹ Over the past 60 years, the criteria determining Canadian citizenship have evolved, but they have almost always been based on the principle of “jus soli.”⁴⁵⁰ Residence in Canada is a large (but not exclusive) factor determining citizenship.

According to the 1977 “Citizenship Act”, to become a Canadian citizen, one must:

be 18 years of age or older

be a permanent resident of Canada

have lived in Canada for at least three of the four years before applying

be able to communicate in either English or French

have substantial general knowledge about Canada

⁴⁴⁷ The term “Commonwealth Citizen” was employed by some realms, but had exactly the same meaning. See, for example, New Zealand’s Citizenship Act 1977 Section 2

⁴⁴⁸ *British Nationality Act* (1948) Sections 4, 5, & 10

⁴⁴⁹ Heater, Derek Benjamin. *Citizenship in Britain: A History* (2006) 162

⁴⁵⁰ “Jus soli” *A Dictionary of Law* Martin, Elizabeth A. Ed. (Oxford University Press, Oxford, 2002) The term refers to the granting of nationality or citizenship to any individual by virtue of their having been born within the territory of the state in question.

know about the rights and responsibilities of citizenship⁴⁵¹

The Queen would, no doubt, meet all of the above requirements except for the two regarding residence. It is patently obvious that The Queen has not resided in Canada for three out of any four years in her life. Indeed, based on her total number of days spent in Canada as sovereign, she has not spent a combined total of one year in fifty.⁴⁵² Thus, it would appear that, according to the letter of the law, The Queen could not have become a citizen of Canada at any time in her life. Furthermore, even if The Queen could claim descent from a Canadian parent, presuming her father could have claimed to have been Canadian because his status predated the 1947 citizenship bill, her heirs would not be able to do the same. Canada makes specific reference to individuals of potential Canadian citizenship losing that status at the age of 28 if they do not apply for recognition.⁴⁵³

However, the requirements outlined in the Citizenship Act are not those of citizens, but of those applying for citizenship. It is reasonable to assume that if The Queen had received Canadian citizenship without having to apply for it, the Citizenship Act would not be a legal impediment to her national status.

Statements made by The Queen over the past 50 years indicate not only that she identifies herself as a Canadian, but that she regards Canada as a home. In 1978, she stated in a speech in Edmonton, “I am getting to know our country rather well.”⁴⁵⁴ This statement indicates that The Queen believes she has a Canadian identity. The use of the word “our” is interesting. It could be taken to indicate that The Queen considers herself to be simply one of many Canadians who can claim some stake in Canada. Alternatively, it could have

⁴⁵¹ *Citizenship Act* (1977) (Canada) Section 5

⁴⁵² See Figure 18, page 238.

⁴⁵³ <http://www.cic.gc.ca/english/citizen/bornout-info.html> (As of 16 April 2005)

⁴⁵⁴ Bousfield, Arthur and Garry Toffoli. *Royal Observations* (1991) 81

been used to indicate “pluralis majestatis.”⁴⁵⁵ This too would indicate The Queen’s perception of her identity with respect to Canada as the “royal we” is often used to indicate a formal, theoretical unity between sovereign and subjects.

The Canada Gazette frequently demonstrates the union of crown and nation through the use of the “royal we” in official documents. For example, the summoning of parliament is printed in the following manner:

Elizabeth the Second, by the Grace of God of the United Kingdom, Canada and Her other realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith.

To Our beloved and faithful Senators of Canada and Members of the House of Commons of Canada, and to all to whom these presents may in any way concern,

Greeting:

JOHN H. SIMS

Deputy Attorney General

A Proclamation

Whereas Our Parliament of Canada stands prorogued to October 16, 2007;

Now know you that We, by and with the advice of Our Prime Minister of Canada, do command and enjoin each of you and all others interested in this behalf to appear in person, on October 16, 2007, at six thirty-five in the evening, at Our City of Ottawa, for the DISPATCH OF BUSINESS, to treat, do, act and conclude on those things that Our Parliament of Canada may, by the Grace of God, ordain.

In testimony whereof, We have caused this Our

⁴⁵⁵ Simpson, J.A. and E.S.C. Weiner. Prepared by, *Oxford English Dictionary Second Edition* Vol. XX (1989) 33

Proclamation to be published and the Great Seal of Canada to be hereunto affixed. Witness: Our Right Trusty and Well-beloved Michaëlle Jean, Chancellor and Principal Companion of Our Order of Canada, Chancellor and Commander of Our Order of Military Merit, Chancellor and Commander of Our Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

At Our Government House, in Our City of Ottawa, this fourth day of October in the year of Our Lord two thousand and seven and in the fifty-sixth year of Our Reign.

By Command,

RICHARD DICERNI

Deputy Registrar General of Canada

GOD SAVE THE QUEEN⁴⁵⁶

Numerous first person plural references, including “Our Government House” and “Our City” are quite conspicuous. Indeed, the institutions mentioned in this document may themselves shed light upon The Queen’s nationality. The Canadian Parliament is “Canadian”. Like this institution, of which The Queen is a part, the Canadian Queen is, by definition, Canadian. However, inasmuch as the parliament buildings are not Canadian Citizens, despite their “nationality”, perhaps the same is true of The Queen.

The role of *jus soli* in the determination of Canadian citizenship places great emphasis on residence. While it is clear that The Queen does not physically reside in Canada routinely, she does maintain nine residences in the country.⁴⁵⁷ These residences, the government houses in seven provinces, as well as Rideau Hall and La Citadelle, are not personal homes, but are owned by

⁴⁵⁶ “Canada Gazette” EXTRA Vol. 141, No. 3, Part II. (2007)

⁴⁵⁷ The Queen owns, in right of Canada, Rideau Hall and La Citadelle. She owns in right of each of the provinces a house in each province, with the exception of Alberta, Ontario, and Quebec. MacLeod, Kevin S. *A Crown of Maples* (2008) XIV

The Queen in right of Canada (or the relevant province). This does not diminish the fact however, as two of her most prominent homes, Buckingham Palace and Windsor Castle, are also owned in right of a nation, in those cases, Britain.⁴⁵⁸

Of course, the mere possession of houses in Canada does not grant citizenship. Indeed, it doesn't even necessarily convey nationality. It does however, lend credence to The Queen's stated belief that Canada is her home.⁴⁵⁹ Based on her public comments, it is clear that The Queen considers herself to be a Canadian. Her self-identification as Canadian, and her possession of several homes in Canada support this belief. Nevertheless, neither her own perceptions, nor property ownership, actually confer citizenship. Given that citizenship is a legal construct, perhaps evidence of it can only be found in law.

As was stated earlier, there is no citizenship legislation in Canada under which The Queen can directly claim citizenship, as there is in Britain. This is, of course, not due to any major legislative differences, but to The Queen's principal realm of residency being the latter. Any legal suggestion of royal citizenship must be inferred from other statutory sources. There are three particularly good candidates for legislation which might, as a secondary consequence, indicate The Queen's citizenship status. The first is the criteria established for military service. Laws governing the Armed Forces are a prime possibility because The Queen is a part of the Canadian military, and there are citizenship requirements placed on members of the Canadian military. The second legislative indicator is that governing the granting and possession of a passport. A third possible indication of The Queen's citizenship might be revealed in the legal requirements of the right to vote. However, it has been customary over the past 1000 years of British and Commonwealth history for

⁴⁵⁸ <http://www.royal.gov.uk/TheRoyalResidences/Overview.aspx> (As of 27 January 2010)

⁴⁵⁹ For example, The Queen stated "on leaving west-coast [United States of] America for British Columbia in March 1983: 'We're going home to Canada tomorrow.'" Bousfield, Arthur and Garry Toffoli. *Royal Observations* (1991) 81

monarchs, and indeed most of the royal family, to refrain from voting in general elections.⁴⁶⁰ Because of this complication, considering the monarch's right to vote will contribute little to revealing the monarch's citizenship status and so will not be considered in this thesis.

The Governor General has been vested with the title of "Commander in Chief", but The Queen remains the supreme military authority of Canada.⁴⁶¹ In addition to this authority, The Queen is Colonel-in-Chief of a number of Canadian military regiments including The Governor General's Horse Guards, Royal 22e Régiment, and Le Régiment de la Chaudière.⁴⁶² Though honorary, the position is a legitimate military post. There can be no denying that The Queen is a member of the Canadian armed forces.⁴⁶³ Therein lies an interesting legal issue. The Queen's Regulations and Orders for the Canadian Forces explicitly states that in order to enter the Canadian military, one must be a Canadian citizen.⁴⁶⁴ However, this requirement is for entry into the service, not for those already in it. If The Queen were automatically inducted into her position, recruitment criteria would not apply. It is interesting to note that there is actually a large number of Canadian regiments, approximately 40, with honorary colonels-in-chief drawn from the royal family.⁴⁶⁵ Particularly intriguing is the position of Sophie, Countess of Wessex, who married The Queen's youngest son and clearly has no descent from a Canadian monarch. It is reasonable to assume that the countess' position as both the Colonel-in-Chief

⁴⁶⁰ http://www.parliament.uk/faq/elections_faq_page.cfm (As of 9 March 2008) It should also be noted that the Swedish Monarch has the right to vote in elections but does not as a matter of convention. See author's personal correspondence with the Johan Fischerström, First Marshal of the Swedish Court, 4 July 2006.

⁴⁶¹ See Greenwood, Nigel. *For the Sovereignty of the People* (1999) 230. This is true in the other realms as well. See the combined effect of Sections 5 and 6 of the New Zealand Defence Act 1990.

⁴⁶² "Whitaker's Almanack" London: J. Whitaker, (1992) 30-31

⁴⁶³ Visual evidence can be inferred from the use of uniforms. While The Queen does not frequently wear a Canadian Forces' uniform, Prince Phillip who is also Colonel-in-Chief of several Canadian regiments does. See Figure 16, page 237. (http://en.wikipedia.org/wiki/The_Canadian_Crown_and_the_Canadian_Forces)

⁴⁶⁴ The Queen's Regulations and Orders for the Canadian Forces (2006) Section 1, 6.01, 1 a.

⁴⁶⁵ MacLeod, Kevin S. *A Crown of Maples* (2008) 50

of the South Alberta Light Horse and Colonel-in-Chief of the Lincoln and Welland Regiment is due to her marriage. In such a case, one might suggest that citizenship through marriage might apply and that her status in the Canadian military is derived from that. Regardless, it would appear that a legal statement regarding the necessity of citizenship for entry into the military is not sufficient to determine The Queen's citizenship status.

The legislation governing the composition of the military does not contribute any answers to the question of The Queen's citizenship. Nevertheless, there is another possible area of law which might reveal some information on the matter. Like the military, laws regulating the distribution of passports involve aspects of both citizenship and the monarchy.

Passports represent a concrete indication of citizenship. All citizens have a right to request one,⁴⁶⁶ and perhaps The Queen does as well, though she never exercises it. The British Monarchy's website comments on the fact that The Queen does not have a passport. Strictly speaking it argues, not that she lacks the right to one, but that she has no need for one. It states that, "As a British passport is issued in the name of Her Majesty, it is unnecessary for The Queen to possess one."⁴⁶⁷ The Queen may have the very same use for a passport that her subjects do. However, she may request for herself what a passport requests for others.

In the case of Canada (and a number of other realms as well) there are stipulations to the granting of a passport. The first requirement is citizenship. Unlike the aforementioned military example, ownership of a passport might indeed indicate citizenship, even if it were granted in some unprecedented way. At the bottom of the first page of a Canadian passport are the words "The bearer of this document is a Canadian citizen." Of course, the statement is probably not intended to confer, but rather to confirm citizenship. However, in the case of the monarch, and any other members of the royal family, a legally

⁴⁶⁶ See, for example, Passports Act 1992 (New Zealand) Section 3

⁴⁶⁷ <http://www.royal.gov.uk/output/page4871.asp> (As of 5 November 2007)

granted passport (albeit through some unusual granting process which circumvents the citizenship criteria) might constitute evidence of citizenship.

It is interesting to note that, while The Queen herself does not carry a passport, all other members of the royal family do. The Prince of Wales' passport contributes an interesting detail to the question of nationality and citizenship. Under the nationality heading on the prince's passport it reads, "Prince of the Royal House".⁴⁶⁸ This implies that to simply list the heir to the British throne as "British" might be incorrect. It may, for example, be too simplistic. The terminology that is used allows for a much wider interpretation. Of course, it should be noted that this ambiguous (possibly multi-national) statement is printed in a British passport. If Prince Charles possess other passports, his status as a Prince, and later when he becomes King is clear. If he does not, this would imply a preference for the United Kingdom, though it may simply be an administrative practicality, rather than a political statement of identity.

One might be inclined to argue that because The Queen owns all Canadian passports (in right of Canada), she could be said to have "a" passport. This is not technically true. In the case of Canada, the document explicitly states that the passport is only to be used "by the bearer in whose name it is issued". It furthermore states that the bearer, not the owner, of this passport is a Canadian citizen. Thus, The Queen, or any other member of the royal family, would need the passport issued to them, which would require citizenship.

In 2004, the government of Canada produced an "Order Amending the Canadian Passport Order". It added a clause stating, "Without limiting the generality of subsections 4(3) and (4) and for greater certainty, the Minister may refuse or revoke a passport if the Minister is of the opinion that such action is necessary for the national security of Canada or another country."⁴⁶⁹

⁴⁶⁸ See Figure 16, page 237.

⁴⁶⁹ "Order Amending the Canadian Passport Order" Canada Gazette Part II, Vol. 138, No. 19 (2004)

This prerogative right is not described elsewhere in law (as indeed few prerogatives are). Though it appears that the clause was intended to allow the Crown a degree of discretion in refusing to grant passports, one could also argue that it also allows discretion in the granting of passports.

If the Crown's prerogative can legitimately be used to grant passports (though normally on the advice of a responsible minister) then it is conceivable that The Queen could grant a passport to anyone, including her family and herself. If this were done, a corollary of this action would be to confer citizenship as well, as is made very clear on the document's first page.

While these legal contortions might provide some indications as to The Queen's citizenship status, they are hardly satisfactory. This method of ensuring or granting citizenship is convoluted and does so only as a side-effect of the legislation's original intention. Furthermore, it is highly speculative. Without legislation to clarify this concept, or a test-case, both of which seem unlikely, this method of determining royal citizenship should probably be considered theoretical at best.

Considering all of the evidence gathered in this section, it would appear that an unexpected conundrum arises. The Queen perceives herself as Canadian, and yet there appears to be no way that she could be considered a citizen of Canada, in the same legal sense that she is quite clearly a British citizen as demonstrated earlier. The idea of The Queen, or indeed any monarch, being labelled a citizen could be considered rather incongruous. This need not be the case. While clearly the sovereign cannot also be a "subject", he or she could be a citizen, which is simply a legal classification according to law. The more significant difficulty that arises is that there does not appear to be any way for a "Canadian" to be anything other than a "Canadian citizen". While the latter clearly defines the former, there is no way to ensure that the former signifies the latter. Indeed, perhaps this ambiguous relationship between the terms is the best evidence of The Queen's citizenship. How can a Canadian person be anything other than a Canadian citizen?

As the embodiment of the state, it may be most accurate to say not that The Queen is “Canadian”, but that she is “Canada”. This is a complex concept which probably would not appeal to the public. For example, France is not a French citizen, it is a national concept. Despite attempts to anthropomorphise many nations⁴⁷⁰ most people would understand that a state is a state, and not a citizen. Indeed, this applies to all republics. However, in constitutional monarchies, where the “state” is not an abstract concept but a living human being, the matter is more complex.⁴⁷¹

Perhaps the largest single ramification which results from The Queen's citizenship status is one of perception, particularly the general public's perception. It appears that the public may have a difficult time understanding the monarch's nationality. To many people, nationality is inexorably linked to citizenship.

This confusion over the monarch's status fundamentally impacts upon the structure of each realm's government. It creates a gulf between the ruler and the ruled which is perhaps as large as the class distinction of bygone eras. Citizens are not able to identify with their monarch, who is perceived as foreign. They logically assume that the reverse is true as well; that the monarchy does not identify with them. This creates a weak point in the structure of the government which anyone can attack for any purpose. There can be no doubt that any aspect of a system which can be used to undermine that system is an important factor. It is a flaw in the system which can only be resolved through active government action. This being the case, though, a solution would probably not be difficult from a legal perspective. It would appear that, if any realm was inclined to resolve the monarch's citizenship issue, legislation would be a logical method of doing so. Legislation could be

⁴⁷⁰ The German Fatherland and Mother Russia are but two of many examples. Stephen E. Ambrose "nationalism, rise of" *The Oxford Companion to World War II* Dear, I. C. B. and M. R. D. Foot, Eds. (2001)

⁴⁷¹ Recall the famous edict of Louis XIV, “L’Etat c’est moi!” Dulaure, A. *Histoire de Paris* (1834) vol. 6 More recently, see, MacLeod, Kevin S. *A Crown of Maples* (2008) 40

passed either to confirm the monarch's citizenship, or, if was so desired, to explicitly deny the monarch citizenship. Alternatively, legislation could lay out another status, something between citizen and foreigner reserved for the monarch (and perhaps his or her heirs). The use of the term “Prince of the Royal House” in British passports alludes to something comparable, though it has not been specified in legislation.

Clearly, the identity of the shared monarch is a complicated issue. Differing perceptions of it are a substantial consequence of sharing a head of state. However, the identity of the shared monarch is not constructed solely by her citizenship or place of origin. The places with which she identifies herself, and with which others associate her contribute to her persona as well. That is why the manner in which The Queen's time is shared between the realms is of such significance to this thesis.

Section 7.5 – When – A Matter of Time

Over the course of The Queen's reign, the divisibility of the Crown has been demonstrated a number of times.⁴⁷² Though she is a single individual, unable to be physically present in more than one realm at a time,⁴⁷³ her authority has been decentralised. Governors General have served as surrogate sovereigns, embodying the monarch's authority in her physical absence. However, the creation of Governors General is, in a sense, an admission that The Queen herself cannot be everywhere she needs to be. While her authority has been effectively divided through the use of surrogates, her own presence must be shared by realms in turn. The Queen once stated that she believed her role not to be one principally of “doing”, but of “being”.⁴⁷⁴ By this, The Queen

⁴⁷² See Sections 7.2, 8.2, and 8.3 for a variety of examples.

⁴⁷³ Barring significant advances in cloning of course!

⁴⁷⁴ Blake, Robert. *The Royal Law* (2000) 22

may have been suggesting that some of her most important functions include her ceremonial roles. She may also have been including her role as a constitutional safeguard in this statement. If this is indeed an accurate assessment, then Governors General “doing” what The Queen would do herself is not wholly sufficient. Governors General cannot “be” the sovereign no matter how well they perform their functions. Consequently, The Queen’s presence in her realms, and the time she spends “being queen”, is of great importance to the shared structure.

Measuring the amount of time The Queen devotes to each realm is very difficult as will be demonstrated throughout this section. Perhaps a more practical method of comparing the attention the realms receive from their sovereign can be gleaned from analysing where she has physically spent her time. A noticeable dichotomy is discernable. The division of time between the U.K. and all other realms is unquestionably the largest feature of any tabulation. Within this division however, exist a number of interesting issues. In a consideration of The Queen’s time in the U.K. one must question the nature of this time; particularly whether it is possible to say with certainty that she actually lives in the U.K. When considering the category which includes time spent in all the other realms, the division of that time becomes quite important. Any semblance of proportionality is rendered unlikely by the U.K., but excepting that realm, the principle deserves consideration. After considering the consequence of sharing a monarch’s time, this section will consider the consequences of the pattern of distribution.

As is demonstrated in Figure 18, page 239, the majority of The Queen’s time is spent in the United Kingdom. Given that her principal residences are in that country, this is not surprising. However, it is possible that the statistics can be looked at in a different light. Buckingham Palace, Windsor Castle, and the other official residences may not be exclusively British. If this were the case, if these residences were an extension of all the realms, it could be argued that The Queen has spent considerably less time in Britain than the graph

indicates. There are two sources of evidence which support this rather unorthodox supposition. First, key members of the royal household are routinely drawn from the realms. Their involvement in the palace establishment would be an anomaly in a strictly British institution. Second, the nature of The Queen's tours of the U.K., and her daily work outside the royal residences, suggest that there is a distinction between the palace, and the rest of the country. Together, these examples suggest that perhaps the royal household ought not to be considered entirely British.

Buckingham Palace and the other official residences, though they are usually associated with Britain by the general public, may not be unequivocally British institutions. A variety of positions in the palace establishment are routinely filled by citizens of The Queen's other realms. For example, there has been a Private Secretary from Australia and Assistant Press Secretaries from Australia, Canada, and New Zealand.⁴⁷⁵ These positions are usually secondments from government departments in the other realms. Their expense is largely met by the government of the realm from which they originate.⁴⁷⁶ Furthermore, Bogdanor demonstrates that The Queen's Private Secretary is not strictly a component of the British Government. He reasons that, "Because he is private secretary to the Queen of Canada, Australia, New Zealand, and so on, he cannot be part of the machinery of British government. Commonwealth governments overseas which recognize the queen as their head of state would not be prepared to report to a department of the British government with which they have no constitutional relationship."⁴⁷⁷ The concept of the palace institution as an entirely British one is not entirely accurate.

In addition to secretarial positions, the realms have been represented in a more visible, though less frequent manner, through ceremonial guards. Fourteen regiments from Commonwealth Realms have mounted the guard at

⁴⁷⁵ Private Interview with Dr. Noel Cox (4 April 2006)

⁴⁷⁶ Private Interview with Dr. Noel Cox (4 April 2006)

⁴⁷⁷ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 210

the London residences over The Queen's reign.⁴⁷⁸ Though the infrequency of this arrangement dampens its efficacy as an example, the principle is noteworthy. The royal household is not a purely British institution. To suggest that it is, is to entirely neglect the international contribution.

The fact that the realms can claim some contribution to the royal household is not enough to demonstrate that The Queen is not in Britain when she is in one of the royal residences. Terminology used to describe The Queen's travels throughout the U.K. may further reveal that The Queen does not perceive her establishment to be in Britain.

The British Royal Website⁴⁷⁹ states that, "Visits to all kinds of places throughout the United Kingdom, Commonwealth and overseas are an important part of the work of The Queen..."⁴⁸⁰ The term "visit" is applied equally to the U.K., The Commonwealth, and overseas nations.

These statistics lend themselves to a novel interpretation of The Queen's time in the United Kingdom. If it could be argued that The Queen spends half of each day working in the palace, the rest of her time spent travelling throughout Britain would be proportional to the country's population. The royal website gives a very general analysis of The Queen's average day, and demonstrates that much of a typical morning is spent working on a variety of activities within the palace. While many of these activities directly relate to the British government, the other realms are represented as well.

"Every day of every year, wherever she is, The Queen receives from government ministers, and from her representatives in the Commonwealth and foreign countries, information in the form of

⁴⁷⁸ Private Interview with Noel Cox (4 April 2006)

⁴⁷⁹ This is a telling statement in itself. The site is hosted by the British Government, and has a British domain name. The Commonwealth of Nations website has a more neutral ".org" domain.

⁴⁸⁰ <http://www.royal.gov.uk/output/page311.asp> (As of 4 June 06)

policy papers, Cabinet documents, telegrams, letters and other State papers.”⁴⁸¹

Perhaps The Queen’s residences are not British territory, but “inter-realm”⁴⁸² territory in which all Commonwealth Realms can claim some stake. If this is true, The Queen could be said to spend roughly proportional amounts of time in many of her realms. The larger proportion of her life would have been spent within this inter-realm territory. This supposition allows for the consideration of the monarchy’s international nature and obligations. When she signs a document for the Australian government, she is working as The Queen of Australia. Unfortunately, determining how many hours a day The Queen works for each realm is a monumental task verging on the impossible. Instead, interested scholars are confined to examining The Queen’s presence. No doubt, this is an unfair indication, as it does not take into account the many routine hours worked at the royal residences.

As insightful as this unique “inter-realm territory” supposition may be, it has several serious failings. While the royal residences do have inter-realm representation, it would be difficult to suggest that they are not principally British. Not only are they historically and culturally associated with the U.K., but it is that country which pays for their maintenance. The bulk of the staff is British, and the majority of the work undertaken in the residences relates to Britain.

The palace appears to have been very reluctant over the course of The Queen’s reign to acknowledge the equality of the other realms. For example, when The Queen is in residence, the British royal standard is flown. At no time has the royal standard of any other realm been flown. Representation is granted on certain occasions, such as the coronation. At that time, floral

⁴⁸¹ <http://www.royal.gov.uk/output/Page353.asp> (As of 4 June 06)

⁴⁸² The term “inter-realm” here is intended to connote share property between the Commonwealth Realms.

emblems of the other realms were incorporated into The Queen's dress, and gifts from the realms featured prominently in the ceremony.⁴⁸³ However, at other times when representation might be expected, such as the Golden Jubilee, representation of the other realms seems to have been difficult to find.

Of course, British pre-eminence at the palace may be largely the result of British popular expectations. Vernon Bogdanor points out the inequality in the financial arrangements covering the cost of the royal establishment including the residences.⁴⁸⁴ A greater analysis of the cost of the monarchy shared by the realms will be considered in Section 7.8. At this point it is sufficient to demonstrate that only the British Government contributes to the maintenance of the royal establishment.⁴⁸⁵

Financial costs are not the only factor. Much of the British identity is associated with the history of the nation, the history of the monarchy, and the monarchy itself.⁴⁸⁶ The British public connection to the royal residences is profound. The Tower of London and Windsor castle have become icons of "Britishness".⁴⁸⁷ Buckingham Palace has been prominent throughout the twentieth century and is closely associated with national occasions of importance, such as victory celebrations following the world wars. For the Royal Standard of the Bahamas to fly from the main flagstaff at any of these buildings might provoke popular concern.⁴⁸⁸

While the royal website refers to "visits" throughout the U.K., it also

⁴⁸³ The armillas (bracelets) for example. See Rose, Tessa. *The Coronation Ceremony of the Kings and Queens of England and the Crown Jewels* (1992) 53

⁴⁸⁴ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 289

⁴⁸⁵ Ibid. at 289

⁴⁸⁶ Cannon, John and Ralph Griffiths. *Oxford Illustrated History of the British Monarchy* (1997) V

⁴⁸⁷ Indeed, it is noteworthy that, when George V thought it necessary to clarify the royal family's surname, he selected "Windsor" in an effort to "identify more closely with the [British] nation and its history." Cannon, John and Ralph Griffiths. *Oxford Illustrated History of the British Monarchy* (1997) 530

⁴⁸⁸ It is interesting to note that it was not until the funeral of Diana, Princess of Wales, that the "Union Jack" routinely flew at these places. Perhaps this can be seen as evidence that at one time the royal residences were inter-realm, but have since become "British" as a result of popular British pressure.

states, “Each year The Queen and other members of the Royal Family undertake nearly 3,000 visits to many parts of the United Kingdom.”⁴⁸⁹ With fifteen members in the royal family undertaking public duties (as shown on the website), this means each takes 200 a year on average.⁴⁹⁰ These visits then, cannot possibly be considered distinct from daily activities outside the royal residences. They are clearly not intended to denote “royal progresses”, in which the monarch undertakes extensive tours of the realm. Such progresses in the U.K. could be equated to trips to other realms. On the contrary, the website implies that visits to distinct regions of the country, such as Scotland, Wales, Cornwall or East Anglia, are not the only kind of “visits” undertaken. Indeed, it must be counting every “visit” to a hospital, to a school, or a factory, as a visit in the U.K. Given this definition, from the palace itself, it is difficult to see how such visits can be equated to trips to other realms, despite the similarity in terminology.

Excluding the U.K. from any analysis of The Queen’s time is difficult, given its pre-eminence. However, if this is done, Figure 19, page 240, shows a more varied graph divided far more equally in many ways. This division appears to be accounted for largely by population differences.

There are some intriguing discrepancies between population sizes and The Queen’s time spent in each realm. It is not surprising that The Queen has spent more time in Canada and Australia, nations of 32 million and 20 million citizens respectively, than she has in The Bahamas and Barbados, nations of 300 000 and 275 000 citizens. Nevertheless, strict proportionality between population size and the monarch’s physical presence has not been the rule, and is probably unrealistic. Though the United Kingdom is the most heavily populated of the realms, the sovereign is present there a disproportionate amount of time. As was shown previously in Figure 18, page 239, 94% of her time is spent there, whereas its 60 million citizens warrant only 48% of The

⁴⁸⁹ <http://www.royal.gov.uk/output/Page358.asp> (As of 4 June 06)

⁴⁹⁰ Of course, some members undertake considerably more than others.

Queen's attention. This enormous disparity is quite possibly one of the fundamental reasons population size has never been used as a factor to apportion her time. The 6% of The Queen's time spent outside the U.K., though small in amount, does reveal some interesting information. Figure 20, page 241, demonstrates that Australia and Canada have received the bulk of The Queen's attendance in the realms outside the U.K. While this is generally logical, Canada is actually under-represented based on its more substantial population. Australia accounts for 32% of the population of the realms outside the U.K. and has received 34% of her time in the realms. She has only been present in Canada 32% of the time, despite it being home to 49% of the realms' population, exclusive of the U.K. New Zealand has also clearly received a significant portion of The Queen's time. Indeed, it has been remarkably over-represented. Though it accounts for only 6% of the population of the realms outside the U.K., The Queen has spent 20% of her time there. However, Papua New Guinea is no greater distance from Australia, and it has not received the attention New Zealand has. Despite having a population larger than New Zealand, it has received only 1% of The Queen's time. It should, by population, be entitled to approximately 8%. The only other realm which does not represent a statistically insignificant proportion (<1% of the total) is Jamaica. It receives almost exactly the correct amount of time warranted by its population, 4%.

Thus it would appear that while there is room for question, there is probably not enough evidence to suggest that the "settler realms"⁴⁹¹ are being given undue attention. New Zealand is receiving more of The Queen's time than it may be entitled to, and Papua New Guinea, less. However, Canada's under representation and Jamaica's appropriate representation help to refute any racial, cultural, or historical prejudice in the allocation of time.

⁴⁹¹ Those realms of predominantly European settlement; Australia, Canada, and New Zealand. Also sometimes referred to as "the old Commonwealth". Boyce, Peter. *The Queen's Other Realms: The Crown and Its Legacy in Australia, Canada and New Zealand* (2008) 1

Explaining the discrepancy between P.N.G. and New Zealand in terms of The Queen's attendance is quite difficult when taken in context. One could argue that geography, the distance between neighbouring realms could be a factor. Indeed, the randomness of global geography probably has a considerable impact on The Queen's travel itinerary. Multiple Caribbean realms are often visited on a single trip, for example.⁴⁹² In the same way, virtually every trip she has made to New Zealand has also included a visit to Australia.⁴⁹³ However, while this might contribute to explaining New Zealand's over representation, it does not address, and in fact further confounds P.N.G.'s under-representation.

One might be inclined to argue that national finances are a consideration. Perhaps P.N.G. leaders are not willing to incur the cost of a royal tour in light of other very pressing financial burdens. This argument fails to account for the accurate representation of Jamaica. That island too has substantial financial difficulties and yet maintains its royal visits.

Ultimately, the answer to any discrepancy in the division of The Queen's time, whether an "over-" or "under-" representation, is probably to be found in royal protocol. The Queen only visits a realm at the invitation of that government.⁴⁹⁴

It would seem it is possible to divide the monarch's time into three broad categories. The first category must be the U.K., which is *sui generis*. The sheer volume of the time spent in that realm engenders a unique distinction. This is, of course, linked to the fact that her principal residences are in that country, that the monarchy evolved in the U.K., and that it has strong historical and cultural ties to that realm. The second category, the settler realms, includes those realms in which The Queen has spent the bulk of her

⁴⁹² Caribbean tours were conducted in February 1967, February 1975, October 1977, October 1985, and February 1994. See tabulation in Appendix K.

⁴⁹³ Of the 10 visits The Queen has made to New Zealand, only one has not included a trip to Australia. See tabulation in Appendix K.

⁴⁹⁴ Fidelis. "Canadian Confusion on Juno Beach." *Canadian Monarchist News* (2004) 2

time (when outside the U.K.). Australia, Canada, and New Zealand, have received the vast majority of the monarch's time abroad. Though one nation within this category has received more attention than its population warranted, and one received less, the average is fairly accurate across the category. The final category is one of small states, and includes all the remaining realms. These states have received only a small amount of the monarch's time. Their relatively small populations do probably justify the monarch's limited physical presence.

Obviously, a consequence of sharing a monarch is having to determine how that time is shared. This division of the sovereign's time has consequences in itself. As most constitutional issues are addressed through the existence of Governors General, most of these time-related issues revolve around perception. For example, royal nationality, considered extensively from a legal perspective in section 7.4, is probably closely linked in the public's perception to the monarch's time spent in residence. This issue is directly related to whether the population of a realm identifies the sovereign as "native" or "foreign". No poll has ever been undertaken to indicate whether The Queen is perceived as foreign to the realms or not. However, discussion of The Queen in the popular media often betrays misconceptions. Her titles are frequently used incorrectly and generally convey an impression of the royals as foreign.⁴⁹⁵ Polls which are worded to imply the monarch is foreign usually show greater support for abolishing the system than do those which use her local title.⁴⁹⁶

One counterintuitive fact which emerges from a study of The Queen's

⁴⁹⁵ Terms such as "Britain's Queen Elizabeth" or "Britain's Prince William" are common, even when unsuited to the situation. See, for example, Ormsby, Avril and Steve Addison. "Prince William Tells of First Flight Nerves" *New Zealand Herald* (18 January 2008), "Queen Elizabeth II Tells Paparazzi To Back Off" *TV3 News* (7 December 2009) <http://www.3news.co.nz/Queen-Elizabeth-II-tells-paparazzi-to-back-off/tabid/417/articleID/132938/Default.aspx> (As of 29 January 2010)

⁴⁹⁶ Fidelis. " 'British Monarchy Ties' Wording Skews Angus Reid Poll on Crown Four Ways" *Canadian Monarchist News* (2007) 3 See also, Aubry, Jack "Support for Monarchy Plummet: 80 Per Cent Don't Care About Royals" *The Ottawa Citizen* (17 December 1997)

time is that time spent in a realm does not appear to impact on the popularity of perpetuating the political system. There does not appear to be a correlation between support for the monarchy and the monarch's presence in that country. The Queen has been present in Australia, the only one of her current realms to have held a referendum on becoming a republic, longer than any other realm outside the U.K.

This presence has not created widespread support for her position in Australia. In 2007, support for a republic had remained at about 60% over the preceding ten years.⁴⁹⁷ In 2008, a UMR Poll found support for a republic at 50% and support for the monarchy at 28%.⁴⁹⁸ 2010 has seen republican support drop to 44%, though support for the monarchy appears steady at 27%.⁴⁹⁹ Of course, polling is not an accurate science. Variations in questions and temporary changes in public mood will always influence results. However, these general concerns aside, it would appear that The Queen's presence in Australia has not greatly diminished republican sensibilities there. Conversely however, it would not appear that her presence increases support for a republic either. She has spent only slightly less time in Canada than she has in Australia, and yet support for the monarchy remains somewhat higher in the former.⁵⁰⁰ Leger Marketing found in 2009 that 50% of Canadians supported their constitutional monarchy.⁵⁰¹ In 2005, those supporting the monarchy and those advocating a republic were divided evenly at 47%.⁵⁰² In 2002, another survey found support for constitutional monarchy to be 79%.⁵⁰³ Also in 2002, a COMPAS survey commissioned by National Post/Global Television found

⁴⁹⁷ McAllister, Ian and Juliet Clarke. *Trends in Australian Political Opinion: Results from the Australian Election Study 1987-2007* (2008)

⁴⁹⁸ UMR Research. *Australians Want a Republic* (2008) 5

⁴⁹⁹ See, Galaxy Research. <http://www.galaxyresearch.com.au/> (As of 14 February 2010)

⁵⁰⁰ Ritchie, Jonathan and Don Markwell. "Australian and Commonwealth Republicanism" *The Round Table* (Issue 387, October 2006) 727-737

⁵⁰¹ Leger Marketing. *Canadians' Attachment to the Monarchy* (March 2002) 2

⁵⁰² The Strategic Counsel. *Perceptions Toward Governor General* (2005)

⁵⁰³ Ipsos-Reid. *While Half (48%) of Canadians Say They Would Prefer A U.S. Style Republic System...* (2002) 2

that figure to be 63%.⁵⁰⁴ Accepting the vagaries of polling and the inherent difficulties in gauging public opinion, statistics like these nevertheless indicate somewhat more support for the monarchy in Canada than in Australia.

One could imagine that bearing the full financial cost of royalty during tours of a realm might cause the public to become less enthusiastic towards the institution. However, despite this fact getting some attention in the media, Canada demonstrates that The Queen's popularity is not dependent on her absence. Perpetuation of constitutional monarchy, and of the shared aspect of the institution, does not appear to be substantially affected by The Queen's movements through the realms.

The allocation of The Queen's time is an interesting matter. It challenges the practicality of a divisible crown and has the potential to demonstrate the equality or inequality of the realms in a very visible way. It may have an impact upon perceptions of remoteness or foreignness, though there is no measurable evidence that The Queen's presence directly affect levels of popular monarchist or republican sentiment. Clearly, there presently exists an imbalance in the distribution of her time. This imbalance highlights a disparity in the attention paid to the realms at the expense of the U.K. How this arose, and its implications, will be considered in the next section.

Section 7.6 – Where – Wandering Monarch

Why has the sovereign not become a wandering political figure belonging as much to Canada and Jamaica as to the U.K.? In 1953, Patrick Gordon Walker⁵⁰⁵ stated in the British House of Commons that The Queen was

⁵⁰⁴ Aimers, John. "New National Polls Shown Canadians Support Monarchy 2-1". *Canadian Monarchist News* (2002) 7

⁵⁰⁵ Patrick Gordon Walker (1907-1980) was a Labour MP, Secretary of State for Commonwealth Relations, and Baron.

now a truly international figure belonging "equally to all her realms".⁵⁰⁶ He expanded further upon this sentiment the following year. "The Queen will have to spend considerable periods outside the United Kingdom which is but one of her realms. It will become as natural that she should reside, say, in Canberra or Ottawa as at Balmoral or Windsor."⁵⁰⁷ These remarks were made to The Queen's Private Secretary at the time, Michael Adeane. It is interesting to consider what may have happened to these views. They were, after all, expressed by a senior political figure. They reached the ears of the highest official in the palace establishment. It is entirely possible that the matter was even given thought by high-ranking members of the royal family.

In all likelihood, the reason a travelling monarch did not develop is the result of the monarchy's very evolution. The fact that the institution is not one of radical reform, but rather one of slow evolutionary change, probably precluded the political changes necessary. Bogdanor argued that while the legal situation certainly was as Walker believed, the practical reality of a "peripatetic" sovereign was "never likely to be realized".⁵⁰⁸ The reasons he offers however, are not entirely convincing. He argues first that the monarch needs "continuous involvement"⁵⁰⁹ in the political affairs of a realm in order to become truly involved. To be more than a mere figurehead, she would need to spend large amounts of time in any given realm.

This argument is rather Britanocentric. It is certainly true that the monarch could not exercise her three rights, as conceived by Bagehot, without a deep understanding of the political situation in a given realm. However, Bogdanor fails to acknowledge that she does not exercise those rights in the other fifteen realms at present. He seems to suggest that The Queen's primary role is to exercise those rights in Britain, regardless of the cost to the other realms.

⁵⁰⁶ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 288

⁵⁰⁷ Walker, Patrick Gordon. "Crown Divisible" *Twentieth Century* (1953) 428

⁵⁰⁸ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 289

⁵⁰⁹ *Ibid.* at 288

Bogdanor's second suggestion as to why the monarch never spends long periods abroad is one of cost.⁵¹⁰ He quite rightly points out that the full cost of the monarchy is borne by the British tax-payer.⁵¹¹ His suggestion that this gives Britain a special claim to the monarchy is not entirely fair. Were the monarchy to become a travelling one, it can be assumed that (much as happens at present) the cost of the monarchy would be borne by the realm in which she is residing at the time. Ironically, there is a possibility that a travelling monarch would actually save the British tax-payer a significant amount of money while she is abroad.

The final argument Bogdanor offers is one of constitutional difficulties for Britain. He takes issue with the plan that Walker envisioned evolving in Britain. Walker foresaw the need for a Governor General for Britain to exercise royal authority in the monarch's extended absence. Bogdanor argues that such a situation would be impossible. He suggests that the role of The Queen is fundamentally different in the realms from her role in Britain.⁵¹² This perception of the situation is again, very Britainocentric. It begins with the premise that the U.K. is the principal realm of the Commonwealth and that the other fifteen are substantially different from it. While this may be true, it could be more useful to acknowledge that The Queen's role in fifteen realms is essentially the same, and that Britain is the anomalous example. With that perspective in mind, the British constitution (which is, of course, unwritten and thus legally-speaking, the easiest of all the realms' to change) could be modified to bring it into line with the others.

This change is almost certainly what ended any possible discussion on the monarch spending her time evenly throughout the realms. A fairly radical series of constitutional changes would have been needed to create a British Governor General, and to modify the political structure to accommodate such a

⁵¹⁰ Ibid. at 288

⁵¹¹ In reality the cost of the monarchy is considerably more nuanced than such a statement would suggest. See Section 8.8 for an analysis of the cost of the monarchy.

⁵¹² Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 289

figure. The evolutionary changes which have occurred in the realms over the course of the twentieth century saw the Governor General gradually grow in significance. In Britain there would have been no such incremental developments. This is not to suggest it is impossible, but simply to acknowledge that it would have required a clear plan for constitutional change. In short, the current arrangement of a Britain-based monarch with fifteen viceroys probably arose because it was the simplest possibility. It was almost certainly not the most logical, and obviously not the fairest, but it required only the smallest amount of political activity and inventiveness.

The consequence of the monarch not moving between all her realms is a perception that the institution is a predominantly British one. This perception, which is held by the general public and by distinguished scholars in the field, is very much a self-fulfilling prophecy. The cyclical reasoning underpinning it can be summarised thusly: The monarchy is a uniquely British institution which cannot be shared fully with the realms. Because it cannot be exported to the realms, it remains a British institution.

It is perhaps, unfortunate that the principle of a truly shared sovereign was not put into practice at the accession of The Queen. While all legal aspects of the separation of the crowns have been achieved, The Queen's time remains a divisible resource which is not shared in keeping with the spirit of equality among the realms. Operational necessities may have been dictated by practicality, but if this is the case, it reveals a potential inequality among the realms. Whether this inequality can be mitigated will be considered in Section 8.5. If it can, the dominance of one realm is not an inherent flaw in the concept of sharing a head of state. If it cannot, the realms face a practical reality at odds with their theoretical principles.

Section 7.7 – Representation Within Britain

On 11 November 2006, The Queen dedicated a memorial to New Zealand's contributions to the allied war efforts during both World Wars. The Queen's dedication appeared to be no more complicated in practice than many of the other dedications she has conducted over her reign. Whether there were difficulties behind the scenes prior to the event may never be known. However, there were some incongruities at the event which may indicate that there was confusion, if not outright disagreement.

Upon close consideration, it appears that The Queen's role was either poorly understood, or poorly agreed upon by the British and New Zealand governments. Indeed, it is difficult to determine in which official capacity The Queen was participating. An initial indication suggested that it would be as Queen of New Zealand. The Queen arrived and departed in cars bearing her personal standard for the U.K.⁵¹³ However, upon her arrival at the memorial site, her personal standard for New Zealand was raised. New Zealand news coverage⁵¹⁴ made specific mention of the fact that she attended as The Queen of New Zealand. This statement was supported by the use of the personal standard of Queen of New Zealand.

After these first hints as to The Queen's position at the ceremony, events grew more complicated. The Queen's speech gave many indications that she was speaking as the British head of state. She made several references to "our" two nations, meaning New Zealand and the United Kingdom.⁵¹⁵ However, it was not always possible to tell of which country she was speaking possessively. Her British perspective became clear when, at one point, she referred to London, stating, "This striking memorial will stand at the heart of

⁵¹³ The use of U.K. royal standards can be taken to mean that while travelling to and from the site she was the sovereign of the U.K. This would be consistent with the cost of the transportation being covered by the British Civil List. Alternatively, it could indicate that Buckingham Palace does not have a miniature New Zealand standard for the monarch's car.

⁵¹⁴ TV One. *Southern Stand* Television coverage (12 November 2006)

⁵¹⁵ <http://www.royal.gov.uk/output/page5695.asp> (As of 2 June 2008)

our capital city to honour the heritage of loyalties between our two nations...”⁵¹⁶ Other telltale statements included an assertion that “New Zealanders have written themselves into a special place in our history books...” These statements created a dichotomy with New Zealand on one side, and herself on the other. The Queen’s presence as Queen of New Zealand was quite incongruent with the contents of her speech.

There was a remarkable symmetry at the event. Both of The Queen’s relevant Prime Ministers were in attendance, and unlike the Normandy Commemoration (which will be discussed in Section 9.5), the Governor General was not present to confuse matters further. Unfortunately for those who would see the system better understood, The Queen made no reference to her unique position on that occasion. Indeed, the speech delivered could have been read unchanged by a head of state that was not shared by the two nations. On one hand, this statement is a triumph for proponents of the separation of crowns. The fact that two nations shared a single individual at this event was utterly immaterial, and arguably imperceptible. So undetectable was the sharing that one could actually question whether New Zealand wasn’t under-represented at the event. The Queen appeared to attend in her British capacity with her British Prime Minister. New Zealand sent only Helen Clark,⁵¹⁷ its head of government, as its representative. From this perspective, the symmetry would have been broken, and New Zealand would have appeared less prominent.

On the other hand, the imperceptibility of the sharing arrangement raises questions about the missed opportunities and lost advantages a shared figure could provide. At a diplomatic function in which two nations share a head of state, the common bond provided by that head of state is surely a useful attribute. An event celebrating “the bonds between Britain and New

⁵¹⁶ <http://www.royal.gov.uk/output/page5695.asp> (As of 2 June 2008)

⁵¹⁷ Helen Clark, (1950 – present) is a Labour MP and Prime Minister of New Zealand (1999 – 2008).

Zealand”⁵¹⁸ overlooked the most obvious bond, The Queen herself. There was no reason that she could not have mentioned her shared role, made reference to both of her Prime Ministers, or spoken clearly from two perspectives.⁵¹⁹ However, this would have been a substantial departure from previous palace practice. The Queen does not appear ever to have mentioned in public being queen of more than one country at a time.

While it is reassuring that officials realised that the dedication of the Southern Stand was an ideal opportunity for The Queen to act in her capacity as Queen of New Zealand, it appears that not all officials were of the same mind. The speech was clearly not written from that perspective. Given that The Queen probably does consider herself a New Zealander (as discussed in Section 7.4, on The Queen’s identities) it is unfortunate for the concept of the shared head of state that the occasion was not used to make this clearer. At the very least, a more neutral speech could have been written; one which did not overtly align The Queen with one realm or the other.

While the Southern Stand dedication was not entirely consistent in its execution, it highlighted positive elements of the shared structure, both realm and potential. It also illustrated some of the complexities which can arise from sharing a head of state. It did not demonstrate an inherent conflict stemming from the structure. Rather, it illustrated further the need for careful planning and considerable co-ordination between the realms.

Section 7.8 – The Other Side of the Coin

The financial cost of the shared monarchical structure is complex and

⁵¹⁸ Prince of Wales Website <http://www.princeofwales.gov.uk/news/index.php> (As of 16 November 2006)

⁵¹⁹ To speak from two perspectives would not have necessitated The Queen sounding confused. Rather, The Queen would simply have had to clearly indicate when she was speaking as Queen of New Zealand and when as Queen of the United Kingdom.

difficult to determine with absolute accuracy. To piece together the total cost of the monarchy, a wide array of figures must be assembled from nations around the world. Limited studies on the cost of the monarchy have been compiled in Canada,⁵²⁰ and in Britain,⁵²¹ but only with regard to the costs borne by those nations. It would appear that virtually no analyses of costs have been studied among the other realms, and certainly no comparisons have been undertaken.

It may be useful to begin with a brief overview of royal finances. The Queen does not receive a salary for her work as head of state in any realm including the U.K. As a land owner, she receives revenue from her private property which has been passed down to her through the generations.⁵²² Both she and Prince Philip receive a sum from parliament to cover the cost of the expenses they incur while performing their duties. Several other members⁵²³ of the royal family receive grants as well; however, The Queen pays these back to parliament each year from her own private resources. Thus, the British taxpayer provides for the “business” expenses of The Queen and Prince Philip and receives the work of at least eight other members of the royal family at no further cost.

Parliament also grants funds to maintain the royal residences, as will be discussed subsequently in this section, and for the staff and operation of the palaces as required by a head of state. In Britain, the total amount of money provided by the government to maintain the monarchy was £37,300 000 for

⁵²⁰ Finch, Robert, ed. “The Cost of Canada’s Constitutional Monarchy 4th Edition: 2008-09” *Canadian Monarchist News* (July 2009 - No. 29A)

⁵²¹

<http://www.royal.gov.uk/LatestNewsandDiary/AnnualFinancialReports/Annualfinancialreports.aspx> (As of 29 January 2010)

⁵²² Pierce, Andrew. “Queen’s Private Income Rises Three Times the Rate of Inflation” *Telegraph* (22 July 2009)

⁵²³ These members are, Prince Andrew, Prince Edward, Princess Anne, TRH The Duke and Duchess of Gloucester, TRH The Duke and Duchess of Kent, and HRH Princess Alexandra.

2007.⁵²⁴

The Commonwealth Realms do not contribute to the cost of the British monarchy in any way. They each maintain their own viceregal representatives, and provide for any member of the royal family visiting in an official capacity.⁵²⁵

Considering the cost of the monarchy in Britain, the cost of the viceregal establishments, and the cost of royal visits provides an estimate on the cost of the shared monarchy as a whole. The complete annual cost of the shared structure is approximately £79,990,727. It must be acknowledged that this is only an approximation for three reasons. First, financial information is exceptionally difficult to locate for several of the smaller realms. The year 2003-2004 was used to develop this figure as information for it was the most readily available. Nevertheless, while every attempt was made to use budget actuals, in some cases these were unavailable. In such situations official estimates of expenditure, or actuals from another year, were used.⁵²⁶

The second reason the figure above can only be considered an estimate is the sheer complexity of financial record-keeping on the national scale. There is considerable variation in the management of royal and viceregal expenses from realm to realm. Some nations enumerate costs explicitly, others are less detailed. Some costs which are clearly associated with the monarchy are listed in the operating budgets of multiple departments.⁵²⁷ It would be impossible to track every single cent (or pence) spent on the monarchy in each

⁵²⁴ This figure reflects the amount The Queen reimbursed for the assistance of the other members of the royal family. <http://www.royal.gov.uk/LatestNewsandDiary/AnnualFinancialReports/Annualfinancialreports.aspx> (As of 29 January 2010)

⁵²⁵ For example, security costs are generally managed on a reciprocal basis. There is a convention that “Internationally Protected Persons” be safeguarded by host governments. In Canada, for example, the R.C.M.P. are charged with this task. See, *Royal Canadian Mounted Police Act* (2004) Section 1

⁵²⁶ A complete breakdown of the figures and their sources is delineated in Appendix I.

⁵²⁷ For example, some security and transportation arrangements for royalty and viceroynalty are incorporated into various police and military budgets. Separating them out would be an astronomical undertaking.

realm.

The third reason for uncertainty in the cost of the monarchy is variation in operations from year to year. When The Queen or any other member of the royal family visits a realm outside Britain, the realm to which they were invited undertakes to cover their expenses. Added to this is capital expenditure which changes from year to year. Many (but not all) viceregal budgets also include components for the maintenance of historic residences. These factors result in variation in the cost of the monarchy in each realm from year to year.

Despite these caveats, this estimate can be relied upon to provide an indicative cost of the shared structure. Dividing the total cost by the number of citizens in each nation reveals that each individual contributes 63 pence per year. However, both the complete cost of the shared structure and the estimate of individual contribution are somewhat misleading. The realms make varying use of the shared structure. Each incurs different expenses dependent on internal factors. Furthermore, as each realm bears these costs themselves, and each has a different population, the amount each taxpayer contributes is not the same. The separation of the crowns is very evident in terms of the realms' individual expenses.

There are two particularly interesting perspectives from which the cost of the monarchy in each realm can be analysed. The first is of the total amount contributed; the second is of a per capita cost in each nation.

Figure 21, page 242, demonstrates the total amounts of money spent on royal and viceregal establishments in each realm. One trend is immediately apparent. There appears to be three broad categories into which the realms can be divided. In the first, three nations spend substantially more money on their components of the shared structure than do any of the others. This is easily explainable in that they are the three nations with the largest populations, and

are federal in structure.⁵²⁸ Australia and Canada consist of six states and ten provinces respectively. Each has a viceregal representative which is largely maintained by the sub-national government in which he or she operates.⁵²⁹ In addition, like all of the other realms', a Governor General operates at the national level. In Britain, the monarch resides in several places throughout the country and operates on a larger scale than do the Governors General. It should be noted that more than half of the cost of the monarchy is grants-in-aid. A substantial portion of this figure includes money spent to maintain the royal residences.⁵³⁰ They are included here as a cost of maintaining the monarchy, but it is unrealistic to think that this cost would be diminished dramatically by the dissolution of the monarchy.

A second tier of nations spends substantially less than those countries already discussed, but well over one million pounds per annum. Jamaica, New Zealand, and Papua New Guinea spend far less than the largest Commonwealth Realms. These unitary nations do not have sub-national governors or lieutenant governors to fund. A single Governor General, one viceregal establishment, is the bulk of the cost. However, they also have populations substantially smaller than Australia, Canada, and Britain. Overall, costs seem to be roughly linked to population size.

Finally, the majority of the realms spend less than one million pounds each year on their viceregal establishments. Given their tiny populations and relatively small geographical areas, this might be expected.

There is a remarkable similarity between Figure 21 and Figure 22, pages 242-243, the latter being an illustration of the relative sizes of the

⁵²⁸ Britain is not, strictly speaking, a federal nation, but as mentioned previously in this thesis, it is certainly undergoing a pronounced period of devolution. Bogdanor, Vernon. *Devolution in the United Kingdom* (2001) 290

⁵²⁹ In Canada, the Federal Government pays the salaries and some of the expenses of the Lieutenant Governors, while the provinces contribute to their offices and staff. Finch, Robert, ed. "The Cost of Canada's Constitutional Monarchy 4th Edition: 2008-09" *Canadian Monarchist News* (July 2009 - No. 29A) 7

⁵³⁰ The Royal Public Finances Annual Report (Buckingham Palace, London, 2007)

realms' populations. These similarities would seem to indicate that population size is a major factor in determining the costs of maintaining the monarchy in each realm. Admittedly, the similarities are most noticeable in the federal realms. There does not appear to be any direct connection between the cost of maintaining the monarchy in a realm and the popularity of the institution in general. One might have thought that if a realm were to spend more money on its monarchy this might signify a greater degree of support or appreciation for the structure. This does not appear to be indicated by the evidence.

The actual expenditure on the monarchy in each realm demonstrates some interesting facts about the shared structure. However, it is also possible to consider the cost of maintaining this structure on a per capita basis.

When the sum totals for each realm are divided by their populations, the graph generated takes on an entirely new appearance, see Figure 23, page 244. The most obvious difference between this graph and Figure 21, page 242, is that it is not dominated by a group of nations. Clearly, Tuvalu stands out as a peculiarity but most other nations are represented with a broad equality.

Analysing the per capita figures demonstrate that there again appear to be three categories into which the realms can be sorted. Citizens of Australia, Canada, New Zealand and the U.K. pay between 40 and 76 pence per person to maintain their components of the structure.

Jamaica, Papua New Guinea, and the Solomon Islands, pay very tiny sums, between seven and thirteen pence, per person. The former two states have populations in the millions, but keep their expenditure in the £350,000 - £450,000 range. The Solomon Islands have a much smaller population, but pay less for their viceregal establishment than any other realm.

The remaining Commonwealth Realms all have small populations, relative to the other two categories. Nevertheless, their viceregal expenditure is comparable to Jamaica and Papua New Guinea. This results in their per capita expenditure being markedly higher than the other realms. This category of nations pays between £1.35 and £4.30 per person. Even compared to the

other members of this category, Tuvalu is in a unique situation, paying more than 2.5 times the nation with the next highest per capita cost.

Overall, the cost of maintaining a viceregal establishment varies considerably from one realm to another. The smaller realms appear to indicate that diseconomies of small scale are an aspect of these costs. Evidently, the expenses of a Governor General can be scaled back to accommodate a small population, but within limits. The burdens of maintaining a viable nation state are divided among its citizens. While a nation of tens of millions may require more than one viceregal representative, a nation of several million may function acceptably with just a Governor General. It is whether that Governor General is supported by five million citizens or 50,000 that makes a substantial financial difference.

Most of the costs covered in this section would be incurred by any form of head of state, shared or otherwise. There is no evidence to suggest that any particular form of president would be any cheaper. Indeed, evidence suggests that rather the opposite is true. For example, the Finnish President's Establishment received £7,770,000 in 2008, a cost of £1.45 per person.⁵³¹ The President of Italy costs Italians £1.41 per person.⁵³² The cost of the monarchy in the realms is a ramification of sharing a head of state for only one reason. All of the realms but Britain pay for viceregal representation, but none, other than Britain, contribute to the cost of The Queen unless she is visiting them. As mentioned in Section 7.5 there is no way to gauge how much work The Queen does for each realm while she is in Britain. Whatever the amount, some work is undertaken, and this is essentially provided gratis. The sovereign adds value to the position of head of state, without drawing upon the nation's resources. Indeed, it could be argued that Britain is essentially subsidising the

⁵³¹ Admittedly this figure is more recent than the others being considered, however it is indicative of a substantial higher cost. http://www.stat.fi/tup/suoluk/suoluk_valtiontalous_en.html#government (As of 29 January 2010)

⁵³² Palmer, Sean and John Aimers. "\$1.10 per Canadian" *Canadian Monarchist News* (Autumn 2002)

other realms' heads of state when The Queen utilises British resources while working for the other realms.

It is not the purpose of this section of the thesis to demonstrate that the shared structure, or constitutional monarchy in general, is a cost-effective constitutional arrangement.⁵³³ Rather, it is to consider an area of collectivity in which the realms cooperate, and yet operate independently. In this way, the financial arrangements for the shared structure epitomise the political structure. It is possible to examine the total cost of the shared monarchy in terms of a single figure towards which each realm make a contribution. Similarly the Commonwealth Realms can be analysed as a cohesive group of linked nations. However, both of these approaches would be misleading. The realms are not officially a deliberate body of states working together, but something of an accidental collection. In the same way, a more appropriate perspective from which to examine the cost of the shared monarchy is not as a sum divided between states, but one composed of the realms' individual expenses.

Section 7.9 – Conclusion

Chapter 7 analysed potential sources of conflict between realms. In doing so it questioned the view that the shared system includes inherent difficulties which are necessarily a source of conflict. There are a number of issues which could cause friction between the realms, but to this date have not. Furthermore, there are examples where realm autonomy has been preserved in the most difficult of circumstances.

The utilisation of two significant case studies in this chapter provided substantial “real-world” material on the nature of sharing a head of state. In addition, examining these two cases in great detail allowed one to consider not

⁵³³ A detailed analysis of this subject cannot be undertaken in this thesis, but would be a worthwhile study.

merely what actually happened in the past, but what might have happened had circumstances been slightly different. Carefully and logically constructed questions expanded the available material into the realm of the hypothetical. This is particularly useful, as Historical Institutionalism values the use of counterfactuals and recognises the role of many factors in shaping reality. Chapter 7 demonstrates the utility of bringing together the detailed perspective of Case Study Theory and the broad, “holistic” aspects of Historical Institutionalism.

The South African and Indo-Pakistani case studies clearly demonstrate that the separation of the crowns is a viable principle, even in the most serious situations. The Governors General are an essential component of the sharing system not only for the role they play in representing the monarch, but also in inter-realm relations. Governors General are able to personify the different aspects of the shared Crown more easily than is the shared sovereign. They can assist with compartmentalisation of duties and can unambiguously declare a realm’s position on an issue which may conflict with other realms’ stated positions. This reduces the risk of confusion on the part of the public, and diminishes the chances of embarrassment on the part of the monarch.

The sections in Chapter 7 which focussed on royal identity demonstrated that there are a number of issues which could potentially create dissonance between the realms. Each of these issues is heavily influenced by popular perception. Indeed, one could argue that their most significant contribution to the matter is entirely founded upon the manner in which the public understands them.

Royal nationality, as discussed in Section 7.4, is a potential issue because it touches upon sensitive concepts like nationalism and patriotism. In an age when virtually all heads of state can be identified as citizens of their country, monarchs are in a somewhat more difficult position. Whether the embodiment of a nation can be a member of that nation is debatable. The answer is probably not uniform. The Swedish King, as demonstrated by his

passport, probably is a citizen as well as a sovereign. The position of the British monarch is more ambiguous, even within Britain alone. Considering the shared sovereign's position in the other realms adds further complexity.

There is substantial evidence to argue that the sovereign is a member of each realm's society. Whereas some would classify such members as citizens, the term would be awkwardly applied to The Queen. The alternative term, subject, would also be an unusual one to apply to the sovereign. Admittedly, if one were to make a distinction between the woman who is the embodiment of the Crown, and the Crown as a legal entity, then perhaps The Queen could be a subject or citizen as well as a sovereign.

While information to absolutely confirm The Queen's legal status as a national of each realm is difficult to locate, her identity in those realms is fairly straightforward. She is not necessarily "a Canadian", but she is undeniably "Canadian" in the same way that the Senate and House of Commons in Ottawa are Canadian. It would be as absurd to suggest that the Canadian parliament, as an institution, contains a British element, as it would be to suggest that it contains a Papua New Guinean element. Either both or neither must be true. If neither is true, then The Queen has been successfully nationalised through the separation of the crowns. If, both are true, the complexity of The Queen's national status is all the more deserving of scholarly attention. It would place her in a category of international citizen never before considered in the modern age. Furthermore, to suggest that she is a Papua New Guinean element in the Canadian parliament must also acknowledge that she is equally a Canadian element.

The potential international citizenship status of The Queen, that she belongs to all of the realms equally, has further implications. In particular, the locations in which she spends her time must be considered. Section 7.5 showed that beyond Britain, The Queen has spent roughly proportional amounts of time in each of the realms based on population. It further postulated that her time in Britain may be a misleading statistic. Not only does

she undertake work for the other realms while in Britain, her actual residences could be international entities in the same way that she may be.

To suppose that Buckingham Palace is not necessarily a British entity is a radical departure from any previous study of the monarchy. Indeed, there is evidence to affirm that all of the royal residences, as administrative apparatus and physical symbols of the monarchy, are British in the same way that Yarralumla⁵³⁴ is an Australian institution. Despite this, the idea probably deserves some consideration. For The Queen's principal residence to be so closely associated with only one realm is obviously an imbalance. Practically speaking, there may be nothing that can be done to rectify this, short of having a constantly travelling monarch. However, if there was a political desire to make a bold statement about the monarch's internationality, the creation of the Vatican City State might have provided a very loose template. Buckingham Palace could be declared a separate political entity, perhaps a protectorate of each of the realms equally.⁵³⁵ Such an action would be a clear statement to the realms that The Queen is not predominantly British, and would work around the expense and impracticality of requiring the sovereign to physically move from realm to realm.

Theoretical proposals for radical reorganisation aside, The Queen's finite time will always have to be divided between the realms. At present it is divided extremely unequally. The public is certainly aware of this discrepancy. Section 4.4 of this thesis suggests that Britain is actually disadvantaged constitutionally by The Queen's presence in that it removes the necessity of a Governor General and prevents the establishment of a bi-partite head of state.

⁵³⁴ This is the Official Residence of the Governor General of Australia. <http://www.gg.gov.au/governorgeneral/content.php?id=24> (As of 29 January 2009)

⁵³⁵ The Egyptian Condominium, The Sudan, and Vanuatu are historic examples of territories administered by more than one nation. The arrangement would not be colonial in that the Palace would maintain a substantial amount of autonomy, and would be even smaller in terms of territory and population than the Vatican. The Vatican has a population of 800. The palace currently employs 368 people and they do not all live on site. Hoey, Brian. *At Home With The Queen* (2002) 137

Nevertheless, public perception impacts the reality of the structure. Such disproportional divisions may appear to the public that the realms of are of marginal concern to The Queen. Whether this is a true reflection of The Queen's thoughts or not, the fact that the proposition can be posited damages the shared structure.

Imbalance is further highlighted in Section 7.7. That section demonstrated the difficulty in acknowledging The Queen's role as head of one realm while visiting another. This appears to be especially true if one of the realms involved is Britain. The dedication of New Zealand's War Memorial in London is a case study of this phenomenon. At that event, The Queen was required to perform the duties of the head of state for both New Zealand and Britain. Interestingly, the seemingly zero-sum problem this presented was not as intractable as it might have appeared. Attempts were clearly made to establish The Queen's capacity at the event, the use of her New Zealand standard being among the best. If any problems occurred, or were perceived to occur, it would appear to be because the process was not taken far enough. There were inconsistencies in the representation of both nations, and in the manner in which The Queen spoke. Nevertheless, the attempts to denote The Queen of New Zealand in London was an admirable sentiment, and may have strengthened not only the separation of the crowns, but also New Zealand's claim to the monarch.

Many of the potential problems facing the shared structure involve Britain's claim on the institution. Because Britain has been a monarchy for 1000 years, it has a unique perception of the institution. The histories and cultures of the monarchy and the nation have been intertwined for centuries. Britain certainly has a very large stake in the monarchy. However, it seems to have failed to fully recognise the form into which the Crown has evolved over the past 60 years. Evidence, such as the views demonstrated by the popular press, or even by renowned constitutional scholars, indicates that the monarch's loyalties are still perceived to be with Britain before the other

realms. Her nationality is generally regarded as being British and she spends the majority of her time in that country. Indeed, when the opportunity existed in the 1950s to ensure a fairer distribution of The Queen's time, it failed to materialise. Inasmuch as the realms outside Britain must recognise their stake in the shared head of state, Britain must recognise that it has taken a greater share of the monarchy than that to which it is entitled.

It would appear that while there could be genuine concern about the division of the monarchy's finite attributes, perception plays a very important role in the understanding of the shared structure. Indeed, all of the concerns expressed throughout Chapter 7 could be mitigated. While a campaign to reassure the other realms of their equality might fail to change perceptions if realities were not also changed, a change of reality could equally fail to affect perception.

It seems that most of the issues raised in this chapter exist out of a desire to leave the status quo untouched. Rather than tampering with a structure that has evolved in a rather ad hoc fashion, and risk damaging it, most politicians seem content to leave it alone, potential flaws included. This is unfortunate for the perpetuation of the shared structure as a number of these flaws could be fixed through legislation if the political will existed. Questions of perception would be harder to resolve, but the first step towards their resolution might be the institution of legal and political remedies for the genuine imbalances that do exist.

Part III of this thesis has covered the inter-realm perspective of the shared head of state concept. It has expanded upon many of the internal ramifications of Part II by examining how they affect the realms on a wider scale. In a way, the inter-realm perspective is an international one. However, because the nations involved are all realms, they required special consideration. The issues involved in realm to non-realm relationships are substantially different. Part IV will consider this last perspective. It will address many of the same issues discussed in Part II and III, such as the complexities of the role

of the Governors General, and the capacity of the head of state to speak effectively on behalf of more than one nation. It will add a further layer of depth by considering these matters in an even broader spectrum, that of the entire world.

Figure 16 – Prince Philip Wearing the Uniform of the Royal Canadian Regiment

This photo has been removed by the author copyright reasons

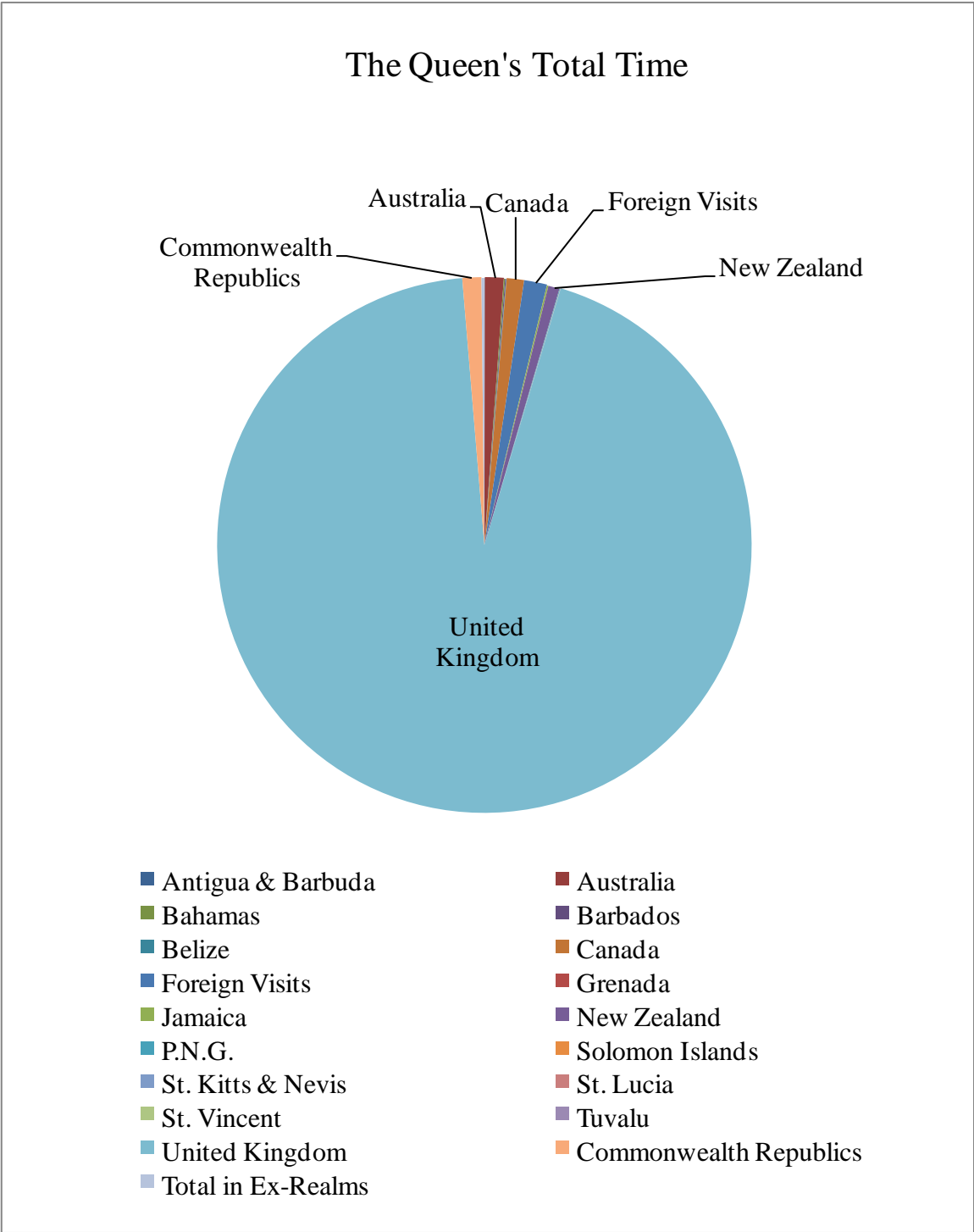
Source: AP Photo by Fred Chartrand (2007)

Figure 17 – The Passport of Prince Charles

This photo has been removed by the author for copyright reasons

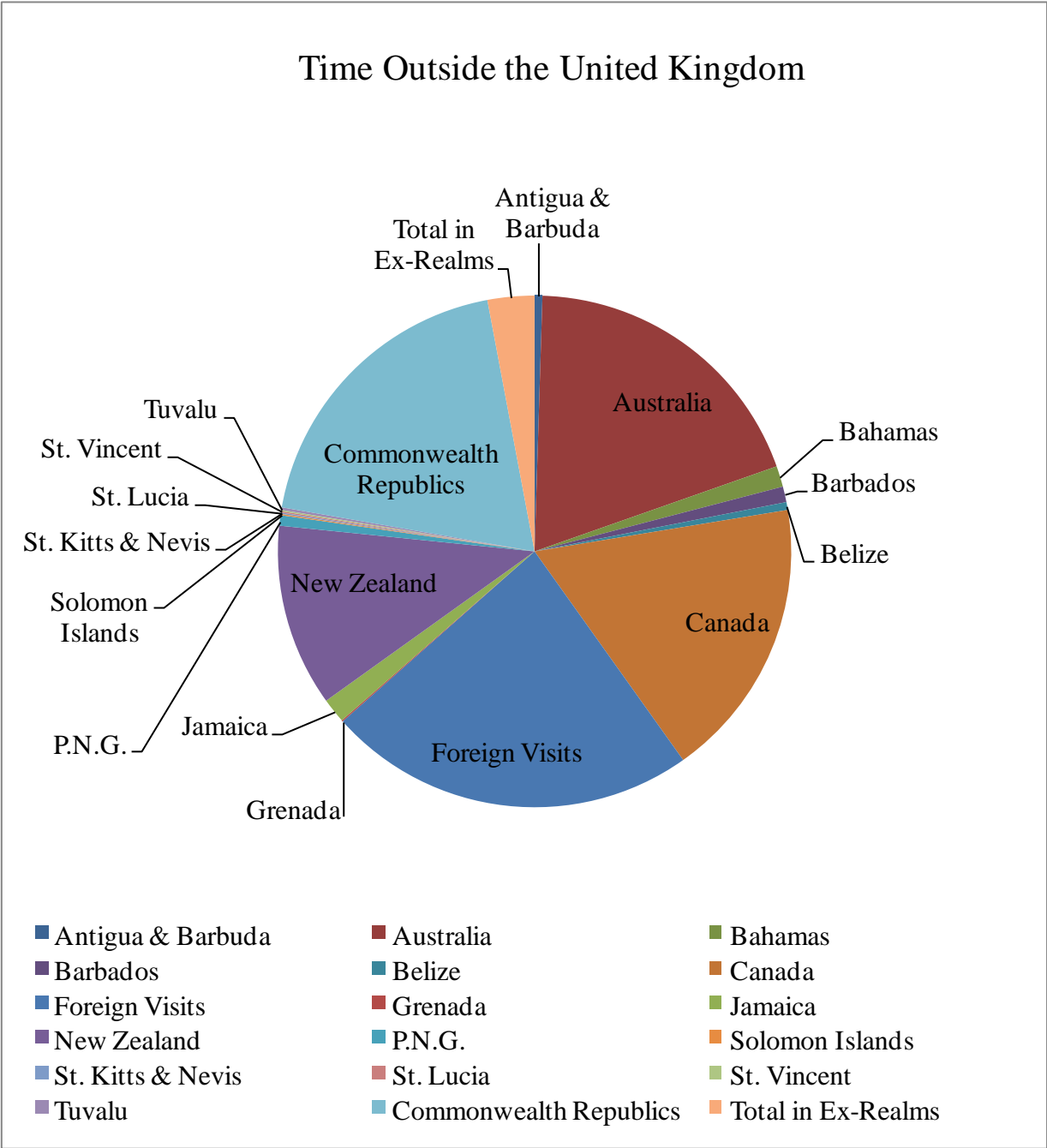
Source: Graham, Tim. "In Private, In Public" (1986) Frontispiece

Figure 18 – The Queen’s Location by Time (Total)



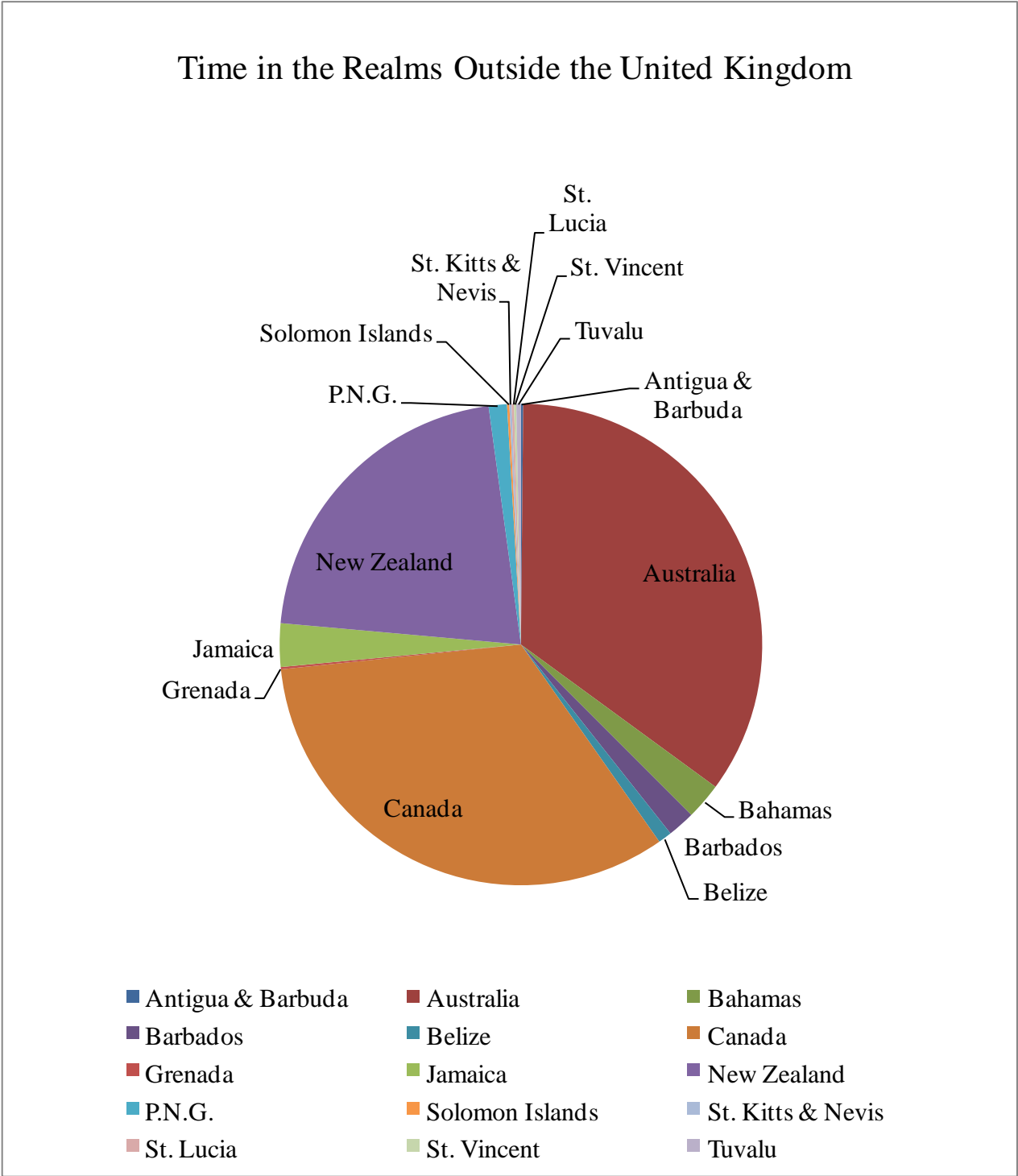
Source: Appendix H

Figure 19 – The Queen’s Location by Time (Outside The U.K.)



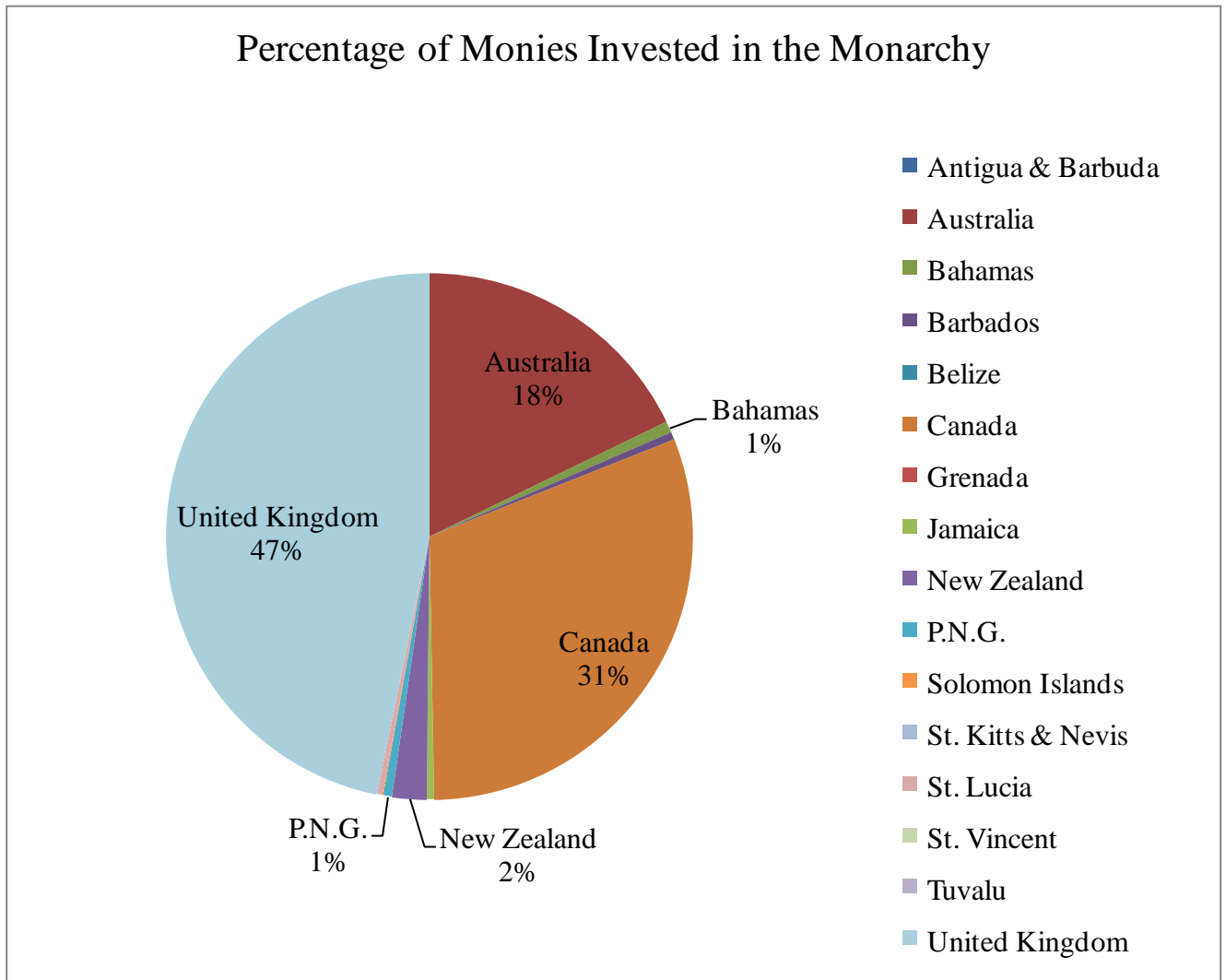
Source: Appendix H

Figure 20 – The Queen’s Location by Time (In the Realms)



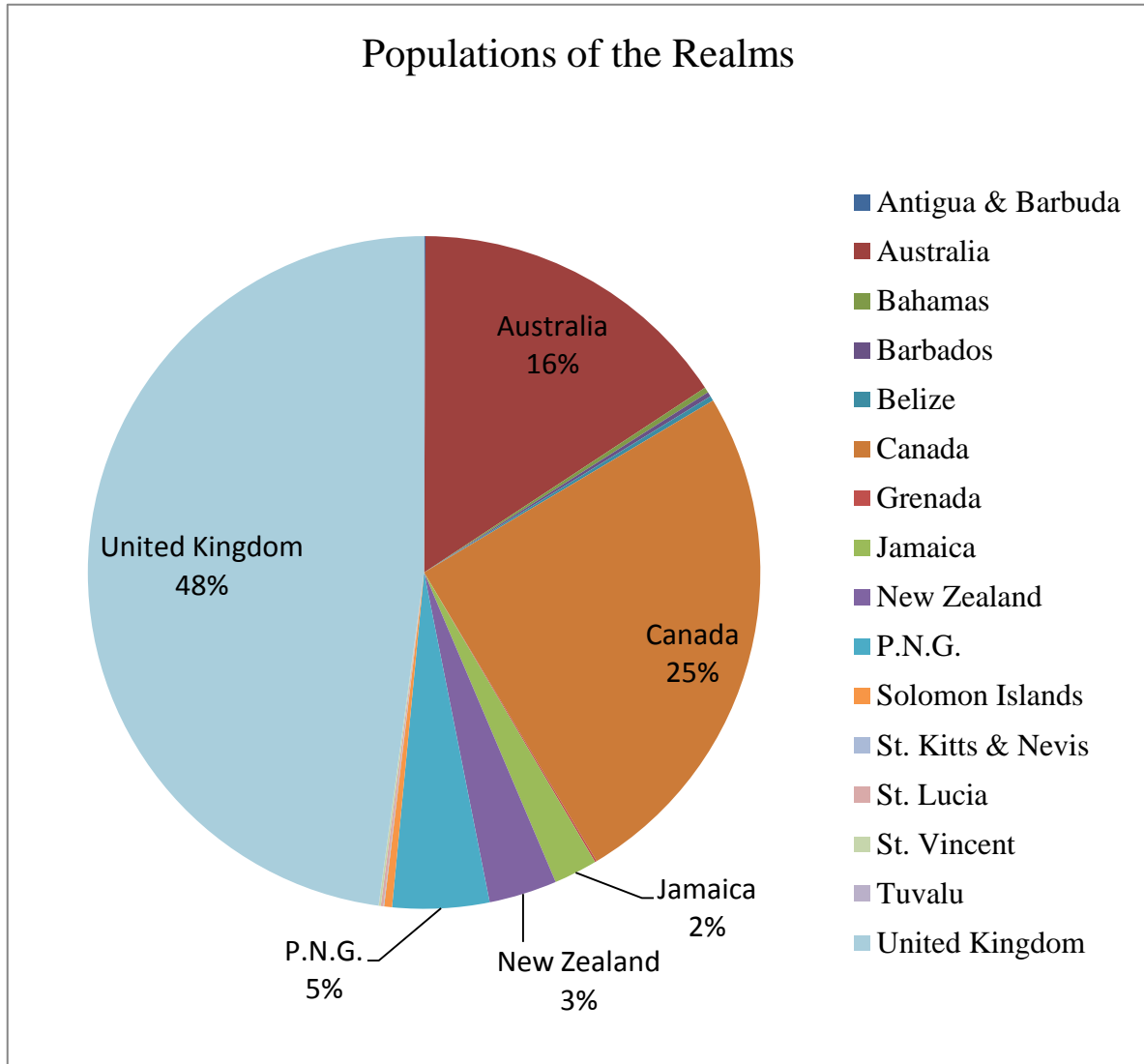
Source: Appendix H

Figure 21 – Percentage of Monies Invested in the Monarchy



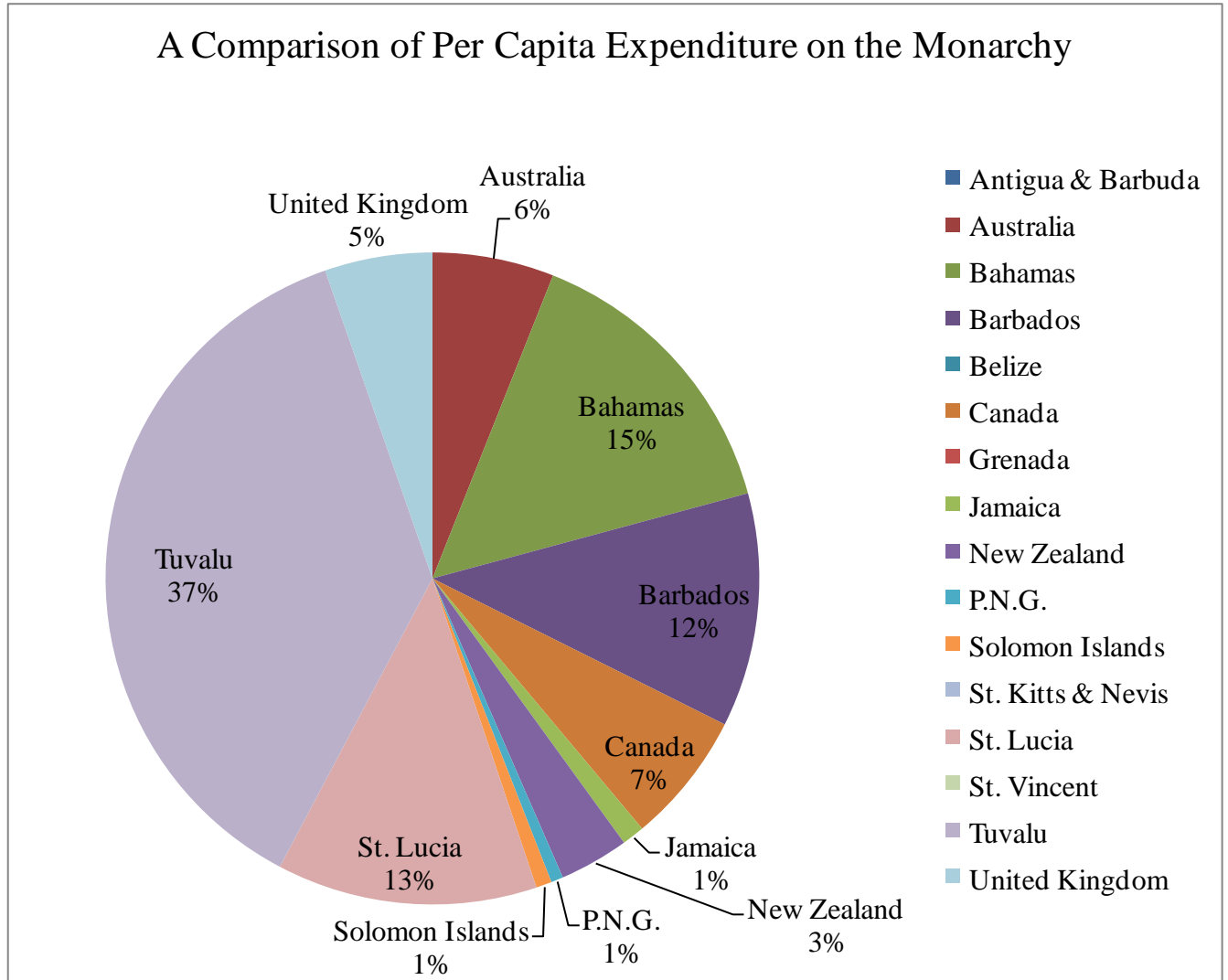
Source: Appendix I

Figure 22 – A Comparison of the Realm’s Populations



Source: Ward, Inna. Ed. "Whitaker's Almanac 2008" (2008)

Figure 23 – A Comparison of Per Capita Expenditure on the Monarchy



Source: Appendix I

Part IV – International Ramifications

Introduction to Part IV

Parts II and III of this thesis were dedicated to examining the ramifications of sharing a head of state internal to each of the realms, and internally to them as a collective. This part will consider these ramifications from a more external perspective. The Commonwealth Realms make up a small minority of nations in the world today. The vast majority of states do not participate in this shared institution. Nevertheless, they are involved in the arrangement through their international relations with the individual realms.

Examining these relationships will reveal a third category of ramifications stemming from the shared head of state. These ramifications impact upon the realms in ways every bit as significant as those which arise from within the realms themselves.

Heads of State are often presented as the face of the nation both within the state, and to the wider international community. As such, many facets of the office are of significance. The title of the occupant, the method of selection, and the role given to this figure, all reveal attributes of the nation he or she represents.

The nature of the head of state in the Commonwealth Realms was addressed in Part II in terms of internal, national matters. It is equally interesting with regard to foreign affairs. The combination of the “offices” of The Queen and the Governors General lend a complexity to international politics unlike any others.

This complexity creates an opportunity for conflict between the realms in the manner in which they present themselves to the wider world. It also presents the possibility of considerable confusion. This confusion, as demonstrated by non-realms, reveals the potential for clarification and systemisation.

For the shared head of state, the greatest potential for difficulty occurs

not in the internal matters of the individual realms, nor even in the more complex inter-realm relationships. The potential for conflict, confusion, and embarrassment is most likely to occur when the monarch represents the realms outside their coterie of sixteen. To begin, the understanding of the shared system is likely to be best understood amongst the realms. Non-realm misunderstandings may complicate their relationship with the realms. Furthermore, even if the shared system is understood, the potential for conflict is more likely. Within the group of Commonwealth Realms, governments have a cooperative incentive to maintain the system and reduce undesired friction between them. In non-realm international relations the maintenance of the shared system is a goal not common to all parties. In such relationships, reducing conflict within the shared system is not necessarily a priority for the non-realm.

This final analysis of the shared system, how it is affected from outside the structure, considers those perspectives beyond the system itself. It places the structure in a wider setting and endeavours to locate the arrangement among the nations of the world.

Chapter 8 – International Aspects

Section 8.1 – Introduction

As discussed in Section 3.2, many of the duties of a head of state are matters internal to the nation. Heads of State are generally charged with maintaining the continuous government of the nation, and representing the nation to its people. Of course, they also have a substantial role to play on the international stage. Whether they are executive figures, or largely symbolic ones, virtually all represent their nation abroad. Part II of this thesis considered the ramifications of sharing a head of state within any given realm. Part III examined those which are inter-realm. Strictly-speaking, these are international considerations. However, they are quite distinct from the issues to be considered in this part. Inter-realm issues involve a distinct group of states, the Commonwealth Realms, and their relationship as determined by their shared head of state. Part IV will investigate the role of the shared head of state with respect to the wider world. It will address issues faced by the realms in their relationships with non-realm nations.

Chapter 8 will analyse the way in which the royal and vice-regal offices are affected by international politics. A logical place to begin this study is by considering the apex of the structure. The first section of this chapter will consider perceptions of The Queen as demonstrated by foreign nations. In addition to recognising these perceptions, there is value in considering how these perceptions may have arisen. Following this section, an inquiry into the role of the Governor General will be undertaken. This analysis will consider both of the two principal branches of the Governor General's international responsibilities. First, it will examine the Governor General's reception abroad. Vice-regal figures face a number of unique difficulties when travelling in official capacities. The manner in which they are received reflects some of the ramification of the shared head of state. Second, it will consider the Governor General's duty to receive foreign delegations. In carrying out both

of these responsibilities, Governors General demonstrate that they are the “face” of the nation. Naturally, this might make one wonder what, if any, role The Queen has in this matter. Recognising that the Governors General are important in this capacity is not necessarily to deny The Queen an active role in each of the realms’ foreign affairs. Indeed, this chapter will suggest that there is considerable scope for the monarch to expand her responsibilities in this capacity. That this has not happened demonstrates some of the most profound ramifications of the shared structure. Finally, the last section of Chapter 8 will examine a theme which underlies much of Part IV. International confusion as to the role of the monarch and Governors General appears to be widespread. Addressing this matter is of considerable concern to the stability of the governmental structure of all the realms, and a significant consequence of sharing the head of state.

Section 8.2 – Speaking for Several – Foreign Perceptions of The Queen

Any consideration of The Queen’s role as a shared head of state beyond the realms must begin with international perception. Such consideration quickly reveals that the global perception of Queen Elizabeth II is that she is The Queen of the United Kingdom and of nowhere else.⁵³⁶ She is identified with the United Kingdom above all other nations, and is often referred to in the media by her British title on occasions when she ought to be referred to by another title.⁵³⁷ This perception is probably due to the historical and cultural ties between the monarchy and the U.K. Nevertheless, though the legal reality

⁵³⁶ In actuality, she is often incorrectly referred to as the Queen of England. Kullman, Claudio. “Attitudes Towards the Monarchy in Australia and New Zealand Compared” *Commonwealth & Comparative Politics* (2008) 446

⁵³⁷ See, for example, <http://www.reuters.com/article/idUST21920320080529> (As of 29 January) <http://news.bbc.co.uk/2/hi/europe/4460460.stm> (As of 29 January) <http://edition.cnn.com/2002/WORLD/americas/02/20/queen.jamaica/index.html?iref=allsearch> (As of 29 January)

of the monarchy has changed over the course of the twentieth century, the global public perception appears unmoved. Perhaps this is due to the gradual rate at which the changes were implemented, or to the rhetoric applied to the monarchy during the decolonization period.⁵³⁸ Whatever the reason, the world still generally perceives The Queen as primarily, if not exclusively, British.

Ultimately, any international confusion arising from the shared monarch's role is not the fault of the world outside the Commonwealth Realms, but of the realms themselves. This confusion is acutely manifested in The Queen's international travels. The problem was summarized in 1984 by an editor from the "Australian" a major newspaper based in Sydney. He wrote:

"There is no... formal understanding of her role when she is in a foreign country. And yet there is no compelling reason why, when she is in Jordan [for example] she should be regarded as the Queen of the United Kingdom and not, to take but one example, the Queen of Australia."⁵³⁹

Given this reasonable analysis of the situation, it would seem the realms should consider how to resolve the possibility of confusion, and more seriously, the possibility of inter-realm dissonance. There is a danger that The Queen could be utilized abroad by one realm to the detriment of others.⁵⁴⁰ The likelihood of this is not as remote as one might imagine. While it is true that The Queen's realms are not the most dissimilar nations on the planet, their foreign policies have been known to conflict on occasion. Certainly, the most recent war in Iraq is one such example.

In 2003, Britain and Australia were part of the U.S.-led force which invaded Iraq; Canada and New Zealand were not. Had The Queen been advised by the British or Australian governments to speak strongly in favour of the conflict on the international stage, it may have provoked the ire of other realms. Furthermore, this might serve to confuse foreign nations. If

⁵³⁸ Hector, Leonard Tim. "National Honours as Colonial as Colonial Can Be?" *Fan the Flame* (1 January 1999)

⁵³⁹ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 279

⁵⁴⁰ Ibid. at 279

government positions reflect the wills of their populations, as one might hope they do in democracies, the monarch would have made statements quite at variance with the wishes of the majorities in some of her realms. Such actions would undermine the shared head of state arrangement, and are a considerable potential weakness. There is undoubtedly the potential for conflict between the realms. The root cause of this has much to do with international understanding, or the lack thereof, on the international stage.

Interestingly, it would appear that because the U.K. is the nation most closely associated with the monarchy, it may suffer the most as a result of confusion over varying royal positions. Were The Queen to have spoken in favour of the war, most of the world population would have associated these comments with the British government's position. However, if The Queen had been advised by the Canadian government to publicly reject the war, this may have caused some concern for the British government. In a best case scenario, much of the world would have received a lesson on the realities of the separation of the Crown. In a worst case scenario a constitutional crisis might have occurred in which conflicting advice was offered to The Queen by two different governments. As was demonstrated in Part III, it is possible to resolve this type of conflict. In such a situation The Queen might have had to deliver two conflicting statements. While perfectly correct in terms of each realm's governance, and correct in terms of inter-realm relations, on the international stage it may have looked somewhat foolish. The world media may have been tempted to question the apparently schizophrenic positions of The Queen and question whether she was equally committed to each statement. Issues of favouritism and questions of divided loyalties might have been raised. The situation would be profoundly embarrassing not only for the monarch herself, but for the entire institution of the shared head of state.

Given that the monarchy is so closely associated with the U.K., and that the U.K. has the greatest capacity to institute change in that structure, it is surprising that more has not been written about the matter. No government has

ever raised the issue, though this may be due to the reactive, rather than proactive, nature of governments in general. No scholars have written on the subject and the media has never speculated on such a situation.

One way to alleviate the confusion which may surround the capacity in which the monarch is speaking when outside the realms is through clearer identification. On her 2004 state visit to Germany, The Queen delivered three speeches and referred to Britain 24 times.⁵⁴¹ At no point in time did she state at whose behest she had been sent. Of course, it is quite possible that she was introduced as The Queen of the United Kingdom before she spoke. Some might suggest that she “needs no introduction”, given her extremely high profile. Indeed, if one were considering only the individual, this might be true and an introduction might seem unnecessary, but her professional capacity certainly seems to need clarification on the international stage.

The German example is not the only one. In 2004 The Queen visited France twice. She travelled on a state visit in April and returned to commemorate the 60th anniversary of the invasion of Normandy in June. Both of these occasions are interesting.

During the state visit, The Queen referenced Britain fifteen times in official speeches.⁵⁴² Yet at no time did she describe her own connection to that country. At no time did she refer to herself as The Queen of the United Kingdom. Again, this is probably because it is assumed by those arranging the occasions that this is self-evident.

She returned only two months later to speak at the Commemoration of the Invasion of Normandy. On this occasion, she made no reference to Britain at all. She referred twice to the Commonwealth and its role on D-Day. She concluded the speech with the sentence, “I salute you, and thank you on behalf of our whole nation.”⁵⁴³ To which nation she was referring was left entirely to

⁵⁴¹ Author’s tabulation. <http://www.royal.gov.uk/> (As of 29 January 2010)

⁵⁴² Author’s tabulation. <http://www.royal.gov.uk/> (As of 29 January 2010)

⁵⁴³ <http://www.royal.gov.uk/output/page4227.asp> (As of 6 May 2008)

the audience to discern. The most plausible assumption, particularly based on previous patterns of self identification in other speeches, is that she was representing Britain. Non-realms, which generally assume she is principally the British Queen, would also be likely to make this assumption.

Further convoluting matters, The Queen spoke later that day at a ceremony paying “tribute to the heroism of Canadian soldiers involved in the Normandy landings”.⁵⁴⁴ On this occasion she referred to Canada seven times, and Britain once. At no time did she clearly identify herself as a representative of Canada. It was never clear in which capacity she was speaking.

When The Queen returned to Canada in 2005, the situation was considerably different. In five speeches, she described herself four times as either the “Queen of Canada”, or as “your queen”.⁵⁴⁵ The capacity in which she spoke was never in doubt.

This self-identification is not universal among the realms however. In Australia, only two of the last four speeches delivered by The Queen made any references to identifying with Australia. Interestingly, there was no reference to the term “your queen”. Perhaps this indicates that there is less acceptance of this possessive concept. Alternatively, it may only indicate that the government perceives less public support for this concept. Unfortunately for any analysis, The Queen makes so few speeches outside her British capacity that the sample is very small and thus vulnerable to considerable fluctuation.

Based on the terminology used in The Queen’s speeches, it would appear that two broad trends can be discerned. The first is that in the realms, The Queen is careful to identify herself as a national of that realm. This may relate to issues of self-identification as discussed in Section 4.5. It may also have much to do with a desire, on the part of the realm government, to demonstrate the independence of the realm. The Queen can be “utilised” by

⁵⁴⁴ <http://www.royal.gov.uk/output/page4226.asp> (As of 6 May 2008)

⁵⁴⁵ http://www.royal.gov.uk/output/MediaSiteSearch.asp?section=**Speeches*and*Articles&month=4,5,6&year=2005 (As of 6 May 2008)

realm governments to appeal to nationalistic sentiment. The Queen's speeches are usually fulsome with praise for the host realm and its peoples. The Queen's presence and praise may be perceived by some governments as a political attribute they may accrue to themselves.

The second trend discernable from an analysis of The Queen's speeches is that when overseas she is not identified as The Queen of the United Kingdom. At the very least, she does not identify herself as being of the United Kingdom. This is intriguing because regardless of how she may be introduced by others, she almost always identifies her capacity when speaking in a realm. This is the heart of the confusion. Because she does not identify the capacity in which she is speaking, when abroad, public opinion is forced to make assumptions. Her historical and cultural connections with Britain probably lead many to an incorrect conclusion. This unfortunate situation is made all the more complicated by the fact that for the vast majority of The Queen's trip to non-realms, she is travelling as The Queen of the United Kingdom.⁵⁴⁶ The British government makes the arrangements and covers the costs. Thus, it is only on very rare (or hypothetical) occasions when she is travelling at the behest of another realm that popular perceptions are incorrect.

As indicated in Section 8.1, consideration of the external implications of sharing a head of state must consider not only The Queen's role, but that of her representatives as well. To that end, the subsequent sections will examine the Governors General in their two international capacities; first, in their travels abroad, and second, in their hosting of visiting foreign officials.

Section 8.3 – Viceregal Duties Abroad

One of the more substantial changes which has occurred in the office of

⁵⁴⁶ Boyce, Peter. *The Queen's Other Realms: The Crown and Its Legacy in Australia, Canada and New Zealand* (2008) 62

the Governor General is his or her role in foreign affairs. At one time, Governors General had little role beyond the borders of their realm. As the independence of the realms increased, and their involvement on the international stage grew, a mechanism to conduct these affairs became necessary. The role of the monarch could have evolved to serve this function for all realms, and not just Britain. Instead, a different role for the monarch developed in the realms, probably due to a number of historical and cultural factors. The slow evolutionary acquisition of independence and the pre-eminent place of Britain among the realms are two likely reasons that The Queen remained principally based in the U.K. However, historical and technological reasons should not be discounted either. The decentralization process was begun in the first half of the 20th century, when rapid transportation of individuals was far more difficult than the transmission of information or orders. To send the sovereign's orders to a realm was not difficult; to send the sovereign, was a major undertaking. Whatever the reason, the Governors General adopted the role of national representatives to the world. The acquisition of this duty was a major contribution to the role's accession to the position of "de facto head of state". In doing so, Governors General ceased to be merely internal agents of a colonial empire, but full-fledged representatives of completely independent states.

In retrospect, it seems quite logical that the sovereign's representative within the realm would also become his or her representative abroad. However, the development of this arrangement has not been entirely straightforward. As an institution utilised by no more than 32 nations throughout history, all of them constituents of the former British Empire, it might be expected that much of the world would have a limited understanding of the position. Their confusion has slowed the development of this aspect of the viceregal role.

The evolution of the office of Governor General in The Queen's three

senior-most realms has reflected a synergy in many ways.⁵⁴⁷ This is certainly apparent in the development of viceregal representation abroad. In 1966, the Canadian Governor General Georges Vanier had been considering a visit to France to reciprocate the impending visit of Charles de Gaulle.⁵⁴⁸ The trip was not undertaken firstly because Vanier died in office shortly before de Gaulle visited.⁵⁴⁹ However, a second issue had complicated the planning process. France was not prepared to recognise Vanier as a head of state.⁵⁵⁰ In 1967, The Queen's approval of Governors General travelling abroad on "State or Official Visits" was made known.⁵⁵¹

New Zealand Governors General have been travelling to neighbouring pacific islands for many decades. However, no large scale State Visit was undertaken before 1974. In that year, Prime Minister Bill Rowling wrote to the Governor General, recognising that "since the Queen of New Zealand is unlikely to be able to visit another country in that capacity in order to further a New Zealand interest, it may be said that in certain important aspects of international relations[,] New Zealand is without a head of state. The extent to which a Governor-General might move to fill this gap is a question which... we should face."⁵⁵²

Building upon this realisation, the government approved a State Visit for the Governor General to the Netherlands in 1975. The visit never proceeded beyond the planning stage however. It was not until 1989 that the Governor General finally travelled to a large nation in a head of state capacity. Sir Paul Reeves' visit to Japan for the funeral of Emperor Hirohito proved so successful, that the government sent him to represent the nation at the

⁵⁴⁷ Boyce, Peter. *The Queen's Other Realms: The Crown and Its Legacy in Australia, Canada and New Zealand* (2008) 1-3

⁵⁴⁸ Speaight, Robert. *Vanier: Soldier, Diplomat and Governor-General* (1970) 399

⁵⁴⁹ Given how badly the visit went, it is hard to believe there would have been any reciprocation anyway. See, Berton, Pierre. *1967: The Last Good Year* (1997)

⁵⁵⁰ McLean, Gavin. *The Governors* (2006) 314

⁵⁵¹ Ibid. at 314

⁵⁵² Ibid. at 315

enthronement of Emperor Akihito.⁵⁵³

The year 1990 also saw the Governor General visit Turkey to commemorate ANZAC Day. It appears the New Zealand Cabinet was somewhat concerned about Sir Paul taking precedence over the British Prime Minister, Margaret Thatcher.⁵⁵⁴ This is quite peculiar as it is a well recognised global principle that a head of state should take precedence over a head of government. It seems unlikely that the cabinet would have been unaware of such a norm. The concern probably lay not in potentially offending Mrs. Thatcher, but in whether a Governor General ought to be considered a head of state. The government of New Zealand would be creating a precedent, not only for New Zealand, but possibly for all the other realms as well. It is not surprising that they were slightly uneasy.

In any event, Sir Paul was received by the Turkish President and received a 21-gun salute, an honour reserved for heads of state.⁵⁵⁵ Following the ceremonies at Gallipoli, The New Zealand Embassy in Greece remarked, “As far as we can tell[,] the attention given to Sir Paul Reeves and New Zealand far outweighed that afforded other participants by the Turkish media”.⁵⁵⁶ This illustration, and indeed the two examples provided by the visits to Japan, demonstrates that foreign governments, media, and the public are not necessarily confused by the role of the Governor General today. While they may not fully understand every aspect of his or her position, they do understand what role the office will play in practice, so far as it will affect them. Nevertheless, perhaps the French government’s refusal to accord Vanier the dignity of a head of state in 1967 was motivated out of a failure to understand the position. This would certainly be conceivable given how complex the matter is, and how poorly it was grasped, even by the

⁵⁵³ Ibid. at 315 See Sections 3.4 and 8.5 for further analysis of the significance of this particular trip.

⁵⁵⁴ Ibid. at 315

⁵⁵⁵ Flint, David. *The Cane Toad Republic* (1999) 40

⁵⁵⁶ McLean, Gavin. *The Governors* (2006) 315

governments which actually utilised the system at the time.

The difference between the reactions of France, and those of Japan and Turkey, demonstrate that attitudes can evolve. The two decades between 1967 and 1989 changed the perception of Governors General among nations which were not Commonwealth Realms.

One must wonder, however, whether there might be a danger to the shared structure by giving the Governor General too much autonomy. While The Queen cannot make State Visits on behalf of each of the realms due to physical constraints, removing her entirely from the process has the potential to send misleading signals to foreign states. Treating a Governor General as a head of state has become the norm. While this has addressed the “gap” Rowling pointed out, it has marginalised The Queen to some extent. Many nations might incorrectly identify the realms’ heads of state as their Governors General. One may question whether the Turkish population, media, and perhaps even the government, recognised the existence of The Queen of New Zealand. Ironically, Governors General may have furthered this situation by so successfully representing the monarch that they have completely eclipsed her. The potential for further confusion and the undermining of the sovereign’s role is a substantial ramification of the shared system.

Whether the changes to the role of Governor General are merely the evolving dynamics of a complex structure, or are a sign that the system is proceeding towards radical reform is hard to determine. Flexibility and adaptability have long been hallmarks of the shared monarchy. The marginalisation of the monarch may be nothing more than adaptation as necessary. Indeed, this flexibility may actually serve to protect the existing form by accommodating the changing needs of the realms. However, it may also represent an evolution so substantial as to warrant the new design being considered an entirely different species of government structure. The de facto changes to the structure could lead to de jure changes, with countervailing arguments compromised by the existing arrangements. The structure could be

evolving towards extinction.

It is difficult to see whether there could be a “middle way” in this matter. If the sovereign were to undertake more State Visits at the behest of the realms, a significant problem would arise. Physical constraints would still prevent The Queen from providing the level of representation which could be offered by a local representative.⁵⁵⁷ This would necessitate Governors General continuing in their capacity as her representatives, even if their international duties were somewhat reduced. As the world gradually came to recognise The Queen as a more international figure, the visits of Governors General would be seen as comparably less significant. Representation of the realms abroad could potentially be reduced overall.

Though such a scenario is entirely hypothetical, there are no constitutional impediments to its development. The same processes by which the present arrangements evolved would allow the process to evolve in a new direction. Local political and popular support would be the driving force either for or against such a proposal.

It is possible that the realms are presently faced with two undesirable options. They are forced to choose between either using a representative of their monarch as their head of state or accepting decreased representation abroad by the monarch and her subordinate. Neither alternative is a particularly positive one. This situation is potentially a negative ramification of sharing a head of state, but is one of the consequences of this constitutional paradigm.

⁵⁵⁷ This is especially true of an elderly monarch. This reasoning may be pointed out by some scholars as a strong argument against The Queen’s wider involvement in the affairs of the realms. However, the age of the incumbent is only a factor in the execution of duty, not the design of the office.

Section 8.4 – Viceregal Receptions – An International Role at Home

It is a truism to say that for every guest there is a host. International travel and representation are an essential part of diplomacy, but the reception of incoming foreign officials is equally important. The role of the Governors General as national hosts has been evolving for decades. The changes that it has undergone over that time reveal much about the nature of sharing a head of state.

In the pre-Dominion period of imperial history, Governors General did not normally receive foreign delegations. With foreign policy normally being decided in London, most international delegations would focus their attention there. For example, the United States did not send an ambassador to Canada until 1927 when William Phillips became the first appointee to that role.⁵⁵⁸

The one group of official visitors whom viceregal representatives did entertain on a periodic basis was members of the royal family. Though the reigning sovereign did not visit Canada until 1939, South Africa until 1947, New Zealand until 1953, and Australia until 1954, other senior members made trips to the realms beginning in the nineteenth century.⁵⁵⁹ It was frequently the responsibility of the Governor General to host the royal visitor. At the time, these visits would not have been considered visits from a foreign nation. Indeed, even today it is not entirely clear whether the Prince of Wales or the Princess Royal are “foreign” to the realms.⁵⁶⁰ Thus, the role of receiving visiting dignitaries by viceregal figures precedes their roles as surrogate sovereigns by a substantial period of time.

The reception of foreign delegations is a significant part of the head of state's role.⁵⁶¹ The monarch's necessary absence from all the Commonwealth

⁵⁵⁸ <http://ottawa.usembassy.gov/content/textonly.asp?section=embconsul&document=uschiefs> (As of 20 November 2007)

⁵⁵⁹ Bousfield, Arthur and Garry Toffoli. *Royal Observations* (1991)

⁵⁶⁰ See Section 7.4.

⁵⁶¹ <http://www.royal.gov.uk/output/Page4683.asp> (As of 5 June 2008)

Realms but one, at any given time, has seen the Governor General assume this duty. This is an example of the Governor General undertaking a task which the sovereign is physically unable to perform. In recognition of the representative role of the Governors General, it would seem appropriate for his or her actions in this regard to be undertaken in the name of the monarch. This was standard practice for much of the twentieth century, though recently, changes have been made. For example, in New Zealand, the principle has been to receive diplomats and foreign representatives in the name of the Governor General.

In previous years, diplomatic credentials were addressed to The Queen of New Zealand. Upon presentation to the Governor General, a newly-arrived head of mission⁵⁶² made the following statement:

Your Excellency, I have the honour to present to you the Letter of Credence which (title and name of Head of State) has addressed to her Majesty The Queen, accrediting me as (title) to New Zealand...

In 2005/6, in New Zealand, Letters ceased to be addressed to The Queen and were instead addressed to the Governor General herself. The wording of the above statement was also altered to reflect this change. Doing so, removed all references to the monarch. Technically, such changes were entirely permissible according to the Letters Patent 1983. This change demonstrates a significant consequence of sharing a head of state. The head of state's absence becomes abundantly clear to foreign representatives. It is probably impossible to determine whether this absence is perceived as a political weakness or not, but the perception is a possibility. One could argue that it creates a perception that The Queen is further removed from the political

⁵⁶² This term is used by the Ministry of Foreign Affairs and Trade to denote Ambassadors, High Commissioners, and the Apostolic Nuncio. See, *Presentation of Credentials in New Zealand* (Oct 2001) 5

reality in New Zealand than she actually is. Indeed, one motivation for undertaking such a change could be to further that perception. Implying that the Governor General is functioning as more than merely a representative of the monarch might make the nation appear more independent. This would be a rather illogical position, as the very existence of The Queen of New Zealand is firm evidence of independence. In actuality, an unintended consequence of this action might be to make New Zealand seem less independent in the eyes of incoming heads of mission. Rather than appearing to be the representative of the monarch of a sovereign state, the Governor General may appear to be something of a colonial governor. The very use of the term Governor General, as something of a global rarity, may cause many diplomats to consider the role of The Queen in New Zealand. Her absence, and the absence of any mention of her, could prompt some to perceive New Zealand as a less significant realm than the others. Failing to refer to the monarch may appear, not as a sign of independence, but as a sign of unimportance. New Zealand may appear to be unworthy of The Queen's attention. Her absence may imply to visiting foreign nationals that the head of state is unable or unwilling to devote the necessary time to the realm and its visitors.

There have been no publicly-documented cases where heads of missions, or other foreign leaders, have been offended by the absence of a realm's monarch, but this is always a possibility.⁵⁶³ Most state visitors are likely aware of the role of the Governor General and of his or her prominence in the national hierarchy. Nevertheless, it is conceivable that the monarch (or a particularly imperious president) of one nation may be displeased by a reception granted only by the penultimate power in any given realm. In the field of international diplomacy, such fracas do occur. Apparently, a State Visit to Indonesia by Sir Ninian Stephen was once cancelled entirely due to the

⁵⁶³ Sir David Smith confirmed that at no time during his tenure as Official Secretary to the Governor General did any visiting official express concern over this matter. Private Interview with Sir David Smith (20 April 2007)

fact that the Australian Governor General would not be met by the President of Indonesia, but by the Vice President.⁵⁶⁴ It is conceivable that a foreign leader unfamiliar with the role of Governor General might consider him or her to be merely the monarch's deputy.⁵⁶⁵ The presence of the Governor General may impact upon this situation in one of two ways. He or she may help alleviate the problem by serving as a pseudo-monarch. Alternatively, the Governor General may exacerbate the problem by further highlighting that the actual monarch is not in attendance. He or she may not be able to mask The Queen's "absent presence".⁵⁶⁶

Some scholars argue that the potential weakness of the realm is masked by the presence of the Governor General.⁵⁶⁷ This official fulfils the duties of the head of state, and is thus perceived as essentially a realm's practical head of state. (As was discussed in Section 3.4, they are certainly accorded such distinctions abroad.) Based on the behaviour of decades of diplomatic visits, it seems likely that most visitors simply recognise the Governor General as the de facto head of state. The unfamiliar title is no more peculiar than some of those used elsewhere in the world.⁵⁶⁸

The reality of sharing a head of state necessitates that on the vast majority of occasions, the monarch will not be able to personally meet all incoming heads of missions or diplomatic visitors. In her absence, Governors General perform this duty instead. There is probably very little which can be done to alter this. Only education, both of the population within the realms and abroad, may limit confusion around the role of the Governor General in receiving foreign visitors, and the necessity of that arrangement. Altering procedural and ceremonial aspects, as important as they are in terms of perception, will not succeed in obscuring any problems that may be inherent in

⁵⁶⁴ Private Interview with Malcolm Hazell (19 April 2007)

⁵⁶⁵ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 294

⁵⁶⁶ Kullman, Claudio. "Attitudes Towards the Monarchy in Australia and New Zealand Compared" *Commonwealth & Comparative Politics* (2008) 447

⁵⁶⁷ Greenwood, Nigel. *For the Sovereignty of the People* (1999)

⁵⁶⁸ See Section 3.2 for a brief list.

the system.

Section 8.5 – The Queen Working for the Realms Abroad

Canada was the first Commonwealth Realm to send its Governor General abroad on an official visit. In 1927, it sent Sir George Freeman-Thomas, 1st Marquess of Willingdon to The United States.⁵⁶⁹ The other realms waited considerable periods of time before doing the same. Australia did not undertake to send its viceroy abroad until 1971. Sir David Smith, Official Secretary to Australia's Governor General from 1973 to 1990, once stated that a "Governor General should be received by foreign host governments as the head of their country, and with all the proper marks of respect due to a visiting head of state."⁵⁷⁰ More than 30 foreign visits by Australian Governors General have been made since 1971⁵⁷¹ and they have received official recognition, as well as "special courtesies by foreign Heads of State and their governments when travelling abroad privately and unofficially."⁵⁷² Perhaps one of the most unambiguous affirmations of this concept was provided by the Japanese Government at the coronation of Emperor Akihito in 1989, as discussed previously in Sections 3.4 and 8.3.

At that occasion the new Emperor granted private, individual audiences to each of the visiting heads of state. Alternatively, he granted a collective, group audience to all the representatives of a head of state.⁵⁷³ Australia, Canada, and New Zealand all sent their Governors General, and all were

⁵⁶⁹ http://www.gg.ca/gg/fgg/bios/01/willingdon_e.asp (As of 15 November 2006)

⁵⁷⁰ Greenwood, Nigel. *For the Sovereignty of the People* (1999) 280

⁵⁷¹ *Ibid.* at 280

⁵⁷² Greenwood, Nigel. *For the Sovereignty of the People* (1999) 281

⁵⁷³ It is common diplomatic practice to send a representative of the head of state to an event which the head of state cannot attend. Vice presidents often attend on behalf of presidents. Crown princes, such as the Prince of Wales, may attend on behalf of monarchs.

granted individual audiences.⁵⁷⁴ This action indicates a clear perception on the part of the Japanese government. It did not perceive Governors General to be mere representatives of their head of state, but actual "heads of state". Whether this perception is entirely accurate is debatable.⁵⁷⁵ Nevertheless, it demonstrates that nations outside the Commonwealth Realms are willing to recognise the peculiar realities of sharing a head of state, and to accommodate the necessities which arise from it.

An interesting corollary of this situation can be found in that the United Kingdom sent The Prince of Wales to Japan as a representative of its head of state. Australia, Canada, and New Zealand received private audiences, while the U.K. did not.⁵⁷⁶ An intriguing and illuminating scenario might have arisen had Britain sent The Queen. This would have entitled that country to a private audience, but could also have impacted upon the position of the other realms. With the monarch present, the three Governors General might have appeared less significant and thus not worthy of greater recognition. Of course, had the monarch gone to represent Britain, the other realms might also have requested that she be accorded receptions as their head of state as well. While not undertaken at any time in modern history, this shared representation is a logical extension of sharing a head of state.

Such shared representation could lead to a situation similar to those discussed earlier in Section 8.2, in which the monarch might have been made to appear slightly foolish. It is regrettable, but understandable, that such a negative outcome can be considered likely. Four individual audiences, or one of four times the usual length would undoubtedly have highlighted the unique position The Queen occupies, and the remarkable arrangements in which the

⁵⁷⁴ Private Interview with Sir David Smith (20 April 2007)

⁵⁷⁵ See Section 3.4 for further consideration of this subject.

⁵⁷⁶ This actually stems from the diplomatic custom that to send a monarch to another monarch's coronation might be interpreted in some way as one paying fealty to the other. Obviously this would be an undesirable perception. Though, one must wonder whether this concern is not a little outmoded in the twenty-first century. Private Interview with Noel Cox (4 April 2006)

realms share. A very real practical advantage to this arrangement would also have been very apparent. With The Queen travelling to visit the new Emperor, the expense of sending vice-regal representatives could have been avoided. Certainly, it would only have been fair for Britain to request some financial assistance from the realms if they too were to be represented, but these shares would likely have been less than the cost of sending their individual representatives. It should be recognised however, that rather than The Queen receiving four times the audience of other heads of state, she might have received only the usual length. The peculiarity of the situation might actually have resulted in Australia, Canada, New Zealand, and the U.K. receiving only one audience to be divided between them. Though this would certainly have been a possibility, Japan demonstrated a degree of flexibility when dealing with the Governors General. There is no reason to doubt that Japan would have been similarly accommodating of the shared monarch.

It is remarkable that, in an age so conscious of government financial excesses, such an arrangement has never been publicly considered. There is certainly no record of such a concept being discussed. There could be three potential concerns over such arrangements. One is faced by the government of the realms, one by international governments, and the final one by the monarch herself.

The first impediment stems from the realms themselves. A system of shared representation abroad is unique in the world. Its novelty may be a source of concern, and the basis of an unwillingness to attempt it. This argument does not seem entirely satisfactory however. The mere existence of Governors General is a political peculiarity in itself. Furthermore, national politics on the world stage is far from a uniform production. The political processes of many nations are unique.⁵⁷⁷ The realms would not be the only nations to employ uncommon political arrangements.

⁵⁷⁷ The heads of state of China and of Sweden, as well as the former arrangements in the USSR are examples of such. Flint, David. *The Cane Toad Republic* (1999) 39

The second potential impediment to shared representation abroad stems from international confusion. Indeed, in the age of mass media this is a particularly serious problem as simple, but misleading, images can be projected around the world with great ease. Lacking sufficient explanation, and wide international education on the matter, the public, governments, and media in many countries do not recognise the monarch as belonging equally to all of the Commonwealth Realms. Rather, they look at the relationship as one of subordination of the realms to the U.K.⁵⁷⁸ While this confusion could be a source of concern, diplomatic protocol is established well before any international meetings occur. A proper understanding of the situation could be imparted to foreign nations prior to the visit. This would not resolve issues of public confusion, but it would be regrettable to think that any nation structures its government to facilitate understanding by foreign populations.

Finally, The Queen herself faces difficulties in undertaking the routine representation of more than one nation. Scheduling, and the rigours of international travel aside, it has been argued that The Queen is not familiar with the realms to the extent that she would need to be to represent them abroad.⁵⁷⁹ She visits them only rarely, and thus may not fully understand the subtleties in their relationship with other states. This argument definitely has some merit. Indeed, unless the monarch spends a substantial amount of time in each realm, she would lack the experience of living in that nation. However, this argument fails to recognise that the head of state's position in the Westminster system of government is not to delve into the difficult minutia of diplomatic agreements. Such heads of state serve as "goodwill ambassadors", and to raise the profile of their home nation in the eyes of their hosts.⁵⁸⁰ An intimate knowledge of every detail of daily life in Canada, Jamaica, or Papua New Guinea is not vital to this effort, especially as the monarch would be

⁵⁷⁸ Cox, Noel. *A Constitutional History of the New Zealand Monarchy* (2008)

⁵⁷⁹ Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 288

⁵⁸⁰ See, Dame Silvia Cartwright Addresses NZ Institute of International Affairs, Sixteenth Annual Dinner (Wellington, 27 June 2006)

acting on ministerial advice.⁵⁸¹ Furthermore, it is an oft quoted sentiment that the Prime Ministers of the realms are frequently surprised to discover how well informed The Queen is on the affairs of their nation.⁵⁸²

It is possible that sending The Queen to represent more than one realm at a time might reduce some of the confusion other nations may feel over the situation. A monarch in two capacities is a concept upon which the public may require some education. However, a monarch and that monarch's representative appearing at the same international event is at least as difficult to understand. If Governors General are intended to represent the monarch, and to exercise her powers in her absence, they might seem quite unnecessary in her presence.⁵⁸³ Worse, in terms of public understanding, they may appear to have some role other than the representation of the monarch. This situation arose in 2004 at the commemoration of the invasion of Normandy. On that occasion, both The Queen of Canada, and her Governor General were present. One could probably argue that the two roles are sufficiently different as to justify the presence of both at the event. The situation was made worse because Rideau Hall initially claimed that Clarkson was attending the event as Canada's head of state. Furthermore, The Queen was given third place in the order of precedence behind the Governor General and her husband.⁵⁸⁴ It is difficult to argue that such an occurrence improved the understanding of the Canadian system of government for those French citizens who hosted or witnessed the event. It is entirely possible that those unfamiliar with Canada's

⁵⁸¹ It should also be noted that for all overseas visits undertaken by the Governor General of New Zealand, the Ministry of Foreign Affairs and Trade produces a substantial briefing document. <http://www.gg.govt.nz/gg/speeches.asp?type=current&ID=274> (As of 20 November 2007) There is no reason that a similar document could not be produced for The Queen.

⁵⁸² See, for example, Trudeau, Pierre E. *Memoirs* (1996) Heinrichs, Geoff. "Trudeau and the Monarchy" *Canadian Monarchist News* (Winter/Spring, 2000-01)

⁵⁸³ A similar situation could be said to occur when the monarch is in the presence of one of her ambassadors. While the situation may be comparable, there is one fundamental difference. Virtually all countries maintain a diplomatic corps of ambassadors. The public understanding of the role of an ambassador is clearer than that of the much less common Governor General.

⁵⁸⁴ Aimers, John, ed. "Canadian Confusion on Juno Beach" *Canadian Monarchist News* (2004)

form of government would have assumed the Governor General was the sole Canadian representative, while The Queen was actually present as The Queen of the United Kingdom. This would have been a logical assumption, given that The Queen has visited France several times, almost always appearing to represent the United Kingdom.⁵⁸⁵

Similar confusion caused by simultaneous royal and viceregal representation is possible in written diplomacy. Messages of congratulation or condolences are routinely exchanged by governments and government representatives. The deaths of heads of state are occasions where such exchanges are common.⁵⁸⁶ In 2005, The Queen wrote letters of condolence to both The Vatican and Saudi Arabia regarding the deaths of both nations' heads of state. In each letter she referred to Britain once. She did not refer to any of the other realms.⁵⁸⁷ Though she wrote in what seems a rather personal capacity, her language tied the letters closely to the U.K.

It appears that she was not asked by the realms to send letters on their behalf. Indeed, the Governors General of Australia and Canada did this instead.⁵⁸⁸ It is in this manner that nations can receive letters from a monarch, and from that monarch's representative. If any studies have been conducted to see whether this is less confusing to foreign governments than receiving several letters from one person in different capacities, they have not been released to the public. It could be argued that different royal letterheads would be easier to understand than a letter from a monarch and from the

⁵⁸⁵ Henley, Jon. "Royal Plea for Unity in Conflict" *Guardian* (6 April 2004)

⁵⁸⁶ See, for example, some of the many messages sent following the Haitian Earthquake of 2010. <http://eng.kremlin.ru/text/news/2010/01/223751.shtml> (As of 29 January 2010)
<http://www.thepresidency.gov.za/show.asp?type=pr&include=president/pr/2010/pr0113138.htm&ID=1959> (As of 29 January 2010)

<http://www.president.gov.by/en/press64542.html#doc> (As of 29 January 2010)

<http://www.kongehuset.no/c27262/nyhet/vis.html?tid=83548> (As of 29 January 2010)

⁵⁸⁷ See, Message From The Queen Following the Death of His Holiness Pope John Paul II (2 April 2005) The Queen Expresses Her Sadness at the Death of King Fahd of Saudi Arabia (1 August 2005)

⁵⁸⁸ See, Message from Her Excellency the Right Honourable Adrienne Clarkson Governor General of Canada on the occasion of the passing of His Holiness Pope John Paul II (2 April 2005) On the Death of His Holiness Pope John Paul II (03 April 2005)

representative of that very same monarch.

The inconsistency of the monarch's portrayal within the realms, and outside them, is a considerable ramification of the shared institution. Within each of the realms, the monarch is frequently associated with whatever realm is being visited. Great efforts are made to identify the monarch with that nation, and its people.⁵⁸⁹ Thus, the titles, "The Queen of Canada" and "The Queen of New Zealand" appear frequently in speeches made by the monarch, and by members of the realms' governments in her presence. However, outside the realms, this conscious identification is abandoned. In some cases, speeches imply strongly that the monarch is speaking on behalf of Britain. In others, no statements identify the capacity in which the monarch is speaking. In the absence of clear identification, audiences outside the realms may assume that the monarch is speaking exclusively for the U.K. This discrepancy furthers the international belief, held by the general population of the world, that the monarch is predominantly British.⁵⁹⁰ Moreover, it is assumed that if she maintains any connection to the other realms it must be through some colonial arrangement.

A study of the monarch, her representatives, and their role in international relations reveals a number of issues which must be recognised as implications of sharing The Queen as a head of state. It is clear that Governors General are generally being accorded recognition as heads of state in their own right. While this is not, legally speaking, entirely appropriate, it is the case. This reality stems from the increasing use of the Governors General as representatives abroad, and by the failure of the realms to utilise their monarch for this purpose.

⁵⁸⁹ Whether these efforts are made by the palace establishment or by the governments of the realms is difficult to determine. The Queen is, no doubt, very conscious of her role in the realms and the impetus for close association may come directly from her. Alternatively, the governments of the realms are probably also eager to highlight the nationalisation of the monarchy for patriotic purposes.

⁵⁹⁰ Whether such a belief is accurate or not is immaterial. Public perception probably ought not to be left to chance.

There would be two principal advantages to making better use of The Queen as a representative of the realms abroad. The first is the financial concern. As has been suggested, the cost of sending a representative, such as the Governor General, is not insubstantial.⁵⁹¹ Several countries could pool far smaller resources to enable The Queen to represent them jointly. The other advantage to better utilising the sovereign abroad is one of public understanding throughout the world. It appears that the general population of the world recognises the monarch as principally British.⁵⁹² Changing this perception, assuming such a change is desired, would require a change of behaviour on the part of the realms, including the U.K. To achieve this, the U.K. would have to recognise itself as only one of sixteen realms and would have to make clearer when the monarch is speaking on behalf of the British nation. It cannot continue to be assumed that British is her natural default identity. The realms must take responsibility for their sovereign's perception abroad. Only by sending The Queen on diplomatic missions on behalf of all the realms will the world see the reality of the situation.⁵⁹³ It should be recognised that while The Queen is now an elderly individual, the monarch is not always old. The present Queen's current age cannot be used as an argument against the general principle of increased shared diplomatic visits.

Admittedly, some difficulties may arise as a result of sending the monarch to represent multiple realms. These difficulties are largely matters of perception and global understanding. Overcoming these concerns would help to dispel the air of confusion surround the monarch's role in the foreign affairs of the realms. Section 8.6 will consider possible methods for mitigating or limiting these concerns and the resulting confusion.

⁵⁹¹ McWhinney, Edward. *The Governor General and the Prime Ministers* (2005) 44

⁵⁹² Bogdanor, Vernon. *The Monarchy and the Constitution* (1995) 279

⁵⁹³ It should be remembered that the vast majority of the world's population is unable or uninterested in giving very much attention to The Queen and her various offices. This is entirely understandable given the many troubles facing the world's population. Nevertheless, if the realms seek greater understanding from the world's population, they need to make the situation as clear as possible.

Section 8.6 – A Principled Solution to Ad Hoc Confusion

The preceding sections of Chapter 8 have demonstrated that there is international confusion surrounding the sharing of a head of state. Assuming that this is undesirable to the realms, the matter requires attention. Action needs to be undertaken by all the realms to remedy the situation, as much as is possible. Britain has a unique responsibility in this matter. It would be helpful if the British government (which is responsible for the majority of The Queen's overseas visits at this point) was more cautious about how it utilises the monarch abroad. This criticism applies not only to the elected British government, but to Buckingham Palace in its British capacity as well. Clarity would be enhanced if speeches written for The Queen in that capacity noted that it is the British perspective which she is expressing. Sentences identifying Elizabeth II as “The Queen of Australia” appear in most of her speeches in Australia. A thorough analysis of The Queen’s speeches over the past five years demonstrates that no similar terminology is employed for speeches in the U.K. In actuality, references to being “The Queen of the United Kingdom” are virtually non-existent when she is speaking in the U.K., or in other nations. There are references to being simply “The Queen”, but this implies a British default position.

One might argue that a generic reference to being queen may not be taking the British position for granted. It may be implying that she is queen of several countries and that she is not speaking solely in her capacity as monarch of the United Kingdom. If this is indeed the case, it is not a principle adhered to in the other realms, and the inconsistency of this, albeit unlikely, sentiment is undeclared and confusing. David Ford, Chief of Protocol to the government of the state of Victoria between 1977 and 1999, raises an interesting point on this matter. He suggests that “To propose a number of toasts to the same

person but under different titles would be farcical. The one Loyal Toast in such a situation should be: *Her Majesty The Queen* or *Her Majesty The Queen, Head of the Commonwealth*.⁵⁹⁴ Ford appears to argue that if The Queen cannot be referred to in a single specific role, it would be preferable not to refer to any of her roles. While such a proposal would eliminate the confusion caused by multiple diplomatic personae, it seems to risk perpetuating public misconceptions. Regardless of the rationale which might prompt The Queen to speak in more than one capacity at a time, for her to speak on behalf of the United Kingdom in any capacity other than as the sovereign of that country would be quite improper.

Reducing international confusion is not the sole responsibility of Britain. In the other realms, consistency could be better applied to the shared head of state concept. A lack thereof suggests an institution which is not fully defined or understood, even by those who participate in it. Such a perception would not be entirely erroneous, as the evolutionary process which resulted in the shared head of state continues even at the present. While this adaptability has been a strength of the system, it also conveys a suggestion that consistency is less important than other aspects of the system, such as nationalisation, for example. Because the system has been prone to change in the past, some may believe that the system must continue to change in the future. This imperative may encourage a somewhat teleological perspective; that the system *ought* to change. Such presumption is not necessarily good for the continued stability of the system.

Inconsistency with regard to the role of the Governor General is an area where reorganisation could be beneficial to global understanding of the shared head of state. While it may be perfectly acceptable to have the monarch and the Governor General present at a function within any given realm, the same may not be true of international functions.

⁵⁹⁴ Ford, David. *Who's Who Guide to Protocol* (2001) 67

To prevent duplication or over-representation by the monarch and the Governor General a clear delineation of each office's responsibilities is required. Specifically, it is necessary to determine what the monarch is capable of undertaking on behalf of the realms, and what she is unable to undertake. Obviously, she is not capable of a physical presence in all of the realms simultaneously. This reality gave rise to the existence of Governors General, and remains as true today as it was when the office was developed. However, the twentieth century saw a continuous transfer of power from the monarch to the Governor General.⁵⁹⁵ While some of these transfers were important for the timely exercise of executive powers, others have created a confusing precedent. The monarch has continued to transfer powers to the Governor General which need not have been transferred. Such transfers would only ever occur at the request of realms. Indeed, had they been requested by the palace, one would expect the requests to have been applied to all the realms. This has not been the case. Rather, it seems that the governments of some realms have requested the devolution of certain powers, while other realms have requested different ones. The result has been a patchwork transfer of powers where the different actions are undertaken by different representatives of the Crown, either regal or viceregal.⁵⁹⁶

This is not to say that uniformity among the realms is required. The inconsistencies in the powers exercised by different Governors General are not to be confused with the consistency proposed in this section. What some may consider inconsistencies with regard to different Governors General, others may simply consider the natural outgrowth of a system of independent nations free to shape their institutions as they wish. Obviously, different aspects of the system may suit some nations better than others. The vast population differences between the realms, for example, may necessitate variation in the

⁵⁹⁵ The acceptance of diplomatic credentials is one example of this.

⁵⁹⁶ See Lipa, J. S. *The Role of the Governor-General in the Commonwealth: A Comparative Study* (1993)

system. The development of an autochthonous Canadian Heraldic Authority, as distinct from the English and Scottish ones, may not suit smaller nations like Jamaica or Tuvalu. These probably do contribute to international confusion, although not on the same scale as other matters do. Some in the international community may wonder, for example, why passports bear messages from Governors General in all the realms except for Canada, where the message is from the Secretary for Foreign Affairs.⁵⁹⁷ Reconciling independence and shared terminology is a difficult task, but it is one more of balancing than of consistency. This ought to be no more complicated than understanding the difference between ceremonial presidents and executive ones from one republic to another. As confusing as differences from realm to realm may be, they are not as serious a concern as inconsistencies within each individual realm.

Consistency within each realm is arguably more important than uniformity across all of the realms. The accreditation of ambassadors is one recent example of an inconsistent transfer of power in New Zealand, despite it being “consistent” with Australian and Canadian practice. In New Zealand, this delegation of power demonstrated a very particular conception of the role of Governor General by government officials. It is one with a minimal role for The Queen in New Zealand government. Writing letters of accreditation on behalf of the nation or government is a function just as easily undertaken by The Queen as it is by a Governor General. Certainly, this would result in an increased workload for the monarch, but that is not an entirely satisfactory reason as to why it cannot be considered.⁵⁹⁸ Refocusing the Office of Governor General on supporting The Queen would not dramatically affect the viceroy’s role. Even on the international stage, a Governor General would continue to be essential. Foreign trips could continue, assuming they were

⁵⁹⁷ <http://www.ppt.gc.ca/pptc/hist.aspx?lang=eng> (As of 8 May 2009)

⁵⁹⁸ Perhaps the realms would need to provide for their own private secretaries to be based out of Buckingham Palace.

made when the monarch (in any of her capacities) could not be present.

A practical and constructive division of powers may look something like this:

Monarch	Governor General
Appointing Governors General	Granting Royal Assent
Foreign State Correspondence	Commissioning Governments
Diplomatic Accreditation	Dissolving Parliament
Representation Abroad	Representation Within the Realm
Representation Within the Realm	

Such delineation has never been developed by the palace or any of the realms. This can only be the result of either unconscious oversight or deliberate avoidance. It is possible that, in keeping with the evolutionary nature of the system, no government official has ever proposed the proactive development of an organisational structure. Biological evolution is dependent on a random series of gradual changes. In the same way, the evolution of a political structure requires input from a variety of sources. Potential sources for such ideas are limited to those areas of society wielding political influence. The shared structure, and the monarchy in general, has not garnered much academic attention over the past fifty years. Thus, ideas have not generally been proposed in the academic community. The mass media is not the best forum to discuss the nuances of complex constitutional matters. Finally, the last group of power-brokers as demonstrated in Chapter 5, the political elite,

are not necessarily interested in modifying the status quo. As with many aspects of politics, those who benefit from the structure as it is are not likely to recommend its modification. Perhaps it is because of these factors that a system of clearly delineated responsibilities has not arisen.

Alternatively, there may have been a conscious decision by some individuals not to implement such a system. That decision would have to have been motivated by one of two possible intentions. The first is a desire to refrain from tampering with a pervasive and complex political institution. Political figures may have been reluctant to alter or direct the evolution of the political system for fear of unintended consequences. A “hands off approach” would leave politicians free from accusations of meddling, particularly if their changes proved to be detrimental to society, or unpopular with the voting public. The other motivation for choosing not to guide the evolution of the structure may have involved the preservation of power, or the pursuit of greater power. Some elites may have recognised the likely evolutionary course of the structure and chose to assist it in this direction by preventing any other courses from being initiated.

The flexibility surrounding the division of powers between the monarch and Governor General has been a strength in the past, as discussed in Section 4.2. However, it has also allowed the development of a method by which the shared head of state can be undermined. Maintaining a flexible distribution of powers allows political elites to manipulate the structure towards their own ends. Theoretically one end could be to sideline a Governor General in favour of highlighting the role of the monarch. Throughout most of the twentieth century this has not been the case. The opposite has been much more apparent. Power has shifted steadily away from the exercise of the monarch, and into the purview of the Governors General.

As it is now, powers continue to be transferred from the sovereign to the Governor General largely out of a desire to “tidy” the arrangement.⁵⁹⁹ Such tidying appears to mean moving powers from the monarch to the Governor General if the Governor General is capable of wielding them. This interpretation places the focus of attention on the Governor General, rather than the monarch. It asks, “What can the Governor General do that the monarch is presently doing?” An alternative way to look at the situation would be to ask, “What could the monarch be doing, that the Governor General is currently doing?”

These two diametrically opposed political perspectives probably stem from two different views of the monarchy. The one that focuses on the Governor General implies that the shared monarchy functions better when the monarch's functions are reduced. The alternative theory suggests that the political structure needs to utilise both resources to reach its full potential within the realms, and on the international stage. The latter perspective should not be confused with an inherent conservatism however. This mode of thought is not grounded in a desire to see the monarch resume all the duties she (and her ancestors) once wielded on behalf of the British Empire. Rather, it advocates fully recognising the separation of the crowns. For example, the monarch would not write a single letter on behalf of her many realms as in the days of the Empire, but sixteen letters on behalf of sixteen independent nations. A Governor General who gradually replaces the monarch as the ultimate power in the nation is not a sign of increased national independence as it may appear to some. The relegation of the monarch implies that there is a lingering imperial connection which must be hidden if it cannot be broken. Rather than taking full ownership of the monarch as a state resource for use on the international stage, the realms presently shy away from it.

⁵⁹⁹ Private Interview with Rebecca Kitteridge, Deputy Cabinet Secretary of New Zealand (10 March 2006)

Section 8.7 – Conclusion

Much of the international confusion which arises from sharing a head of state can be attributed to two realities. First, there is a strong desire on the part of the realms to emphasise their independence from Britain. This desire may have resulted in a diminution of the sovereign's role in the realms, and the concurrent increase in the profiles of the Governors General. Evolving international perceptions of the Governors General are evident in the differences between the French reaction to that office in 1967, and the Turkish reaction in 1990. However, the pursuit of apparent independence has not necessarily been achieved through these changes. Indeed, some may question whether the use of a surrogate head of state doesn't highlight the actual head's absence. Attempting to hide the monarch might actually only serve to draw attention to her.

The second matter which may be causing international confusion regarding the shared government structure is the lack of uniformity among the realms as a group. Governors General have a degree of variation in their roles and responsibilities from one realm to the next. Some operate in the name of The Queen, others in their own name. This lack of uniformity is further complicated by the structural inconsistencies within each individual realm. Governors General undertake duties which the sovereign cannot perform herself, but confuse their role by also undertaking responsibilities The Queen could easily fulfil. Both of these issues are probably consequences of the realms' desire to appear independent.

Given the complexity of the shared arrangement, and the fact that most nations have no experience with such an agreement, confusion is not an altogether surprising sentiment. There is a difficult balance to be found between the practical necessity of the Governors General and the structural seniority and importance of the head of state's position. It is evident that The

Queen has not identified herself consistently when outside the Commonwealth Realms. The tasks she has undertaken abroad have probably helped to confuse foreign perceptions of the sharing arrangement. Britain has monopolised the sovereign's international capacity, though probably through the natural evolution of the Commonwealth, rather than any deliberate decision. In the same way, the realms have acquiesced, and reduced their reliance upon her. These realities have led to an imbalance in the perceived importance of the Governors General.

A rebalancing of international responsibilities can only be undertaken through deliberate, conscious decisions by the realms. Realignment can be achieved, but probably only through a recognition that the shared structure exists, and must be cooperatively considered. Alternatively, the imbalance may be perpetuated. The structure of the system has accommodated this arrangement to date, and may continue to do so. However, it is difficult to tell if the structure is reaching a breaking point. Its gradual evolution may lead to a new entity which does not resemble the current one at all. For better or worse, this would be a significant ramification of sharing a head of state.

Part V – Conclusions

Chapter 9 – Conclusions

Section 9.1 – Recapitulation

At the conclusion of this thesis, it is appropriate to reflect upon the structure and material covered herein. The first section of this chapter briefly summarises the salient points and conclusions of each preceding chapter. Section 9.2 considers the first of two substantial conclusions regarding the thesis question that was investigated: What are the ramifications of sharing a head of state? It will consider the theme of “perception” as demonstrated throughout the thesis, and how this has affected the shared structure. Section 9.3 will examine another significant consequence of sharing a head of state. It will consider the level of confusion which permeates the shared structure and whether there may be ways to mitigate this in the future. The penultimate section of this chapter, Section 9.4, will outline areas of future study. The final section, 9.5, will draw the various components of this concluding chapter into a cohesive and original perspective on the subject material.

Before proceeding to the conclusions of this thesis, it is useful to recapitulate the conclusions of its constituent chapters. The first two chapters of this thesis addressed the theory and methodology to be used throughout. Chapter 1 considered the value of the topic of study and its relationship with existing works in the field. In it, the question is posed, “What are the ramifications of sharing a head of state?” The rest of the thesis was dedicated to the resolution of this question. Its three substantive parts, as outlined in Chapter 1, each addressed the question from a different perspective. These perspectives, internal, inter-realm, and international were chosen to provide the most complete analysis possible. They represent the broadest categories into which various perspective of the shared monarchy can be incorporated. Any understanding of the political structure can be integrated into one of them. With the intention of the thesis delineated in Chapter 1, the method by which

the investigation would be undertaken was then described.

Chapter 2 considered various aspects of the methodology used in the thesis. It also considered the potential advantages and disadvantages of Historical Institutionalism. It proposed methods to minimise any potential weaknesses in the theory's interaction with the subject material. Finally, Chapter 2 outlined the structure of the thesis, revealing the broad themes which would form the main parts of the thesis.

Chapter 3 addressed a number of concepts significant to this thesis. Among them was the nature of the term "heads of state". It considered their commonalities with particular reference to the four principal powers which virtually all heads of state wield in some manner. It also recognised how this office varies from one government structure to the next and from one nation to another. The variation in the use of these powers was shown to be a significant difference among many nations, but that it did not affect the definition of the head of state.

Queen Elizabeth II was also a subject of consideration. Her position in the middle of the spectrum of constitutional monarchies indicates that she has the capacity to act, but adheres to a practical discretion which precludes frequent involvement in daily governmental matters. However, it is the fact that The Queen is shared by multiple nations which is the most remarkable feature of her position. The resultant necessity of Governors General complicates the matter of head of state in the realms. It seems that their role as a representative of the Crown requires their inclusion in any head of state concept developed for the realms. Ultimately, Chapter 3 suggested that the term head of state is a rather imprecise one which does not fit all nations equally well. To fully account for the duties of a head of state as commonly understood, the Commonwealth Realms require both the sovereign and her representative to be included. Chapter 3 contributed to the analysis of the ramifications of sharing a head of state by addressing terms and concepts which form the foundation of material to be discussed later. Prominent among

these were the office of Governor General, its relationship to The Queen, and the capacity of both to perform the duties of a head of state. The complexity of the subject and rarity of this particular type of political structure made such an analysis of considerable importance.

Part II of this thesis considered the implications of sharing a head of state from the perspective of some of the individual realms internally. This process began with Chapter 4 considering the legal and political structures codified within the governments of the realms. It recognised the independence of the realms brought about through the doctrine of the separation of the crowns. The Governors General are a physical manifestation of this separation. They are not only a consequence of sharing a head of state, but are also the root of several other ramifications which were discussed. The security and diversity of democracy was among the most significant of those considered. While it was recognised that there is a cause and effect dilemma, the shared structure's relationship to these, matters and other attributes of the internal political sphere, were considered.

The structural ramifications of sharing a head of state as discussed in Chapter 4 could be argued to be among the most significant of all those discussed in this thesis. Indeed, most nation states of the world appear to have been founded with regard to the government's relationship with its population. Few, if any, have ever been built with international relations as their primary concern.

Chapter 4 recognised that the Crown in each of the realms has evolved slowly in a rather short-sighted manner. Its development was more reactive than theoretically-driven. Nevertheless, changes made to the structure were made with deliberate intention. Though some may have had unintended consequences, any change was in pursuit of a specific goal, even if undertaken in a rather ad hoc manner.

The development of a new constitutional structure, or a reactionary change to an existing one, necessitates thought about the existing structure.

Chapter 4 considered such matters, but acknowledged that not all ramifications of sharing a head of state necessarily arise from such considered thought. Chapter 5 explored these non-structural consequences.

Perceptions of the shared structure were the central focus of Chapter 5. The chapter began with a consideration of popular perceptions. It clearly illustrated the potential for misunderstandings. The most visible attributes of the system, such as the historical and cultural aspects of the monarchy, are naturally given considerable attention. A publicly-held belief that these attributes are its most significant overlooks some of its more substantial structural components. The structure is weakened by this perception and could be manipulated to suit the interests of elite political and social figures.

Chapter 5 demonstrated that manipulation of the structure could be undertaken to benefit small, but influential, groups of people. As a result, these groups could enjoy substantially enhanced power. Further education for the general public on the system of government used in the realms would help to mitigate this concern by empowering broader groups. Whether such education would be in the interest of those who wield power is another matter entirely. As was shown, even the governments of the realms may benefit from public confusion in a number of ways. The opportunity to increase their political power at the expense of the poorly understood crown is always present. Furthermore, if the system were to be replaced, political figures would be well-situated to construct an alternative structure which incorporated their priorities.

Of course, government perceptions are not limited to the potential modification of the system. Their perceptions of the shared structure were discussed throughout the entire thesis. Indeed, these views are so pervasive that to attempt to limit them to a single section would be quite untenable. Instead, this section illustrated how these perceptions are demonstrated elsewhere. As an illustration, the theme of government power was highlighted throughout the thesis. Various sections beyond Chapter 5 were used to demonstrate that the system bestows upon government officials opportunities

for enhancing their political power, while at the same time restricting it in other ways.

Chapter 5 concluded with an analysis of the perceptions held by the judiciary. A number of case-studies and examples demonstrated that the shared structure has implications in law beyond what one might expect. Constitutionally, the independence of the realms is fairly clear. With regard to legal precedent however, the matter is less obvious. There appeared to be something of a shared “starting point” from which the realms had all clearly developed, but from which they were all free to deviate. This common focal point not only served as the base from which the realms operated, but had the capacity to override the laws of individual realms.

A collective legal understanding of the Crown’s powers and responsibilities was cited as justification for discounting explicit statements in the constitutions of two realms. The perception that there is at least some shared law between realms has created a legal and political reality on a number of occasions throughout the reign of Elizabeth II. Through analysing judicial conceptions of the shared structure it becomes abundantly clear that intangible perceptions can have a profound impact upon concrete institutions.

Public, governmental, and judicial perceptions all have a profound effect upon the nature of the shared structure of government. Institutions cannot be created or maintained in a vacuum. Their translation from theory to practice requires the interpolation of human conceptions. It is the demonstration of this matter that Chapter 5 contributed to the overall discussion of the shared structure.

The first chapter of Part III of the thesis addressed a case-study in inter-realm relations. Chapter 6 focused on the Conrad Black Affair, in which a very public disagreement between two realms occurred. The case itself demonstrated that conflicts between realms do occur and can potentially place the shared sovereign in a difficult constitutional position. The chapter discussed the potential solutions to such problems and recognised that a

significant cause of friction may simply be misunderstandings. A major failure on the part of two governments to understand and abide by the principles of the separation of the crowns would cause problems for the shared structure.

Beyond the specific details of the case-study, Chapter 6 pointed out that there have not been any other public conflicts of this nature in the past – at least, none that have been made public. The absence of information on such conflicts indicates that they have either not occurred, or have been kept from the general public. If no other conflicts have occurred, one can infer a substantial degree of resiliency in the structure which has permitted the realms to operate without impinging upon each other over the past half century. If conflicts have occurred, there is little to be gained from speculating on the motives for keeping them secret. However, if in the future, information about inter-realm conflicts was made public, it would warrant considerable attention.

Chapter 6 examined the issue of unintended conflicts between the realms in general. It demonstrated that some instances of dissonance could be caused by a failure to understand the shared structure. Such problems, though they appear to have been few, can be resolved or prevented by ensuring that governments have an understanding of their inter-realm relationships. The apparent infrequency of their occurrence appears to indicate that for much of The Queen's reign the inter-realm relations have been well-understood.

The second chapter in Part III acknowledged that some conflicts within the shared structure might not necessarily stem from a failure to understand or abide by the conventions of the sharing arrangement. Where Chapter 6 considered a conflict which was the result of an improperly functioning structure, Chapter 7 examined a series of potentially zero-sum subjects. It found that such conflicts are not necessarily insurmountable.

The independence of the realms, and the capacity for the shared sovereign to speak on behalf of more than one nation was considered. Governors General are well placed to alleviate potential problems in these matters. They can easily represent different perspectives for the separate

crowns. Indeed, as was shown, the separate crowns can maintain their distinctiveness in even the most serious circumstances. As demonstrated by India and Pakistan, war between the realms is possible. While unfortunate for the cause of peace, it is a clear indication of the realms' sovereignty.

Chapter 7 also addressed a number of shared structural identity issues. Royal nationality, the allocation of the sovereign's time, and the division of financial support were considered. These matters are contentious not only because they are potentially emotional subjects, but because they refer to finite quantities. Determining the shared head of state's nationality could create a bond between The Queen and one realm at the expense of similar connections with the other realms. Where the sovereign spends the bulk of her time, and how the shared structure is funded, could be sources of further disagreement. However, it was demonstrated that these issues need not necessarily prove insoluble. There is probably a need to re-examine the status-quo. Doing so could provide creative solutions to many possible concerns. The redistribution of costs, and of the sovereign's time, could be achieved without any modification to the shared structure. The internationalisation of the sovereign's residence would be substantially more challenging politically, but would not significantly impact the operation of the shared structure. Undertaking such a change would strongly reinforce the equality of the realms.

There are undeniable imbalances in the present sharing arrangement. Most involve Britain's apparently disproportional association with the monarchy. The association is understandable, of course, given their extensive ties historically and culturally. Nevertheless, the imbalances could be corrected with virtually no change to the present structure. Only a modification of practical operations would be necessary.

Chapter 7 demonstrated that finite resources do have to be shared between the realms. Its analysis of these resources included suggestions on how they could be better divided and how some problems could be resolved entirely. It showed that there is room for conflict, and that the ad hoc evolution

of the shared structure has not always favoured the realms equally. However, it also shows that, fundamentally, the structure is divided equally between the realms. Ensuring that this is the case in practice as well as theory is a challenge the realms may or may not choose to pursue. If they undertake to resolve these issues, it will be a substantial step in improving the operation of the shared structure.

Part IV focussed upon ramifications of sharing a head of state as they can be seen in relation to foreign affairs. In this matter, confusion among non-realm nations seemed to be a prominent issue. A pronounced desire by the realms to be recognised as independent nations may actually be causing confusion on the international stage.

Chapter 8 demonstrated that the realms have placed considerable, and increasing, emphasis on the Governors General over the course of The Queen's reign. Doing so may have reduced the shared sovereign's practical importance in the realms, but not her theoretical significance. This dichotomy may be serving as a source of confusion to nations unfamiliar with the realms' form of government. The shift of balance is not uniform among the realms, and varies in intensity. Furthermore, it is not grounded in a theoretical principle. The Governors General formerly undertook duties the sovereign could not. Over time, functions which The Queen could undertake have been transferred to the viceroys. Responsibilities were moved gradually and without consistency.

The nine chapters of this thesis have drawn together and analysed numerous aspects of the shared Commonwealth Monarchy in a way which has not been done elsewhere. The increasing nationalisation of the monarchy in politics has been mirrored, to some extent, in scholarly analysis. Studies on the relationship of the monarchy to individual realms are not common, but there are substantially more of these than analyses of the collective system. This thesis has not sought to be a study of the Crown in Canada, the Crown in Australia, or in any other realm. Rather it has attempted to consider the implications of the structure on a wider scale. It has investigated the

nationalisation of the Crown as an international phenomenon, and considered the structure's contribution to democracy in the realms. It has examined an array of popular perceptions, delineated the financial cost to many realms, and explored the sovereign's time spent in all of them. These components were assembled to form a picture of the structure in operation across all of the realms. This thesis has not sought patterns in the operation of any one realm, but rather in the collective behaviour of many. In doing so, it has covered new ground and examined how an informal structure works in practice.

Section 9.2 – The Power of Perception

It appears that the differences between the Commonwealth Realms are not in their relationship with the broad structure they share, but in many smaller details. Their impact on the shared structure might appear relatively small at first glance. Indeed, one might be tempted to view these details as anomalies, historical accidents, or expedient solutions to local political problems. The development of national honours systems, for example, could be seen as ornamental and trivial on a constitutional scale. However, this would be to discount such details without recognising their wider consequences. Their capacity to create and influence the perception of the shared structure has been demonstrated throughout this thesis.

The role perception plays in the operation of the shared structure is substantial. This thesis has shown that perception, whether it is public, political, or judicial, has the capacity to reshape the very structure itself. Indeed, there is evidence that this is an ongoing process and a significant component of the shared structure. A feedback loop appears to be in operation within each of the realms.⁶⁰⁰ In this loop, perception of a structure alters that

⁶⁰⁰ See Figure 24, page 291.

structure. In turn, that new structure creates different perceptions.

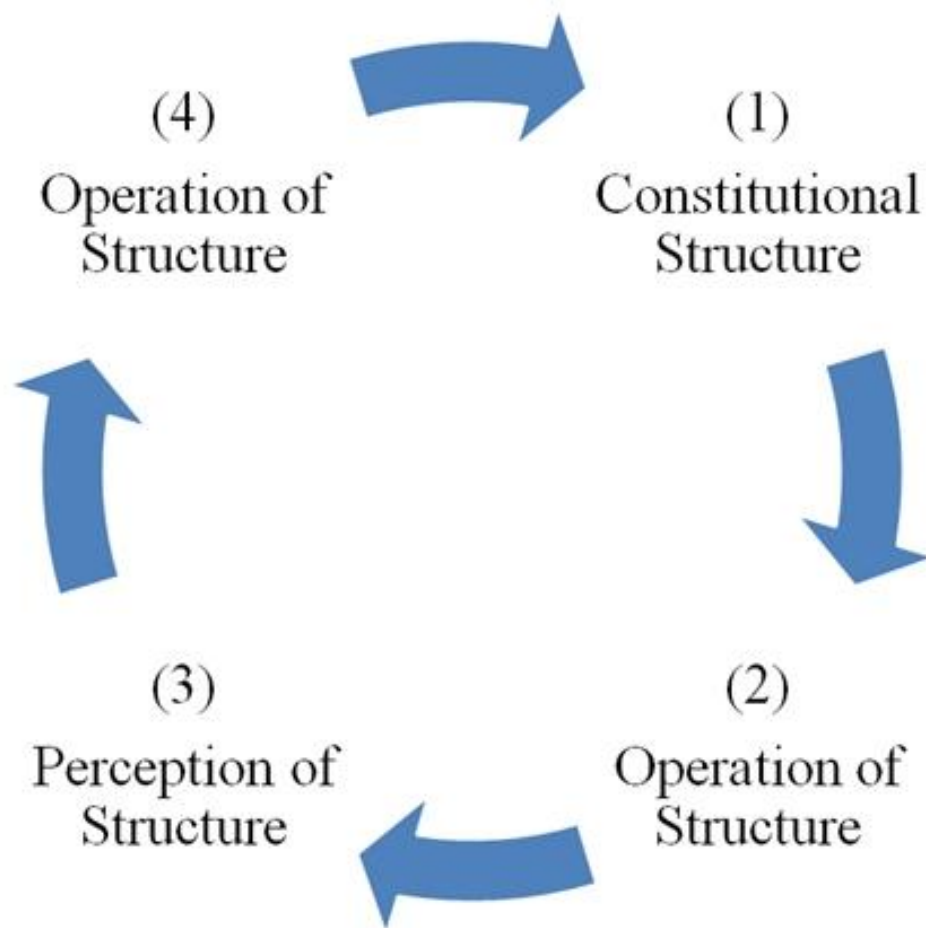
This feedback loop is perhaps the most significant ramification of sharing a head of state. It has the capacity to both reinforce the structure's strengths, and to further weaken its limitations. It is a major factor in the system's potential perpetuation or collapse. However, the shared structure, as it presently exists, is a complex and organic structure which is constantly evolving. Its flexibility allows for adaption to new circumstances and to new perceptions. It would appear that this resilience serves to dampen any self-destructive effects of the loop. It does not eliminate the perpetuation of the shared structure's potential weaknesses, but it may reduce their impact. This begins to suggest why the structure has weathered many decades of political change despite its anomalous nature. It also suggests that the feedback loop is rather weak. While the loop clearly impacts the structure, it does so gradually, as the structure itself continually adapts to the impact of the loop.

It should be noted that this thesis has studied a number of broad categories of perception. Public, academic, political, and media perceptions have all been considered, but to suggest that this is the full extent of possible perceptions of the shared structure would be naïve. While those addressed in this thesis are among the largest and most obvious, there are, no doubt, many others. This thesis has shown that perceptions can be classified into broad categories. Public perception is one such example. Obviously, the size and scope of such categories could range from very large to very small. Indeed, one could argue that virtually every person living within one of the realms has a unique perspective on the shared structure. As a result, each person develops their own weak feedback loop as they compose their own understanding of the situation.

A balance must be struck between analyzing a broad category of perceptions which may not be entirely uniform, and the impracticality of studying millions of individual perspectives. Further study in this area is certainly warranted. Determining how many perspectives can be practically

studied, and the number and types of categories into which perspectives might be classified would help refine the parameters of the feedback loop.

Figure 24 – Feedback Loop in the Commonwealth Realms



The constitutional structure of a realm is largely determined by the codification of the political structure.

This codification determines the operation of the structure.

Those who witness the operation of the structure develop their perceptions of it. Such perceptions may be internal, inter-realm, or international, and may include those of the general public, or specialised interests such as the government or media.

The perception of the structure becomes pervasive and begins to reshape the operation of the structure.

The structure can only undergo modification to the extent allowed by the original constitutional structure, unless the constitutional structure is modified legally.

Section 9.3 – Proposals for the Future

The Commonwealth of Nations is comprised of 54 states, almost all of which have a historic constitutional link to Britain or one of the other member states. Within this group there are a number of discernable sub-groups, each of which is entirely informal. Some groups are based upon the size of the nations' populations, others upon their relative wealth. One of the most visible groupings, however, is based upon structures of government. One group, the largest, is comprised of member-states which are republics. They recognise The Queen as Head of the Commonwealth, but this role does not impact their constitutional structures of government. A second group of nations includes those members of the Commonwealth which have their own monarchs as heads of state. That the members of these two groups are states within the Commonwealth no more affects their constitutional arrangements than does belonging to the United Nations. The third group of nations within the Commonwealth are the realms which share a common sovereign. This group is unlike any other inside the Commonwealth or outside. Yet, it holds no distinct collective status as such.

When the Commonwealth was formed in 1949, the requirement that King George VI be recognised as its supreme constitutional authority was abandoned. The belief that an indivisible monarch would serve as a focus of common allegiance was discarded as a formal structure. In an attempt to keep the Republic of India within the Commonwealth, a new title was developed. "Head of the Commonwealth" was bestowed upon the King, and the requirement that all members of the Commonwealth would recognise him as such was instituted.

This politic solution to the situation created a new category within the Commonwealth. However, the desire to keep the Commonwealth together appears to have precluded recognising that there were now two tiers of membership in the organisation. Some states recognised the monarch as their

sovereign and Head of the Commonwealth, whereas others only recognised him as the latter. Further hindering the recognition of this new arrangement was the fact that for many years the number of republics in the Commonwealth was considerably smaller than the number of realms. The “norm” within the Commonwealth was to be a realm.

In the decades since the founding of the Commonwealth, the “indivisible” monarch has been divided. The constitutional structure of the Commonwealth nations sharing a monarch has changed substantially in form, if not in theory. Despite this, there has been no overt recognition of the realms’ commonalities or sharing arrangement. *Ad hoc* evolution has led to confusion within the realms and beyond. If there is a desire to combat this confusion it will require a concerted effort and a new, consistent perspective on the shared structure.

Perhaps it would be of utility to the Commonwealth Realms if their commonalities were recognised formally. Belonging to an association of realms need not, and in fact does not, entail any loss of national sovereignty. Benefits could accrue from merely recognising that, despite some variation from realm to realm, they all share many common elements. The role of the Governors General is an obvious example of such commonality.

Viceregal conferences are common in both Canada and Australia, where provincial and state-level viceregal officials meet to share experiences and advice. Their staff also benefit from similar exchanges.⁶⁰¹ These meetings are held within the two federal nations and do not generally include other realms.⁶⁰²

Surely, if there is benefit in the Canadian Lieutenant Governors meeting, there might also be benefit in the Commonwealth Governors General meeting. The opportunity to secure institutional knowledge would be

⁶⁰¹ Private Interview with Malcolm Hazell (19 April 2007) Private Interview with Andrew Renton-Green (10 March 2006)

⁶⁰² New Zealand’s Official Secretary often attends the Official Secretaries meetings in Australia.

tremendous. New Governors General would have the benefit of advice from more experienced ones. Their staffs could draw upon a much wider range of ideas, experiences, and precedents.⁶⁰³ None of this would require the surrendering of any national independence.

Experiences with coups, recalcitrant ministries, hung parliaments, unclear elections, and many of the other issues all Governors General might face could be shared and exchanged.⁶⁰⁴ Institutional memory could be better preserved, and national security, democratic stability, and popular respect could all be enhanced through this resource.

Sir Ninian Stephen is reputed to have rejected a call by some Pacific realms to establish an inter-realm viceregal association on the grounds that he did not want to discuss policy matters.⁶⁰⁵ That is an understandable position, but any such organisation need not have become involved in government policy. Perhaps, had Sir Ninian taken the opportunity to exchange his views on government stability and the viceregal role therein, the Solomon Islands and Papua New Guinea's later political turmoil could have been reduced by some degree.⁶⁰⁶

Recognising that the realms share a significant element of their governmental structure could also do more than improve the training and skill of the viceregal representatives. Any inter-realm organisation would be the ideal body to acknowledge the shared structure and could work towards resolving anomalies within it. For example, the combined political weight of the realms could have greatly enhanced the perception and understanding of each realm in non-Commonwealth nations. Perhaps the struggle to have Governors General recognised as *de facto* heads of state would not have taken

⁶⁰³ Malcolm Hazell expressed support for such an arrangement, though his initial interest would be in pooling the experience of Australia, Canada, New Zealand, and the United Kingdom. Private Interview with Malcolm Hazell (19 April 2007)

⁶⁰⁴ Obviously, such exchanges would have to consider due regard for confidentiality.

⁶⁰⁵ Private Interview with Sir David Smith (20 April 2007)

⁶⁰⁶ See Sections 4.4 and 5.6. Private Interview with Sir David Smith (20 April 2007)

so long, or been so difficult, if the realms had acted as a more unified entity. In matters such as these, strict unanimity need not be enforced. The body might serve as a powerful tool, but its advice would not necessarily have to be utilised by every realm on every matter.

At present, no organisation for inter-realm relations exists. This can only be interpreted in one of two ways. First, it may be that the idea has never been proposed. This is unlikely, but possible. The alternative is that the idea has been proposed, but that it has been rejected out of a lack of interest or mistrust. If it has been out of disinterest, those who reject it imply that the realms do not have enough in common to warrant a body to consider these commonalities. The preceding chapters of this thesis might suggest otherwise. Alternatively, the idea may have been rejected out of a desire to be perceived to be defending national sovereignty. Having only loosened the bonds of the Empire in the latter half of the twentieth century, some realms may be reluctant to recommit to a centralised structure based on the monarchy.

Perhaps the way to reduce any concern over the appearance of a reconnection with the United Kingdom might be to exclude it from any formal realm's association. After all, regardless of Britain's connection to the realms through the shared monarch, it is not a realm in the same sense as the others. Constitutionally it is radically different, though arguably, not as different as are the republics. Lacking a Governor General and the concomitant bi-partite head of state structure, the United Kingdom cannot contribute to the discussion in the same manner. The monarch's involvement in this association could not be as Queen of the United Kingdom, but as queen of each of the other realms. At some point, if matters of sharing the monarch were to be discussed, Britain's inclusion would be a necessity. That matter could be a subject of later discussion though.⁶⁰⁷

⁶⁰⁷ Changes to the line of succession, as recently raised by British Prime Minister Gordon Brown, is an example of a subject which could and should be raised in such a forum. At present, there is no formal way to discuss matters such as this one. Beckford, Martin and Rosa

Ideas such as an association of realms, or the suggestion of internationalising the royal household and palace, discussed in Section 8.8, are rather radical compared to changes made to the shared structure in the past. Gradual evolutionary changes have resulted in the structure that exists today. There are a number of merits in the existing system, but extemporized changes have also led to a number of complications. Structural inconsistencies and imbalances may have slowly begun to affect the realms' perceptions of the arrangement.

This thesis has demonstrated that perception is a critical component of the structure shared by the realms. Confusion is prevalent at the internal, inter-realm, and international levels. It not only hampers the smooth functioning of the realms, but jeopardises the structure itself. It is possible that a very significant consequence of sharing a head of state is that such an arrangement is so uncommon, and of such a complexity, that it is inherently strained.

Whether this complexity does indeed contribute to a weakness in the structure or not, it is clear that as evolutionary change continues, peculiarities are compounded. While a small number of unintended side-effects of a structural adaptation may not be a concern, eventually the number may become too large to ignore. The imbalances raised in this thesis, and the popular perceptions of them, may indicate that the system is approaching such a point.

Section 9.4 – Further Study

The categorisation of perspectives on the shared structure, as discussed in Section 9.3, is by no means the only area of further study which has been revealed in this thesis. One extremely significant area of investigation to be considered is the implications of this study as it may apply to nations beyond

Prince. "Gordon Brown Pledges to End 'Discrimination' in Royal Succession" *Telegraph* (27 March 2009)

the Commonwealth Realms. At present the only nations sharing a head of state are the realms.⁶⁰⁸ While there have been other examples in the past, they have become extremely uncommon. As a result, it is difficult to determine whether the matters and conclusions developed in this thesis can be applied to other nations which might share a head of state. To resolve this, one could only undertake a more historical study of former unions, or await future developments.

The Commonwealth Realms, as discussed in this thesis, might also provide a new way to consider whether, or how, nations manage conflict. There may be lessons in the sharing of finite resources which could be gleaned from their sharing arrangements.

This thesis has devoted substantial consideration to the subject of perceptions and their impact upon government operation. No doubt, this subject is of consequence to all governments and most social institutions. A wider understanding of this inter-disciplinary phenomenon would almost certainly enhance the development of institutions around the world.

A number of studies were undertaken for this thesis which revealed some interesting statistical results. All of these subjects deserve greater attention than they could be afforded in this study. For example, Section 4.4 raised the possibility of a relationship between the structure of government employed by a nation and the viability of its democracy. The relationship between the tripartite executive, or monarchy in general, and democratic stability is a matter that should be of concern to students of all nations. Also, as discussed in Section 4.3, further investigation into the differences between republics and monarchies with regard to gender and ethnic representation is warranted.

While not entirely analogous to a shared head of state, the development of a common European Union Presidency might relate to some aspects of this

⁶⁰⁸ The previously-mentioned Andorra is discounted due to its comparatively insignificant size and population.

thesis. Much would depend on the form such a presidency might take. It could resemble the president of a federation, the secretary of an international association, or conceivably, a shared head of state. In such a situation, this thesis might contribute to the discussion on potential issues surrounding the office.

Section 9.5 – In Retrospect

Two substantial consequences have been demonstrated in this chapter. It has been shown that among the many small ramifications of sharing a head of state, two large consequences tower above. The foremost ramification is the existence of a weak feedback loop within the shared structure. This feedback loop arises from a synergy between the flexibility of the shared structure, and the ever-changing perceptions of that structure. This peculiar occurrence is a component of the structure. Whether it would be inherent to all shared head of state structures, or whether it could ever be eliminated from the relationship among the Commonwealth Realms cannot be determined at present. Unless another shared head of state develops, the pool of examples from which to hypothesize is too small. However, a reasonable case could be made to suggest that the flexibility inherent in the current example of a shared head of state might be required in all such situations. It is unlikely that a formal understanding between two nations would ever be developed to create or maintain a shared head of state beyond the accident of monarchical inheritance. Thus, if no formal understanding is developed, one must assume that any future shared head of state would require an informal understanding. Such an understanding would inherently require a degree of flexibility similar to that currently demonstrated by the Commonwealth Realms. Such flexibility might be accompanied by the same susceptibility to popular perception that the realms exhibit. This reasoning would lend support to the suggestion that a

feedback loop might be inherent to all shared head of state structures. The intensity of this loop, its responsiveness to changing parameters, probably cannot be gauged without seeing it in operation. Nevertheless, there is no reason to believe that the structure employed by the Commonwealth Realms would be fundamentally different from any other. The weakness of the feedback loop in the current system is probably a fairly reliable indicator of what others might resemble.

The second substantial conclusion raised in this chapter is the possibility that the complexity of the sharing arrangement, and its rarity in world politics, contributes to its own instability. Once again, it is impossible to tell from the one example provided by the Commonwealth Realms, whether this would be true of all head of state sharing arrangements.

Together, these two consequences stand out from all other concerns. They deserve more attention in academic communities around the world. It is interesting to note that these issues, and the entire subject of a shared head of state, are not only political matters. They are psychological, sociological, historical, geographical, legal, and cultural. Many academic fields could contribute to the study of sharing a head of state. Indeed, this thesis itself has attempted to bridge several of these fields. Such a holistic approach has had value in this study, particularly because it is among the first on the subject. There is certainly room for a more atomistic approach, with each field of study considering various, separate implications of sharing a head of state.

This thesis was undertaken in the hope that it would provide a greater understanding of the advantages and disadvantages of sharing a head of state. From a practical perspective, it was hoped that this understanding might strengthen the sharing arrangements of the only nations which currently have such bonds. The unique position of the Commonwealth Realms is of considerable value to scholars of comparative politics. However, it is of greater value to the inhabitants of those nations. While it was never the intention of this thesis to directly consider whether or not the realms ought to

continue sharing a head of state, avoiding this question would be remiss. There is great merit in perpetuating the present structure. Among these reasons are enhanced democratic stability, as discussed in Section 4.4, and the capacity to incorporate alternative perspectives into government, as shown in Section 4.3. The arrangement provides a number of advantages and few disadvantages. From a strictly structural perspective, the value of constitutional monarchy, and shared monarchy in particular, has considerable merit. There are social issues, and matters of perception, which undoubtedly impact upon sharing Elizabeth II. Some ideologies might conflict with this structure, and nationalistic sentiments might complicate it, but one must wonder whether these could ever be more important than the democratic operation of each realm's government.

Appendices

Appendix A – The Commonwealth Realms

Present Commonwealth Realms:

Realm	From
Antigua and Barbuda	1981
Australia	1939
The Bahamas	1973
Barbados	1966
Belize	1981
Canada	1931
Grenada	1974
Jamaica	1962
New Zealand	1947
Papua New Guinea	1975
Saint Kitts and Nevis	1983
Saint Lucia	1979
Saint Vincent and the Grenadines	1979
The Solomon Islands	1978
Tuvalu	1978
The United Kingdom	N/A

Former Commonwealth Realms:

Realm	From	Until
Fiji	1970	1987
Mauritius	1968	1992
Guyana	1966	1970
Gambia	1965	1970
Malawi	1964	1966
Malta	1964	1974
Kenya	1963	1964
Trinidad and Tobago	1962	1976
Uganda	1962	1963
Sierra Leone	1961	1971
Tanganyika now Tanzania	1961	1962
Nigeria	1960	1963
Ghana	1957	1960
Ceylon now Sri Lanka	1948	1972

Source: Stewart, John. The British Empire: An Encyclopedia of the Crown's Holdings, 1493 Through 1995 (1996)

India	1947	1950 ⁶⁰⁹
Pakistan	1947	1956
Ireland	1931	1936/1949
Union of South Africa	1931	1961

⁶⁰⁹ Note: India and Ireland are the only Commonwealth Realm of which The Queen was never sovereign. Her father, George VI, was the only King of India, subsequent to his being the last Emperor of India. He was also the last King of Ireland.

Appendix B – All of The Queen’s Governors General

Governors General of Present Realms:

Antigua & Barbuda

Wilfred Jacobs (1981–1993)

James Carlisle (1993–2007)

Louise Lake-Tack (2007–present)

Australia

Sir William John McKell (1947–1953)

Sir William Joseph Slim (1953–1960)

William Morrison, 1st Viscount Dunrossil (1960–1961)

William Sidney, 1st Viscount De L'Isle (1961–1965)

Richard Gardiner Casey, Baron Casey (1965–1969)

Sir Paul Meernaa Caedwalla Hasluck (1969–1974)

Sir John Robert Kerr (1974–1977)

Sir Zelman Cowen (1977–1982)

Sir Ninian Stephen (1982–1989)

William George Hayden (1989–1996)

Sir William Patrick Deane (1996–2001)

Dr Peter Hollingworth (2001–2003)

Michael Jeffery (2003–present)

Bahamas

Sir Milo Butler (1973–1979)

Sir Gerald Cash (1979–1988)

Sir Henry Taylor (1988–1992)

Sir Clifford Darling (1992–1995)

Sir Orville Turnquest (1995–2001)

Dame Ivy Dumont (2001–2005)

Arthur Dion Hanna (2006–present)

Barbados

Sir John Montague Stow (1966–1967)

Sir Arleigh Winston Scott (1967 – 1976)

Sir Deighton Lisle Ward (1976–1984)

Sir Hugh Springer (1984–1990)

Dame Nita Barrow (1990–1995)

Sir Clifford Husbands (1996–present)

Belize

Dame Minita Gordon (1981–1993)

Sir Colville Young (1993–present)

Canada

Vincent Massey (1952–1959)

Georges Vanier (1959–1967)

Roland Michener (1967–1974)

Jules Léger (1974–1979)

Edward Schreyer (1979–1984)
Jeanne Sauvé (1984–1990)
Ramon Hnatyshyn (1990–1995)
Roméo LeBlanc (1995–1999)
Adrienne Clarkson (1999–2005)
Michaëlle Jean (2005–present)

Grenada

Leo de Gale (1974–1978)
Sir Paul Scoon (1978–1992)
Sir Reginald Palmer (1992–1996)
Sir Daniel Williams (1996–present)

Jamaica

Sir Kenneth Blackburne (1962–1962)
Sir Clifford Campbell (1962–1973)
Sir Florizel Glasspole (1973–1991)
Sir Howard Cooke (1991–2006)
Professor Kenneth Hall (2006–present)

New Zealand

The Lord Freyberg (1946–1952)
The Lord Norrie 1952–1957)
Sir Harold Barrowclough (1957–1957)
The Viscount Cobham (1957–1962)
Sir Bernard Fergusson (1962–1967)
Sir Arthur Porritt (1967–1972)
Sir Denis Blundell (1972–1977)
Sir Keith Holyoake (1977–1980)
Sir David Beattie (1980–1985)
Sir Paul Reeves (1985–1990)
Dame Catherine Tizard (1990–1996)
Sir Michael Hardie Boys (1996–2001)
Dame Silvia Cartwright (2001–2006)
Anand Satyanand (2006–present)

Papua New Guinea

Sir John Guise (1975–1977)
Sir Tore Lokoloko (1977–1983)
Sir Kingsford Dibela (1983–1989)
Sir Ignatius Kilage (1989–1989)
Sir Serei Eri (1990–1991)
Sir Wiwa Korowi (1991–1997)
Sir Silas Atopare (1997–2003)
Sir Paulias Matane (2004–present)

St. Kitts and Nevis

Sir Clement Arrindell (1983–1995)
Sir Cuthbert Sebastian (1996–present)

St. Lucia

Sir Allen Montgomery Lewis (1979–1980)

Boswell Williams (1980–1982)

Sir Allen Montgomery Lewis (1982–1987)

Sir Stanislaus A. James (1988–1996)

Sir George Mallet (1996–1997)

Dame Pearlette Louisy (1997–present)

St. Vincent and the Grenadines

Sir Sydney Gun-Munro (1979–1985)

Sir Joseph Lambert Eustace (1985–1988)

Sir David Jack (1989–1996)

Sir Charles Antrobus (1996–2002)

Sir Frederick Ballantyne (2002–present)

Solomon Islands

Sir Baddeley Devesi (1978–1988)

Sir George Lepping (1988–1994)

Sir Moses Pitakaka (1994–1999)

Sir John Lapli (1999–2004)

Sir Nathaniel Waena (2004–present)

Tuvalu

Sir Fiatau Penitala Teo (1978–1986)

Sir Tupua Leupena (1986–1990)

Sir Toaripi Lauti (1990–1993)

Sir Tomu Sione (1993–1994)

Sir Tulaga Manuella (1994–1998)

Sir Tomasi Puapua (1998–2003)

Faimalaga Luka (2003–2005)

Sir Filoimea Telito (2005–present)

Source: Stewart, John. The British Empire: An Encyclopedia of the Crown's Holdings, 1493 Through 1995 (1996) and from Wikipedia

Appendix C – All of The Queen’s Prime Ministers

Prime Ministers of Present Realms:

Antigua and Barbuda

Vere Bird (1981–1994)

Lester Bird (1994–2004)

Baldwin Spencer (since 2004)

Australia

Robert Menzies (1952–1966)

Harold Holt (1966–1967)

John McEwen (1967–1968)

John Gorton (1968–1971)

William McMahon (1971–1972)

Gough Whitlam (1972–1975)

Malcolm Fraser (1975–1983)

Bob Hawke (1983–1991)

Paul Keating (1991–1996)

John Howard (since 1996)

The Bahamas

Lynden Pindling (1973–1992)

Hubert Ingraham, (1992–2002, since 2007)

Perry Christie, (2002–2007)

Barbados

Errol Barrow (1966–1976, 1986–1987)

Tom Adams (1976–1985)

Bernard St. John (1985–1986)

Erskine Sandiford (1987–1994)

Owen Arthur (since 1994)

Belize

George Price (1981–1984, 1989–1993)

Manuel Esquivel (1984–1989, 1993–1998)

Said Musa (since 1998)

Canada

Louis St. Laurent (1952–1957)

John Diefenbaker (1957–1963)

Lester Pearson (1963–1968)

Pierre Trudeau (1968–1979, 1980–1984)

Joe Clark (1979–1980)

John Turner (1984)

Brian Mulroney (1984–1993)

Kim Campbell (1993)

Jean Chrétien (1993–2003)

Paul Martin (2003–2006)

Stephen Harper (since 2006)

Grenada

Eric Gairy (1974–1979)

Maurice Bishop (de facto 1979–1983)

Herbert Blaize (1984–1989)

Ben Jones (1989–1990)

Nicholas Brathwaite (1990–1995)

George Brizan (1995)

Keith Mitchell (since 1995)

Jamaica

Norman Manley (1959–1962)

Alexander Bustamante (1962–1967)

Donald Sangster (1967)

Hugh Shearer (1967–1972)

Michael Manley (1972–1980, 1989–1992)

Edward Seaga (1980–1989)

Percival Patterson (1992–2006)

Portia Simpson-Miller (2006–2007)

Bruce Golding (since 2007)

New Zealand

Sidney Holland (1952–1957)

Keith Holyoake (1957, 1960–1972)

Walter Nash (1957–1960)

Jack Marshall (1972)

Norman Kirk (1972–1974)

Bill Rowling (1974–1975)

Robert Muldoon (1975–1984)

David Lange (1984–1989)

Geoffrey Palmer (1989–1990)

Mike Moore (1990)

Jim Bolger (1990–1997)

Jenny Shipley (1997–1999)

Helen Clark (since 1999)

Papua New Guinea

Michael Somare (1975–1980, 1982–1985, since 2002)

Julius Chan, (1980–1982, 1994–1997)

Rabbie Namaliu (1988–1992)

Paias Wingti (1985–1988, 1992–1994)

Bill Skate, (1997–1999)

Mekere Morauta (1999–2002)

St Kitts and Nevis

Kennedy Simmonds (1983–1995)

Denzil Douglas (since 1995)

St Lucia

John Compton (1979, 1982–1996, since 2006)

Allan Louisy (1979–1981)

Winston Cenac (1981–1982)

Michael Pilgrim (1982)

Vaughan Lewis (1996–1997)

Kenny Anthony (1997–2006)

St Vincent and the Grenadines

Milton Cato (1979–1984)

James Fitz-Allen Mitchell (1984–2000)

Arnhim Eustace (2000–2001)

Ralph Gonsalves (since 2001)

Solomon Islands

Peter Kenilorea (1978–1981, 1984–1986)

Solomon Mamaloni (1981–1984, 1994–1997)

Ezekiel Alebua (1986–1989)

Francis Billy Hilly (1993–1994)

Bartholomew Ulufa'alu (1997–2000)

Manasseh Sogavare (2000–2001, since 2006)

Sir Allan Kemakeza (2001–2006)

Snyder Rini (2006)

Tuvalu

Toaripi Lauti (1979–1981)

Tomasi Puapua (1981–1989)

Bikenibeu Paeniu (1989–1993, 1996–1999)

Kamuta Latasi (1993–1996)

Ionatana Ionatana (1999–2000)

Lagitupu Tuilimu (2000–2001)

Faimalaga Luka (2001)

Koloa Talake (2001–2002)

Saufatu Sopoanga (2002–04)

Maatia Toafa (since 2004)

United Kingdom

Winston Churchill (1952–1955)

Anthony Eden (1955–1957)

Harold Macmillan (1957–1963)

Alec Douglas-Home (1963–1964)

Harold Wilson (1964–1970)

Edward Heath (1970–1974)

Harold Wilson (1974–76)

James Callaghan (1976–1979)

Margaret Thatcher (1979–1990)

John Major (1990–1997)

Tony Blair (1997–2007)

Gordon Brown (since 2007)

Source: Compiled from Wikipedia

Prime Ministers of former Commonwealth Realms:

Ceylon

Don Stephen Senanayake (1948–1952)
Dudley Senanayake (1952–1953, 1965–1970)
John Lionel Kotalawela (1953–1956)
Solomon Bandaranaike (1956–1959)
Vijayananda Dahanayake (1959–1960)
Sirimavo Bandaranaike (1960–1965, 1970–1972)

Fiji

Ratu Sir Kamisese Mara (1970–1987)
Timoci Bavadra (1987)

The Gambia

Dawda Kairaba Jawara (1965–1970)

Ghana

Kwame Nkrumah (1957–1960)

Guyana

Forbes Burnham (1966–1970)

Kenya

Jomo Kenyatta (1963–1964)

Malawi

Hastings Kamuzu Banda (1964–1966)

Malta

George Borg Olivier (1964–1971)
Dom Mintoff (1971–1974)

Mauritius

Sir Seewoosagur Ramgoolam (1968–1982)
Sir Anerood Jugnauth (1982–1992)

Nigeria

Abubakar Tafawa Balewa (1960–1963)

Pakistan

Khwaja Nazimuddin (1952–1953)
Mohammad Ali Bogra (1953–1955)
Chaudhry Mohammad Ali (1955–1956)

Sierra Leone

Sir Milton Margai (1961–1964)
Sir Albert Margai (1964–1967)

Siaka Stevens (1967–1971)

South Africa

Daniel Malan (1948–1954)

Johannes Strijdom (1954–1958)

Hendrik Verwoerd (1958–1961)

Tanganyika

Julius Nyerere (1961–1962)

Trinidad and Tobago

Eric Williams (1962–1976)

Uganda

Milton Obote (1962–1963)

Source: Compiled from Wikipedia

Appendix D – Career Paths of the Governors General of the Current Realms

Antigua and Barbuda	
Wilfred Jacobs	Law
James Carlisle	Medicine
Louise Lake-Tack	Law
Australia	
Sir William John McKell	Politician
Sir William Joseph Slim,	Military
William Morrison, 1st Viscount Dunrossil	Politician
William Sidney, 1st Viscount De L'Isle	Politician
Richard Gardiner Casey, Baron Casey	Politician
Sir Paul Meernaa Caedwalla Hasluck	Politician
Sir John Robert Kerr	Law
Sir Zelman Cowen	Law
Sir Ninian Stephen	Law
William George Hayden	Politician
Sir William Patrick Deane	Law
Dr Peter Hollingworth	Clergy
Michael Jeffery	Military
Bahamas	
Sir Milo Butler	Politician
Sir Gerald Cash	Politician
Sir Henry Taylor	Politician
Sir Clifford Darling	Politician
Sir Orville Turnquest	Politician
Dame Ivy Dumont	Education
Arthur Dion Hanna	Politician
Barbados	
Sir John Montague Stow	Civil Servant
Sir Arleigh Winston Scott	Medicine
Sir Deighton Lisle Ward	Law
Sir Hugh Springer	Education
Dame Nita Barrow	Diplomat
Sir Clifford Husbands	Law
Belize	
Dame Minita Gordon	Education
Sir Colville Young	Education
Canada	
Vincent Massey	Diplomacy
Georges Vanier	Diplomacy
Roland Michener	Politician
Jules Léger	Diplomacy

Edward Schreyer	Politician
Jeanne Sauvé	Journalism
Ray Hnatyshyn	Politician
Roméo LeBlanc	Politician
Adrienne Clarkson	Journalism
Michaëlle Jean	Journalism
Grenada	
Leo de Gale	Entrepreneur
Sir Paul Scoon	Civil Servant
Sir Reginald Palmer	Education
Sir Daniel Williams	Law
Jamaica	
Sir Kenneth Blackburne	Civil Servant
Sir Clifford Campbell	Politician
Sir Florizel Glasspole	Politician
Sir Howard Cooke	Politician
Professor Kenneth Hall	Education
New Zealand	
The Lord Freyberg	Military
The Lord Norrie	Military
The Viscount Cobham	Politician
Sir Bernard Fergusson	Military
Sir Arthur Porritt	Medicine
Sir Denis Blundell	Law
Sir Keith Holyoake	Politics
Sir David Beattie	Law
Sir Paul Reeves	Clergy
Dame Catherine Tizard	Politics
Sir Michael Hardie Boys	Law
Dame Silvia Cartwright	Law
Anand Satyanand	Law
Papua New Guinea	
Sir John Guise	Politician
Sir Tore Lokoloko	Politician
Sir Kingsford Dibela	Politician
Sir Ignatius Kilage	Civil Servant
Sir Serei Eri	Politician
Sir Wiwa Korowi	U/K
Sir Silas Atopare	Entrepreneur
Sir Paulias Matane	Civil Servant
Saint Kitts and Nevis	
Sir Clement Arrindell	Law
Sir Cuthbert Sebastian	Medicine

Saint Lucia	
Sir Allen Montgomery Lewis	Law
Boswell Williams	Politics
Sir Allen Montgomery Lewis	Law
Sir Stanislaus A. James	Civil Servant
Sir George Mallet	Politics
Dame Pearlette Louisy	Education
Saint Vincent and the Grenadines	
Sir Sydney Gun-Munro	Medicine
Sir Joseph Lambert Eustace	Politician
Sir David Jack	Politician
Sir Charles Antrobus	Entrepreneur
Sir Frederick Ballantyne	Medicine
Solomon Islands	
Sir Baddeley Devesi	Civil Servant
Sir George Lepping	Civil Servant
Sir Moses Pitakaka	Civil Servant
Sir John Lapli	Clergy
Sir Nathaniel Waena	U/K
Tuvalu	
Sir Fiatau Penitala Teo	U/K
Sir Tupua Leupena	U/K
Sir Toaripi Lauti	Politician
Sir Tomu Sione	Politician
Sir Tulaga Manuella	Civil Servant
Sir Tomasi Puapua	Politician
Faimalaga Luka	Politician
Sir Filoimea Telito	Clergy

U/K = Unknown	4
Politician	34
Law	16
Clergy	4
Military	5
Education	7
Medicine	6
Diplomacy	4
Journalism	3
Civil Servant	10
Entrepreneur	3

Source: Compiled from Wikipedia

Appendix E – Female Governors General (As of 1 July 2007)

Year	Term Began	Term Ended	Number
1980			0
1981	Gordon		1
1982			1
1983			1
1984	Suavé		2
1985			2
1986			2
1987			2
1988			2
1989			2
1990	Barrow, Tizard	Sauve	3
1991			3
1992			3
1993		Gordon	2
1994			2
1995		Barrow	1
1996		Tizard	0
1997	Louisy		1
1998			1
1999	Clarkson		2
2000			2
2001	Cartwright, Dumont		4
2002			4
2003			4
2004			4
2005	Jean	Clarkson, Dumont	3
2006		Cartwright	2
2007	Lake-Tack		3

Source: Compiled from Wikipedia

Percentage of Female Governors General:

Realm	Women	Total	%
Antigua and Barbuda	1	3	33
Australia	0	13	0
The Bahamas	1	7	14
Barbados	1	6	17
Belize	1	2	50
Canada	3	11	27
Grenada	0	4	0
Jamaica	0	5	0
New Zealand	2	13	15
Papua New Guinea	0	8	0
Saint Kitts and Nevis	0	2	0
Saint Lucia	1	6	17
Saint Vincent and the Grenadines	0	5	0
The Solomon Islands	0	5	0
Tuvalu	0	8	0
Total	10	98	10

Source: Compiled from Wikipedia

Appendix F – Freedom House Democratic Index Figures

Country	A	B	C	D	E	F	G	Total Republics	Total Monarchies
Afghanistan	6	7	4	5	5	3	5	35	
Albania	8	11	7	11	8	10	9	64	
Algeria	4	4	3	7	6	5	7	36	
Andorra	12	15	12	16	11	15	15	96	
Angola	2	5	1	8	6	4	3	29	
Antigua & Barbuda	11	12	7	13	9	12	13		77
Argentina	11	15	7	14	11	10	13	81	
Armenia	4	5	4	8	5	6	9	41	
Australia	12	15	12	16	12	14	15		96
Austria	12	16	12	16	12	15	15	98	
Azerbaijan	3	4	3	7	3	4	8	32	
Bahamas	12	16	10	16	12	15	15		96
Bahrain	3	9	4	8	3	4	5		36
Bangladesh	8	10	4	8	8	6	9	53	
Barbados	12	16	12	16	12	16	15		99
Belarus	0	3	1	3	0	2	5	14	
Belgium	12	16	12	16	12	15	15		98
Belize	12	14	10	15	11	12	13		87
Benin	10	15	8	15	12	12	10	82	
Bhutan	3	1	5	7	2	4	8		30
Bolivia	11	13	4	15	11	8	9	71	
Bosnia-Herzegovina	8	11	6	11	8	10	10	64	
Botswana	11	11	9	14	10	13	10	78	
Brazil	11	14	6	15	10	8	12	76	
Brunei	0	3	3	6	3	6	8		29
Bulgaria	12	15	9	14	11	12	13	86	
Burkina Faso	5	8	4	14	9	6	7	53	
Burma	0	1	0	2	0	0	4	7	
Burundi	9	9	4	8	5	4	6	45	
Cambodia	3	5	3	9	6	2	7		35
Cameroon	3	5	3	7	3	2	4	27	
Canada	12	16	12	16	12	15	16		99
Cape Verde	12	15	10	15	11	14	13	90	
Central African Republic	7	7	3	10	9	3	4	43	
Chad	3	1	2	7	5	1	3	22	
Chile	12	15	12	16	12	15	15	97	
China	0	1	1	4	2	2	7	17	
Colombia	10	9	7	12	7	7	10	62	
Comoros	9	11	4	10	6	8	6	54	

Congo (Brazzaville)	3	5	3	9	7	2	6	35	
Congo (Kinshasa)	6	6	2	6	5	0	1	26	
Costa Rica	12	15	11	16	11	13	13	91	
Cote de Ivoire	1	2	2	5	4	3	4	21	
Croatia	12	14	9	14	12	11	13	85	
Cuba	0	0	1	2	1	1	2	7	
Cyprus	11	16	11	15	12	15	15	95	
Czech Republic	12	15	11	16	12	14	15	95	
Denmark	12	16	12	16	12	15	15		98
Djibouti	4	5	3	7	5	5	6	35	
Dominica	12	16	10	16	12	13	13	92	
Dominican Republic	11	13	9	15	11	10	11	80	
East Timor	11	10	5	11	7	6	9	59	
Ecuador	9	15	4	15	11	5	10	69	
Egypt	1	4	2	6	2	5	7	27	
El Salvador	12	13	8	15	9	7	10	74	
Equatorial Guinea	0	1	0	5	0	1	3	10	
Eritrea	0	1	2	2	0	2	6	13	
Estonia	12	15	12	16	12	14	14	95	
Ethiopia	5	5	4	7	3	4	6	34	
Fiji	0	5	2	10	4	7	10	38	
Finland	12	16	12	16	12	16	16	100	
France	12	15	11	15	12	14	15	94	
Gabon	2	5	3	10	6	6	5	37	
Gambia	6	7	4	10	6	7	8	48	
Georgia	9	9	7	12	8	7	10	62	
Germany	12	15	12	15	12	15	15	96	
Ghana	12	15	10	14	11	12	10	84	
Greece	12	15	10	15	10	14	13	89	
Grenada	12	16	9	15	9	11	14		86
Guatemala	9	10	5	12	8	5	8	57	
Guinea	2	5	2	8	5	4	6	32	
Guinea-Bissau	9	9	4	11	8	8	6	55	
Guyana	11	13	7	15	10	8	9	73	
Haiti	7	10	3	10	5	2	5	42	
Honduras	9	10	6	13	8	7	9	62	
Hungary	12	15	10	16	12	13	14	92	
Iceland	12	16	12	16	12	16	16	100	
India	11	14	9	13	10	9	10	76	
Indonesia	11	13	6	10	9	7	9	65	
Iran	3	4	3	4	2	3	4	23	
Iraq	7	6	1	4	3	0	4	25	
Ireland	12	16	11	16	12	15	15	97	

Israel	12	15	10	14	12	10	11	84	
Italy	12	15	11	15	12	12	15	92	
Jamaica	10	13	8	15	9	8	11		74
Japan	12	15	10	13	10	15	13		88
Jordan	3	6	5	9	5	6	8		42
Kazakhstan	3	4	3	7	4	4	7	32	
Kenya	9	11	5	14	9	8	8	64	
Kiribati	12	16	8	15	12	15	13	91	
Kuwait	4	9	6	9	6	7	5		46
Kyrgyzstan	5	7	4	10	8	5	7	46	
Laos	0	1	0	4	1	2	5	13	
Latvia	12	15	9	16	12	12	13	89	
Lebanon	4	8	5	12	8	5	9	51	
Lesotho	9	12	9	15	8	11	9	73	
Liberia	9	10	5	11	7	7	8	57	
Libya	0	1	0	1	0	0	6	8	
Liechtenstein	12	16	12	16	12	16	16		100
Lithuania	12	15	9	16	11	14	13	90	
Luxembourg	12	16	12	16	12	16	16		100
Macedonia	7	10	7	11	7	8	10	60	
Madagascar	7	9	7	10	8	9	9	59	
Malawi	7	10	6	11	8	9	7	58	
Malaysia	6	7	6	8	6	6	9		48
Maldives	3	4	4	6	3	7	7	34	
Mali	9	12	9	16	9	10	9	74	
Malta	12	16	11	16	12	16	15	98	
Mauritania	6	7	4	10	8	6	5	46	
Mauritius	11	15	11	15	12	13	12	89	
Mexico	10	14	9	14	10	8	11	76	
Micronesia	12	15	10	16	11	15	14	93	
Moldova	9	8	7	10	6	8	9	57	
Monaco	10	11	10	15	12	15	14		87
Mongolia	8	15	10	15	10	12	12	82	
Montenegro	9	9	6	12	10	8	11	65	
Morocco	4	7	6	8	6	6	8		45
Mozambique	7	11	7	11	7	7	8	58	
Namibia	10	12	9	15	12	10	9	77	
Nauru	12	16	10	15	11	15	14	93	
Nepal	4	9	4	9	6	6	7		45
Netherlands	12	16	12	16	12	15	16		99
New Zealand	12	15	12	16	11	15	15		96
Nicaragua	11	12	5	14	8	7	10	67	
Niger	11	10	8	11	9	9	6	64	
Nigeria	6	9	6	11	7	5	7	51	
North Korea	0	0	0	0	0	0	1	1	
Norway	12	16	12	16	12	16	16		100
Oman	2	2	2	6	3	4	5		24
Pakistan	2	6	3	8	6	4	6	35	

Palau	12	15	10	16	11	15	13	92	
Panama	12	15	9	15	11	9	12	83	
Papua New Guinea	9	11	6	12	9	7	8		62
Paraguay	11	11	4	12	8	7	10	63	
Peru	11	14	7	15	9	8	9	73	
Philippines	7	13	8	14	9	8	10	69	
Poland	12	16	10	15	11	13	14	91	
Portugal	12	16	12	16	12	15	14	97	
Qatar	2	1	3	8	2	4	4		24
Romania	11	14	7	14	11	12	12	81	
Russia	3	5	3	8	4	4	7	34	
Rwanda	3	3	4	7	3	6	7	33	
Samoa	9	13	10	14	10	13	12	81	
San Marino	12	16	12	16	12	16	16	100	
Sao Tome & Principe	11	14	8	15	10	12	10	80	
Saudi Arabia	0	0	1	4	0	3	2		10
Senegal	11	13	9	15	10	9	9	76	
Serbia	9	13	7	14	11	9	13	76	
Seychelles	8	10	7	10	9	11	11	66	
Sierra Leone	9	10	4	12	8	8	9	60	
Singapore	4	6	7	9	3	8	12	49	
Slovakia	12	15	10	16	12	12	14	91	
Slovenia	12	15	11	15	12	14	12	91	
Solomon Islands	6	10	7	13	9	8	12		65
Somalia	0	0	1	3	0	0	0	4	
South Africa	12	14	9	15	12	12	12	86	
South Korea	11	15	10	14	12	13	12	87	
Spain	12	15	12	16	12	14	15		96
Sri Lanka	8	8	6	8	9	6	9	54	
St. Kitts & Nevis	12	16	10	15	12	12	14		91
St. Lucia	12	16	10	15	12	12	14		91
St. Vincent & Grenadines	11	15	8	15	11	13	14		87
Sudan	0	4	3	4	3	0	0	14	
Suriname	12	13	7	15	11	9	10	77	
Swaziland	0	1	1	8	3	4	5		22
Sweden	12	16	12	16	12	16	16		100
Switzerland	12	16	12	16	12	15	16	99	
Syria	0	0	1	2	0	1	5	9	
Taiwan	10	15	9	16	11	15	13	89	
Tajikistan	2	4	3	6	4	4	6	29	
Tanzania	6	10	6	11	7	10	8	58	
Thailand	0	1	3	10	5	6	11		36
Togo	2	4	2	7	5	3	6	29	
Tonga	3	9	3	12	5	11	12		55

Trinidad & Tobago	9	13	9	15	11	10	13	80	
Tunisia	1	3	2	4	2	4	8	24	
Turkey	9	12	7	12	7	8	10	65	
Turkmenistan	0	0	0	1	0	0	0	1	
Tuvalu	12	15	10	16	12	15	14		94
Uganda	4	7	4	11	6	7	7	46	
Ukraine	9	13	6	13	10	11	11	73	
United Arab Emirates	1	1	2	6	3	4	4		21
United Kingdom	12	16	12	16	12	15	15		98
United States of America	11	16	11	16	10	14	15	93	
Uruguay	12	16	11	16	12	15	15	97	
Uzbekistan	0	0	0	1	0	0	2	3	
Vanuatu	9	15	8	16	11	10	11	80	
Venezuela	8	8	4	11	7	5	8	51	
Vietnam	0	1	1	5	2	4	8	21	
Yemen	4	7	3	7	3	4	5	33	
Zambia	8	11	6	11	8	8	7	59	
Zimbabwe	1	3	0	5	2	1	1	13	

Source: Freedom House (<http://www.freedomhouse.org>)

All Nations Median = 65
 Republic Median = 64
 Monarchy Median = 86.5
 Realm Median = 91

Below are the questions used to determine the above figures. This information is taken directly from the Methodology Section of the Freedom House Report 2007.

Freedom in the World 2007: Checklist Questions and Guidelines

Each numbered checklist question is assigned a score of 0-4 (except for discretionary question A, for which 1-4 points may be added, and discretionary question B, for which 1-4 points may be subtracted), according to the survey methodology. The bulleted sub-questions are intended to provide guidance to the writers regarding what issues are meant to be considered in scoring each checklist question; the authors do not necessarily have to consider every sub-question when scoring their countries.

Political Rights Checklist

A. Electoral Process

1. Is the head of government or other chief national authority elected through free and fair elections?
2. Are the national legislative representatives elected through free and fair elections?

3. Are the electoral laws and framework fair?

B. Political Pluralism and Participation

1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

2. Is there a significant opposition vote and a realistic possibility for the opposition to increase its support or gain power through elections?

3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

C. Functioning of Government

1. Do the freely elected head of government and national legislative representatives determine the policies of the government?

2. Is the government free from pervasive corruption?

3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

Additional Discretionary Political Rights Questions:

A. For traditional monarchies that have no parties or electoral process, does the system provide for genuine, meaningful consultation with the people, encourage public discussion of policy choices, and allow the right to petition the ruler?

B. Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group?

Civil Liberties Checklist

D. Freedom of Expression and Belief

1. Are there free and independent media and other forms of cultural expression? (Note: In cases where the media are state-controlled but offer pluralistic points of view, the survey gives the system credit.)

2. Are religious institutions and communities free to practice their faith and express themselves in public and private?

3. Is there academic freedom and is the educational system free of extensive political indoctrination?

4. Is there open and free private discussion?

E. Associational and Organizational Rights

1. Is there freedom of assembly, demonstration, and open public discussion?

2. Is there freedom for nongovernmental organizations? (Note: This includes civic organizations, interest groups, foundations, etc.)

3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

F. Rule of Law

1. Is there an independent judiciary?

2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?
4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

G. Personal Autonomy and Individual Rights

1. Does the state control travel or choice of residence, employment, or institution of higher education?
2. Do citizens have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?
3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?
4. Is there equality of opportunity and the absence of economic exploitation?

Appendix G – Heads of State: 1952 – 2007

Nation	Women	Republic H. of S.	Women	Monarchies (incl. G.G.s)	Female Monarchs	Total Monarchs
China	0	8				
India	1	12				
USA	0	11				
Indonesia	1	6				
Brazil	0	21				
Pakistan	0	11				
Bangladesh	0	15				
Nigeria	0	13				
Russia/USSR	0	8				
Japan = Monarchy			0	2	0	2
Mexico	0	11				
Philippines	2	10				
Vietnam	0	8				
Germany	0	9				
Ethiopia	0	5				
Egypt	0	4				
Turkey	0	9				
Iran	0	2				
France	0	8				
Thailand = Monarchy			0	1	0	1
DR Congo	0	5				
UK = Monarchy						
Italy	0	10				
Myanmar	0	4				
South Africa	0	8				
South Korea	0	9				
Ukraine	0	3				
Spain = Monarchy			0	1	0	1
Columbia	0	15				
Tanzania	0	4				
Argentina	1	29				
Sudan	0	8				
Poland	0	10				
Kenya	0	3				
Algeria	0	8				
Canada = Monarchy			3	11	1	1
Morocco = Monarchy			0	3	0	3
Uganda	0	5				
Iraq	0	7				
Nepal = Monarchy			0	5	0	5
Peru	0	13				
Venezuela	0	17				
Uzbekistan	0	1				

Malaysia = Monarchy			0	13	0	13
Afghanistan	0	8				
Saudi Arabia = Monarchy			0	6	0	6
North Korea	0	2				
Ghana	0	14				
Taiwan ***	0	5				
Yemen	0	1				
Romania	0	10				
Mozambique	0	3				
Australia = Monarchy			0	13	1	1
Syria	0	11				
Madagascar	0	7				
Sri Lanka	1	6				
Côte d'Ivoire	0	6				
Cameroon	0	2				
Angola	0	2				
Chile	1	10				
Netherlands = Monarchy			2	2	2	2
Kazakhstan	0	1				
Burkina Faso	0	7				
Cambodia = Monarchy			0	2	0	2
Nigeria	0	7				
Malawi	0	3				
Guatemala	0	20				
Zimbabwe	0	2				
Ecuador	0	26				
Senegal	0	3				
Mali	0	5				
Zambia	0	3				
Cuba	0	5				
Greece	0	13				
Chad	0	8				
Portugal	0	8				
Belgium = Monarchy			0	2	0	2
Tunisia	0	2				
Czech Republic	0	1				
Hungary	0	8				
Serbia	0	9				
Dominican Republic	0	14				
Rwanada	0	6				
Belarus	0	1				
Hati	0	12				
Bolivia	0	22				
Guinea	0	2				
Sweden = Monarchy			0	2	0	2
Benin	0	13				

Somalia	0	6				
Burundi	0	12				
Azerbaijan	0	4				
Austria	0	8				
Bulgaria	0	9				
Switzerland	2	42				
Israel	0	9				
Honduras	0	14				
El Salvador	0	12				
Tajikistan	0	4				
Togo	0	6				
PNG = Monarchy			0	8	1	1
Libya	0	1				
Paraguay	0	7				
Jordan = Monarchy			0	2	0	2
Sierra Leone	0	8				
Laos	0	5				
Nicaragua	1	9				
Denmark = Monarchy			1	2	1	2
Slovakia	0	3				
Kyrgyzstan	0	3				
Finland	1	5				
Turkmenistan	0	2				
Eritrea	0	1				
Norway = Monarchy			0	3	0	3
Croatia	0	3				
Costa Rica	0	13				
Singapore	0	6				
Georgia	0	3				
United Arab Emirates = Monarchy			0	2	0	2
Central African Republic	0	7				
Ireland	2	7				
NZ = Monarchy			2	13	1	1
Lebanon	0	10				
Bosnia and Herzegovina	0	12				
Moldova	0	3				
Republic of the Congo	0	10				
Liberia	2	7				
Lithuania	0	4				
Panama	1	19				
Uruguay	0	23				
Albania	0	5				
Mauritania	0	7				

Armenia	0	2				
Kuwait = Monarchy			0	4	0	4
Jamaica = Monarchy			0	5	1	1
Mongolia	0	7				
Oman = monarchy			0	2	0	2
Latvia	1	3				
Namibia	0	2				
Republic of Macedonia	0	3				
Slovenia	0	2				
Lesotho = Monarchy			0	2	0	2
Botswana	0	3				
Gambia	0	3				
Guinea-Bissau	0	8				
Estonia	0	3				
Trinidad and Tobago	0	4				
Gabon	0	6				
Mauritius	0	5				
East Timor	0	2				
Swaziland = Monarchy			0	2	0	2
Cyprus	0	6				
Qatar = Monarchy			0	3	0	3
Fiji	0	5				
Djibouti	0	2				
Bahrain = Monarchy			0	3	0	3
Guyana	1	7				
Comoros	0	13				
Bhutan = Monarchy			0	4	0	4
Montenegro	0	1				
Cape Verde	0	3				
Equatorial Guinea	0	2				
Solomon Islands = Monarchy			0	5	0	5
Luxembourg = Monarchy			1	3	1	1
Suriname	0	7				
Malta	1	7				
Brunei = Monarchy			0	1	0	1
Bahamas = Monarchy			1	7	1	1
Iceland	1	5				
Maldives	0	4				
Barbados = Monarchy			1	6	1	
Belize = Monarchy			1	2	1	1
Vanuatu	0	6				

Samoa	0	2				
Saint Lucia = Monarchy			1	6	1	1
São Tomé and Príncipe	0	6				
Saint Vincent and the Grenadines = Monarchy			0	5	1	1
Grenada = Monarchy			0	4	1	1
Tonga = Monarchy			0	2	0	2
Kiribati	0	7				
Seychelles	0	3				
Antigua and Barbuda = Monarchy			1	3	1	1
Andorra = Monarchy?						
Dominica	0	6				
Saint Kitts and Nevis = Monarchy			0	2	1	1
Liechtenstein = Monarchy			0	2	0	
Monaco = Monarchy			0	2	0	2
San Marino						
Tuvalu = Monarchy			0	8	1	1
Nauru						
The Holy See = Monarchy			0	6	0	6
Total	20	1072	14	182	18	98

Source: Compiled from Wikipedia

Appendix H – Distribution of The Queen’s Days

Realm	Number of Days
Antigua & Barbuda	6
Australia	233
Bahamas	16
Barbados	12
Belize	6
Canada	216
Grenada	1
Jamaica	19
New Zealand	140
P.N.G.	8
St. Kitts & Nevis	1
St. Lucia	1
St. Vincent	1
Solomon Islands	1
Tuvalu	2
Total in Ex-realms	36
Commonwealth Republics	235
Foreign Visits	284
United Kingdom	19357

Source: Compiled from Visit Schedule on the Royal Website

<http://www.royal.gov.uk/MonarchUK/RoyalVisits/Commonwealthvisitsince1952.aspx> (As of 25 January 2010)

Appendix I – Compilation of Finance Figures

Realm	Total in Local Currency	Per Capita in Local Currency	Per Capita in GBP	Source
Antigua & Barbuda	N/A	N/A	N/A	N/A
Australia	32,081,000.00	1.57 per person	0.70 GBP	03/04 Estimates
Bahamas	1,105,757.00	3.42 per person	1.72GBP	03/04 Estimates
Barbados	1,494,243.00	5.36 per person	1.35GBP	03/04 Actuals
Belize	N/A	N/A	N/A	N/A
Canada	49,275,867.00	1.53 per person	0.76 GBP	03/04 Actuals
Grenada	N/A	N/A	N/A	N/A
Jamaica	50,010,000.00	18.86 per person	0.13 GBP	04/05 Estimates
New Zealand	4,356,000.00	1.03 per person	0.40 GBP	03/04 Actuals
P.N.G.	2,323,000.00	0.4 per person	0.07 GBP	04/05 Actuals
St. Kitts & Nevis	N/A	N/A	N/A	N/A
St. Lucia	1,271,302.00	7.91 per person	1.50 GBP	07/08 Estimates
St. Vincent	N/A	N/A	N/A	N/A
Tuvalu	112,304.00	9.36 per person	4.3 GBP	03/04 Actuals
Solomon Islands	737,021.00	1.33 per person	0.09 GBP	02/03 Actuals
United Kingdom	37,400,000.00	0.62 per person	0.62 GBP	03/04 Actuals

Source: Compiled from Official Parliamentary Budgets of Respective Realms

Appendix J – Proclamations of Accession

George V (1910)

Whereas it hath pleased Almighty God to call to His mercy our late Sovereign Lord King Edward the Seventh, of Blessed and Glorious Memory, by whose Decease the Imperial Crown of the United Kingdom of Great Britain and Ireland is solely and rightfully come to the High and Mighty Prince George Frederick Ernest Albert : We, therefore, the Lords Spiritual and Temporal of this Realm, being here assisted with these of His late Majesty's Privy Council, with numbers of other Principal Gentlemen of Quality, with the Lord-Mayor, Aldermen, and citizens of London, do now hereby, with one Voice and Consent of Tongue and Heart, publish and proclaim, That the High and Mighty Prince George Frederick Ernest Albert, is now, by the Death of our late Sovereign, of Happy Memory, become our only lawful and rightful Liege Lord George the Fifth, by the Grace of God, King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Defender of the Faith, Emperor of India: To whom we do acknowledge all Faith and constant Obedience, with all hearty and humble Affection: beseeching God, by whom Kings and Queens do reign, to bless the Royal Prince George the Fifth, with long and happy years to reign over Us.

Edward VIII (1936)

Whereas it hath pleased Almighty God to call to His mercy our late Sovereign Lord King George the Fifth, of Blessed and Glorious Memory, by whose Decease the Imperial Crown of Great Britain, Ireland, and all other His late Majesty's Dominions is solely and rightfully come to the High and Mighty Prince Edward Albert Christian George Andrew Patrick David : We, therefore, the Lords Spiritual and Temporal of this Realm, being here assisted with these of His late Majesty's Privy Council, with numbers of other Principal Gentlemen of Quality, with the Lord-Mayor, Aldermen, and citizens of London, do now hereby, with one Voice and Consent of Tongue and Heart, publish and proclaim, That the High and Mighty Prince Edward Albert Christian George Andrew Patrick David, is now, by the Death of our late Sovereign of happy Memory, become our only lawful and rightful Liege Lord Edward the Eighth, by the Grace of God, of Great Britain, Ireland, and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To whom we do acknowledge all Faith and constant Obedience, with all hearty and humble Affection: beseeching God, by whom Kings and Queens do reign, to bless the Royal Prince Edward the Eighth, with long and happy years to reign over Us.

George VI (1936)

Whereas by an Instrument of Abdication dated the Tenth day of December instant His former Majesty King Edward the Eighth did declare His irrevocable Determination to renounce the Throne for Himself and His Descendants, and the said Instrument of Abdication has now taken effect, whereby the Imperial Crown of Great Britain, Ireland, and all other His former Majesty's Dominions is now solely and rightfully come to the High and Mighty Albert Frederick Arthur George : We, therefore, the Lords Spiritual and Temporal of this Realm, being here assisted with these of His former Majesty's Privy Council, with numbers of other Principal Gentlemen of Quality, with the Lord-Mayor, Aldermen, and citizens of London, do now hereby, with one Voice and Consent of Tongue and Heart, publish and proclaim, That the High and Mighty Prince Albert Frederick Arthur George, is now become our only lawful and rightful Liege Lord George the Sixth by the Grace of God, of Great Britain, Ireland, and

the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To whom we do acknowledge all Faith and constant Obedience, with all hearty and humble Affection: beseeching God, by whom Kings and Queens do reign, to bless the Royal Prince George the Sixth, with long and happy years to reign over Us.

Elizabeth II (1952)

Whereas it hath pleased Almighty God to call to His mercy our late Sovereign Lord King George the Sixth of Blessed and Glorious Memory by whose Decease the Crown is solely and rightfully come to the High and Mighty Princess Elizabeth Alexandra Mary : We, therefore, the Lords Spiritual and Temporal of this Realm, being here assisted with these of His late Majesty's Privy Council, with representatives of other members of the Commonwealth, with other Principal Gentlemen of Quality, with the Lord Mayor, Aldermen, and citizens of London, do now hereby with one Voice and Consent of Tongue and Heart publish and proclaim that the High and Mighty Princess Elizabeth Alexandra Mary is now, by the Death of our late Sovereign of happy Memory, become Queen Elizabeth the Second, by the Grace of God Queen of this Realm and of all Her other Realms and Territories, Head of the Commonwealth, Defender of the Faith, to whom Her lieges do acknowledge all Faith and constant Obedience, with hearty and humble Affection: beseeching God, by whom Kings and Queens do reign, to bless the Royal Princess Elizabeth the Second with long and happy Years to reign over Us.

Appendix K – List of Commonwealth Visits Made by Queen Elizabeth II

1952

Kenya; 4-6 February

1953-54

Bermuda; 24-25 November

Jamaica; 25-27 November

Fiji; 17-19 December

Tonga; 19-20 December

New Zealand; 23 December-30 January

Australia; 3 February-1 April

Cocos Islands; 5 April

Ceylon; 10-21 April

Aden; 27 April

Uganda; 28-30 April

Malta; 3-7 May

Gibraltar; 10 May

1956

Nigeria; 28 January-16 February

1957

Canada; 12-16 October

1959

Canada; 18 June-1 August

1960s

1961

Cyprus (refuelling); 20 January

India; 21 January-1 February

Pakistan; 1-16 February

India; 16-26 February

India; 1-2 March

Ghana; 9-20 November

Sierra Leone; 25 November-1 December

Gambia; 3-5 December

1963

Canada; 30 January-1 February

Fiji; 2-3 February

New Zealand; 6-18 February

Australia; 18 February-27 March

Fiji (refuelling); 28 March

Canada (refuelling); 29 March

1964

Canada; 5-13 October

1966

Canada (refuelling); 1 February
Barbados; 1 February
Mustique (private visit); 2 February
British Guiana; 4–5 February
Trinidad and Tobago; 7–10 February
Grenada; 11 February
Saint Vincent and the Grenadines; 13 February
Barbados; 14–15 February
Saint Lucia; 16 February
Antigua (private visit); 17 February
Dominica; 18 February
Montserrat; 19 February
Antigua; 20–21 February
Saint Kitts and Nevis; 22 February
British Virgin Islands; 23 February
Turks and Caicos Islands; 25 February
The Bahamas; 26–28 February
Conception Island (private visit); 1 March
Jamaica; 3–6 March

1967

Canada; 29 June–5 July
Malta; 14–17 November

1970s

1970

Canada; 2–3 March
Fiji; 4–5 March
Tonga; 7 March
New Zealand; 12–30 March
Australia; 30 March–3 May
Fiji (refuelling); 3 May
Canada (refuelling); 3–4 May
Canada; 5–15 July

1971

Canada; 3–12 May

1972

Singapore; 18–20 February
Malaysia; 22–26, 28 February
Brunei; 29 February
Malaysia; 2 March
Singapore; 5 March
Malaysia; 6, 8 March
Maldives; 13–14 March
Seychelles; 19–20 March
Mauritius; 24–26 March

Kenya; 26 March

1973

Canada; 25 June–5 July

Canada (for 2nd Commonwealth Heads of Government Meeting); 31 July–4 August

Canada (refuelling); 15 October

Fiji; 16–17 October

Australia; 17–22 October

Singapore (refuelling); 23 October

1974

Canada (refuelling); 27 January

Cook Islands; 28–29 January

New Zealand; 30 January–8 February

Norfolk Island; 11 February

New Hebrides; 15–16 February

Solomon Islands; 18–21 February

Papua New Guinea; 22–27 February

Australia; 27–28 February

Singapore (refuelling); 28 February

Singapore (refuelling); 14 March 1974

Singapore (refuelling); 22 March 1974

1975

Bermuda; 16–18 February

Barbados; 18–20 February

Bahamas; 20–21 February

Bermuda (refuelling); 1 March

Jamaica (for 3rd Commonwealth Heads of Government Meeting); 26–30 April

Hong Kong; 4–7 May

1976

Canada; 13–25 July

1977

Western Samoa; 10–11 February

Tonga; 14 February

Fiji; 16–17 February

New Zealand; 22 February–7 March

Australia; 7–23 March

Papua New Guinea; 23–26 March

Australia; 26–30 March

Canada; 14–19 October

Bahamas; 19–20 October

Plana Cays and Inagua (private); 22–23 October

British Virgin Islands; 26 October

Antigua (private); 27 October

Antigua; 28 October

Mustique (private); 30 October

Barbados; 31 October–2 November

1978

Canada; 26 July–6 August

1979

Tanzania; 19–22 July

Malawi; 22–25 July

Botswana; 25–27 July

Zambia (for 5th Commonwealth Heads of Government Meeting); 27 July–4 August

1980s

1980

Singapore (refuelling); 24 May

Australia; 24–28 May

Singapore (refuelling); 29 May

1981

Singapore (refuelling); 26 September

Australia (for 6th Commonwealth Heads of Government Meeting); 26 September–12 October

New Zealand; 12–20 October

Australia; 20–21 October

Sri Lanka; 21–25 October

1982

Canada; 15–18 April

Singapore (refuelling); 5 October

Australia; 5–13 October

Papua New Guinea; 13–14 October

Solomon Islands; 18 October

Nauru; 21 October

Kiribati; 23 October

Tuvalu; 26–27 October

Fiji; 30 October–1 November

1983

Bermuda (refuelling); 13 February

Jamaica; 13–16 February

Cayman Islands; 16–17 February

Canada; 8–11 March

Cyprus; 9–10 November

Kenya; 10–14 November

Bangladesh; 14–17 November

India (for 7th Commonwealth Heads of Government Meeting); 17–26 November

1984

Cyprus; 25–26 March

Canada; 24 September–7 October

1985

Belize; 9–11 October
Bahamas (for 8th Commonwealth Heads of Government Meeting); 11–18 October
Inagua (private); 20 October
Saint Kitts and Nevis; 23 October
Antigua; 24 October
Dominica; 25 October
Saint Lucia; 26 October
Saint Vincent and the Grenadines; 27 October
Barbados; 28–29 October
Mustique (private); 30 October
Grenada; 31 October
Trinidad and Tobago; 1–3 November

1986

New Zealand; 22 February–2 March
Australia; 2–13 March
Hong Kong; 21–23 October

1987

Canada (for 10th Commonwealth Heads of Government Meeting); 9–24 October

1988

Australia; 19 April–10 May

1989

Barbados; 8–11 March
Singapore; 9–11 October
Malaysia (for 11th Commonwealth Heads of Government Meeting); 14–21 October

1990s

1990

Singapore (refuelling); 31 January
Australia (refuelling); 1 February
New Zealand; 1–16 February
Australia (refuelling); 17 February
Singapore (refuelling); 17 February
Canada; 27 June–1 July

1991

Kenya (overnight stop); 7 October
Namibia; 8–10 October
Zimbabwe (12th Commonwealth Heads of Government Meeting); 10–19 October

1992

Australia; 18–25 February
Malta; 28–30 May
Canada; 30 June–2 July

1993

Cyprus (13th Commonwealth Heads of Government Meeting); 18–24 October

1994

Anguilla; 18 February
Dominica; 19 February
Guyana; 19–22 February
Belize; 22–24 February
Cayman Islands; 26–27 February
Jamaica; 1–3 March
Bahamas; 6–8 March
Bermuda; 8–10 March
Canada; 13–22 August

1995

South Africa; 19–25 March
New Zealand (14th Commonwealth Heads of Government Meeting); 30 October–11 November

1997

Canada; 23 June–2 July
Pakistan; 6–12 October
India; 12–18 October

1998

Brunei; 17–20 September
Malaysia; 20–23 September

1999

Ghana; 7–9 November
South Africa (16th Commonwealth Heads of Government Meeting); 9–15 November
Mozambique; 15 November

2000s

2000

Australia; 17 March–1 April

2002

Jamaica; 18–20 February
New Zealand; 22–27 February
Australia (17th Commonwealth Heads of Government Meeting); 27 February–3 March
Canada; 4–15 October

2003

Nigeria (18th Commonwealth Heads of Government Meeting); 3–6 December

2005

Canada; 17–25 May
Malta (19th Commonwealth Heads of Government Meeting); 23–26 November

2006

Singapore; 16–18 March

Australia

2007

Malta; 20–21 November

Uganda (20th Commonwealth Heads of Government Meeting); 21–24 November

2009

Bermuda; 24–26 November

Trinidad and Tobago; 26–28 November (21st Commonwealth Heads of Government Meeting)

Source: Visit Schedule on the Royal Website

<http://www.royal.gov.uk/MonarchUK/RoyalVisits/Commonwealthvisitssince1952.aspx> (As of 25 January 2010)

Appendix L – List of State Visits Made by Queen Elizabeth II

Date	No. Days	State
29 November 1953	2	Panama
1 May 1954	1	Libya
24 June 1955	3	Norway
8 June 1956	3	Sweden
18 February 1957	4	Portugal
8 April 1957	4	France
21 May 1957	3	Denmark
25 March 1958	3	the Netherlands
26 February 1961	4	Nepal
2 March 1961	5	Iran
2 May 1961	4	Italy
5 May 1961	1	Holy See
23 November 1961	1	Liberia
1 February 1965	8	Ethiopia
8 February 1965	5	Sudan
18 May 1965	11	Germany (Federal Republic of)
9 May 1966	5	Belgium
5 November 1968	7	Brazil
11 November 1968	8	Chile
5 May 1969	6	Austria
18 October 1971	8	Turkey
10 February 1972	6	Thailand
13 March 1972	2	Maldives
15 May 1972	5	France
17 October 1972	5	Yugoslavia
15 March 1974	8	Indonesia
24 February 1975	6	Mexico
7 May 1975	6	Japan
25 May 1976	4	Finland
6 July 1976	6	United States of America
8 November 1976	5	Luxembourg
10 February 1977	1	Samoa
22 May 1978	5	Germany (Federal Republic of)
12 February 1979	2	Kuwait
14 February 1979	3	Bahrain
21 February 1979	3	Qatar
24 February 1979	3	United Arab Emirates
27 February 1979	2	Oman
1 March 1979	2	Saudi Arabia

16 May 1979	4	Denmark
29 April 1980	4	Switzerland
14 October 1980	3	Italy
17 October 1980	1	Holy See
21 October 1980	3	Tunisia
25 October 1980	3	Algeria
27 October 1980	4	Morocco
5 May 1981	4	Norway
27 February 1983	10[4]	United States of America
25 May 1983	4	Sweden
26 March 1984	4	Jordan
25 March 1985	5	Portugal
17 February 1986	4	Nepal
12 October 1986	7	China
17 October 1988	5	Spain
25 June 1990	3	Iceland
14 May 1991	13[5]	United States of America
9 June 1992	3	France
19 October 1992	4	Germany
4 May 1993	3	Hungary
17 October 1994	4	Russia
25 March 1996	3	Poland
27 March 1996	3	Czech Republic
28 October 1996	4	Thailand
19 April 1999	3	South Korea
16 October 2000	3	Italy
17 October 2000	1	Holy See
30 May 2001	2	Norway
5 April 2004	3	France
2 November 2004	3	Germany
17 October 2006	2	Lithuania
18 October 2006	2	Latvia
19 October 2006	2	Estonia
3 May 2007	6	United States of America
13 May 2008	4	Turkey
21 October 2008	2	Slovenia
23 October 2008	2	Slovakia

Source: Visit Schedule on the Royal Website

<http://www.royal.gov.uk/MonarchUK/RoyalVisits/OutwardStatevisitssince1952.aspx> (As of 25 January 2010)

Bibliography

Primary Sources

1974 Instrument of Government Sweden (1974) Art. 5

1 The Viceroy's Conference Paper 115

Amasone v. Attorney General (2003) TVHC4 (Tuvalu)

An Act for the Naturalization of the Most Excellent Princess Sophia Electress and Duchess Dowager of Hanover and the Issue of Her Body (1705)

Australian Royal Styles and Titles Act (1953)

Basic Law of Germany (1949) (1956)

Basic Law of Israel (1958)

Bill of Rights 1688 (1 Will III & Mary sess 2 c 2) (Eng)

British Nationality Act (1948)

Cabinet Manual (New Zealand) (Wellington: Cabinet Office, Department of the Prime Minister and Cabinet, Parliament Buildings, 2001)

Calvin's Case (1608) 7 CoRep1a 77ER377

Canada Gazette EXTRA Vol. 141, No. 3, Part II. Ottawa (2007)

Canada Gazette Part II, Vol. 138, No. 19 (2004)

Dame Silvia Cartwright Addresses NZ Institute of International Affairs, Sixteenth Annual Dinner (Wellington, 27 June 2006)

Citizenship Act (1977) (Canada)

Citizenship Act (1977) (New Zealand)

Constitution Act (formerly British North America Act) (1982)

Constitution of Australia (1901)

Constitution of Fiji (1970)

Constitution of Grenada (1973)

Constitution of the Fifth Republic of France (1958)

Constitution of Ireland (1999)

Constitution of the Principality of Liechtenstein (1921)

Constitution of Papua New Guinea (1975)

Constitution of The Solomon Islands (1978)

Constitution of Tuvalu (1978)

Constitution of The United States of America (1787)

Francis Billy Hilly & Others vs. The Governor-General of The Solomon Islands [1994]
SBCA 1 (CA of Solomon Islands)

Message From The Queen Following the Death of His Holiness Pope John Paul II (2 April 2005)

Message from Her Excellency the Right Honourable Adrienne Clarkson Governor General of Canada on the occasion of the passing of His Holiness Pope John Paul II (2 April 2005)

New Zealand Defence Force publication DFO 113, Protocol, Ceremonial and Related Matters Chapter 10

O'Donohue v. Canada, 2003 CanLII 41404 (ON S.C.)

On the Death of His Holiness Pope John Paul II (03 April 2005)

Presidential Remarks (17 March 2003)

The President's Remarks to Governors (24 February 2003)

The President Discusses the Future of Iraq (28 April 2003)

The President Bush Meets with Prime Minister Blair (31 January 2003)

The President Addresses the Nation (7 September 2003)

Message From The Queen Following the Death of His Holiness Pope John Paul II
(Buckingham Palace, London, 2 April 2005)

The Queen Expresses Her Sadness at the Death of King Fahd of Saudi Arabia, (Buckingham Palace, London, 1 August 2005)

The Queen's Regulations and Orders for the Canadian Forces (2006)

Report of the Dove-Edwin Commission (1967)

Royal Canadian Mounted Police Act (2004)

Tsar Nicholas II's Abdication Proclamation, 2 March 1917 at,

First World War.com
<http://www.firstworldwar.com/source/nicholasiabdication.htm> Viewed 15 February 2005

Passport Act (New Zealand) (1992)

Presentation of Credentials in New Zealand (Wellington, Oct 2001)

Proclamation of the Treaty of Paris, 1763

The Royal Public Finances Annual Report (Buckingham Palace, London, 2007)

TV One. *Southern Stand* Television coverage (12 November 2006)

Primary Sources – Interviews

Private Interview with Dr. Noel Cox (4 April 2006)

Private Interview with Deputy Cabinet Secretary of New Zealand, Ms. Rebecca Kitteridge (10 March 2006)

Private Interview with Official Secretary to the Governor General of Australia, Mr. Malcolm Hazel (19 April 2007)

Private Interview with Official Secretary to the Governor General of New Zealand, Col. Andrew Renton-Green (10 March 2006)

Private Interview with former Official Secretary to the Governor General of Australia, Sir David Smith (20 April 2007)

Secondary Sources – Books

Ahmed, Salahuddin, Ahmed. *Bangladesh Past and Present* (APH Publishing, New Delhi, 2004)

Ali, Tariq. *An Indian Dynasty: The Story of the Nehru-Gandhi Family* (Book Sales, New York, 1986)

American Jewish Yearbook, Vol. 101 (New York: The American Jewish Committee, 2001)

Ambursley, Fitzroy and James Dunkerley. *Grenada: Whose Freedom* (Latin America Bureau, London, 1984)

Atkinson, Alan. *The Muddle Headed Republic* (Oxford University Press, Melbourne, 1993)

Bagehot, Walter. *The English Constitution* Smith, Paul. Ed. (Cambridge University Press, Cambridge, 2001)

- Beck, Robert. *The Grenada Invasion: Politics, Law, and Foreign Policy Decisionmaking* (Westview Press, Boulder, 1993)
- Bedell Smith, Sally. *Grace and Power: The Private World of the Kennedy White House* (Random House, New York, 2004)
- Beetham, David, ed. *Defining and Measuring Democracy* (Sage Publications, Thousand Oaks, 1994)
- Benedetto, Richard. *Politicians are People, Too* (University Press of America, Lanham, Md., 2006)
- de Bernon, Olivier. *Sur les Elections et Autres Texts* (Paris, Fayard 1986)
- Berton, Pierre. *1967: The Last Good Year* (Doubleday Canada, Toronto, 1997)
- Billig, Michael. *Talking of the Royal Family* (Routledge, London, 1992)
- Binder, Leonard. *Religion and Politics in Pakistan* (University of California Press, Berkeley, 1963)
- Blain, Neil and Hugh O'Donnell. *Media, Monarchy and Power*. (Intellect, Bristol, 2003)
- Blake, L.L. *The Royal Law* (Shepherd-Walwyn, London, 2000)
- Bogdanor, Vernon, ed. *Constitutions in Democratic Politics* (Gower, Aldershot, 1988)
- Bogdanor, Vernon. *Devolution in the United Kingdom* (Oxford University Press, Oxford, 2001)
- Bogdanor, Vernon. *The Monarchy and the Constitution* (Clarendon Press, New York, 1995)
- Bolitho, Hector. *Jinnah, Creator of Pakistan* (Murray, London, 1954)
- Bousfield, Arthur and Garry Toffoli. *Royal Observations* (Dundurn Press, Toronto, 1991)
- Boyce, Peter. *The Queen's Other Realms: The Crown and Its Legacy in Australia, Canada and New Zealand* (Federation Press, Sydney, 2008)
- Boyer, Pierre, Linda Cardinal and David Headon, Ed. *"From Subjects to Citizens: A Hundred Years of Citizenship in Australia and Canada"* (Ottawa: University of Ottawa Press, 2004)
- Broek, Pieter. *A Genealogy of The Romanov Dynasty, The Imperial House of Russia, 1825-1994* (Noble House Publications, London, 1994)
- Bruce, Brendan. *Images of power: How the Image Makers Shape Our Leaders* (Kogan Page, London, 1992)

- Bruce, Colin R. *Standard Catalog of World Coins 1901-2000* (Krause Publications, Iola, Wisconsin, 2007)
- Bryant, Christopher G. A., Ed. *Contemporary Giddens: Social Theory in a Globalizing* (Palgrave, Basingstoke, 2001)
- Bryant, Christopher G.A. and David Jary, Ed. *Giddens' Theory of Structuration: A Critical Appreciation* (Routledge, London, 1991)
- Bunting, Brian. *The Rise of the South African Reich* (Penguin, London, 1969)
- Bystrom, Dianne G., Ed. *Gender and Candidate Communication: VideoStyle, WebStyle, NewStyle* (Routledge, New York, 2004)
- Callard, Keith. *Pakistan: A Political Study* (G. Allen & Unwin, London, 1957)
- Cannon, John, Ed. *The Oxford Companion to British History* (Oxford University Press, Oxford, 1997)
- Cannon, John and Ralph Griffiths. *Oxford Illustrated History of the British Monarchy* (Oxford University Press, Oxford 1997)
- Connell, John. Auchinleck, *A Biography of Field-Marshal Sir Calude Auchinleck* (Cassell, London, 1959)
- Cowen, Zelman. "The Australian Head of State" (1992) April *Quadrant*
- Cox, Noel. *A Constitutional History of the New Zealand Monarchy* (VDM Verlag Dr. Muller Aktiengesellschaft & Co., Saarbrücken, 2008)
- David, Paul A. *Path Dependence, its Critics and the Quest for 'Historical Economics'* (All Souls College, Oxford & Stanford University 2000)
- Davidson, Alastair. *From Subject to Citizen: Australian Citizenship in the Twentieth Century* (Cambridge University Press, Cambridge, 1997)
- Davison, Graeme. "National identity" *The Oxford Companion to Australian History*. Graeme Davison, John Hirst and Stuart Macintyre Ed. (Oxford University Press, Oxford, 2001)
- Dean, Eddie and Stan Ritova. *Rabuka: No Other Way* (Doubleday, Sydney, 1988)
- Dear, I. C. B. and M. R. D. Foot, Eds. *The Oxford Companion to World War II*. (Oxford University Press, Oxford, 2001)
- Diubaldo, Richard J. "Arctic Archipelago" *The Oxford Companion to Canadian History* Hallowell, Gerald, Ed. (Oxford University Press, Oxford, 2004)
- Dye, Thomas R. *Who's running America: The Bush Restoration, 7th ed.* (Upper Saddle River, N.J., Prentice Hall, 2002)

- Edwards, Lee. *Mediapolitik: How The Mass Media Have Transformed World Politics* (Catholic University of America Press, Washington, D.C., 2001)
- Eldridge, John, Jenny Kitzinger and Kevin Williams. *The Mass Media and Power in Modern Britain* (Oxford University Press, Oxford, 1997)
- Estlund, David, Ed. *Democracy* (Blackwell Publishers, Malden, 2002)
- Europa World Yearbook* 47th Ed. (Routledge, London, 2006)
- Evans, Jessica and David Hesmondhalgh. *Understanding Media: Inside Celebrity* (Open University Press, Maidenhead, 2005)
- Ferguson, James. *Grenada: Revolution in Reverse* (Latin America Bureau, London, 1990)
- Flint, David. *Twilight of the Elites* (Freedom Press, Melbourne, 2003)
- Ford, David. *Who's Who Guide to Protocol* (Information Australia, Melbourne, 2001)
- Forsey, Eugene. *How Canadians Govern Themselves, 6 ed* (Queen's Printer for Canada, Ottawa, 2005)
- Franklin, Bob. *Packaging Politics: Political Communications in Britain's Media Democracy* (Bloomsbury Academic, London, 2004)
- Furlong, Patrick Jonathan. *Between Crown and Swastika: The Impact of the Radical Right on the Afrikaner Nationalist Movement in the Fascist Era* (University Press of New England, Hanover, N.H., 1991)
- Ghai, Yash and Jill Cottrell. *Heads of State in the Pacific: A Legal and Constitutional Analysis* (University of the South Pacific, Suva, 1990)
- Ginsborg, Paul. *Silvio Berlusconi* (Verso, New York, 2004)
- Girvin, Brian. *The Emergency: Neutral Ireland 1939-45* (Macmillan, London, 2006)
- Gordon, Ann and Jerry Miller. *When Stereotypes Collide* (Peter Lang Publishing, New York, 2005)
- Graham, Tim. *In Private, In Public* (Michael O'Mara, London, 1986)
- Green, Richard, ed. *Commonwealth Yearbook 2004* (H.M.S.O., London, 2004)
- Greenwood, Nigel. *For the Sovereignty of the People* (Australian Academic Press, Brisbane, 1999)
- Hailsham of St. Marylebone, Quintin Hogg, Baron. *The Dilemma of Democracy: Diagnosis and Prescription* (London, Collins, 1978)

- Hanson, Eric O. *Catholic Church in World Politics* (Princeton University Press, Princeton, N.J., c1987)
- Hart, P. and D Shaw, Eds. *Communication in U.S. Elections: New Agendas* (Rowman and Littlefield, Boulder, 2001)
- Hauss, Charles. *Comparative Politics: Domestic Responses to Global Challenges 5th ed.* (Thomson/Wadsworth, Belmont, California, 2006)
- Hawthorn, Geoffrey. *Plausible Worlds: Possibility and Understanding in History and the Social Sciences* (Cambridge University Press, Cambridge, 1991)
- Heater, Derek Benjamin. *Citizenship in Britain: A History* (Edinburgh, Edinburgh University Press, 2006)
- Hirst, John. *A Republican Manifesto* (Oxford University Press, Melbourne, 1994)
- Hoey, Brian. *Her Majesty: 50 Regal Years* (Harper-Collins, London, 2002)
- Hoey, Brian. *At Home With The Queen* (Harper-Collins, London, 2002)
- Holmes, Su, and Redmond, Sean, Ed. *Framing Celebrity: New Directions in Celebrity Culture* (London, Routledge, 2006)
- Husain, Altaf, ed. *Dawn* 8 February (1952)
- Jackson, D. Michael. "The Crown in Saskatchewan: An Institution Renewed" *Saskatchewan Politics: Crowding the Centre* Ed. Howard Leeson (University of Regina Publications, Regina, 2008)
- Jackson-Laufer, Guida Myrl. *Women Rulers Throughout the Ages* (ABC-CLIO, Santa Barbara, Calif., 1999)
- Jalal, Ayesha. *The Sole Spokesman: Jinnah, the Muslim League, and the Demand for Pakistan* (Cambridge University Press, Cambridge, 1985)
- Jinnah, Muhammad Ali. *Speeches as Governor General of Pakistan 1947-1948* (Pakistan Publications, Karachi, 1948)
- Katz, Daniel and Robert Louis Kahn. *The Social Psychology of Organizations*. (Wiley, New York, 1966)
- Keith, Arthur Berriedale. *Speeches and Documents on the British dominions, 1918-1931: From self-Government to National Sovereignty* (Oxford University Press, London, 1961)
- Kelley, Paul. *November 1975: The Inside Story of Australia's Greatest Political Crisis* (Allen & Unwin, St. Leonards, 1995)
- Kelsen, Hans. *General Theory of Norms* (Clarendon Press, Oxford, 1991) Hartney, Michael, trans.

Kent, Peter C., and Pollard, John F., Eds. *Papal Diplomacy in the Modern Age* (Praeger, Westport, Conn., 1994)

Kessler, Ronald. *The Sins of the Father: Joseph P. Kennedy and the Dynasty He Founded* (Warner Books, New York, 1997)

Kettner, James H. *Development of American Citizenship, 1608-1870* (University of North Carolina Press, Chapel Hill, c1978)

Khan, Ayub. *Friends, Not Masters: A Political Autobiography* (Oxford University Press, London, 1967)

Kleinschmidt, Harald, ed. *Migration, Regional Integration and Human Security* (Ashgate, Aldershot, 2006)

Knight, Jack, ed. *Explaining Social Institutions* (University of Michigan Press, Ann Arbor, 1995)

Lal, Brij. *Another Way: The Politics of Constitutional Reform in Post-coup Fiji* (NCDS Asia Pacific Press, Canberra, 1998)

Lal, Brij. *Power and Prejudice: The Making of the Fiji Crisis* (New Zealand Institute of International Affairs, Wellington, 1988)

Lane, David. *Berlusconi's Shadow* (Penguin Books, London, 2004)

Larmour, Peter. *Westminster in the Pacific: A 'Policy Transfer' Approach* (Research School of Pacific and Asian Studies, Australian National University, Canberra, 2001)

Lijphart, Arend. *Parliamentary Versus Presidential Government* (Oxford University Press, Oxford, 1992)

Lipa, J. S. *The Role of the Governor-General in the Commonwealth: A Comparative Study* (Unpublished MJur, University of Auckland, 1993)

Lloyd, Martin. *Passport: The History of Man's Most Travelled Document* (Sutton, Stroud, 2003)

Low, D.A., ed. *Constitutional Heads and Political Crises: Commonwealth Episodes, 1945-85* (Macmillan, Basingstoke, 1988)

Lowi, Theodore and Benjamin Ginsberg. *American Government* (WW Norton & Co., New York, New York, 2000)

Luttwak, Edward. *Coup D'Etat: A Practical Handbook* (Penguin, Harmondsworth, 1969)

MacLagan, Michael. *Lines of Succession* (Little Brown and Company, London, 1981)

MacLeod, Kevin S. *A Crown of Maples* (Queen's Printer for Canada, Ottawa, 2008)

- Magleby, David B., Anthony J. Corrado and Kelly D. Patterson, Eds. *Financing the 2004 Election* (Brookings Institution Press, Washington D.C., 2006)
- Mansergh, Nicholas, Ed. *Transfer of Power 1942-7* Volume XI (H.M.S.O., London, 1983)
- Mansergh, Nicholas, Ed. *Transfer of Power 1942-7* Volume XII (H.M.S.O., London, 1983)
- Martin, Elizabeth A., Ed. *A Dictionary of Law* (Oxford University Press, Oxford, 2002)
- McAllister, Ian and Juliet Clarke. *Trends in Australian Political Opinion: Results from the Australian Election Study 1987-2007* (Australian National University, Canberra, 2008)
- McKean, Erin, Ed. *The New Oxford American Dictionary, 2nd Edition* (Oxford University Press, Oxford, 2005)
- McKenna, Mark. *The Captive Republic: A History of Republicanism in Australia, 1788-1996* (Cambridge University Press, Cambridge, 1997)
- McLean, Gavin. *The Governors* (Otago University Press, Otago, 2006)
- McLean, Iain. *Rational Choice And British Politics: An Analysis Of Rhetoric And Manipulation From Peel To Blair* (Oxford University Press, Oxford, 2001) 27
- McLean, Iain and Alistair McMillan, Eds. *The Concise Oxford Dictionary of Politics* (Oxford University Press, 2003)
- McWhinney, Edward. *The Governor General and the Prime Ministers* (2005)
- Meadwell, Hudson. "Institutions and Political Rationality" *New Institutionalism: Theory and Analysis* André Lecours (University of Toronto Press, Toronto, 2005)
- Middleton, John, Ed. *Encyclopaedia of Africa South of the Sahara* (C. Scribner's Sons, New York, 1997)
- Miller, Raymond, Ed. *New Zealand Government and Politics* (Oxford University Press, Auckland, 2006)
- Milliken, Jennifer, Ed. *State Failure, Collapse and Reconstruction* (Blackwell, Oxford, 2003)
- Mils, C. Wright. *The Power Elite* (Oxford University Press, New York, New York, 1959)
- Morton, William Lewis. *The Kingdom of Canada: A General History From Earliest Times* (Toronto, McClelland and Stewart, 1963)
- Norton, Philip. "Constitutional Monarchy" *The Oxford Companion to Politics of the World*. Krieger, Joel, Ed. (Oxford University Press, Oxford, 2001)

- O'Shaughnessy, Hugh. *Grenada: Revolution, Invasion and Aftermath* (Sphere Books, London, 1984)
- Palmer, Sean. *The Role of Constitutional Monarchy in the Defence of Democracy* (Unpublished MPhil, Auckland University of Technology, 2005)
- Papenfus, Theresa, Ed. *The Road to Democracy in South Africa: 1960-1970* (Zebra Press, Cape Town, 2004)
- Peaker, Frederick. *British Citizenship, Its Rights and Its Duties* (Herbert Russell, London, 1932)
- Peters, B. Guy. *Institutional Theory in Political Science: The New Institutionalism* (2nd Ed., Continuum, London, 2005)
- Pierson, Paul. *Politics in Time: History, Institutions, and Social Analysis* (Princeton University, Princeton, 2004)
- Plunkett, John. *Queen Victoria: First Media Monarch* (Oxford University Press, Oxford, 2003)
- Potgieter, D.J., Ed. *The Standard Encyclopaedia of Southern Africa* Vol. 4. (Nasou Ltd., 1971)
- Price, Munro. *The Road from Versailles: Louis XVI, Marie Antoinette, and the Fall of the French Monarchy* (St. Martin's Griffin, New York, 2004)
- Prodi, Paolo; translated by Susan Haskins. *Papal Prince: One Body and Two Souls: The Papal Monarchy in Early Modern Europe* (Cambridge University Press, Cambridge, 1987)
- Rhodes, Anthony Richard Ewart. *Power of Rome in the Twentieth Century: The Vatican in the Age of Liberal Democracies, 1870-1922* (Sidgwick & Jackson, London, 1983)
- Riendeau, Roger E. *A Brief History of Canada, 2nd Ed.* (Facts on File, New York, 2007)
- Robertson, Robert. *Fiji: Shattered Coups* (Pluto Press, Leichhardt, 1988)
- Rose, Tessa. *The Coronation Ceremony of the Kings and Queens of England and the Crown Jewels* (HMSO, London, 1992) 53
- Salter, Mark B. *Rights of Passage: The Passport in International* (Lynne Rienner Publishers, Boulder, Co., 2003)
- Sartori, Giovanni. *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes* (Macmillan, Basingstoke, 1994)
- Scoon, Paul. *Survival for Service* (Macmillan Caribbean, 2004)
- Schlesinger, Arthur. *The Imperial Presidency* (Boston, Houghton Mifflin, 1973)

- Seray-Wurie, Adu. *The Queen and Military Intervention in Politics: a Case Study of Sierra Leone 1967-1971* (Unpublished MPhil, University of Salford, 1989)
- Shafir, Gershon. *Being Israeli: The Dynamics of Multiple Citizenship* (Cambridge, Cambridge University Press, 2002)
- Sharpham, John. *Rabuka of Fiji: The Authorised Biography of Major-General Sitiveni* (Central Queensland University Press, Rockhampton, 2000)
- Siddiqui, Kalim. *Conflict, Crisis and War in Pakistan* (Macmillan, London, 1972)
- Simpson, J.A. and E.S.C. Weiner. Prepared by, *Oxford English Dictionary Second Edition* (Clarendon Press, Oxford, 1989)
- Smith, David. *Head of State: The Governor-General, the Monarchy, the Republic and the Dismissal* (Macleay Press, Paddington, 2005)
- Smith, David. *The Invisible Crown* (University of Toronto Press, Toronto, 1995)
- Smuts, Jan Christian. *Jan Christian Smuts* (Cassell, London, 1952)
- Spaulding, James. *Coin of the realm* (Nelson-Hall, Chicago, 1984)
- Speaight, Robert. *Vanier: Soldier, Diplomat and Governor-General* (Collins, Toronto, 1970)
- Spellman, W. M., *Monarchies 1000-2000* (Reaktion Books, London, 2001)
- Springborg, Patricia. *Royal Persons: Patriarchal Monarchy and the Feminine Principle* (Unwin Hyman, London, 1990)
- Stair Sainty, Guy and Heydel-Mankoo, Rafal Eds. *World Orders of Knighthood and Merit*, (Burke's Peerage, 2006)
- Steenbergen, Bart van. Ed. *Condition of Citizenship* (Sage, London, 1994)
- Steinmo, Sven, Ed. *Structuring Politics* (Cambridge University Press, Cambridge, 1992)
- Stephens, Ian. *Pakistan* (E. Benn, London, 1963)
- Stephenson, MA and C. Turner, Eds. *Australia, Republic or Monarchy?: Legal and Constitutional Issues*. (St. Lucia, Qld. University of Queensland Press, 1994)
- Stewart, John. *The British Empire: An Encyclopedia of the Crown's Holdings, 1493 Through 1995* (Jefferson, McFarland & Co., 1996)
- Stubbs, William. *Select Charters and Other Illustrations of English Constitutional History: From the Earliest Times to the Reign of Edward the First* (9th ed, Clarendon Press, Oxford, 1913).

Stultz, Newell Maynard. *Afrikaner Politics in South Africa, 1934-1948* (Berkeley, University of California Press 1974)

Sunkin, Maurice and Sebastian Payne. *The Nature of the Crown* (Oxford University Press, Oxford, 1999)

Taafaki, Tauaasa. *Governance in the Pacific: The dismissal of Tuvalu's Governor-General* (National Centre for Development Studies, Canberra, 1996)

Tarte, Daryle. *Turaga* (Fiji Times, Suva, 1993)

Thompson, Peter. *Kava in the Blood* (Tandem Press, Auckland, 1999)

Trudeau, Pierre E. *Memoirs* (McClelland & Stewart, Plattsburgh, NY, 1996)

Turner, Barry, ed. *The Statesman's Yearbook* (St. Martin's Press, New York, 2001)

Twomey, Anne. *The Chameleon Crown: The Queen and Her Australian Governors* (Federation Press, Canberra, 2006)

Usher, Len. *Letters From Fiji 1987-1990: An On-the-spot Record of What Happened Before, Between and After Two Military Coups* (Fiji Times Ltd., Suva, 1992)

de Vreese, Claes, and Semetko, Holli. *Political Campaigning in Referendum* (Routledge, Abingdon, 2004)

Ward, Inna, ed. *Whitaker's Almanac 2008* (A & C Black, London, 2008)

Warren, W.L. *Henry II* (Yale University Press, New Haven, 2000)

Weekes, Richard. *Pakistan: Birth and Growth of a Muslim Nation* (Van Nostrand, Princeton, 1964)

Weston, Corinne Comstock. *Subjects and Sovereigns: The Grand Controversy Over Legal Sovereignty in Stuart England* (Cambridge University Press, Cambridge, 1981)

Wheeler-Bennett, John. *King George VI* (MacMillan & Co, London, 1958) 715

Williams, Rushbrook. *The State of Pakistan* (Faber and Faber, London, 1962)

Yin, Robert K. *Case Study Research: Design and Methods* (Sage Publications, Thousand Oaks, Calif., 2003)

Zartman, I. William, ed. *Elusive Peace: Negotiating an End to Civil Wars* (Brookings Institution, Washington, D.C., 1995)

Secondary Sources – Periodicals

Aimers, John. "New National Polls Shown Canadians Support Monarchy 2-1". *Canadian Monarchist News* (2002)

Allen, T.R.S. "Legislative Supremacy and the Rule of Law: Democracy and Constitutionalism" *Cambridge Law Journal* (1985) 44(1):111-143

Atkinson, Alan. "The Australian Monarchy: Imperfect but Important" *Australian Journal of Political Science* (Vol. 28, 1993)

Aubry, Jack "Support for Monarchy Plummets: 80 Per Cent Don't Care About Royals" *The Ottawa Citizen* (17 December 1997)

Barns, Greg. "For Queen or Country" *Courier Mail* (31 August 2006)

Beckford, Martin and Rosa Prince. "Gordon Brown Pledges to End 'Discrimination' in Royal Succession" *Telegraph* (27 March 2009)

de Bernon, Olivier. *Sur les Elections et Autres Texts* (Paris, Fayard 1986)

Biddle, B.J. "Recent Developments in Role Theory" *Annual Review of Sociology* (1986) 12: 67-92

Bookman, Jay. "The President's Real Goal in Iraq" *Atlanta-Journal Constitution* (29 September, 2002)

Brook, Joshua. "Red World, Blue World" *World Policy Journal* (Summer 2007) Vol. 24, No. 2, 55-66

"Buckingham Palace Bombed Again" *The Times* September 14 (1940) 4

Burkeman, Oliver and Julian Burger. "The Ex-presidents' Club" *Guardian* (October 31, 2001)

Cartwright, Silvia. *The Role of the Governor-General* (New Zealand Centre for Public Law, October 2006)

Cox, Noel. "Black v. Chrétien and the Control of the Royal Prerogative" *Constitutional Forum* (Alberta Law Foundation, 2003)

Cox, Noel "The Control of Advice to the Crown and the Development of Executive Independence in New Zealand" *Bond Law Review* (2001)

Cox, Noel. "The Theory of Sovereignty and the Importance of the Crown in the realms of The Queen" *Oxford University Commonwealth Law Journal* (2002)

Cox, Noel. "The Treaty of Waitangi and the Relationship between Crown and Maori in New Zealand" *Brooklyn Journal of International Law* (2002) 28 (1)

Dixit, Kunda. "King G Does It" *Nepali Times* Issue #114 (4 - 10 October 2002)

EKOS. Research Associates Inc. *Trust and the Monarchy: An Examination of the Shifting Public Attitudes Toward Government and Institutions* (30 March 2002)

Fidelis. “‘British Monarchy Ties’ Wording Skews Angus Reid Poll on Crown Four Ways” *Canadian Monarchist News* (2007) Autumn-Winter

Fidelis. “Canadian Confusion on Juno Beach.” *Canadian Monarchist News* (2004) Summer 1-3

Fisher, Humphrey. “Elections and Coups in Sierra Leone, 1967” (1969) 7, 4 *Journal of African Studies*

Flyvbjerg, Bent. "Five Misunderstandings About Case Study Research." *Qualitative Inquiry*, vol. 12, no. 2, (April 2006) 219-245

Gerth, Jeff and Don Van Natta Jr. “In Tough Times, a Company Finds Profits in Terror War” *New York Times* (July 13, 2002)

Hall, Peter and Rosemary Taylor. “Political Science and the Three New Institutionalisms” (1996) Vol. 44 No. 4 *Political Studies*

Hall, Peter and Rosemary Taylor. “The Potential of Historical Institutionalism: A Response to Hay and Wincott” *Political Studies* (1998) XLVI, 958-962

Hanon, Andrew. "Monarchists, republicans square off". *Edmonton Sun* (20 May 2005)

Hay, Colin and Daniel Wincott. “Structure, Agency and Historical Institutionalism” *Political Studies* (1998) XLVI, 951-957

Hector, Leonard Tim. “National Honours as Colonial as Colonial Can Be?” *Fan the Flame* (1 January 1999)

Heinricks, Geoff. “Trudeau and the Monarchy” *Canadian Monarchist News* (Winter/Spring, 2000-01)

Henley, Jon. “Royal Plea for Unity in Conflict” *Guardian* (6 April 2004)

Ipsos-Reid. *While Half (48%) of Canadians Say They Would Prefer A U.S. Style Republic System...* (3 February 2002)

Irving, Helen. “An Australian Republic” *Inroads: The Canadian Journal of Opinion* (Winter 2003)

Jamaica Gleaner “Kenneth Hall is New Governor-General of Jamaica” (Kingston, Jamaica, 24 January 2006)

Jamaica Gleaner “JLP Says No Way - Wants Referendum on CCJ Before Support for Republican Form of Gov't.” (Kingston, Jamaica, 24 September 2003)

- Kullman, Claudio. "Attitudes Towards the Monarchy in Australia and New Zealand Compared" *Commonwealth & Comparative Politics* Volume 46, Issue 4 November (2008) 442 - 463
- Leger Marketing. *Canadians' Attachment to the Monarchy* (Leger Marketing Montreal March 2002)
- MacGregor, Roy. "We're Inferior No More" *The Globe and Mail* (1 July 2009)
- Marsh, David, Elizabeth Batters and Heather Savigny. "Historical Institutionalism: Beyond Pierson and Skocpol." *Political Science Program, RSSS, ANU* (2004)
- Mayer, Jeremy and Lee Sigelman. "Zog for Albania, Edward for Estonia, and Monarchs for All the Rest? The Royal Road to Prosperity, Democracy, and World Peace." (1998) December *American Political Science Association's Journal of the Profession*
- Muller, Edward and Mitchell Seligson. "Civic Culture and Democracy: The Question of Causal Relationships" *The American Political Science Review* (1994) Vol. 88, No. 3
- Nepal, Kiran. "Insurgency Timeline" *Nepali Times* Issue #146 (23 - 29 May 2003)
- Ormsby, Avril and Steve Addison. "Prince William Tells of First Flight Nerves" *New Zealand Herald* (18 January 2008)
- Palmer, Sean and John Aimers. "\$1.10 per Canadian" *Canadian Monarchist News* (Autumn 2002)
- Pierce, Andrew. "Queen's Private Income Rises Three Times the Rate of Inflation" *Telegraph* (22 July 2009)
- Pierson, Paul and Theda Skocpol. "Historical Institutionalism in Contemporary Political Science" *Political Science: State of the Discipline* Ira Katznelson and Helen V. Milner, eds New York: W.W. Norton: (2002) 698
- Przeworski, Adam. 2004. "Institutions Matter?" *Government and Opposition* 39(2): 527-540 (2004)
- Roy Morgan Research. "Now Only 45% of Australians Want a Republic..." *The Bulletin* (7 May 2008) Finding No. 4290
- Roy Morgan Research. "Fix Education, Health, Electors Tell Government" *The Bulletin* (8 May 2008) Finding No. 3398
- Ritchie, Jonathan and Don Markwell. "Australian and Commonwealth Republicanism" *The Round Table* (Issue 387, October 2006) 727-737
- Strategic Counsel. *Perceptions Toward Governor General* (26 September 2005)
- Struck, Doug. "A Royal Visit By Canada's Head of State" *Washington Post* (Tuesday, May 17, 2005)

Time Magazine “Death in the Vale” (Monday, Nov. 10, 1947)

Twomey, Anne. Updated by Bell, Rosemary. “Background Paper 12 1997-98”
Methods of Choosing a Head of State (Update of Background Paper No. 12 issued 7 June 1993) (Law and Bills Digest Group, Canberra, 1998)

UMR Research. *Annual Review Mood of the Nation* (2009)

UMR Research. *Australians Want a Republic* (2008)

Walker, Patrick Gordon. “Crown Divisible” *Twentieth Century* (1953)

Wilson, Robert R. and Robert E. Clute. “Commonwealth Citizenship and Common Status”
The American Journal of International Law (1963) Vol. 57, No. 3

Secondary Sources – Websites

An Australian Republic – Helen Irving (As of 7 March 2010)
http://www.findarticles.com/p/articles/mi_qa4014/is_200301/ai_n9343955/pg_3

Antillean (As of 7 March 2010)
<http://www.antillean.org/2009/11/26/constitutional-reform-referendum-defeated-in-st-vincent-the-grenadines/>

Australians for Constitutional Monarchy (As of 7 March 2010)
http://www.norepublic.com.au/index.php?option=com_content&task=view&id=1251&Itemid=24

Banglapedia (As of 18 September 2004)
http://banglapedia.search.com.bd/HT/U_0022.htm

BBC (As of 7 March 2010)
<http://news.bbc.co.uk/2/hi/europe/4460460.stm>

Canada Gazette (As of 03 April 2005)
<http://canadagazette.gc.ca/partI/1999/19991007-x/html/extra-e.html>

CNN (As of 7 March 2010)
<http://edition.cnn.com/2002/WORLD/americas/02/20/queen.jamaica/index.html?iref=allsearch>

Department of Canadian Heritage (As of 10 April 2005)
http://www.canadianheritage.gc.ca/progs/cpsc-ccsp/pe/precedence_e.cfm#notes

European Institute of Protestant Studies (As of 7 March 2010)
<http://www.ianpaisley.org/article.asp?ArtKey=coronation>

Governor General of Australia (As of 7 March 2010)
<http://www.gg.gov.au/governorgeneral/content.php?id=24>

Greek Royal Family (As of 7 March 2010)
<http://www.greekroyalfamily.org>

High Court of Australia (As of 7 March 2010)
http://www.hcourt.gov.au/speeches/kirbyj/kirbyj_menzies.htm

Market & Opinion Research International (As of 5 August 2004)
<http://www.mori.com/polls/1998/demos98.shtml>

Ministry of Foreign Affairs, Israel (As of 7 March 2010)
<http://www.mfa.gov.il/mfa/government/branches%20of%20government/executive/the%20presidents%20of%20the%20state%20of%20israel>

Ministry of Foreign Affairs, Israel (As of 16 April 2005)
<http://www.mfa.gov.il/MFA/Government/Current+Government+of+Israel/Ministers+and+Senior+Officials+of+the+30th+Governm.htm>

Ministry of Justice, New Zealand (As of 7 March 2010)
<http://www.justice.govt.nz/courts/the-judiciary/home/?searchterm=judiciary>

Monarchist League of Canada (As of 7 March 2010)
<http://www.monarchist.ca/new/docs/cc2009.pdf>

Pacific Magazine (As of 4 September 2004)
<http://www.pacificmagazine.cc/pm122003/pmdefault.php?urlarticleid=0021>

Pacific Islands Legal Information Institute (As of 7 March 2010)
http://www.paclii.org/pg/legis/consol_act/cotisopng534/

President of Israel (As of 12 April 2005)
http://www.president.gov.il/chapters/chap_3/_content_3_2_2_en.asp

Quaid-i-Azam Ali Jinnah (As of 7 March 2010)
http://www.pakistan.gov.pk/Quaid/governor_g1.htm

Republican Movement of Aotearoa New Zealand (As of 7 March 2010)
<http://www.republic.org.nz/node/27>

Reuters (As of 7 March 2010)
<http://www.reuters.com/article/idUST21920320080529>

Solon Law Archive (As of 7 March 2010)
<http://www.solon.org/Constitutions/Canada/English/LettersPatent.html>

State Master (As of 7 March 2010)
<http://www.statemaster.com/encyclopedia/Proclamation-of-accession-of-Elizabeth-II>

Statistics Finland (As of 7 March 2010)

http://www.stat.fi/tup/suoluk/suoluk_valtiontalous_en.html#government

Story of Pakistan (As of 7 March 2010)

<http://www.storyofpakistan.com/person.asp?perid=P012>

Wikipedia (As of 7 March 2010)

http://en.wikipedia.org/wiki/List_of_Commonwealth_visits_made_by_Queen_Elizabeth_II

Wikipedia (As of 7 March 2010)

http://en.wikipedia.org/wiki/List_of_state_visits_made_by_Queen_Elizabeth_II#cite_ref-0

Worldwide Guide To Women In Leadership (As of 7 March 2010)

<http://www.guide2womenleaders.com/>