

No. 53/11 ROYAL STYLE AND TITLES

On February 3, the Prime Minister, Mr. St. Laurent moved the second reading of Bill No. 102 respecting the Royal style and titles. The motion having been agreed to and the Bill read, Mr. St. Laurent made the following statement:

...This is a bill that I consider to be of great importance and I think that it should receive attentive and serious consideration by every hon. member. Section 1 of the bill is to provide that the assent of this Parliament is given to the issue by Her Majesty of a proclamation establishing for use for Canada the Royal style and title set out:

"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."

That is the text that was agreed to at the Prime Ministers' Conference held in London last December. There was a general desire to have the Royal style and title accord with the constitutional position of the various members of the Commonwealth and to have it, in so far as might meet the conditions of the various members of the Commonwealth, as uniform as possible.

With respect to some members of the Commonwealth there was some difficulty. For instance, with respect to Pakistan it was found that the form that would be acceptable to the people of the United Kingdom would be apt to create difficulties with the population of Pakistan. It was also found that such was the case with respect to the population of the Union of South Africa. With respect to Australia, New Zealand and Canada an effort was made to agree upon the acceptance of a form that would be uniform--with the exception of the use of the name of the country--in each one. That was finally agreed upon and there was agreement--I will not say at whose suggestion; I think it was almost simultaneously suggested by the representatives of the three countries, Canada, Australia and New Zealand--that it would be desirable to retain in the style and title as used in our countries something that would indicate that it was the Sovereign of the United Kingdom who was recognized as the Sovereign of our countries, and that it would be preferable to have that indication appear in the Royal style and title rather than to have it merely name each one of our respective countries and to have all the rest of the Commonwealth described as the Queen's other realms and territories.

It seems to me that that is in accord with the historical development of our constitutional relations. Her Majesty is now the Queen of Canada but she is the Queen of Canada because she is the Queen of the United Kingdom and because the people of Canada are happy to recognize as their Sovereign the person who is the Sovereign of the United Kingdom. It is not a separate office. It is the recognition of the traditional development of our institutions; that our parliament is headed by the Sovereign; and that it is the Sovereign who is recognized as the Sovereign of the

United Kingdom who is our Sovereign and who is loyally and, I may say, affectionately recognized as the Sovereign of our country. We all felt that it was desirable to have that recognition retained in the title as a proclamation of the historical, traditional link between this country and the United Kingdom; and the same feelings were entertained by the other two prime ministers with respect to their countries.

The question then arose whether it would be proper to have in the title we would use the traditional words, "by the grace of God, Sovereign." We felt that our people did recognize that the affairs of this world were not determined exclusively by the volition of men and women; that they were determined by men and women as agents for a supreme authority; and that it was by the grace of that supreme authority that we were privileged to have such a person as our Sovereign. Then perhaps the rather more delicate question arose about the retention of the words "Defender of the Faith". In England there is an established church. In our countries there are no established churches but in our countries there are people who have faith in the direction of human affairs by an all-wise Providence; and we felt that it was a good thing that the civil authorities would proclaim that their organization is such that it is a defence of the continued beliefs in a Supreme Power that orders the affairs of mere men; and that there could be no reasonable objection from anyone who believed in the Supreme Being in having the Sovereign, the head of the civil authority, described as a believer in and a Defender of the Faith in a Supreme ruler. ...

The procedure that was discussed was that we would each of us ask our Parliaments to acquiesce in the issue of proclamations by Her Majesty herself. It is Her Majesty who will determine, who will announce by proclamation what her Royal style and title will be for each one of the several realms of the Commonwealth. It is hoped that these proclamations may be issued simultaneously in the various realms of the Commonwealth and in the other parts of the Commonwealth that recognize Her Majesty not as their Queen but as the head of the Commonwealth.

The developments of modern times have been that the Sovereign does not exercise the Royal prerogative that has come down through the centuries without being sure of the acquiescence of Parliament. And it is for the purpose of expressing in advance that our Parliament will acquiesce in such a proclamation that this bill is now before the House.

In going over the elements of the Royal style and title I made no special reference to the Head of the Commonwealth. I think it is fortunate that, in spite of local situations that appear to make it necessary for the most populous part of the Commonwealth no longer to recognize the Sovereign of the United Kingdom as the Sovereign of its state, but felt that it was necessary for it to adopt a republican form of government with a president as the head of the state, nevertheless it wished to maintain the close relationship with the other members of the Commonwealth and remain in the Commonwealth.

I think that the real link between the various members of the Commonwealth is their common ideals, their memories of association in the past, their intimate conviction that that association in the past has been for the benefit of their people, and their desire to conserve that association in the future for the benefit of their people. I do not think that we are being presumptuous or conceited when we believe, and even when we express the belief, that this Commonwealth group not only works for the benefit of its own peoples but is an effective instrument for the good of free mankind throughout the world.

I know that my predecessor had an influential part in the decision that was reached that, in spite of the fact that the situation in India required the constitution of a republic for that great country, India would remain a part of the Commonwealth. I think that the influence he exercised at that time was in the right direction and that the result was something beneficial to us, beneficial to India and also beneficial to free men throughout the world, and that the conservation and development of that feeling of common ideals, common purposes between the great Republic of India and the other members of the British Commonwealth will continue to be of service to free mankind. And it is I think something for which the realistic genius of the British people has reason to be proud, that it can accommodate itself to the requirements of new situations in the lives of men and can conserve the essentials without having to conserve forms that to some appear to have become so outmoded that they can no longer be accepted. I think it is a magnificent thing that the peoples of India and the peoples of the Occident can look upon each other as human beings equal in every respect; and I was not going beyond what the fact requires when I said in Ottawa to Mr. Nehru that we hoped and trusted that in spite of the many more centuries of their social experience and civilization there would never be any indication by their own people that they looked down upon us as their inferiors, and that I hoped and trusted that in spite of our rapid development of industrial processes and industrial know-how there would never be any feeling among the people of India that we thought that because of that we were human beings in any way superior to the millions who inhabited their country.

We all know from our own Canadian experience that unity between us, unity between all the elements of our population, is and must be based upon that recognition by us all that we are all equal to each other and that all have the same rights to Canadian citizenship, and that Canadian citizenship gives us equality in every respect with all our fellow-citizens, whatever their origin, their traditions and their cultures may be. It is because our forefathers had the wisdom to recognize that it was not going to be necessary in this Canadian nation to pour all the elements into the same mould that we now have a Canadian nation.

We are all proud of being Canadian citizens because we can be so and can exercise all our rights as such without forgetting our racial origins, our ancestral traditions, and without there being any effort by any of our fellow citizens to make us over into any other kind of Canadian than we happen to be because of our racial origins and with our ancestral traditions.

That is also something which is now working out in this Commonwealth of free peoples. I think it is a solid foundation upon which there can develop and rest equal pride of all of us in our allegiance to a common sovereign. There are those of us who recognize the Sovereign of the United Kingdom as our own Sovereign. There is a common loyalty between us and the group of which that Sovereign is the head only as the head of the Commonwealth because in their countries the situation that exists does not make it convenient to have a monarchical form of constitutional set-up.

I believe firmly that what we are doing here today and what others are doing in their respective parliaments will further that ideal of unity of purpose and desire to co-operate that characterizes us at this time and which was so touchingly evident at the meeting of prime ministers which it was my privilege to attend a month and a half ago in the city of London.

During the debate that followed, the Secretary of State for External Affairs rose to add the following remarks to those of the Prime Minister:

...The bill before the House deals with the Royal style and titles, and I should like to say a few words about it ... against the background of our constitutional development. It is a long time between the date when King Egbert, in the ninth century proclaimed himself as King of the English--and 1953 when we are by this bill approving of a Royal style and title for Her Majesty as Queen of Canada and Head of the Commonwealth--head indeed of the peoples of the Commonwealth. During that long interval there have been very many changes in the Royal style and titles.

...By 1926 the Royal style and titles had become one of the subjects for discussion at the periodic Commonwealth conferences which were held in London, and the title has changed since then, as has been pointed out this afternoon, as a result of decisions reached at those conferences. After the Statute of Westminster, ... not only were the members of the Commonwealth consulted on proposed changes but subsequent assent of their parliaments was required to make such changes effective.

The bill before the House, which is one of such importance, in a sense fulfils the ambition of Sir John A. Macdonald that Canada should be recognized as a Kingdom. Students of Canadian history are familiar with his efforts at the London Conference of 1866-67 to persuade the British Government of that day to agree that the country, to be formed by the union of the provinces of Canada, Nova Scotia and New Brunswick, should bear the title "Kingdom of Canada." At that time relations between the United States and the United Kingdom were not as solidly based on good understanding and co-operation as they are at the present time. Because of the strong tide of republicanism in the United States, born I suppose of the struggle for independence against a monarchy, the view in London and of the home government was that it would not be wise unnecessarily to offend that feeling by allowing the new Canadian federation to call itself a kingdom, a designation which it was thought, and possibly with some justice, might have stirred up deep antagonism in the United States. Nevertheless, it is interesting to recall that Sir John A. Macdonald, who did not

give up easily, continued to press for the adoption of the word "Kingdom" right up until the final draft of the British North America Act. The earlier drafts of January and February, 1867, produced at the London Conference, do indeed bear witness to his tenacity on this point. There is I understand a draft of the British North America Act in the handwriting of Sir John A. Macdonald which, from internal evidence, appears to be earlier than any of the drafts actually considered at the conference. In this draft, in what I believe is his handwriting, the word "Kingdom" is used throughout, and scribbled on the margin of it are the following alternatives--in case there had to be a choice from many: "Province, dependency, colony, dominion, vice-royalty and kingdom." Obviously Sir John had been turning these over in his mind and had concluded that "Kingdom" was the word--and he used it throughout the draft--that would be the most fitting appellation for the new state which he and his colleagues were striving to establish in British North America.

In the meantime the law officers of the Crown, apparently unaware of the views of Sir John himself, had been at work on their draft of the bill, and on January 23, 1867, they placed that draft before the Conference. It provided that the provinces of British North America should be united, and I quote from it now words familiar to all of us: "into one Colony with such name as Her Majesty thinks fit." Well, the word "colony" in that draft from the law officers of the crown found no favour with the delegates of British North America and they substituted the word "dominion" for it. Thus the draft of February 2, 1867, provided, and I quote from it: "The said Provinces... shall form and be one united Dominion under the name of the Kingdom of Canada." It is interesting to note, Mr. Chairman, that in this draft the word "dominion" was not introduced as an alternative to "kingdom". The name of the proposed dominion was to be the Kingdom of Canada, and until February 9, 1867, this name was retained in the various drafts; but on that later date Sir John gave up the fight with the home authorities and agreed with the proposal that the provinces should "form and be one Dominion under the name of Canada."

It is clear from this record that Sir John A. Macdonald's acceptance of the description "dominion" was by no means intended to exclude the eventual recognition that Canada was to be styled a "kingdom," even though at the time it was considered inappropriate to include this word in the name of the new country--our country. ...

The idea of designating Canada as a kingdom did not die with Sir John. It is possibly not quite so well known to students of history that when in 1901 a change in the Royal style and titles was being contemplated the designation was given careful consideration again.

The exchange of telegrams between the Secretary of State for the Colonies of that day, Mr. Joseph Chamberlain, and the colonial governors who were instructed to consult their ministers on the question of the new Royal style and titles reveals that the Colonial Secretary--and I quote from his dispatch of the day, was: "very desirous that the separate and greatly increased importance of the Colonies should be recognized if possible."

The suggestion made at that time for revision of the title was that the King who was acceding to the throne, King Edward VII, might be called, "King of Great Britain and Ireland and of Greater Britain Beyond the Seas".

... This suggestion from London evoked mixed responses from the colonies, as they then were, and alternative proposals were put forward with the result that the words which have become fairly familiar to us were adopted, not by unanimous agreement in the first instance but as a result of messages that passed back and forward between the colonies and London. The title adopted was "King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas".

At that time there was a definite expression of opinion on the part of certain colonies, including Canada, which at that time through the Earl of Minto made certain suggestions with regard to the new title by which the name of Canada would be specifically designated. However, these were not followed then, and the title was adopted which remained in force for many years after 1901. It is interesting to note that in the correspondence of 1901 which led to the acceptance of the word "dominions" that word was almost synonymous, although not so subsequently, with the word "colony".

The change that was made at that time is of some significance because of the distinction which developed between the colonies and the self-governing colonies which became dominions. The extent of this distinction between colony and dominion is emphasized further when we consider that prior to 1901, with the exception of the addition in 1876 of the title "Empress of India", the possessions of the Crown outside the British Isles, although included in the settlements of the Crown, received no recognition whatever in the Royal title. It was recognition of the importance of the overseas territories that led to the passing of the Royal Titles Act in 1901, which authorized the Crown to make such additions to the existing title as it saw fit. The title was then proclaimed as we know it, "King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas". So it remained for many years. ...

I know that the Government of the day did object to the suggestion that the phrase should be "Greater Britain Beyond the Seas". The Earl of Minto, replying to that suggestion on February 6, 1901... said that his ministers appreciated the inquiry from London, and then he continued:

They entertain some doubt as to the appropriateness of the expression "Greater Britain", which, while convenient colloquially, is perhaps hardly definite or intelligible enough for such a formal purpose. They would therefore suggest for consideration the expediency of retaining the title of King of Great Britain and Ireland and Emperor of India, and adding the words "King of Canada, Australasia, South Africa, and all the British Dominions Beyond the Seas";

In other words, the Canadian Government of that day suggested the inclusion in the King's title, not only of the specific designation of Canada but the specific designation of Australasia and South Africa. The dispatch from the Earl of Minto continued:

--if the mention of greater Colonies be deemed unfair to remainder of smaller Colonies, or otherwise objectionable, the addition to title might be "King of all the British Dominions Beyond the Seas".

That was the suggestion put forward to London at that time. We now reach the situation as it was at the time of the London Conference of 1926 when the title was found to be out of date because of the changed position of Ireland. A further alteration in the title was found to be required and the word "Ireland" was so interpreted as to distinguish geographically between the Irish Free State and Northern Ireland. Under the geographical umbrella of "British Dominions Beyond the Seas," the independent countries, Australia, Canada, New Zealand and South Africa, were lumped together with the colonies and other dependencies of the British Crown. In spite of certain misgivings as to the appropriateness of this title, it has remained and was reaffirmed by a United Kingdom statute and proclamation in 1936 at the time of the accession of King George VI.

Following the Second World War, the need for a further change in the Royal Style and titles became more apparent and when the prime ministers met, last December and on the eve of the coronation of Her Majesty, it was decided to make this change. The equality of status of the countries of the Commonwealth, if it needed further emphasis, was fully revealed by the part played by each in the Second World War. The entry into the Commonwealth of three fully independent Asian states, India, Pakistan, and Ceylon, not only greatly enhanced its membership but widened the basis of Commonwealth association. The establishment of the Republic of Ireland outside the Commonwealth made it clearly necessary to undertake a revision of the geographical content of the title which had been agreed to only a few years earlier. There were other equally cogent reasons for a change, not the least of which was the need for recognition in the title of the Sovereign's position as Head of the Commonwealth, a designation which had been agreed to a year or so before.

Therefore, in recent years, members of the Commonwealth have been considering, by exchanges of correspondence between governments and by meetings in London, ways and means of bringing the title into conformity with the constitutional relations which now exist within the Commonwealth. The discussions which took place last December when the prime ministers of the Commonwealth assembled in London were the result of long and careful consideration of how changes could be brought about in the Royal style and titles which would make them appropriate to and practicable for the current Commonwealth relations, while maintaining the tradition and dignity associated with them.

Recognizing that the present title was not in accord with the current constitutional relations within the Commonwealth, they concluded, after full consideration, that in the present stage of development of the Commonwealth it would be in accord with the established constitutional practice--this represents an important change from any previous consideration of this matter-- that each member could subsequent to the conference use for its own purposes a form of title which suited its own particular circumstances but which retained a substantial element which was common to all.

So agreement was reached, in a sense, to disagree. They agreed on the various forms of the title which would be used in various parts of the Commonwealth. But they also agreed that each of these titles should have a common element in the description of the Sovereign as Queen of her other realms and territories and as Head of the Commonwealth.

It is of great significance, I think that the words which are common to all titles in all parts of Her Majesty's realms are the words "Head of the Commonwealth". It was in 1949 that agreement was reached in London that this phrase, "Head of the Commonwealth," should describe a new relationship of the Queen to the Commonwealth which was made necessary by the inclusion, in the Commonwealth, of a republic. I recall, because I had the great privilege of being present at these discussions, the very earnest effort that was made at that time, in the best traditions of adaptability and flexibility in the Commonwealth association, to find an expression--something which would certainly not be possible in strict legality as it would have been conceived by constitutional lawyers twenty years ago--under which we could include in our Commonwealth association a country with the largest group of people in that association, India, which had declared itself a republic.

That was done, and the expression "Head of the Commonwealth" was then used in proclaiming the accession of Queen Elizabeth II in the United Kingdom. This, is, as I have said, one of the principal common elements in the varying titles which have now been agreed upon. Our Queen then, Mr. Chairman, is Head of a Commonwealth whose members include a republic of which she is not Queen and in which she has no constitutional function to perform. That, I suggest, is striking evidence not only of the adaptability of the Commonwealth to changing conditions but of the political realism and ingenuity of the peoples and the governments who make up the Commonwealth. It is striking evidence of the adaptability, of this association to new conditions and of our power to adjust our constitutional practices and our constitutional procedures to these new conditions. It is one more proof, if proof is needed, that membership in the Commonwealth imposes no limitation whatever on a nation's control over all its affairs, including its constitutional development as a republic or as a monarchy.

For certain members of the Commonwealth--and this certainly includes Canada--the monarchical form is preferable because it symbolizes in a very real way the unbroken continuity in our history and the development of our political institutions from Magna Carta to the sessions of the House of Commons in Ottawa today. The Crown under the monarchical principle also lends, I think, stability and dignity to our national life, and I am sure we all agree that that is important in a democratic system based on the free and active play of party controversies. The Crown as head of the state and as represented in our country, standing above all such controversies, commanding and deserving the respect and loyalty and affection of us all, ensures a more solid and secure foundation for national development than might otherwise be the case under some other form of democratic government.

Yet it is good to know that the Commonwealth, with its monarchical and its republican membership, is flexible enough to include Asian as well as Western members, and a republic as well as monarchies. This becomes an essential feature in the new and important role which the Commonwealth now performs, a bridge between the West and Asia at a time when there are too few such bridges and when they are more important to the world's history than ever before. All those who believe in co-operation between states must be heartened by this new opportunity of service which is afforded the members of the Commonwealth family, and they must be heartened also by the fact the Crown will continue to play a vital part in that association in the future as it has in the past.

At London, as I have said, it was agreed last December to differ, if necessary, in the titles and style of the Crown, but we all agreed, without difficulty and without difference, in respect of our determination to pursue within the Commonwealth those ideals for which the Crown so finely stands--peace, dignity and ordered progress.



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