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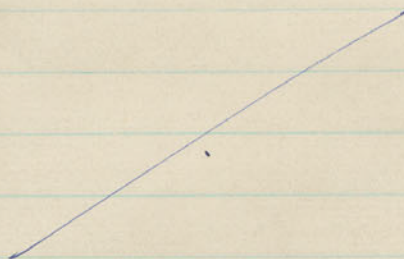
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1st Prize Class A
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"What is the importance of the King in the
British Commonwealth?"



Summary of Essay.

- 1 Events of last six years justify deeper enquiry into the meaning of the Empire.
(King's position in United Kingdom a separate subject)
- 2 The Empire since the War:
 - a The emancipation: the Statute of Westminster.
 - b The ~~known~~ Colonial Empire
 - c India
 - d The new Dominions: their rights and powers
- complete autonomy.
e.g. Especially Irish Free State + South Africa.
- 3 The King's legal position in that Empire.
 - a Royal insignia
 - b Honours
 - c Governors General
 - d The Great Seal
 - e The appeal to the King in Council

} small points

} main issues

Conclusion: King's legal power + control practically nil.
- 4 But Commonwealth means more than its constitutional structure; otherwise it would never have endured.

6

Ties of a Blood, tradition, British culture.

b Cause of democracy

c Cause of peace

∴ Unity of action vital to all

∴ United Kingdom is most important part.

'equality of status does not mean equality of function'.

because of a Her European influence & prestige.

b Her navy.

5 Therefore King's position enhanced.

His real importance:

a The last link

b Pageantry e.g. of coronation.

c Influence in India as a personal ruler.

d Personal connection with Empire.

e e.g. i George V

ii Edward VIII.

6 But Abdication crisis showed how much Empire is dependent on Monarchy.

7 George VI's task is to maintain his position as 'King of all his peoples'

"What is the importance of the King in the
British Commonwealth?"

Every age appears at the time an age of crisis. But none may be so called with more justice than the present, post-war, age. Further, not least of the crises it has witnessed are those which have both altered and shaken the British Empire. The concurrence, within the space of six years, of the Statute of Westminster, the death of George V, and the Abdication crisis, has led us to enquire more deeply into that paradoxical structure, to search for its very fundamentals.

Whatever vital changes have altered the face of the Empire, the monarchy stands firm, symbolising in the person of the King a unity and splendour and continuity. The King's position, too, has been radically changed, both in relation to the whole Commonwealth and to the mother country, internally. But we must leave the latter relationship outside the scope of

this essay, it being a distinct and vast subject of its own.

The Empire of Queen Victoria became obsolete when the growing-up of the several nations inside it culminated in the Great War. For in the War the 'Dominions' first realised their power and their importance. At the peace, in a world-wide orgy of national feeling, they established their freedom by entering the League of Nations as separate members, and proceeded to define and destroy every imperial anomaly. Eventually the decisions made in 1926 were legalised and put into practice. Dominion status was defined. Complete legislative independence was won. The Statute of Westminster confirmed that Great Britain and the Dominions were 'autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations'.*

* Imperial Conference
Resolution 1926.

The Empire since 1931 is therefore divided into three parts: the Dominions, India, and the Colonial Empire. The division between colony and Dominion is not hard and fast, for, with the exception of the Irish

Free State, every Dominion has once been a colony. Newfoundland has renounced Dominion status for economic reasons; Southern Rhodesia and Ceylon are in transitional stages, the former being hindered only by the smallness of its population. But in the Colonial Empire power is vested in the Colonial Office, the Governor (appointed by the King in consultation with his ministers at home) has great administrative powers, and an Executive Council, nominated by him, assists him. The King's influence, ^{constitutionally} ~~legally~~, is only that which he exercises over the Colonial Office and colonial policy. The connection of the Crown and its functions will come under the discussion of the Empire as a whole.

India holds, of necessity, a unique position. For her, too, there has been an emancipating movement starting with the 1919 Act, up to 1935, but her demands for Dominion status must be withheld until the problems of illiteracy, religious feuds, and economic strain have been solved at least partially. In Indian reform George V, after overcoming an inherited scepticism, played no mean part. But more important was his connection with the Indian princes and Indian sentiment. Victoria had accepted the title of Empress, and had shown hard for the better treatment of the princes; she had awarded

* The King & the Imperial
Crown p 407.

honours to Indians, and had herself proposed the inclusion of Indian Knops at the second Jubilee. But, in the words of Berredale Keith, "She was Queen before she was Empress".^{**} George V was always primarily the Imperial King. His last words were to ask after the Empire. Thus, whereas no inducement had been able to lure his father from Europe, he visited India for the great durbar of 1911. By his order the capital was changed to Delhi.

In 1919, further, the Chamber of Princes was set up, marking the end of the old epoch when any communication between the princes was considered illegitimate. Their position is still anomalous, as although they owe allegiance to the King, their territory no more than their subjects are British. But their federation forms a solid Conservative bloc, very loyal to the throne — a loyalty which the 1935 Act enhances by sweeping away the control of the Secretary of State for India in Council. Subordination to a King is more acceptable to Indian pride than the formal rule of an alien government Parliament.

But if post-war years have increased the formal influence of the Crown in India, Dominion status seems, legally, to destroy almost every vestige of its power. Since 1931 each Dominion legislates for itself,

and no law passed at Westminster applies to the Dominions unless they have 'requested and consented to' it, as stated in the preamble. The Irish Free State would even have the Imperial Parliament renounce the right of imperial legislation altogether. Both in that country and in the Union of South Africa a ratifying Act by the local parliament is necessary before an Imperial Act can come into force. Thus every Dominion has the power to abolish by its own laws any right of the Crown to disallow or to withhold assent from reserved Bills. The Free State had never recognised the right of disallowance, and it has swept away the right of reservation. With one exception the Union, too, has abolished both rights. But the other Dominions still permit the right of the King to disallow to stand.

Externally, too, the autonomy is complete. Each Dominion may have its own foreign policy, although there is a convention that the ministers of the Dominion should consult and come to agreement with the rest in foreign affairs. Such intercourse is facilitated by the presence of the Dominion High Commissioners in London and of the United Kingdom Commissioners in Canada, Australia, and the Union. But nothing is binding, and South Africa, for instance, could sign any treaty independently by forcing the Governor-General (now merely her nominee and even

a party man) to use the Seal and Signet set up locally in 1934.

Beyond these undoubted rights some Dominions claim further ones. General Hertzog, drawing a parallel with Hanover and England in the eighteenth century, asserts the divisibility of the Crown. He claims that the King of England is now ~~only~~ becomes King of South Africa only by virtue of the succession section of the Statute of the Union Act of 1934. Every Dominion, of course, accepts the English succession. Such was a pill which Mr. de Valera sweetened, before swallowing, with the jam of abolishing the Governor General. But the Abdication served to prove the effectiveness of General Hertzog's assertion if not its legality.

The Irish Free State, going further, has enacted that the Irish citizen is not a British subject while in the Free State. Both that country and South Africa therefore assert that Commonwealth relations are international and not municipal. Both claim the right of secession.* The Union claims the right of neutrality, although the majority of Empire opinion is against the validity of that right, and although to remain neutral in case of war would mean the breaking by the Union of the solemn promise to defend Unionism. Berriedale Keith writes:

"In any case .. a declaration of neutrality would virtually

*.

N.B. In 1933 the I.F. State asked G. Britain what she would do if I.F.S. Seceded. The Govt. refused to give an answer.*

mean secession from the Commonwealth".

This description of the position and rights of the Dominions itself gives some idea of the small legal importance of the King in the Commonwealth. Nominally, of course, all higher powers of government are given in his name and derived from him. He is part of every ^{main} legislature in the Empire, except the Irish Oireachtas. Laws are enacted partly by him or his representative. In the Colonial Empire of, as we have seen, Parliament controls, Crown legislation by Orders in Council or Letters Patent is quite common.

Further, the Crown supervises issues of coinage, and stamps, and the King's head is the universal mark, except in Ireland. The Parliament which has cut every trace of the Crown from the Constitution has also swept every trace of the King from every form of its insignia. All honours proceed from the King and Canada, South Africa, Australia, and the Irish Free State have ceased to make recommendations on which alone the King may act as a ruler.

But the constitutional position of the Crown in the Commonwealth depends much more vitally on three factors: the appointment and position of the Governor Generals, the use of the Great Seal, and the right of Appeal to the King in Council.

We have already noted that Ireland has abolished the office of Governor General. No other Dominion has followed suit, because they do not consider that the office to-day is any slight of their autonomy. For although the Governor General is the King's personal representative, the appointment is made solely according to the wishes of the Dominion. The dividing date was 1922. Before that the King's friends and relations and ministers had been rewarded with that post if Parliament could force its will, the King could at least suggest and discuss, and no minister is in a position to disregard the sovereign's advice. Further it was the United Kingdom Parliament which counted. But in 1922 the Irish Free State, bold with victory, forced the King to nominate Mr. Tim Healy instead of the King's choice, a peer to whom they found objection. A second victory over the next appointment in Ireland, led every Dominion to demand, in 1930, similar treatment. Since then the Crown has lost completely any control. Two years later Ireland forced the King to remove the present Governor-General, quite unjustly. The new nominee was a puppet living in a suburban villa, refusing even to cross to London to kiss hands. He ^{paid} ~~payed~~ back £8000 of his salary and signed performed every function demanded by the government.

In 1936 the office was finally abolished. In accepting these humiliations George V showed a courage and patience which alone may have kept this part of the Empire intact.

The other Dominions demand Governor-Generals to their liking. Sir Isaac Isaacs (1933) had hardly even set foot in England. Mr. Patrick Duncan, being a party man, represents neither the Union nor the Dominion as a whole, in practice. The King's importance as one of the few legal links of the Empire is thus almost completely destroyed.

No less has been the change since, in 1931, the King allowed the Irish Free State, on demand by them, to set up a separate great seal and signet for the Free State. Following suit, South Africa, by the Royal Executive Functions and Seals Act of 1934, further authorised the Governor General to use the seals and sign any document on the Cabinet's authority, if the King were unable to sign. As the Governor General is the Cabinet's nominee, it is possible to cut the King completely out of the Constitution. Other Dominions have declined to act likewise, but the power is theirs.*

Then, thirdly, the appeal to the King in Council is optional and can be abolished at will. Ireland has abolished it completely; Canada for criminal causes; the Union

* Except, perhaps, for Canada

abolishing discuss it, so also Australia. Ultimately, therefore, the King is no longer even nominally the supreme legal figure.

Were, therefore, the Empire bound by constitutional and legal links alone, nothing on earth could have saved the law that held fast through the King's person and position. The Crown itself has lost its hold in an age which has glowed in tradition breaking, it remains, imperially, merely in sufferance. But that sufferance is made possible in a Commonwealth of young and assertive nations because, fortunately, the Empire means something, legally far less, actually far greater than its constitutional structure. In the same way and to the same extent the King, too, has a deeper significance.

The Toronto Conference was in many ways a keystone of that significance. Canada's economic nationalism and isolationism had in no way impaired her loyalty, Ireland had realised that outside the Empire she had no hope of winning over the Northern counties; South Africa was learning to forget a bitter tradition. Rightly was recorded the unanimous "sense of the value of the Commonwealth both for its own members and for the world as a whole". The next year Mr. de Valera's Government agreed to share in the expenses of the new Imperial Economic Conference.

* Report of
Toronto Conference.
1933

There are, further, many communal interests which are stronger links than any constitution. There is the same blood, the same traditions, the same heritage of British culture. A common language unites the Empire. There is the bond of the common cause of democracy; a bond which 'Machtpolitik' and Fascism have done much to strengthen. No one doubts that the coming of a Fascist regime in England would shatter the Empire. The democratic tradition is fundamental.

Lastly there is the ideal of peace which the Commonwealth collectively and each member severally needs, to preserve the freedom of the individual and the freedom of the seas. To maintain the peace, the forces of peace must be strong; such strength unity alone can give.

To execute a policy which suits the Empire, there must be a European contact and influence, and a large navy. These Great Britain alone can provide. Thus although the Commonwealth nations claim equality of status, they cannot claim equality of function; the main functions of foreign policy and defence must quite naturally fall on the mother country, and as long as this is so she will remain the heart of the Empire; devolution will be stayed. But whatever the advantages of ~~the~~ membership

of the Commonwealth may be, the Dominions still find it repellent to be subordinated to a 'co-equal' Parliament. Therefore as a counterblast the King is enhanced and the subservience offered to him no longer fearing his authority the Dominions feel they may pay him homage without loss of dignity. In a sense this is quite artificial, but no more so than everything in our Constitution; the British citizen loves his paradoxes. However artificial the basis of his loyalty and sentiment, it is certainly sincere.

As the ruler of an Empire bound by such bonds as all these, the King has an importance out of all proportion to his power. This explains the sincerity of the pageantry connected with him, which would be a mockery did it honour his power alone.

The coronation ceremony, stimulating the imagination of the Empire, making us think of Kingship as well as of the King, displays the very essence of the Commonwealth "Monarchy" a contemporary journal writes, "has entered every town and village, almost every home."* The coronation is primarily imperial; it is the imperial crown which is ^{now} ~~there~~ in the limelight.

The King's duty, then, is to represent more than "the ultimate sanctities of the land which endure behind passing fashions and the bewilderments."* The monarchy

* Round Table
No 107.

* "The King's Grace"
J. Buchan

"The King's Grace"
J. Buchanan

* Round Table
No. 107

is more than "the point around which coheres the nation's sense of a continuing personality".* He is the king of each of his peoples: but he is also king of them all. "In a world disintegrated by the claims of nationality, this kingship is the last surviving, but the still continuing, organ of a unity that transcends nationality and is deeper than any alliance".* And as the Governor General comes to mean less and less, for most plain citizens the King and his family are the real and only centre of their active interest and pride in the Empire.

The importance of his personal connection thus becomes apparent. In India especially, where Parliament is ^{often} anathema, Sovereignty, personal and glorified, arouses the most intense devotion. Abstract authority leaves the Indian cold. But a visible, personal, Emperor, such a figure as George V presented, binds both peasant and prince to him. The durbar of 1911 therefore had untold effect; so also the honouring of the princes at their visits to England. To use the imperial name in wartime appeals to Indian loyalty was a further masterpiece. And in the Colonial Empire at large the Governor may personify the imperial spirit and make it something real and revered.

In the Empire as a whole the King's personal influence was realised by George V to be a vital part of the Empire. He himself said to his Parliament on the occasion of the Silver Jubilee:

"The Crown is the historic symbol that unites this great family of nations and races, scattered over every quarter of the earth".

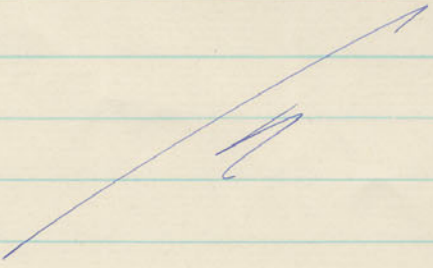
Contact with that 'family' became in his last years very real, and it was much facilitated by the boom of wireless. Personality radiating from the Throne is all pervasive; the Empire and the whole world learnt to love him as a gallant gentleman, a ruler whose virtue only excelled his wisdom, a family man setting a pattern of family life for all. Under him the Empire was bound to draw closer in common allegiance and loyalty.

King Edward inherited the love devoted to his father; but he had also won it by ~~the~~ his actions in the Empire as Prince of Wales. "King George", it was written, "became a people's King. King Edward begins as a people's King".* But the tragedy of his abdication is more significant, as it is, than any might-have-beens. We need not consider the constitutional points which the crisis evoked: the 'divisibility of the Crown' as shown by the fact that legally George VI became King of South Africa ~~to~~ on December 10th, of

*
Round Table.
No 102

England on December 11th, and of the Irish Free State on December 12th; the problem of consultation and Dominion advice in an emergency; the niceties of the working of the Statute of Westminster. What is vital is that that Statute, the basis of the Commonwealth Constitution, stood the test; and secondly that it was shown how much is the monarchy the real basis of the Commonwealth. A strange unanimity characterised the responsible voices throughout the Empire, the monarchy shook, then held firm, the Throne proved to be greater than the King.

We may only offer George VI our loyalty and prayers in the great imperial task before him. His father's standard was unprecedentedly high. If he is permitted enough freedom from the desk to travel and to make himself 'the King of all his peoples', he will not fail to maintain it.



A. G. Hine.

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