

# Introduction

*Philippe Lagassé and Nicholas A MacDonald\**

In January 2016, the Government House Foundation of British Columbia and the Institute for the Study of the Crown in Canada held a conference on the Crown in the 21st Century at Government House in Victoria, British Columbia. The Conference gathered Lieutenant Governors, scholars, practitioners, and observers of the monarchy to reflect on the history and future of the Crown in Canada. Speakers explored the relationship between the Crown and Indigenous peoples, the politics of the monarchical revival that took place in Canada under the government of Prime Minister Stephen Harper (2006-2015), as well as the role of the Queen's vice-regal representatives and the monarchy's relationship with the Commonwealth. Over three days, from 14 to 16 January, the Conference assembled five panels and three keynote speakers to address various aspects of Canada's constitutional monarchy. The third such conference in recent years, this event demonstrated the continuing relevance and importance of scholarship on the Canadian Crown.

The aim of this special issue of the *Review of Constitutional Studies* is to present scholarly highlights of the Conference on the Crown in the 21st century. The five articles in this special issue include two of the keynote addresses and three panel papers. The first article by Professor Robert Hazell and Dr Bob Morris returns to the Crown's country of origin and explores the future of the monarchy in the United Kingdom. Hazell and Morris argue that the Crown's constitutional functions may have come to an end, but the monarchy still retains a symbolic function that could allow it to endure. They explain how the Crown came to be marginalized in the British Constitution and examine the roles that the monarchy continues to play in British society. The second and third articles address one of the more contentious issues that have surrounded the Crown in Canada: royal succession. In her article, Professor Anne Twomey argues against the Canadian government's decision to have the Parliament of Canada assent to recent changes to the rules of royal succession

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put forth in British law. Drawing on past Canadian and Australian precedents, Twomey suggests that Parliament's assent is insufficient to change the law of succession in Canada. In contrast, Warren Newman, long-time counsel for the Department of Justice of Canada, defends that logic. Newman contends that the Canadian approach reflects the particularities of Canada's constitutional evolution and the need to address such changes in a pragmatic fashion.

Professor Paul Daly explores judicial deference toward the Crown in the issue's fourth article. Daly notes that the Crown's special status in Canadian administrative law remains salient and affords significant protections for the executive. According to Daly, this unique treatment before the courts is ill-advised and should be addressed by placing the Crown's powers on a statutory footing; doing so could dissuade the courts from treating the Crown's prerogative and common law powers differently than authorities granted to the executive by Parliament. Last, Professor Hugo Cyr provides an in-depth examination of the Crown's role in government formation. Cyr carefully counters common misperceptions about the conventions that guide government formation in Canada, and he addresses the impact that these misconceptions have on the possible evolution of conventions themselves. His article further provides a comprehensive outline of how the principles of government formation would apply in various scenarios.

The publication of this special issue was made possible thanks to the financial support of the Weston Foundation. We therefore wish to thank the Weston foundation for their backing and for enabling us to provide this edition of the *Review* freely online. We further wish to thank Professor Peter Carver and Patricia Paradis at the University of Alberta's Centre for Constitutional Studies. Professor Carver supported the special issue from the outset, and Ms Paradis dedicated her significant talents to publishing this volume in a timely manner. Draft manuscripts were peer-reviewed to ensure that the articles met the proper standards of scholarly publishing. We are grateful to the three anonymous reviewers for their constructive critiques of the manuscripts.

Given that this special issue was inspired by and drew upon the Conference on the Crown in the 21st Century, we would also like to thank those who helped realize that event:

The Government House Foundation of British Columbia  
The Office of the Lieutenant Governor of British Columbia  
The Department of Canadian Heritage  
The Weston Foundation

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The Hon. Hilary M. Weston, CM, CVO, OOnt  
Massey College in the University of Toronto  
The Institute for the Study of the Crown in Canada

Finally, thanks are owed to John Fraser and D. Michael Jackson, President and Vice-President of the Institute for the Study of the Crown in Canada, and to Richard Berthelsen for their continuous assistance and support.

Ottawa, March 2017

