



Prime Minister and Allegiance to the King

Description

Those who have criticised Anthony Albanese for his plan to swear allegiance to King Charles are dead wrong. The Prime Minister and every other republican can confidently recite this oath without fear of hypocrisy. And the reason is this: the coronation oath is conditional.

That condition is contained in its last four words. It might look like Albanese will simply swear allegiance to Charles and his heirs.

But the real significance is that the oath does not finish there. If it did, it would amount to an unending pledge of fealty to the senior member of the house of Windsor.

The most important part of the oath is that it requires Albanese to swear allegiance to the King's "successors according to law". And that might not be Prince William.

Australia makes its own laws. So the coronation oath amounts to recognition that Charles holds office as king of Australia not because of divine right, but because the law of Australia says so.

So if this country decides to become a republic, Albanese and all other republicans who take the coronation oath this weekend could consistently swear allegiance to a future Australian republic. This would be due to the fact that a successful referendum would mean that this country's first president would become the successor to King Charles "according to law".

For all Australians, monarchists and republicans, the true effect of the coronation oath is to reinforce the primacy of law over royalty – a gift this country inherited from Britain.

This has its source in the 1688 English Bill of Rights which ended the claims of the Stuart kings to rule by prerogative right and made it clear that the real power in the land rested with parliament. This was followed by the Act of Settlement in 1701 which compelled all future British monarchs to rule through parliament and to accept the independence of the judiciary.

So if Australia does become a republic, a future president would be the king's successor as this country's head of state by virtue of a change in Australia's supreme law, the Constitution.

Such a change to the head of state by lawful means would have much in common with the way the British parliament changed that country's head of state after the Glorious Revolution of 1688. After James II, the last of the Stuart kings, fled to France, parliament enacted the Bill of Rights which declared his successors to be William and Mary of Orange.

The law, not monarchy, was supreme. And that marked the beginning of Britain's modern system of constitutional monarchy that was subsequently blended in this country with elements of American constitutional arrangements.

So if Australia votes at a future referendum to remove King Charles as this country's head of state, his eldest son William would remain his heir and might eventually succeed him as king of the United



Kingdom.

But if this country changes the Constitution and moves to a republican form of government, a future president – and not William – would be the king’s “successor according to law” in Australia.

So republicans can happily recite the coronation oath this weekend safe in the knowledge that they are actually affirming the supremacy of Australian law when it comes to choosing our head of state.

A future president would, after a successful referendum, be the lawful successor to the king who is referred to in the coronation oath.

That oath says: “I swear that I will pay true allegiance to your majesty and to your heirs and successors according to law.”

It is no coincidence that a similar qualification is present in the oath or affirmation of allegiance that every member of federal parliament is required to make.

The parliamentary oath is outlined at the end of the Constitution. When updated to refer to the current monarch, it says:

“I do swear that I will be faithful and bear true allegiance to His Majesty King Charles, his heirs and successors according to law.”

Instead of viewing these oaths with resentment, republicans need to recognise their true nature. They are a repudiation of permanent fealty and an assertion of the fact that this country, like Britain, enjoys the benefits of the Glorious Revolution.

These oaths can be embraced by republicans as well as monarchists. They are no impediment to support for a future Australian republic.

The real danger for a future republic is that the Albanese government might view the voice referendum as a precedent and adopt the same high-handed methods that have failed spectacularly to build national consensus.

Will we, for example, see a constitutional convention on the republic confined to republicans just as the Uluru “convention” excluded the broader community and was confined to Indigenous people?

Will the government unveil its model for a republican form of government without consultation with the broader community, just as Albanese unveiled his proposed constitutional provision for the voice without consultation with the broader community?

Will the government design its model for a republic without advice from the Solicitor-General? Will the government seek genuine national consensus on the shift to a republic or will it replicate the current tactic in which those with concerns about constitutional change have been depicted as racists?

Will it hand control of the republic referendum to the Australian Republic Movement, just as it has handed control of the voice referendum to Indigenous activists?

These are the real threats to Australian republicanism.

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Author

chris-merritt

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