

## Introduction

**Cris Shore, Sally Raudon and David V Williams**  
(Special Issue Editors)

The Crown stands at the centre of the constitutional orders of Canada, Australia, New Zealand and the United Kingdom where it has become a familiar icon and a usually unquestioned source of authority. Yet that easy familiarity conceals a potent and paradoxical enigma. For some analysts the Crown is a shapeshifting anomaly: not simply a conceptual placeholder for the state, but also a constitutional fiction and mask for the extensive use of executive power.

In this special issue, researchers across several disciplines including law, politics and anthropology use the Crown as a lens to examine fundamental theoretical questions about sovereignty, statehood and constitutionalism. Legal interest is now being complemented by studies of the Crown as a socio-political institution and cultural entity, and as the end of the reign of Queen Elizabeth II approaches, questions about constitutional monarchy and reform may acquire a new sense of urgency.

The papers and opinion pieces in this issue were first aired at a symposium in the University of Auckland in November 2017. That symposium brought together leading scholars and experts. Our aim was to promote an interdisciplinary exchange of ideas and perspectives on the legal, political and social dimensions of the Crown, its place in the constitutional order, its shifting symbolic forms and meanings, and what the study of these dimensions tells us about the changing nature of the state and government in post-colonial settler societies. Among the questions we sought to address were:

- What exactly is the ‘Crown’ and how does its definition and meaning vary in different contexts?
- What political work does the idea of the Crown do? How is it used as a strategic resource, and by whom?
- What remains of the Crown’s prerogative powers?
- To what extent is the Crown simply a metonym for the state?
- Is the Crown an obstacle to constitutional reform?
- What is the future of the Crown?

The editors are pleased to share the fruitful exchanges of view that took place at the symposium by publishing this selection of the papers and comments from our two-day gathering.

The symposium was a book-end for a three-year study of *The Crown: Perspectives on a Contested Symbol and its Constitutional Significance in New Zealand and the Commonwealth* generously funded by the Royal Society of New Zealand’s Marsden Fund (Grant 13-UoA-205). Our research began in 2012 with a pilot study on ‘The Crown in New Zealand: Legal, symbolic and demotic perspectives on an essentially contested concept.’ Cris and David working with two social anthropology graduate students – Margaret Kawharu and Margaret Muru-Lanning – set out to map the Crown’s multiple meanings in New Zealand and analyse the different ways in which that term is understood and used by political elites and state actors today. What we learned from that first foray into the world of constitutional monarchy was just how fluid, ambiguous, contested and yet symbolically potent the concept

of the Crown can be. This led us to probe further into the nature of the Crown, the different space that it occupies in the constitutional orders of other postcolonial societies, and the legal, political and cultural ramifications of its ambiguity and shapeshifting character. Following up on the pilot study, a research proposal was submitted to the Royal Society of New Zealand by Cris as Principal Investigator and David as Associate Investigator. The concept note to frame our proposal read:

Since 1840 the ‘Crown’ has stood at the heart of New Zealand’s constitutional order, and in the Treaty, as the embodiment of state authority. Yet the Crown itself remains enigmatic and poorly understood. While legal scholars acknowledge it is a ‘contested concept’ and ‘useful fiction’ whose meanings ‘differ according to context’, there is no comprehensive account of how it is contested or understood, or the implications of its shifting and contradictory meanings. How does the Crown represent itself? For *whom* is it useful and how and why? What does the Crown reveal about the evolution of the state in New Zealand and other post-colonial settler societies? How do policy-makers use the Crown as a strategic and symbolic resource? This innovative study will combine ethnographic and comparative techniques, anthropological and legal approaches, and post-colonial theories of governance, power and statehood to address these questions. The multi-disciplinary team – an anthropologist, legal expert and two social science MA students – will use comparative, ethnographic and case-study approaches to generate fresh insights into the transformation of the state in post-colonial societies. The results will lead to new understandings of the Crown as a socio-political institution and cultural entity at a time when constitutional re-ordering is imminent.

When that proposal was granted funding, Sally Raudon and Jai Patel were the two graduate students selected to join the research project. They both wrote excellent MA theses based on substantial ethnographic research interviews in Australia and New Zealand respectively. They both then participated fully with Cris and David in the work of further interviewing, writing, and then reviewing all the chapters for a book to be published by Cambridge University Press in late 2018 or early 2019: *The Shapeshifting Crown: Locating the State in Postcolonial New Zealand, Australia, Canada and the United Kingdom*. This book will be the main output from our study spanning three and half years (2013-2017) and involving over 160 in-depth and face-to-face interviews with civil servants, politicians, government ministers, legal experts, academics, indigenous rights activists and Crown officials across four realms.

Our team of four ‘Crownies’ organised the 2017 symposium and then worked to produce the papers now being published in this issue of *The Round Table: The Commonwealth Journal of International Affairs*. We owe a huge debt of gratitude to the many interviewees in Australia, Canada, New Zealand and the United Kingdom who so generously contributed their time and thoughts and responded with patience and enthusiasm to our sometimes naïve questions. Meeting face-to-face, collecting stories and engaging in sometimes highly personal conversations with this diverse collection of actors provided key insights as well as valuable moments for reflection and analysis: it was also one of the most enjoyable aspects of the project that has laid the ground for what we hope will be a conversation that will continue into the future. It was from that group of interviewees that we invited a number of key informants to present papers and comments to our symposium. We were delighted that so many of our invitations were accepted including scholars from all the four realms of our study. We would especially like to thank for their valuable and generous feedback the discussants and participants at that event: Anne Twomey, Phillipe Lagassé, Sebastian Payne,

Janet McLean, Richard Hill, Fiona McCormack, Sean Brennan, Margaret Kawharu, Mike Dreaver, Noel Cox, Steven Winter, Morgan Godfery, Keith Locke, Matthew Hooton and Sir Anand Satyanand.

Sir Anand, a former Governor-General, graciously opened our proceedings. Then scholars and students, constitutional reform activists and constitutional monarchy advocates, together engaged in serious interrogations of various viewpoints, as well as humorous banter, over the two days of the symposium. We trust that readers of contributions to this special issue will enjoy thinking about the issues we explored.

We would like to thank the Royal Society of New Zealand Marsden Fund without whose generous financial support and encouragement the research project and the symposium would not have been possible. We also acknowledge the University of Auckland's *Te Wharekura* research initiative which funded the pilot study. This was a good example of how seed funding for cross-disciplinary research, in this case anthropology and law, can produce innovative partnerships that push disciplinary research and conceptual boundaries in interesting new directions. We want to express our gratitude to Nat Daddy and Claire Black for their tireless and indispensable work transcribing the interviews. Warm thanks are also owed to Mona-Lynn Courteau whose forensic attention to detail and copy-editing skills helped to iron out glitches and inconsistencies in the draft papers and ensured scrupulous academic rigour.

Above all, Cris and David wish to express thanks to Sally Raudon and Jai Patel. They started out as MA students but continued to work on the project as team members and active participants at all stages of the research. This was a quintessentially collaborative initiative and all members of the team contributed to developing the ideas of the project and framing the arguments. When Jai left to pursue new anthropological pursuits, Sally remained to be a remarkably hard-working editor of this special issue.

Finally, we should also acknowledge a debt of gratitude to the Crown itself: that mysterious, arcane, multi-faceted, shapeshifting and yet curiously contemporary object/entity/person or persons which has provided us with such a rich and interesting object of study. Writing at the turn of the twentieth century, F W Maitland – often regarded as the father of modern English legal history – wrote about the Crown as ‘the body natural by the conjunction of the body politic to it (which body politic contains the office, government and majesty royal) is magnified and by the said consolidation hath in it the body politic.’ What do readers of this journal now make of that statement – insight or mumbo-jumbo?