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# *The Speaker's Baton – The Invention of a Tradition*

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by Charles Robert

*The Speaker's Baton is a short green stick surmounted by a lion in silver with its right forepaw resting on a crown adorned with maple leaves and twelve rubies. The baton first appeared in the personal coat of arms granted to John Fraser as Speaker of the House of Commons by the Chief Herald for Canada in December 1992. In an article published in the winter 2001-02 issue of this Review Bruce Hicks contended that the baton should be recognized as a symbol of the Speaker of the House. This rejoinder takes issue with many of the arguments Mr. Hicks used in coming to that conclusion.*

Speaker Fraser was so taken with the design that he had a silversmith craft a baton which he donated to the office of the Speaker of the House of Commons as a legacy gift marking the 125th anniversary of Confederation. The intention of Mr. Fraser was to have future Speakers carry the baton in the parade that precedes each sitting of the House of Commons and, during the sitting, to place it before the Speaker's Chair. This has yet to happen. Neither of the two Speakers who have succeeded Mr. Fraser, Speaker Parent and Speaker Milliken, have ever carried the baton publicly.

At the conclusion of his short essay, Mr. Hicks cites a draft press release from Mr. Fraser assessing the importance of the baton. According to the press release, which was never issued, the baton is "a fully Canadian creation, this new symbol of office is part of a centuries old tradition in Parliamentary governments." How this "new symbol" is supposed to fit into the long history of parliamentary tradition is the principal theme of Mr. Hicks' article. First, Mr. Hicks explains that the baton is a centuries-old symbol of rank and honour. He notes that the baton dates back to ancient times and that in England it has been associated with the office of the Earl Marshal since the fourteenth century. The title of Earl Marshal still exists and this court official is now responsible for regal

ceremonies of state and appointing the Officers of Arms that constitute the College of Heralds. Since the time of the Duke of Wellington, field marshals in the British army have also had batons to designate their superior rank. In adopting this custom in 1813, Mr. Hicks notes, the British were imitating the military traditions of France, the German states and other European nations that have used batons for centuries.

From these preliminary observations, Mr. Hicks proceeds to state "it is hardly surprising given its historic roots and ancient traditions that batons of office are a large part of the opening of Parliament ceremony at Westminster." When the Queen opens Parliament with a Speech from the Throne, Mr. Hicks writes, she is escorted in a state procession by the Earl Marshal and other court officials who carry various batons, wands and staves that are associated with their offices.

Satisfied that batons are a feature of British parliamentary tradition, Mr. Hicks next tries to link batons to the history of Canada. He does this by reference to the careers of two soldiers, one French, the other British, who obtained high military rank. The first is François Gaston, *duc de Lévis*, who became a *maréchal de France* some years after his return to Paris following the French withdrawal from New France at the conclusion of the Seven Years War in 1763. The second is Earl Alexander of Tunis, who obtained the rank of field marshal during the Second World War, before becoming Canada's last British Governor General in 1946.

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Mr. Hicks then recounts briefly the creation of the Canadian authority for heraldry and how the Chief Herald of Canada, exercising his delegated power of the armorial prerogative, determined the design for the arms of Speaker Fraser, including especially the baton featured in the crest. Citing a letter from the Chief Herald, Mr. Hicks describes the symbolic meaning of the elements of the baton. The lion atop the baton, for example, represents the majesty of Parliament and the coronet of maple leaves and jewels symbolizes the people of Canada's provinces and territories. In addition, this baton, according to Mr. Hicks, needs to be distinguished from the mace, long recognized to be the symbol of the authority of the House of Commons. For Mr. Hicks, the baton "is an acknowledgement of the inherent trust the Crown places in the Speaker of the House and in the loyalty and dignity of the Commons." Furthermore "the baton ... is a symbol of authority, ... an instrument of command, ... and an historic symbol of honour for the highest ranking officer. The baton is a gift from the Queen ... The Queen gave the baton to the Speaker and gives the mace to the Sergeant-at-Arms. These symbols of office are rooted in the symbols of office from legislatures past and present."

Despite the obvious sincerity and enthusiasm with which Mr. Hicks presents his case, his exposition is simply not convincing. His effort to connect the baton to parliamentary tradition is weak. So too is his attempt to link the baton to Canada's history. More important, his claim that the Speaker's baton is a gift of the Queen is completely unfounded. Perhaps his most grievous error, however, is his idea that the baton, as a symbol of command and superior rank, should be associated with the office of the Speaker. This demonstrates a profound misunderstanding of the role and function of the Speaker in the House of Commons. The Speaker is not in any sense a military commander or an official of the Queen's Court. Rather, the Speaker is first and foremost a Member of the House of Commons, the guardian of its rights and privileges and its principal mouthpiece. Whatever authority the Speaker possesses, it is exercised as the servant of the House of Commons, not its master. The baton, as a scepter or rod of office, as Mr. Hicks conceives it, is not in any way an appropriate symbol for the Speaker of the House of Commons in Canada.

In the United Kingdom, the opening of Parliament and its annual sessions is a great occasion of state. For grandeur, few other spectacles match it. The Queen, escorted in procession by high-ranking members of her Court, is the centrepiece of the ceremony. The Earl Marshal, the Lord Great Chamberlain and the heralds play their part in lending pomp and circumstance to this ceremony. Their participation with the Queen serves to identify this event as a royal one, rather than a strictly parliamentary

affair. Both the Earl Marshal and the Lord Great Chamberlain are hereditary office holders and, as peers of the realm, they are and remain members of the House of Lords for the time being, despite the elimination of most hereditary peers in the recent reforms. It should also be noted that this great event of state takes place principally in the House of Lords, not the House of Commons. Whatever parliamentary associations there are through these royal court officials, they are linked to the Upper House exclusively, and not at all to the House of Commons.

The attempt to establish historic associations of the baton with Canada based on the careers and achievements of two military heroes cannot be taken seriously. The fact that a French officer who eventually became a *maréchal* spent some years in New France or that a British field marshal served as Governor General in the twilight of his career does not firmly root the baton in this country. Overlooked in Mr. Hicks' search to associate the baton with Canada is the fact that the Duke of Connaught, the third son of Queen Victoria, who served as Governor General between 1911 and 1916, was also a field marshal, receiving that rank in 1902. More curious still, Mr. Hicks fails to mention that another Governor General, Viscount Byng of Vimy, also obtained a field marshal's baton in 1932. However, these two omissions make very little difference. As Mr. Hicks himself points out, Canada has never possessed an army large enough to justify having an officer at the level of a field marshal. The baton is simply not a genuine part of Canada's military heritage. Even if it were, what has Canada's military history to do with Parliament and the role played by the Speaker of the House of Commons?

Seeking to endow the Speaker's baton with regal importance or significance, Mr. Hicks insists on stating three times that this baton is a gift of the Queen. This is simply not true. As he himself admits, it was Speaker Fraser who had the baton made based on a design incorporated into the crest of his coat of arms. The Queen did not give her approval of the baton's manufacture, nor did Her Majesty bestow it on Canadian Speakers as a symbol of office. The fact that the Chief Herald is authorized to design coats of arms for Canadians does not involve the Queen in any personal way. To suggest otherwise, as Mr. Hicks does, confuses an exercise of the Queen's delegated powers with a personal act of the Queen. It is equivalent to suggesting that all the laws of this country and all decisions of its courts are made by the Queen herself because the laws are enacted in Her Majesty's name and the courts dispense justice on the Queen's behalf. In short, the Queen did not give the baton to the Speaker nor is it a gift of honour from her personally.

The gravest error, however, is the notion that the baton, as a symbol of authority and command, should be

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viewed as an appropriate emblem of the Speaker's office. In no other jurisdiction in the Commonwealth does a Speaker use a baton. On the contrary, the symbol that is most often identified with the Speaker and the House of Commons is the mace.

Every Parliament and Legislature following the British parliamentary system has a mace. It is the mace that is historically the symbol of the royal authority and, in consequence, of the authority of Parliament. Despite this fact, Mr. Hicks seems intent on confining the mace to the Sergeant-at-Arms as a symbol of enforcement that is somehow inadequate for the Speaker. In putting his case this way, Mr. Hicks fails to understand both the deeper meaning of the mace and the evolution of its historic significance within the development of parliamentary government. For him, it would seem that the mace still belongs to the Queen and is somehow on loan to the House of Commons. As he puts it, "the mace is sent to Parliament with the Sergeant-at-Arms as the symbol of the Queen's authority under which Parliament is meeting." But this ignores a constitutional reality that has existed since 1649, when Parliament executed Charles I, and 1688, when Parliament confirmed its independence and supremacy by deposing James II and choosing William and Mary to rule in his stead.

The mace stands in modern times as a fundamental symbol of our constitution, of the permanent concession of royal power to the representatives of the people. It now remains permanently in the custody of the House of Commons. The one occasion when Charles I sought to suspend Parliament by sending for the mace, the Commons refused to relinquish it. It is for this reason that touching the mace is held to a serious offence against the House itself, because it is instinctively seen as an attempt to usurp for a personal purpose the authority that belongs to the whole people. By reducing the significance of the mace to a symbol of enforcement, Mr. Hicks betrays the very traditions that he professes to admire so much.

Equally important, the mace also symbolizes the authority of the Speaker. This association of the mace with the Speaker was highlighted in a statement made by Gilbert Champion, perhaps the foremost Clerk of the British House of Commons in the twentieth century. As he once pointed out, the mace is appropriately a symbol of the Speaker of the House of Commons because the authority of the Speaker and the House are indivisible. In proposing a baton, however, as the new emblem of the Speaker, Mr. Hicks is turning history upside down. A separate baton purporting to delegate royal authority to the Speaker would be a rival to the power invested permanently in the people's representatives by the concession of the mace. Contrary to what Mr. Hicks claims, the

baton would do nothing to enhance the "loyalty and dignity of the Commons."

Mr. Hicks states numerous times that the baton is a symbol of authority and command. While the baton might be suitable for an Earl Marshal or a field marshal, it is not appropriate for a Speaker. The Speaker does not have command over the House of Commons nor does the Speaker really have authority over it. Instead, the Speaker relies on the support of the Members of the House of Commons and his purpose is to serve their needs as parliamentarians. This reality was demonstrated very dramatically centuries ago in the incident which set off the English Civil War, the attempt by Charles I to arrest several Members of the House of Commons in January 1642. Barging into the Chamber while the House was sitting, the King demanded to know where the treasonous members were. By way of reply, Speaker Lenthall fell to his knees and answered:

May it please Your Majesty, I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here; and I humbly beg Your Majesty's pardon that I cannot give any other answer than this to what Your Majesty is pleased to demand of me.

Although this declaration was made under unusual circumstances more than three centuries ago, it would be difficult to find a more succinct statement indicating the true nature of the relationship of the Speaker to the House and to the Crown. Even today, when the Speaker of the House in Canada and elsewhere possesses more authority and exercises more responsibilities than did Speaker Lenthall, the Speaker remains essentially a servant of the House. The Speaker is not a royal courtier or a government agent who is expected to look after the Crown's interests, nor does the Speaker exercise any real command over the House of Commons. Rather, as the elected choice of fellow Members of Parliament, the Speaker serves as the impartial presiding Chair whose efforts must always be dedicated to the proper conduct of parliamentary business on behalf of all Members.

As Lord Champion explained, the mace is associated with the authority of the House of Commons and also with the Speaker because that authority is indivisible. Consequently, the mace, which he follows in procession, not a baton, which he would carry himself, remains the only appropriate emblem of the Speaker of the House.

The claim of Mr. Hicks that the baton is "rooted in the symbols of office from legislatures past and present" is unfounded. The baton, as a "new symbol" of the Speaker's office, is not, and has never been, "part of the centuries old tradition of Parliamentary governments." Nor should it be.