

# THE STYLE AND TITLE OF QUEEN CONSORT

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The essence of heraldry is symbolism and identity. As such it involves the labelling and branding of individuals, and groups, so that these may be identified among the masses. Royal and state heraldry is especially important for historical reasons, but also for the political statements which it may contain. Thus the claim of one country to the disputed territory of another may be exemplified by the inclusion of the heraldic emblem of the claimed territory.<sup>1</sup> Equally, it is possible to renounce associations, such as by removing the quarterings or escutcheons of states from one's own arms.<sup>2</sup>

Titles, whether royal or noble, reflect similar considerations. The victor of a great battle may commemorate his victory in his title – such as Nelson, of Trafalgar,<sup>3</sup> Fraser of North Cape,<sup>4</sup> Napier of Magdala,<sup>5</sup> or French, of Ypres.<sup>6</sup> It is also possible for a statement to be made by not using a particular title. A recent significant example of this is the decision that Her Royal Highness Camilla Duchess of Cornwall will utilize this style, rather than that of Princess of Wales, and the concurrent announcement that she would be known as Prince Consort rather than Queen Camilla when the Prince of Wales succeeds to the throne.<sup>7</sup>

In the days preceding the marriage it was apparent that some people were still confused as to the status of Camilla Parker Bowles after her marriage to the Prince of Wales. British MP Andrew Mackinlay “revealed” that Camilla would automatically become Queen on the accession of the Prince of Wales to the throne. This “revelation” was not new, and showed the opportunist nature of many politicians, and the danger of politicians and others commenting on technical matters of which they were ignorant or ill-informed.

The wife of a King automatically becomes Queen, not because of any Act of Parliament, but because this has been the custom and practice for a thousand years.<sup>8</sup> The wives of Kings in Saxon times did not generally use the royal title, being styled “Lady” instead. But since that time it has been customary for the consort of a king to be styled Queen. In the ordinary course of events Camilla would have become Queen Camilla on the accession of Charles to the throne. However the spouse of the Sovereign need not necessarily use the title to which she is entitled. It was announced at the outset that Camilla would not use the title of Queen, just as she will not use the title of Princess of Wales – though legally entitled to both.

No change in the law was anticipated for either usage, nor was any change needed, either in the United Kingdom or any of the Commonwealth realms. The various Royal Titles Acts in the United Kingdom, Australia, New Zealand and elsewhere were not pertinent, since they deal only with the title of the Sovereign, and not with that of their Consort or members of the Royal Family, though certain commentators referred to them. These latter titles are regulated by custom and the royal prerogative, not by parliamentary

legislation.<sup>9</sup> The position in Australia and New Zealand is no different to that in the United Kingdom. To formally deny Camilla the title and status of Queen in any realm would require an Act of Parliament in that realm, but this is not necessary, and indeed would be inappropriate.

A distinction must be drawn between the right to the royal style and title on the one hand, and the possession of constitutional powers and authority, which is vested solely in the person of the Sovereign. The Princess of Wales has no constitutional role or authority, as their title is derived solely from their marriage to the Prince of Wales – just as with any marriage to a prince or peer. The Queen Consort also has no formal constitutional role or authority, and only some insignificant and largely obsolete legal privileges, apart from the customary entitlement to the royal style and title.<sup>10</sup> This is as true in Australia and New Zealand as it is in the United Kingdom.

A suggestion that Clarence House had deliberately misled the public (in suggesting that Camilla would be only Princess Consort, and not Queen – when she would be legally Queen, but not use the title) was incorrect as they were simply stating what the intention was – which was all they could do. Certain commentators may have drawn incorrect inferences from what had been said, but that was immaterial. The official position was simply that Camilla will be styled Princess Consort upon the accession of the Prince of Wales, just as she will be styled Duchess of Cornwall during the lifetime of her present Majesty The Queen. This is a matter of usage, and one which the palace can decide without ministerial involvement – or legislation – being necessary.<sup>11</sup>

The difficulty with this arrangement, however politic it may be, is that it amounts to an irregular derivation from long-standing practice. The use of the style Duchess of Cornwall is not especially worrying, since the Prince of Wales, per se, does not enjoy a constitutional role. Although the title did entitle him to a seat in the House of Lords, this is no longer so. The role of the Prince of Wales within the Principality is not dependent upon possession of the title. It is little more than a peerage title.<sup>12</sup> Wives of peers and themselves can use any of their secondary titles, if they wish. Most importantly, the Princess of Wales does not have a formal constitutional role. For this reason the title is little more than a peerage title as far as New Zealand and the other realms of the Crown are concerned.

It has long been customary for members of the royal family to use their secondary titles whenever visiting the territories after which they are named, so there is nothing especially unusual in the Duchess of Cornwall using this style alone – and that of Duchess of Rothesay when in Scotland. This is merely a sign of sensitivity to the memory of Diana Princess of Wales and the many people who remain dedicated to her memory. It is not clear whether the Governments of the realms were specifically consulted with respect to the style of the Duchess of Cornwall, but it is not especially important whether they were or not, since no change in the legal status of the Duchess was involved. She became, upon marriage to the Prince of Wales, legally entitled to the titles held by the Prince, and it is merely a matter of practice that she will not use her highest title socially – at least at present.<sup>13</sup>

The decision to also announce, at the time of the engagement, that the Duchess of Cornwall-to-be would be known as Princess Consort upon the accession of the Prince of Wales to the throne was constitutionally much more significant. The wording used in the announcement was to the effect that it was the intention that she would be thus styled. There was no suggestion that legislation would be required, either in the United Kingdom or elsewhere. Strictly this is true, since even a Queen Consort could conceivably choose to not be known as Queen, but to live under a lesser style. It would be very unusually, however. It would be more difficult for a Queen Regnant – such as her present Majesty – or a King, to use a lower title,<sup>14</sup> since they have a major constitutional role and could not relinquish the emblems of office any more than they could dispense with the substance.<sup>15</sup>

It is certain that the Governments of the realms were well aware that the intention of Camilla Parker-Bowles was to renounce the future use of the style of Queen. The use of the style Princess Consort, though unprecedented in British constitutional history, is analogous to that used by the husband of Queen Victoria. Prince Albert was, as both he and the Queen lamented, unknown to the constitution – a sentiment believed to have also been expressed by the present Duke of Edinburgh. A “Princess Consort”, like “Prince Consort”, has no constitutional role or function, isn’t a peerage title, and is as a purely symbolic a title as is that of “Princess Royal”.<sup>16</sup> But, like the latter title, it is valuable because of its historical association, and because of the image it conveys. However, while Princess Royal suggests seniority – it is held by the eldest daughter of the Sovereign – that of Prince Consort and Princess Consort suggest an element of inferiority. A Princess Consort is lower than a Queen. Since the wife of the King has been styled “Queen” for a thousand years the use of a lesser style suggests a state of less than full equality or matrimony. The husband of a Queen has no position unless one is assigned to him, though Philip of Spain (husband of Mary I), claimed the title King, and wanted to share the government. However, his claim to rule was declined by English statesmen and lawyers alike.

There are numerous examples of so-called morganatic marriages in Europe, in which a member of a royal house marries beneath his rank.<sup>17</sup> His wife assumes a title of nobility or lesser royal title.<sup>18</sup> But this arrangement is unknown to British constitutional law and practice, which has always been more flexible and more accepting of marriages to lower-ranked, and often non-royal, spouses. Unfortunately the decision that Camilla would be styled Princess Consort does in fact apparently relegate her to the status of a morganatic wife, since she does not openly share her husband’s rank.

The absurdity of this is that Camilla would remain legally Queen Consort – unless she were to be deprived of this rank by legislation. The exact status of the Queen Consort is not clear, but on an analogy with the peerage the style could only be formally renounced or relinquished by Act of Parliament – though it need not be used socially. It is very unlikely that any such legislation would be proposed in the short term, though it might be passed in the United Kingdom at the time of the passage of a new Civil List Act, which would be required after the accession of the Prince of Wales. This would of course mean

that Camilla would be formally and legally Queen Consort at least for a time. It is possible that equivalent legislation could be passed in New Zealand, though the opportunity is less clear, since there are no statutes which would require amendment upon the accession of a new Sovereign. Any British legislation would not apply to New Zealand unless New Zealand chose to request that it did so.<sup>19</sup>

It is likely that Clarence House would prefer to avoid the potential embarrassment of a parliamentary debate – or a series of debates across the Commonwealth. It has opted instead to hope that an informal decision to not use the title will be sufficient. How this would be reflected heraldically is uncertain – and doubtless the College of Arms and Lord Lyon are hoping they will not be required to invent new heraldic devices to portray a Queen Consort who eschews the title.

It remains to be seen whether the de facto compromise will be workable. Because it is universal practice for the wife of a King to be called Queen, it is likely that there will be some misunderstanding of the role of the Princess Consort. In some countries she might be received as a sort of royal concubine or morganatic wife, rather than as the Queen which she would legally be.

The best outcome to hope for is that Camilla Duchess of Cornwall will become widely accepted, and that the more fanatical Diana enthusiasts, who opposed Camilla's marriage to the Prince of Wales, will have become less vociferous. Then Camilla could use the style Queen to which she would be legally entitled, and which she has only declared a desire to renounce out of a wish to not antagonise those who can never move forward and who are seemingly forever wedded to the memory of Diana Princess of Wales, whatever the cost to the Prince of Wales.

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<sup>1</sup> Such as the inclusion of the fleurs-de-lys of France in the royal arms of England, and then Great Britain, until 1800.

<sup>2</sup> As recent example being the removal of the Saxe-Coburg und Gotha insignia from the royal arms in 1917.

<sup>3</sup> Vice-Admiral Viscount Nelson, whose brother was created Earl Nelson, of Trafalgar, in his memory. The 200<sup>th</sup> anniversary of this glorious victory was marked by an International Fleet Review at Spithead, at which The Queen took the salute, but from which the Royal New Zealand Navy was conspicuously absent.

<sup>4</sup> Admiral Sir Bruce Fraser, Commander-in-Chief Home Fleet, for the Battle of the North Cape, 1943.

<sup>5</sup> Lieutenant-General Sir Robert Napier, created Baron Napier of Magdala 1868, following his expedition to Ethiopia in which he captured Magdala and compelled the release of British captives.

<sup>6</sup> Field Marshal Sir John French, Commander-in-Chief of the British Expeditionary Force in France, was created Viscount French, of Ypres in 1916. He later became Earl of Ypres.

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<sup>7</sup>“Announcement of the Marriage of HRH The Prince of Wales and Mrs Camilla Parker Bowles”, Clarence House, 10<sup>th</sup> February 2005.

<sup>8</sup> Sir William Blackstone considers this at length in his *Commentaries on the Laws of England*, and the litigation surrounding the claims of Queen Caroline, wife of King George IV, also reviewed much of the relevant law.

<sup>9</sup> Though the Duke of Cornwall is in a special position with respect to his estates, and the title of Duke of Rothesay is held by virtue of statute.

<sup>10</sup> Privileges designed to uphold the dignity of the Queen at a time when married women generally lacked the legal rights they enjoy today – such as the control of separate property, and the right to sue and be sued separately from their husbands.

<sup>11</sup> As no formal changes were involved Her Majesty The Queen was not required to consent. However, as it involved a matter central to the perception of the Royal Family she would undoubtedly have been involved in the decision-making process.

<sup>12</sup> See also Noel Cox, “The British Peerage: The Legal Standing of the Peerage and Baronetage in the Overseas Realms of the Crown with Particular Reference to New Zealand” (1997) 17 (4) *New Zealand Universities Law Review* 379-401.

<sup>13</sup> She might assume the style of Princess of Wales at some time in the future – as she is entitled to it. In a similar manner it has been stated that Lady Louise Windsor, daughter of Their Royal Highnesses Earl and Countess of Wessex, will be free to assume the style of HRH Princess Louise of Wessex at some time in the future.

<sup>14</sup> The title of King was sufficient and no additional title had any relevant to the possession or exercise of the royal prerogative; *Anon* (1555) Jenk 209; 145 ER 142.

<sup>15</sup> Sovereignty cannot be relinquished without the consent of Parliament since the title is primarily parliamentary.

<sup>16</sup> This is of eighteenth century origin, and is conferred by letters patent under the royal prerogative. No peerage or other privileges are created thereby.

<sup>17</sup> When females marry beneath their rank they usually lost their title altogether, since they acquired the social rank of their husband.

<sup>18</sup> For examples, see the Battenberg family, HSH Princes of Battenberg (26<sup>th</sup> December 1858) and Counts of Battenberg (5<sup>th</sup> November 1851).

<sup>19</sup> See Noel Cox, “The Law of Succession to the Crown in New Zealand” (1999) 7 *Waikato Law Review* 49-72.