

New Zealand's Knights and Dames

An Historical Account and Critical Assessment of the Current Place of Knightly Dignities in the National Honours System

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1. Introduction: Knights and Dames in New Zealand

The dignity of 'knight' — an originally strictly martial status that was effectively restricted to men of noble birth in Britain and France around 1170, and came to be associated with what were originally *fraternal* orders modelled on the fictional Round Table in the 1420s — was first conferred on someone with a connection to the British colony of New Zealand in 1848. Four more knighthoods were conferred on New Zealanders in the 1850s and 1860s, and additional awards have been made more-or-less regularly — with only a few significant interruptions — since 1873. An equivalent dignity for women — that of 'dame', which had earlier been the honorific prenominal prefix of the *wife* of a knight — did not exist until 1917, when it was included in the Order of the British Empire founded in that year. Nevertheless, the award of any form of knightly dignity in New Zealand remained very rare until the 1980s, and has only since then become a standard feature of that country's own honours lists.

There are currently about two hundred New Zealanders who are knights or dames in the orders of knighthood either of the Crown of New Zealand or of the Crown of the United Kingdom, or knights or dames **bachelor** — the original type, independent of any such order. Knights and dames in both categories are entitled to set the honorific prefixes of '**Sir**' and '**Dame**' respectively before their forenames, and either their full substantive title ("Knight", "Dame Commander of the Most Excellent Order of the British Empire", or the like), or the standard abbreviation for that title (Kt., DBE, etc.) immediately after their surname, in keeping with long-established British custom.

In New Zealand, as in the other realms in personal union with the United Kingdom in which they have been maintained other than that kingdom itself (which include Canada, albeit in a diminished form), these knightly dignities constitute the highest honours that can be conferred upon subjects. That fact — along with the fact that they convey to their holders distinctive prenominal prefixes by which their

holders are normally addressed and referred to – make them highly valued among those who believe in such traditional distinctions.

Nevertheless, the existence of these dignities and their attributes in New Zealand constitute a legacy of empire, and fit less naturally or comfortably into the country's generally egalitarian society than into that of the mother country – in which they are part of a much larger system of honours, the higher of which are still hereditary. Their acceptance in sister realms, including Canada, has for that reason been either suspended or severely curtailed. This article sets out to recount and explain their distinctive history in New Zealand, and to comment on a number of anomalous practices that have almost inevitably arisen there.

2. Knighthood and Knightly Orders in the British Isles, c. 1100 - 1920

Because the history of the status now represented in English by the word “knight” is both long and complex, it will be useful to preface the discussion of its place in the society of New Zealand with a rapid summary of its history before its introduction there.¹

In the last century of the West Saxon regime, the Old English word *cniht* – whose basic sense was “boy” and had come to be used to mean “male servant” – was applied particularly to the military retainers of the noble *thegnas*, whose position was broadly analogous to that of the contemporary *barons* of France. The *barons* themselves were served by retainers called *chevaliers*, literally “horsemen”, whose distinctive designation reflected the fact that (unlike the English *cnihtas*, but like their own baronial lords), they were trained to ride to battle on horseback. In 1066 the Norman *barons* and *chevaliers* defeated the dismounted *thegnas* and *cnihtas*, and soon replaced them as the dominant element of post-Conquest English society. Lacking a native word for the *chevaliers*, the English gradually extended to them the native term *cniht*, soon re-spelled *knyght*, and for the next three centuries *knyght* and *chevalier* were equivalent titles in the two vernacular languages of England.

During that same period, however, the conception of the position designated by that pair of titles underwent a double

¹ On these developments, see *inter alia* D'A. J. D. Boulton, 'Classic Knighthood as Nobiliary Dignity: The Knighting of Counts and King's sons in England 1066-1272', in *Medieval Knighthood V*, ed. Stephen Church and Ruth Harvey (Woodbridge, 1995), pp. 41 – 100. The editor of this journal is a widely recognized expert on the history of knighthood and related ideas and institutions.

transformation. This was at least partly the result of the development in the years around 1100 of the tactic of fighting in close formation with couched lances — which required a new breed of horse, a new type of saddle, and constant practice under the command of a noble baron — and led the latter to see himself as fellow *chevalier*, and to employ that title in martial contexts. It was also partly the result of the extension to the originally sub-noble knights, of the eleventh-century doctrine that noble warriors constituted a divinely-established “order” comparable to the priesthood, whose theoretical duty was to protect the rest of society.

This led in turn to the transformation of the originally unceremonious act of ‘arming’ or ‘dubbing’ knights (the Old French verb *adoubier* meant simply ‘to arm’) when they had completed their training, into an elaborate rite of *ordination*, comparable to a modern graduation or commissioning ceremony, which culminated in the belting on of a sword, the strapping on of a pair of spurs, and the delivery of a blow to the neck (originally with the hand, but eventually with the flat of the initiator’s sword) at first called the *collee* and later the *accolade*. This ritual was at first restricted to the sons of kings, princes, and barons, but was gradually extended to all knights who could afford it. The principle was soon established that only noble men who had themselves been admitted to knighthood in this way could confer knighthood on others, and knighthood came to be treated as a type of dignity entailing a number of distinctive military and civil obligations.

These developments, combined with the steadily increasing cost of knightly armour and equipment after about 1150, and therefore of the ritual by which they were conferred, led on the one hand to a fusion of the original *non-noble* knightage with the original *non-knightly* nobility, and on the other hand to a rapid and massive reduction in the number of men who chose to accept admission to knighthood — who by 1250 represented a small elite within the expanded noble estate. The number of knights in England is estimated to have dropped from about 6,000 in 1100 to about 1,250 at the accession of Edward I in 1272, and although it fluctuated around that figure for most of the fourteenth century, it declined to as low as c. 300 in 1420.¹ Clearly these numbers were too low to provide an adequate force of heavy-cavalrymen to the English armies, but as in France (which underwent similar changes in the same period), the heirs of many of the knights of England continued to present themselves for service in their traditional capacity with somewhat inferior horses and equipment, at the lower rank of *serjeant* (literally ‘servant’ once again) — forming with the dubbed knights a military category of ‘men-at-arms’.

A distinction also emerged in this period between (a) the richer knights who (like the richer barons) could afford to appear at the muster with a troop of lesser knights and men-at-arms to serve under a rectangular armorial *banner* of the sort previously restricted to barons, and (b) the poorer knights, whose unit consisted of a squire and a handful of infantrymen, serving under their lord's triangular *pennon*. The superior knights came to be called '**knights banneret**' and the inferior ones '**knights bachelor**' (a traditional term for a young man). This distinction was to survive in Britain until the seventeenth century, when the new hereditary orders of '**baronets**' ('little barons') created by James VI and I to reward knights not rich or important enough to be made peers, began to replace the older class of bannerets.

In the meantime to right to confer knighthood of either class in England had been effectively restricted to the king and (with his authorisation) his principal deputies, and had begun to take on the character of an *honour* detachable from military training and service. It became increasingly common in the fourteenth century to confer simple knighthood on royal officers like sheriffs and judges, to give them social equality with military commanders. That practice was normalized in the sixteenth century, and has been preserved to the present day.

Changes in military technology and tactics finally made the traditional knight in heavy armour obsolete, and by the mid-sixteenth century knighthood had become what we know it today: a purely honorific status that could be conferred only by the Sovereign. The military origins of the status were recalled, however, in the ceremonial act of 'dubbing' — by 1550 reduced to what had been its final element: the act of striking the new knight on the neck (*col*) with a sword. The act of dubbing continued to be performed either by the Sovereign him- or herself, or by someone deputised for the purpose: a junior member or the Royal Family, or a royal officer with a standing commission as a deputy, like a Governor or Governor-General.

In the meantime, another honorific dignity associated closely with knighthood had been introduced in the middle years of the fourteenth century: that of member or 'companion' of a particular society or 'order' whose membership was restricted to dubbed knights. Orders of this sort — modelled principally on the purely fictional Company of the Round Table familiar to contemporaries from the Arthurian romances that constituted the most popular form of literature from the twelfth to the fifteenth century, but borrowing some of their elements from the older *crusading* orders of knights like the Templars and Hospitallers of St. John — were established in most

royal and many princely courts between 1330 and 1469.² By 1530, however, only four of these survived, including the only English order of the type, which had been the principal model for most of the others: the **Order of St. George or of the Garter**, founded by King Edward III in 1348/9 to celebrate his victory over the French at Crecy. It was and remains to this day an extremely selective body of twenty-six regular 'knights companion' (including the king and his heir apparent), made up largely of distinguished peers and foreign monarchs — for whom *knighthood* itself was often the least of their many dignities, but *companionship* in the Order was nevertheless very highly valued.

Like its many imitators, the Order of the Garter was a formal corporate body governed by statutes providing for a particular seat (in its case in Windsor Castle), corporate officers and servants (including a college of canons), and corporate activities (especially an annual meeting and banquet on the patronal feast-day). It also conveyed to its companions a growing set of distinctive **insignia** (both a three-dimensional and two-dimensional **badge** in the form of a sword-belt worn as a garter, and later a metallic **collar** with a pendant image of its heavenly patron), a formal **habit** for wear on special occasions (including a **mantle** based on those worn by the knights of the crusading orders), and a level of precedence above all other knights.

From 1348 to 1687 the Order of the Garter was the only such body in any of the three kingdoms of the British Isles, but in the latter year James II and VII proclaimed a very similar order for Scotland — the **Order of the Thistle**, with only twelve companions — and although it fell into his abeyance on his flight in the following year, it was effectively revived by his daughter Queen Anne in 1703, and has persisted since that date. It is significant that, as in the case of the Garter, companionship in the Order did not *confer* but rather *required* the prior conferral of knighthood, and that would remain the rule in subsequent foundations.

The third order to be founded in Britain was that of the **Bath**, created in 1725 on the same general model (though with thirty-six companions) to provide a comparable if inferior honour to those who hoped eventually to be admitted to the Garter. An Irish analogue to the Garter and the Thistle — the **Order of St. Patrick** — was founded in 1783 (with sixteen companions including the king), bringing the total number of British orders to four, and the maximum number of their companions other than the king to eighty-six.

² On these orders, see esp. D'A. J. D. Boulton, *The Knights of the Crown: The Monarchical Orders of Knighthood in Later Medieval Europe 1325-1520*, 2nd edn. Woodbridge, Suffolk, 2000

Continental 3 grade orders	Continental 5 grade Continental 6 grade orders	British 3 grade orders	British 5 grade orders <i>O. of St John</i>	New Zealand O. of Merit
Grand Cross	<ul style="list-style-type: none"> •Grand Cross •Grand Cordon •<i>Commander of the Grand Cross</i> 	Knight/ Dame Grand Cross	<ul style="list-style-type: none"> •Knight/ Dame Grand Cross or Grand Commander •<i>Bailiff Grand Cross</i> 	Knight/ Dame Grand Companion
	<ul style="list-style-type: none"> •Grand Officer •Commander I Cl. •<i>Commander</i> 	Knight/ Dame Commander	<ul style="list-style-type: none"> •Knight/ Dame Commander •<i>Knight</i> 	Knight/ Dame Companion
Commander	<ul style="list-style-type: none"> •Commander •Commander II Cl. •<i>Kt. Grand Cross Ist Class</i> 	Companion	<ul style="list-style-type: none"> •Commander •<i>Commander</i> 	Companion
	<ul style="list-style-type: none"> •Officer •Knight First Class •<i>Kt. G. Cross IInd Cl.</i> 		<ul style="list-style-type: none"> •Officer (•Member 4th Cl.) •Lieutenant •<i>Officer</i> 	Officer
	• <i>Knight First Class</i>			
Knight	<ul style="list-style-type: none"> •Knight •Knight <i>Second Class</i> 		<ul style="list-style-type: none"> •Member (•Member 5th Cl.) •<i>Member</i> 	Member
			• <i>Squire</i>	

Table 1. The Grades of European, British, and Canadian Orders Compared
(Grades conveying the dignity of knight or dame are boldfaced and set in coloured fields)

In the meantime, another new model for an order of knights had been created by Louis XIV of France in 1696, and had given rise to imitators in most of the kingdoms of Europe other than those of the British Isles.³ The *Ordre militaire de Saint-Louis* or 'Military Order of St. Louis' was a hybrid of the traditional *neo-Arthurian* order, with the traditional *religious order* of knights, (of which the sole important survivor by that time was the Order of the Hospital of St. John of Jerusalem). The religious model provided for the existence of several distinct *grades* of knights, and Louis created three such grades, designated by the borrowed titles of (ordinary) **Knight** (*Chevalier*), **Commander** (*Commandeur*), and **Grand Cross** (*Grand' Croix*). The new order was intended as an instrument for rewarding the service of noble officers in the royal army, and while the two higher grades were

³ On the later orders and their structures, see esp. Antti Matikkala, *The Orders of Knighthood and the Formation of the British Honours System 1660-1760* (Woodbridge, 2008). This book was based on his Cambridge Ph.D. thesis, for which Prof. D'Arcy Boulton (the Editor of this journal) was the external examiner.

limited to 8 and 24 members respectively, no limit whatever was placed on the number of simple knights who could be admitted, and the Order came to include hundreds. The model of the multi-grade order of merit with two *superior* grades restricted in numbers, and one or more *inferior* grades with ever-larger numbers of members, was finally adopted in the newly-unified United Kingdom in 1815, when to reward the many officers who had contributed to the defeat of Napoleon, the Prince Regent – acting in the name of his father King George III – reorganized the existing Order of the Bath into three grades comparable to those of the many continental orders of merit, as well as two divisions, military and civil. In addition to the latter divisions, the reorganized Order of the Bath differed from its continental analogues in restricting knighthood itself to its two higher grades – those of **knight grand cross** and **knight commander** – leaving the old grade of **companion** to men who would not be admitted to knighthood.

A similar pattern of knightly and sub-knightly grades was then introduced into all of the later orders created on the continental model between 1818 and 1917 (listed below), though the number of their grades varied from three to five, and the designations of their various grades was similarly varied. The members of the sub-knightly grades were called variously by the titles '**companion**', '**commander**', '**lieutenant**', '**officer**', or '**member**' of the order in question (as can be seen in Table 1).

In all of the older, single-grade orders, the **insignia** of membership had by soon after 1725 come to include, in addition to the **mantle** with its **breast-badge** (introduced in the Order of the Garter 1348), and the great **collar** introduced in the same order c. 1495, a secondary form of **badge suspended from a ribbon or riband** (by 1660 worn like a baldric over one shoulder), and an irradiated version of the breast-badge called a '**star**', worn on the civil coat. These forms of insignia were introduced into all of the newer orders, and in those with three or more grades, were given different forms representing each of those grades.

Analogous sets of postnominal abbreviations were similarly introduced to represent the multiplicity of orders and their grades, so the original **KG** ('Knight [Companion] of the Garter') was joined by **KB** ('Knight of the Bath'), and later by **GCB** ('Knight Grand Cross of the Bath'), **KCB** ('Knight Commander of the Bath'), **CBE** ('Companion of the Order of the British Empire'), **LVO** ("Lieutenant of the Royal Victorian Order"), and the like.

The orders all have a collective place in the order of precedence (indicated in Table 2 below), which in turn determines the order of precedence conveyed by their respective grades in situations

in which the members of other orders are present. Thus, a Knight Grand Cross of the Bath enjoys a precedence *below* the Knights and Ladies Companion of the Garter and the Thistle, but above the Knights and Dames Grand Cross of St Michael and St George, while a Knight Commander of the latter order takes precedence of those of the same grade in the Orders of still lower collective precedence – indicated in Table 2.

1. The Most Noble Order of the Garter (1348/9) (England)
2. The Most Ancient and Most Noble Order of the Thistle (1689, 1703)
3. *The Most Illustrious Order of St Patrick* (1783) (Ireland: dormant)
4. The Most Honourable Order of the Bath (1725)
5. *The Most Exalted Order of the Star of India* (1861: dormant)
6. The Most Distinguished Order of St Michael and St George (1818)
7. *The Most Eminent Order of the Indian Empire* (1878) (dormant)
8. The Royal Victorian Order (1896)
9. The Most Excellent Order of the British Empire (1917)

Table 2. The United Kingdom Orders in Order of Precedence

It is worth noting here that it has long been possible for an individual to belong to two or more knightly orders, either at the same or different grades. Of course, the great majority of the members of all but the most senior orders occupy only the lower, sub-knightly grades, and are therefore neither knights nor dames. The dignity of **dame** itself – introduced as noted above in the Order of the British Empire in 1917, and since then extended to all of the other multi-grade orders – has continued to be associated exclusively with such orders, and quite illogically women have not yet been admitted to damehood (essentially female knighthood) through the traditional accolade. Nevertheless, the original practice of creating ‘knights bachelor’ unconnected to membership in an order has persisted, and in the U.K. remains the standard basic honour for public servants like judges.

Today it is possible for someone who has been made a knight bachelor to be a member of one or more *orders* at sub-knightly grades, because the various different forms of honour are conventionally conferred in recognition of different kinds and levels of achievement. And because the dignity of knight is always a *conferred* honour and that of baronet is usually *inherited*, and because the original practice of knighting the heirs apparent of baronets at their majority ceased long ago, knighted baronets may now set Kt. after their name following their Bt.

3. Knights and Dames in New Zealand under the British Imperial (and Quasi-Imperial) Regimes, 1840-1995

New Zealand was incorporated into the British Empire in February 1840, initially as part of the United Kingdom's colony of New South Wales. It very soon became a separate colony, however, and was proclaimed a **Dominion** (on the model of Canada) in 1907.

Queen Victoria, Sovereign of the United Kingdom of Great Britain and Ireland and of the British Empire as a whole from 1837 to 1901, had a variety of honours available to reward her *male* subjects throughout the Empire – honours mainly associated with knighthood. Nevertheless, as the list of orders in Table 2 suggests, the range of honours available for conferral on her imperial subjects outside India before 1896 was very restricted compared with today. On the advice of her ministers, Queen Victoria could create (1) hereditary **peers** of the United Kingdom, (2) hereditary **baronets** of Ulster and Nova Scotia, (3) **Knights Companion** of the Garter, Thistle, and St Patrick, (4) **Knights and Companions** of the Orders of the Bath and St Michael and St George, and (5) **knights bachelor**. The likelihood of anyone in New Zealand being considered for first three classes of honour was very remote, however, and the Order of St Michael and St George was until 1868 essentially a local honour for Malta and the Ionian Islands.

The first time a knighthood of any class was conferred on someone *residing* in New Zealand was in April 1848, when the Governor, Captain George Grey – an Englishman only temporarily resident in New Zealand – was appointed a Knight Commander of the Civil Division of the **Order of the Bath** (KCB). For some years thereafter, however, there were no regular honours lists for the colony, and the first move towards the establishment of such a list occurred a decade later, in 1858, 'when the then Governor, Sir Thomas Gore Browne, was invited to bring deserving cases to the notice of the Secretary of State for the Colonies.'⁴

The first man to be recognised under the new directive was Charles Clifford, first Speaker of the New Zealand House of Representatives, who was created a **knight bachelor** in 1858. Further knights bachelor were occasionally created (one in each of 1860, 1862, 1866, 1873, 1880, and 1881). After the **Order of St Michael and St George** was reconstituted and enlarged in 1868 as a means of honouring official and public service throughout the British Empire, however, knighthoods in that order (invariably of the rank of **KCMG**, except for one at the higher rank of **GCMG** for a Governor) became

⁴ A.H. McLINTOCK (ed.), *The Encyclopaedia of New Zealand*, Government Printer, Wellington, 1966, vol. 2, p. 113.

the most common type of award conveying either a knightly or a superior dignity in New Zealand.



The insignia of the
Order of the Bath



The insignia of the Order of
St. Michael and St. George

Figure 1. The Insignia of the British Orders Conferred in New Zealand

Throughout Victoria's reign, however, it continued to be unusual to see more than one or two honours of any type awarded in any year, and the list of honours held by colonists published in New Zealand's first *Official Yearbook* in 1892 comprised a mere 18 names (only living holders were mentioned), of whom 13 were knights.

Throughout this period there was an undercurrent of opposition to the concept of royal honours in New Zealand, and Richard John Seddon, Premier from 1893 until his death in 1906, declined to make recommendations for honours of any sort for many years. Indeed, more than once he turned down the offer of a knighthood and appointment as a KCMG for himself.

On the other hand, in 1900 he actively sought the title of '**Honourable**' for his wife (although that came to nothing) and in 1902 he accepted appointment to the Imperial Privy Council with the predicate '**The Right Honourable**' – which was more honourable than the mere '**Sir**' conveyed by a knighthood.⁵

This is indicative of the confusion that existed, and still exists, over what constitutes a '**title**' or '**titular honour**'. Strictly speaking, the only *title* conveyed by a simple knighthood is 'knight', and the

⁵ P.J. GALLOWAY, *The Order of St Michael and St George*, Third Millennium Publishing for the Central Chancery of the Orders of Knighthood, London, 2000, p. 121-122, and T.W.H. Brooking, *Richard Seddon: King of God's Own*, Penguin Books, Auckland, 2014, pp. 341-343.

praenominal prefix “Sir” is merely an *honorific attribute* of the dignity designated by that title. Similarly, “**Member of Her Majesty’s Most Honourable Privy Council**” (abbreviated P.C.) is the *title* of a dignity that conveys to its holder the honorific *predicate* ‘**Right Honourable**’: a predicate that is also conveyed by junior ranks of the peerage, and is analogous to the predicates “**Very Reverend**”, ‘**Venerable**’, “**Right Reverend**”, and “**Most Reverend**”, enjoyed by Anglican deans, archdeacons, bishops, and archbishops. It is a curiosity of cultural history that people who have no objections to such honorific attributes should have such strong objections to the honorific attributes of the inferior and equally non-hereditary dignities of knight and dame.

In 1896 Queen Victoria did create a new order of knighthood that was open in principle to New Zealanders: the **Royal Victorian Order**, divided into five grades, the first two of which were knightly. As it was created to reward personal service to the Sovereign, however, and as British Sovereigns before Elizabeth II were not in the habit of visiting New Zealand, it was not awarded in New Zealand by its founder. Since then, occasional appointments have been made to New Zealanders, chiefly in connection with royal visits, but the beneficiaries have mainly been Governors-General and officials at Government House. The order was opened to women in 1936, since which time **dames** as well as **knights** have been admitted to it in New Zealand.

The twentieth century began with a softening of the New Zealand Government’s attitude to honours, and Henry Miller, Speaker of the Legislative Council, was promised a knighthood in the New Year Honours of 1901. Further knighthoods were bestowed, but sparingly, in the years leading up to the First World War. As a result the 1914 *Official Yearbook* listed only 16 knights: eight **knights bachelor**, and eight **Knights Commander of St Michael and St George**. In 1907, James Mills became the first New Zealand-born knight bachelor (he was promoted to KCMG in 1909), and in 1911 James Carroll became the first Maori to be knighted, when he was created a KCMG. For service in the First World War, two New Zealanders were created KCMGs, and two KCBs.

As I noted above, a new order, **The Most Excellent Order of the British Empire**, was established in 1917. This *five-class* order – the first to be open to both men and women – was intended to recognise the service of both civilians and members of the armed forces, initially in the unique circumstances of the Great War, but later in peacetime as well. Membership in the two highest classes of the order entailed the conferral of knightly status, but no New Zealanders were appointed at those levels for services in connection with the War. However, the Governor-General

and his wife (the Earl and Countess of Liverpool) were both appointed to the highest grade of the new order when the war ended in 1918.

The standard pattern of publishing New Year's and Sovereign's Birthday honours lists was established in the United Kingdom by the early twentieth century, and honours for New Zealanders were similarly published in twice-yearly lists in *The New Zealand Gazette* from 1918. In the years between the World Wars (1918-39), the New Zealand honours lists were very modest, typically including only half a dozen names, and often fewer, but invariably including at least one knight. On average, about four **knights** were created each year, but (apart from Lady Liverpool), only one **dame** was appointed in that period: Dame Christina Massey **GBE**, in 1926. She was the widow of William Massey, Prime Minister from 1912 to 1925.

Three knighthoods were conferred on New Zealand service personnel for their performance in the Second World War: one **KCB** and two **KBEs**. With the resumption of regular honours lists after a wartime hiatus, a pattern was established of awarding three or four knighthoods in each list (usually a mixture of **knights bachelor** and **knights commander**). **Dames** were also created sporadically, and in 1951 a New Zealand-born woman finally received that honour: Mrs Elizabeth Gilmer, daughter of Richard John Seddon, was appointed a **DBE**. The first Maori to be made a **dame** was the so-called 'Maori Queen', Te Arikinui Te Atairangikaahu, who was appointed **DBE** in 1970.

Only 13 dames were created in the three decades between 1951 to 1982, when there was a brief hiatus. Creations of dames resumed in 1985, and only at that late stage did they become a routine feature of honours lists. The Order of St Michael and St George had been opened to women in 1965, but it was only in 1980 that Lady Holyoake, wife of Governor-General and former Prime Minister, Sir Keith Holyoake, became the first **DCMG** in New Zealand, and only in 1990 that Dame Catherine Tizard became New Zealand's sole female **GCMG**.⁶

4. Knights and Dames since the Foundation of the New Zealand Order of Merit in 1996

It should be clear to the reader from this summary account that the honours system established and developed while New Zealand was a colony and a dependent kingdom or 'dominion' within the British

⁶ P.J. GALLOWAY, *The Order of St Michael and St George*, Third Millennium Publishing for the Central Chancery of the Orders of Knighthood, London, 2000, p. 121-122, and T.W.H. Brooking, *Richard Seddon: King of God's Own*, Penguin Books, Auckland, 2014, pp. 341-343.

Empire was unaffected by the change of status from dominion to wholly independent kingdom, effected in principle by the Statute of Westminster, enacted in December 1931. From that date, New Zealand – like its former sister dominions Canada, Australia, and South Africa – should have been regarded as legally the equal of its mother country, with its own monarchy and notional Crown, even though its monarch was shared with the other kingdoms through a personal union and a common succession law that guaranteed the continuity of that union. But like Canada and the other former dominions, it was slow to take up the rights thus granted to it, and did not even accept the Statute of Westminster until 1947.

At that point, at least, it ought either to have created its own system of honours, equally independent of (though possibly resembling) those of the United Kingdom, or at the very least to have ceased to seek honours from that country for its citizens. In practice nothing of the kind happened before 1995, and in the area of honours (including the granting of heraldic arms and the honorable status of **armiger**) New Zealanders carried on as if their country were still a dependency of the British Crown.

A comprehensive and public review of the United Kingdom honours system as applied to New Zealand was finally undertaken in 1995 by an advisory committee appointed by the Prime Minister, James Bolger.⁷ This resulted in a recommendation by the advisory committee that the practice of nominating New Zealanders for most United Kingdom honours (including that of knight bachelor) be discontinued, and that a new national order with five classes or grades – none of which would confer the right to knighthood or damehood – be established to replace them.

This process resulted in the foundation of two orders peculiar to New Zealand. The first of these, created by royal warrant on 6 February 1987, and called the **Order of New Zealand**, was modelled on the British Orders of **Merit** and of the **Companions of Honour**, but its designation was clearly based on that of the Order of **Canada**, established in 1967. Like those three 'orders' it did not convey a right to knighthood on its members in any of its three ranks, who are called '**Ordinary**', '**Additional**', and '**Honorary Members**'. The highest class is limited to twenty (living) members, but 'Additional Members' may be added in any number to commemorate important royal, state, or national occasions'.

This foundation was supplemented on 30 May 1996 by a second new order, called the **New Zealand Order of Merit**, with Queen Elizabeth II – in her capacity as Queen of *New Zealand* rather than of the

⁷ *The New Zealand Royal Honours System*, Report of the Prime Minister's Honours Advisory Committee, Wellington, 1995.

United Kingdom — as its Sovereign.⁸ The Government chose not to give effect to the recommendation of the advisory committee that no new ‘titular honours’ (i.e., those conveying honorific prefixes) should be created, and the top two classes of the order, carried the titles of **Knight** or **Dame Grand Companion** (GNZM) and **Knight** or **Dame Companion** (KNZM and DNZM).



The neck-badge of the Order of New Zealand, based on that of the U.K. Order of Merit

These titles (and their abbreviations), clearly intended by their inventors to avoid the Christian associations of the word ‘Cross’ in the older title ‘**Knight Grand Cross**’ (which originally referred to the particularly large cross that served as the insigne of that grade in the Order of St John), broke with precedents in curious ways. Ignoring the title ‘**Knight Grand Commander**’ created for the same purpose in the Order of Indian Empire — which suggested the superior form of the grade of ‘**Knight Commander**’ that constituted the second grade in all three- and five-grade orders — the authors of the statutes of the New Zealand order chose to substitute for “**Commander**” in the titles of *both* knightly grades, the title “**Companion**”, previously used of the sole grade in the single-grade orders, and of the third, *non-knightly* grade in five-grade orders. It is unclear why they did this, unless it was to avoid any suggestion of military command.

The order thus constituted persisted for only four years. In the year 2000, a Government of a different party decided to discontinue its inclusion of knightly titles and their attributes. The Prime Minister at the time was quoted as saying “I think it is just seeming increasingly quaint

⁸ For comments and criticisms concerning the shortcomings of the review and the illogicalities and constitutional anomalies inherent in a number of aspects of the consequent reforms to the honours system, see G. A. MACAULAY, “False assumptions and missed opportunities: some comments on the recent history of the honours system in New Zealand”, *The New Zealand Armorer* no. 67 (Winter 1998), pp. 16-20.

that we hang on to these trappings of another society.”⁹ – and new appointments in the top two classes were for a few years designated **Principal Companions** (PCNZM) and **Distinguished Companions** (DCNZM). The insignia of the classes concerned remained unchanged.¹⁰



Fig. 2. The insignia of the New Zealand Order of Merit
Left: Knights, right: Dames

It is not clear why it was necessary to change the titles of the knightly grades, given that the Order of St John in New Zealand was allowed to retain both its **knights** (still admitted with a traditional accolade) and **dames**, who merely eschew the use of the apparently offensive prefixes “Sir” and “Dame”. It is equally unclear how there can logically be more than one *Principal* Companion in an order. (It is interesting to note that, when the Order of the British Empire was being brought into being, it had been proposed that it be non-titular, with Grand Commanders and Distinguished Officers as the top two classes, but this idea was rejected.¹¹)

⁹ The Rt Hon. Helen CLARK, in *The New Zealand Herald*, 30 June 2000 (http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=131469).

¹⁰ *Additional Statutes of the New Zealand Order of Merit* (SR 2000/84) (http://www.legislation.govt.nz/regulation/public/2000/0084/latest/DLM4467.html?search=ad_regulation__new+zealand+order+of+merit__25_an%40bn%40rc%40dn%40apub%40aloc%40apri%40apro%40aimp%40bgov%40bloc%40bpri%40bmem%40rpub%40rimp_rc%40ainf%40anif%40bcur%40rinf%40rnif_a_aw_se&p=1).

¹¹ P.J. GALLOWAY, *The Order of the British Empire*, Central Chancery of the Orders of Knighthood, London, 1996, p. 5.

It was ironic that the discontinuation of knightly titles and verbal attributes should have been implemented on the recommendation of the Right Honourable Helen Clark, Prime Minister from 1999 to 2008, as her own style of '**Right Honourable**' had nothing to do with New Zealand. Instead, it flowed from her purely ceremonial membership of the Privy Council of the United Kingdom, admission to which requires the swearing of an oath of allegiance to the Sovereign of that kingdom:¹² i.e. a Sovereign other than the Sovereign of New Zealand. The act of taking such an oath arguably disqualified a serving member of the New Zealand Parliament from continuing in that role.¹³

Eight years later, however, the Order in question was restored (at least mainly) to its original structure. One of the early acts of the National-led Government elected at the end of 2008 was to reinstate the titles '**Knight**' and '**Dame**' and their prefixes '**Sir**' and '**Dame**' for the two highest grades of the New Zealand Order of Merit – not only for future awards, but also for those members appointed at those grades since 2000 who chose to be so redesignated.¹⁴ Of the 85 members eligible to be redesignated in this way, 72 (almost 85 percent) chose to accept the offer of a knightly title, and two of the thirteen who declined already enjoyed comparable titles associated with other honours.

Nevertheless, eleven members retained titles different from those normal for their grades: a situation that can only be regarded as absurd.

¹² The Union with Scotland (Amendment) Act 1707 replaced the former separate Privy Councils for England and Scotland with a new Privy Council for Great Britain. The Act provides for 'but one Privy Council in or for the Kingdom of *Great Britain* to be sworn to her Majesty, her Heirs, and Successors, as Sovereigns of *Great Britain*' (capitals and italics as in the original act) so it is clear that the Privy Council oath is an oath of allegiance to a Sovereign other than the Sovereign of New Zealand. All Privy Councillors are appointed on the nomination of the Prime Minister of the United Kingdom and take the Privy Council Oath, swearing 'to be a true and faithful Servant unto the Queen's (or King's) Majesty' and to his or her 'uttermost bear Faith and Allegiance to the Queen's/King's Majesty' (necessarily the Sovereign of the United Kingdom).

¹³ Section 55(1)(b) of the Electoral Act 1993 specifically disqualified from membership of the House of Representatives anyone who swore allegiance to a 'foreign Prince or Power'. The wording was modernised by the Electoral Amendment Act 2004 and the section now says that a member's seat shall become vacant 'if he or she takes an oath or makes a declaration or acknowledgement of allegiance, obedience, or adherence to a foreign State, foreign Head of State, or foreign Power, whether required on appointment to an office or otherwise'.

¹⁴ *Additional Statutes of the New Zealand Order of Merit* (SR 2009/90)

5. Principles and Problems

5.1. Problem number 1: The Recognition of the Separation of Crowns

New Zealand's evolution from colony to dominion to realm has been gradual, and legislation and constitutional reality have not always been entirely in step. Like the United Kingdom, New Zealand does not have a single document defining its constitution, and there has never been a midnight ceremony in a football stadium to mark the moment when New Zealand became a fully independent, sovereign nation. Instead, the country's status has been defined and reformed by a series of instruments and events: the New Zealand Constitution Act 1852 (UK), the proclamation of New Zealand as a Dominion in 1907, the Statute of Westminster Adoption Act 1947, the Royal Titles Acts of 1953 and 1974, the 1983 Letters Patent Constituting the Office of Governor-General of New Zealand (amended in 1987 and 2006), the Constitution Act 1986, the Imperial Laws Application Act 1988, and the Supreme Court Act 2003 (which abolished appeals to the Judicial Committee of the Privy Council for Great Britain). Collectively, they make it absolutely clear that New Zealand is a totally independent country, with no constitutional dependence upon the United Kingdom.

It is also of crucial importance to recognise that there is no longer any '**imperial**' Crown with any role in connection with New Zealand: the Crowns of New Zealand and the United Kingdom are completely separate legal entities, with their only link being a personal one, although the separation of the two Crowns was not recognised in the Sovereign's titles in New Zealand law until 1953 with the Royal Titles Act 1953, (by which the Queen formally assumed the title '**Queen of New Zealand**') and not made fully *explicit* until the passage of the Royal Titles Act 1974.

The separation of the Crowns means that the Fount of Honour for New Zealand is the Sovereign (now *King* rather than Queen) of New Zealand, rather than the Sovereign of the United Kingdom. The separation (together with the **Imperial Laws Application Act 1988** in conjunction with the **Regulations Act 1936**, and its successor the now-repealed Acts and Regulations Publication Act 1989¹⁵) also means that the statutes of the various United Kingdom orders of knighthood have no standing in New Zealand.

Nevertheless, these fundamental changes appear not to have been appreciated by those administering the honours systems in New Zealand and the United Kingdom, and illogical, contradictory, and paradoxical advice and practice continued for a number of years.

¹⁵ Section 3 of the Regulations Act 1936 required all regulations made under the prerogative rights of the Crown to be published by the Government Printer; it was superseded by a similar provision in the Acts and Regulations Publication Act 1989.

After the passage of the **Royal Titles Act 1953**, the practice arose of using the Queen's New Zealand titles in warrants of appointment of New Zealanders to orders of the Crown of the United Kingdom,¹⁶ although the Sovereign of those orders was and is the Sovereign of the United Kingdom, who alone is able to appoint members of those orders. The new King's New Zealand titles are for a separate monarchy, and are not subsidiary titles, or a picturesque local alternative to the King's United Kingdom subordinate titles, like that of 'Duke of Lancaster'. The Sovereign of New Zealand *as such* has never had authority to make appointments to United Kingdom orders. As a result, the status and validity of the warrants issued by the wrong Sovereign (that is, the King or Queen in the wrong capacity) are open to doubt. It is not clear, for instance, that Dame Kiri Te Kanawa is actually a DBE, or that Sir Geoffrey Palmer (Prime Minister of New Zealand 1989-1990) is actually a KCMG. When challenged on this point in 2004, the Honours Secretariat asserted – without providing any coherent justification – that such honours had been 'properly awarded'.¹⁷ It might be suggested that no *proper* explanation was provided because none was or is logically possible.

Notifications of the creation of knights bachelor and appointments to United Kingdom orders recommended by New Zealand ministers were published in Honours Lists in both *The London Gazette* and *The New Zealand Gazette* until 1995, meaning that, for many years, the distinction was blurred between appointments of the Queen of the United Kingdom and of the Queen of New Zealand.

5.2. Problem number 2: The Recognition of the Necessity of Conferring the Basic Dignity of Knight Bachelor

The statutes of the orders of the Crown of the United Kingdom provide for members to be invested with their insignia, and to be

¹⁶ E.g. the Queen's titles as defined by the Royal Titles Act 1953 were used in the CBE warrant for Alexander Hare McLintock, 1 January 1963 ('Elizabeth the Second, by the Grace of God of the United Kingdom, New Zealand and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith and Sovereign of the Most Excellent Order of the British Empire ...') and her titles as defined in the Royal Titles Act 1974 were used in the CMG warrant for Stanley Joseph Rodger, 31 December 1990 ('Elizabeth the Second, by the Grace of God Queen of New Zealand and Her other Realms and Territories, Head of the Commonwealth, Defender of the Faith, Sovereign and Chief of the Most Distinguished Order of Saint Michael and Saint George ...').

¹⁷ Information provided by Cabinet Office to Government Administration Committee, 11 October 2004, file reference GA/3/8/2, p. 5 (section 18).

knighthood (that is, dubbed, or more precisely given the accolade – a blow on the neck with the flat of a sword) in relevant cases, by “Our Governors General”.¹⁸ However, the Governor-General of New Zealand is not a surrogate for the Sovereign of the United Kingdom, and since 1983 has held office under letters patent issued by the Sovereign of New Zealand. When the Governor-General conferred the accolade on the knights concerned, and on knights bachelor, it is unclear whether it was knighthood of the United Kingdom or knighthood of New Zealand that was conferred.

The work and report of the advisory committee appointed by the Prime Minister of New Zealand in 1995 to review the honours system were seriously deficient in a variety of ways, stemming not only from a lack of expert membership, but also from an apparent failure to understand the difference between the roles of the then Queen as Sovereign of New Zealand and as Sovereign of the United Kingdom, and that the statutes of the various United Kingdom orders were not part of the law of New Zealand. The committee's report more than once says that the United Kingdom orders ‘are not ours to *change*’,¹⁹ but nowhere demonstrates any appreciation of the fact that all United Kingdom honours, according to their statutes, may be awarded only by the Sovereign of the United Kingdom, and that by 1995 they were not New Zealand's to *award*. There is no indication that any member of the committee actually read the statutes of the United Kingdom orders whose status in New Zealand was being discussed. The report says, for instance, that ‘the British Statutes ... require all awards to be published in the *London Gazette*’,²⁰ although no such requirement appears in the statutes of either the Order of St Michael and St George or the Order of the British Empire.

The report also drew a false distinction between what it called ‘**dynastic orders**’ (those United Kingdom orders to which the monarch may appoint members on her or his own initiative; for the purposes of the report these were the **Order of the Garter**, the **Royal Victorian Order**, and the **Order of Merit**) and ‘**state orders**’ (those for which ministerial advice is required). Not only are the two categories inaccurately *named*, but the distinction is *irrelevant* to New Zealand. The statutes of all the orders concerned are instruments of the Sovereign of the United Kingdom, not of any dynasty or state, issued on the advice of Ministers of the Crown of the United Kingdom (required for both categories of

¹⁸ E.g. Statute XXX of the Most Excellent Order of the British Empire (1970). The phrase “Our Governor General” was retained in Statute XXXI of the 1995 Statutes of the Order.

¹⁹ *The New Zealand Royal Honours System, op. cit.*, pp. 3, 5, 30, 46.

²⁰ *The New Zealand Royal Honours System, op. cit.*, p. 79.

orders), and had never been promulgated in New Zealand (and could not be in unaltered form) as part of New Zealand law.

The report asserts that the 'dynastic' orders could remain part of the New Zealand honours system, and the website of the Department of the Prime Minister and Cabinet states: 'With a few exceptions, all honours and awards are conferred by, or in the name of, the Sovereign (The Queen of New Zealand) on the advice of Her Majesty's New Zealand Ministers. Those honours in the exclusive gift of The Queen (i.e. the dynastic honours such as the Order of the Garter, Royal Victorian Order and Order of Merit) are not conferred on ministerial advice and may continue to be granted to New Zealanders under the New Zealand Royal Honours System.'²¹

However, that assertion is logically and legally insupportable: the Sovereign of New Zealand can, in that role, no more appoint a Knight of the Garter or a Knight Commander of the Royal Victorian Order than he can create a Chevalier of the French Legion of Honour.

It is of interest that, in the year of the committee's report, Sir Edmund Hillary was created a Knight of the Garter. Only two other New Zealanders have been so honoured: Marshal of the Royal Air Force Lord Elworthy (1977) and Sir Keith Holyoake (1980). It must be noted that these were all appointments of the Sovereign of the United Kingdom, and were not part of the New Zealand honours system. The first two appointments do not appear to have been notified in *The New Zealand Gazette*, but that of Sir Edmund Hillary was.²² It is not clear why that was done, as the Queen of New Zealand had never been able to award the Garter, and Sir Edmund's warrant of appointment was issued by the Queen of the United Kingdom.²³

Also of particular note are the committee's curious assertion that "we cannot change ... Knight Bachelorhoods, because they are not ours to change,"²⁴ and that (although the committee did not explicitly propose their discontinuation) no recommendations for the creation of knights bachelor have been made by New Zealand Ministers since 1996. This change in practice was not soundly based, and was unnecessary.

It does not appear to have occurred to the committee to consider how, if 'Knight Bachelorhoods' were not New Zealand's, they could have been awarded by the Sovereign of New Zealand and conferred by her

²¹ <http://www.dPMC.govt.nz/honours/overview/history>

²² *The New Zealand Gazette*, 4 May 1995, p. 1088.

²³ Reproduction of letters patent in *Sir Edmund Hillary: An Extraordinary Life*, by Alexa Johnston, Penguin/Viking, Auckland, 2005, p. 211.

²⁴ *The New Zealand Royal Honours System*, *op. cit.*, p. 5.

Governor-General over many decades. Indeed, if 'Knight Bachelorhoods' are not 'ours', it has to be asked whose knighthoods were being conferred by the Queen of New Zealand before 1996. It is absurd to suggest that the Sovereign of New Zealand is restricted to awarding knighthoods within orders, and cannot create knights who are not attached to an order. Moreover, for the Sovereign of New Zealand to issue warrants of appointment to United Kingdom orders, but to be somehow prevented from creating knights bachelor, is clearly inconsistent and irrational.

The distinction between *knighthood* and membership in a particular class of an order is plain in the statutes of the various United Kingdom orders, which make it clear that knighthood is a *prerequisite* to investiture with the insignia of senior classes of orders, rather than an *attribute* of membership.²⁵ As Brigadier Sir Ivan De la Bere, KCVO, Secretary of the Central Chancery of the Orders of Knighthood from 1948 to 1960, has written, 'it must be explained that every person who is appointed to be a Knight Companion of the Orders of the Garter or Thistle, or a Knight Grand Cross or Knight Commander of any of the other orders of chivalry, must be dubbed as a knight bachelor before he is invested with the appropriate insignia of the order to which he has been appointed.'²⁶

No such provision is included in the Statutes of the New Zealand Order of Merit, creating the curious situation in which statutes purporting to define an 'Order of Chivalry'²⁷ which calls certain of its members 'Knights', and which authorises the Governor-General to confer knighthood,²⁸ but which nowhere require that any of the order's members actually receive the accolade of knighthood – by which alone that dignity has traditionally been conferred. Anyone who is knighted is entitled to be called 'Sir [first name]' so the part of Statute 20 which specifies that Knights Grand Companions and Knights Companions may use the appellation 'Sir', as if it were a special usage akin to its use by

²⁵ E.g. Statute XXX of the Most Excellent Order of the British Empire (1970) specifies that '... The Sovereign, or Governor-General, ... having in the case of Knights Grand Cross and Knights Commanders conferred the Honour of Knighthood upon the person so nominated should he have not previously received the said Honour, will then proceed to invest him ...'.

²⁶ Sir Ivan De la Bere, *The Queen's Orders of Chivalry*, Spring Books, London, 1964, p. 46.

²⁷ Preamble to *Statutes of the New Zealand Order of Merit* (SR 1996/205), <http://www.legislation.govt.nz/regulation/public/1996/0205/latest/DLM216686.html>.

²⁸ Statute 16 of the New Zealand Order of Merit authorises (but does not require) the Governor-General 'to confer the Accolade of Knighthood on Knights Grand Companions and Knights Companions if such Knights have not previously received the Accolade.'

baronets, would have been unnecessary if knighthood for Knights in the Order had been made mandatory.

In *practice*, all knights in the New Zealand Order of Merit receive the accolade when they are invested, and the retrospective knights (those who were redesignated from PCNZM and DCNZM to GNZM and KNZM respectively) all received the accolade (the majority at a ceremony in Wellington on 14 August 2009). However, it is not clear what the significance of the accolade *is*, if it is not mandatory. If it is in fact a dubbing of a knight bachelor (as described by Sir Ivan De la Bere) then it is not clear why it is conferred in New Zealand only in connection with an order of knighthood.

The power of the Sovereign of New Zealand to create knights bachelor clearly remains undiminished, and as its independence of membership in a particular order antedates by several centuries its association even with the Order of the Garter, it is a great pity that it should have fallen into abeyance in New Zealand through ignorance. Although it has always been the case that only men could be knights bachelor, an equivalent honour for women could easily be created – perhaps with a name such as ‘**dame of honour**’ (or even ‘**dame bachelor**’) – without the needless destruction of a great tradition.²⁹ A feminine equivalent of the accolade could also be created, such as having the Sovereign (or Governor-General) clasp the hands of the new dame (kneeling on an investiture stool, as knights do to receive the accolade), as is done when subjects pay formal homage to the Sovereign at coronations (a rite sadly reduced in that of King Charles III to that of the Prince of Wales, as the peer of the highest rank). Or again, given that women are now given commissions and rise even to the most senior ranks in the armed forces, ladies could receive the knightly accolade in the same manner as gentlemen.

In any case, to say that the Queen of New Zealand cannot create knights bachelor is to say that she cannot create any knights at all. Did the committee believe that the Sovereign of the United Kingdom can create knights but the Sovereign of New Zealand cannot? And if the Sovereign of New Zealand cannot create a single knight, how can she or he create a whole order of knighthood?

²⁹ Such an equivalent has been considered from time to time in the United Kingdom, but has not been proceeded with; ‘Lady of Grace’ was a suggestion in the 1930s (see P.J. Galloway, *The Order of the British Empire*, *op. cit.*, pp. 54-57)

6. The Processes of Forfeiture of and Degradation from Knighthood in New Zealand

Under the royal prerogative, the Sovereign can *award* honours and can also *rescind* them. In recent times, this power has been used only when recipients of honours have been convicted of criminal offences, or have otherwise attracted opprobrium. Sir Ivan De la Bere has written that 'As a knight was, and still is, created by formal investiture, he could and still can only be deprived of this honour by formal degradation.'³⁰ In former centuries there were humiliating public ceremonies of degradation – sometimes followed by execution – but the last such case was in 1621.

Only one Dame in a United Kingdom order has ever had her honour revoked: Jean Else, DBE. However, since 1900, at least eight knights bachelor have been stripped of that honour (Roger Casement, Joseph Jonas, Lord Kagan, Jack Lyons, Terry Lewis, Fred Goodwin, James Crosby, and Alan Davies), and (excluding foreign and honorary members of orders) three men have been expelled from the titular levels of United Kingdom orders of knighthood (Lord Kysant GCMG, Anthony Blunt KCVO, and Albert Henry KBE).³¹

Albert Henry, the Premier of the Cook Islands (part of the Realm of New Zealand), was knighted and created KBE in 1974; his name appeared in the New Zealand New Year Honours List in that year.³² In 1979, he was found guilty of electoral fraud and is said to have been stripped of his knighthood. Certainly an announcement that the Queen had directed that his appointment as a KBE was to be cancelled and annulled, was published on 11 April 1980 in both *The London Gazette* and in a Supplement to *The New Zealand Gazette*,³³ but it is not clear that the mere publication of such a notice can convincingly be considered 'formal degradation' from the generic dignity of "knight".

Sir Albert had been validly knighted by the Queen of New Zealand – he received the accolade from the Queen herself on Rarotonga during the royal visit of 28-29 January 1974³⁴ – but his appointment as a KBE (if by warrant of the Queen of New Zealand) is of less certain validity. However, assuming it was valid, it was certainly revoked, but that is not the same as being deprived of the status and title of knight.

³⁰ Sir Ivan De la Bere, *op. cit.*, p. 49.

³¹ (https://en.wikipedia.org/wiki/List_of_revocations_of_appointments_to_orders_and_awarded_decorations_and_medals_of_the_United_Kingdom).

³² *The New Zealand Gazette*, 17 January 1974, p. 68.

³³ *The New Zealand Gazette*, 11 April 1980, p. 1081, and *The London Gazette*, 11 April 1980, p. 5459.

³⁴ For a photograph of the Queen conferring the accolade on Albert Henry, see (<http://enjoycookislands.com/stories/garlands-of-love-the-art-of-ei-in-the-cook-islands>).

The statutes of the Order of the British Empire require a man who is not already a knight to receive the accolade before being invested as a KBE,³⁵ but the Gazette notices mention explicitly the revocation of only Henry's appointment to *membership* in the Order,³⁶ not his status as a knight. In the United Kingdom, Roger Casement and Jack Lyons, both knights bachelor (i.e. knights not belonging to any order), were stripped of their knighthoods by means of letters patent under the Great Seal of the Realm.³⁷ In the absence of similar letters patent under the Seal of New Zealand, it would appear that Albert Henry, flawed though he undoubtedly was, remained a knight until his death, and thus still entitled to be called 'Sir'.

It may be argued that Anthony Blunt similarly died a knight, although no longer a KCVO.

7. The Acceptance and Use in New Zealand of Titles and Honours from other Countries

Just as New Zealand from time to time awards its honours to citizens of foreign countries who have given service to New Zealand, so do other Commonwealth and foreign countries award titles and honours to New Zealanders.

In July 2007, it was announced that the Queen had approved rules relating to the circumstances under which New Zealand citizens may accept and use titles or honours from other jurisdictions.³⁸ However, the rules do not appear to have been submitted to the House of Representatives or published in the normal way (the Order of Wear of Decorations approved in June 2007 was similarly neglected³⁹). The legislative requirements in force at the time concerning the submission of prerogative instruments to the House of Representatives and their

³⁵ See note 23. above.

³⁶ The wording of the notice in *The London Gazette* is: "The QUEEN has directed, on the advice of Her Majesty's New Zealand Ministers, that the appointment of Albert Royle HENRY, to be a Knight Commander of the Civil Division of the Most Excellent Order of the British Empire dated 1st January 1974, shall be cancelled and annulled and that his name shall be erased from the Register of the said Order."

³⁷ *The London Gazette* 4 July 1916, p. 6596 (Casement) and 22 March 1991, p. 4605 (Lyons).

³⁸ *Rules Relating to the Acceptance and Wearing of Commonwealth, Foreign and International Honours by New Zealand Citizens* (signed by Helen Clark, Prime Minister on 23 July 2007; date of approval by the Queen not appended).

³⁹ The current *Order of Wear: Orders, Decorations and Medals in New Zealand* (18 November 2013) is (<http://www.dpmc.govt.nz/honours/overview/order-of-wear>).

publication in New Zealand⁴⁰ appear to have been ignored (and the rules concerning foreign honours have only ever been publicly available on the website of the Department of the Prime Minister and Cabinet).

Even if they had been validly created, those rules are deficient in a number of respects. Not only do they give no guidance on whether or not either British peerage or baronets' titles either *awarded to* or *inherited by* New Zealand citizens, or traditional titles awarded to New Zealand citizens by Pacific nations or communities (e.g. Samoan chiefly titles), can be officially recognised in New Zealand, but they are also silent as to whether a New Zealander honoured by the Sovereign of the United Kingdom may use the title 'Sir' or 'Dame' in New Zealand. In the published rules, 'Title' is defined as '**an appellation acquired by a person on receipt of an honour**', but the only other use of the term is in section 20, headed *Foreign Titles*, that states 'New Zealand does not recognize foreign titles of nobility (other than those previously recognised by the Crown under a British Royal Warrant dated 27 April 1932). A foreign citizen holding a title shall cease to use the title in question on becoming a New Zealand citizen.'

A number of New Zealanders who have settled permanently in the United Kingdom have received titular honours there. Their use in the United Kingdom is lawful and appropriate. But what if such persons return to New Zealand? Sir Don McKinnon is a case in point. The former Commonwealth Secretary-General was knighted and appointed GCVO by the Queen of the United Kingdom in 2009. He was born in London to New Zealand parents, so he enjoys dual citizenship, but the majority of his career has been spent in New Zealand, including more than twenty years as a Member of Parliament. He now lives again in New Zealand. It would be highly artificial to think of him as an Englishman living in New Zealand, and simply by courtesy being accorded his British title, so by what authority may he, as a New Zealander, use the title of 'Sir' in New Zealand?

The Honours Unit of the Cabinet Office claims that 'Existing holders of British State Honours continue to enjoy their privileges within the New Zealand Royal Honours System.'⁴¹ It would be interesting to know what those privileges are: the statutes governing their awards are not part of New Zealand law, so there is no authority for the use of titles or postnominal letters or armorial use of insignia by these persons. As mentioned earlier, the various statutes specify that the Sovereign of the United Kingdom is the Sovereign of the orders concerned, with sole authority to appoint members, but for some decades before 1996,

⁴⁰ Regulations (Disallowance) Act 1989 and the Acts and Regulations Publication Act 1989.

⁴¹ (<https://www.dpmc.govt.nz/honours/nominations>).

warrants of appointments to the orders were issued by the Sovereign of New Zealand. If the warrants are fundamentally unsound, what privileges can be enjoyed by their recipients in either New Zealand or the United Kingdom?

8. The Use and Misuse of Knightly Titles and Attributes in Association with Personal Names

By longstanding custom **knights** set the prefix '**Sir**' (derived from the Old French *sire* 'lord') before their forenames, and by analogy **dames** set the prefix '**Dame**' (the Old and Modern French word for 'lady') before theirs, as specified in the statutes of the orders to which they belong.⁴² Normally, and always in *formal* contexts, the forenames employed in these pairings are the legal names set on their birth and baptismal certificates, but it has long been socially permissible for knights and dames to use *informal* equivalents of their forenames in daily life — just as Prince Henry of Wales is informally called Prince 'Harry'.

In New Zealand, this practice is well established, especially among men like 'Jack' Acland and 'Jack' Marshall who had given notable public service using those names for many years before they were knighted. However, when these men were knighted, in 1968 and 1974 respectively, they both became in all *formal* contexts 'Sir John' (their legal and baptismal name), rather than 'Sir Jack'. Similarly, in 1983, 'Bill' Rowling (Prime Minister of New Zealand 1974-1975) was gazetted as 'Sir Wallace', his legal name. To populists this practice might seem silly or even pretentious, but knighthood is a formal dignity traditionally associated with formal names and titles, so it is in fact quite natural, and given the freedom to use the informal name in informal contexts, quite unobjectionable. There is no reason why they should not be called in informal contexts 'Sir Jack' and 'Sir Bill'.

By contrast, the practice begun in 1973 of referring to Kiri Te Kanawa's singing teacher — whose secular name had been **Kathleen Niccol**, but whose *name in religion* had become (Sister) **Mary Leo** (without a surname) — with the dual titlature '**Dame Sister Mary Leo**', contravened the Statutes of the Order of the British Empire into which she had been admitted, and should never have been countenanced. She should have been called either '**Sister Mary Leo, DBE**', or '**Sister Mary Leo, Dame Kathleen Niccol**'.

⁴² E.g. Statute XXII of the Most Excellent Order of the British Empire (1970) says that Dames Grand Cross and Dames Commander of the Order 'may on all occasions have, use and enjoy the appellation and style of Dame before their Christian or first names' (identical wording appears in Statute XXIII of the 1995 Statute of the Order).

A very different sort of anomaly has arisen in the use of indigenous equivalents of English honorifics. The custom has arisen in some publications with a wide Maori readership⁴³ of using 'Ta' and 'Kahurangi' as Maori-language equivalents of 'Sir' and 'Dame'. It would emphasise New Zealand's patriation of its honours system if those titles were to be officially recognised and authorised.

In a related area, it is a long-established custom (dating from the seventeenth century) that the wife of a knight should be styled as 'Lady' followed directly by her husband's surname, as if her husband were a peer beneath the rank of duke, and his surname were the designation of his parial dignity (as it often was). Thus, the wife of 'Sir John Smith, Knight' would be styled '(Elizabeth), Lady Smith'. 'Kahurangi' is sometimes used as the equivalent of 'Lady' for the *wives* of knights in this context, although a different title might be preferable.

More closely paralleling the custom among the *sons* of dukes, marquesses, and earls, who set 'Lord' before their forename in the manner of 'Lord John Fitzalan-Howard', the daughters of such dignitaries set 'Lady' before their forename as what is best termed a *prenominal prefix*. Familiar examples include Lady Diana Spencer, and the fictional earl's daughters in *Downton Abbey*. 'Lady' is also used in this way by female members of the Orders of the Garter and Thistle (for whom it replaces 'Dame' as their substantive title).

The use of 'Lady' before a forename rather than a surname by the *wives* of knights is a relatively common practice in New Zealand, but is incorrect and misleading, if not pretentious. With the rare exceptions of the (very rare) Ladies of the Garter and Thistle, 'Lady' **set before a forename** indicates that the title is used to indicate a status based on ancestry and held from birth – the title being retained even if the lady marries and changes her surname – while 'Lady' **set before a surname** (unless replacing a parial title like 'Baroness' held in her own right, which is no longer customary) indicates that the title is used on the basis of marriage to a knight, and the adoption of the husband's surname. The title may not be used either with a *maiden* surname or with a surname derived from a previous or subsequent marriage. The difference between the use of 'Lady' and 'Dame' is unambiguous.

If it is necessary or desirable to use the first name of the wife of a knight, therefore, that name should precede the title 'Lady'. For instance, as Sir Edmund Hillary was married twice, the use of 'Lady Hillary' alone might be confusing, so one would refer to 'Louise, Lady Hillary' or 'June, Lady Hillary' as appropriate.

⁴³ E.g. *Mana* magazine.

In New Zealand, the 2009 **Additional Statutes of the New Zealand Order of Merit** provided for the widow of a Principal or Distinguished Companion of the Order to be permitted '*to use before her surname while it remains the same as that of her late husband the courtesy title of 'Lady'*'.⁴⁴ It is therefore curious that the website of the Honours Unit within the Department of the Prime Minister and Cabinet should include the following erroneous declaration:⁴⁵ In the United Kingdom, the style 'Lady Mary Smith' indicates that a woman is a holder of a peerage courtesy title in her own right, and is considered incorrect usage by the wife of a knight. In New Zealand's more relaxed society, however, as there is no system of hereditary peerages, this convention is not always observed and the following styles may be used on occasions where the holder of the courtesy title considers it to be appropriate: **Lady Mary** or **Lady Mary Smith**.

This declaration is wholly incorrect, however, because as we have just noted, only the *daughters of peers of the three highest ranks – dukes, marquesses, and earls*, traditionally classed as '**princes**' – **may use the title 'Lady' before their forename**, and it would be considered incorrect not only for the *daughter* but for the *wife* of a peer of any rank, or a *peeress* of any rank *in her own right*, to do so.

By contrast, the website *correctly* states that the husband of a dame is *not* accorded a courtesy title. It goes on to state that 'The use of a courtesy title by the spouse of a dame has been the subject of lengthy debate and study in the United Kingdom and elsewhere. No satisfactory solution to this anomaly has been found.'

It is not clear why the situation should be called an anomaly, as the title of Dame in such cases is strictly personal to the wife, and the possibility of any courtesy title other than 'Mr' would arise only if the husband had taken his wife's surname and needed to indicate his position relative to her within her family – a situation that has yet to arise in connection with a man married to a dame. More generally, however, it has long been the custom in the United Kingdom and most other European countries that the husbands of female dignitaries of all ranks do not *automatically* acquire any title in respect of their marriage.

9. Knighthood in The Cook Islands, Niue, and Tokelau

The website of the Department of the Prime Minister and Cabinet of New Zealand also states: 'The Cook Islands, Niue and Tokelau with New

⁴⁴ *Additional Statutes of the New Zealand Order of Merit* (SR 2009/90), section 6 (see note 12. for URL).

⁴⁵ (<http://www.dpmc.govt.nz/honours/overview/titles-and-styles>).

Zealand shared in the mix of British and New Zealand honours. Since 1996 only the Cook Islands have retained access to the British system.⁴⁶ Since 1996, three Cook Island citizens have been knighted and appointed KBE: Sir Pupuke Robati (2001), Sir Frederick Goodwin (2004), and Sir Terepai Maoate (2007).

However, it is not clear how it can be constitutionally appropriate for citizens of the Cook Islands to continue to receive United Kingdom honours, and to be knighted by, or on behalf of, the Sovereign of the United Kingdom *as such*, because the Cook Islands are part of the Realm of New Zealand, whose Head of State is the Sovereign of New Zealand, and is therefore both Head of State and Fount of Honour of the Cook Islands.

10. Prerogative Instruments Regulating the Wearing of Knightly Insignia in New Zealand

With the enactment of the Legislation Act 2012, which *inter alia* repealed both the Regulations (Disallowance) Act 1989, and the Acts and Regulations Publication Act 1989, New Zealand law no longer requires regulations, rules, or other instruments made under the royal prerogative to be laid before Parliament (for perusal and possible amendment or disallowance), or even to be printed and published. It is therefore not possible to check easily if all such instruments are in fact publicly available (typically on Government websites).

Such instruments are likely to have little impact on the daily lives of many citizens, but rules that purport to prescribe what awards or titles may be accepted by New Zealanders, and how they may be worn or used, do have the appearance of laws to be obeyed. Of course, laws in New Zealand may be made only by Parliament, either directly or indirectly, in terms of the Bill of Rights 1688 (part of the law of New Zealand, which declares 'That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.'). The royal prerogative is therefore an uncertain basis for making rules that might limit the liberty of citizens. In the area of honours in particular, it would be desirable to spell out exactly what the Sovereign may do that can legally direct or constrain the behaviour of his or her subjects. An Act of Parliament specifying that the Sovereign of New Zealand is the Fount of Honour for the Realm of New Zealand, with authority to make statutes, rules, or regulations concerning the award, forfeiture, and wearing of honours and decorations, and related matters such as heraldry, armigery, and precedence, and requiring all such instruments to be subject to Parliamentary scrutiny and to be published,

⁴⁶ (<http://www.dpmc.govt.nz/honours/overview/history>).

as in the past, would bring clarity, transparency, and rigour to the honours system.

11. A Way Ahead

There remains today broad, although not universal, support for the existence of an honours system in New Zealand, and the existence of knighthood and the use of the titles 'Sir' and 'Dame' is evidently appreciated by the recipients of higher honours. The development and operation of the system, however, has been and continues to be based on deeply flawed and inadequate advice.

To regularise the situation, to restore honours that have been discontinued in ignorance, and to patriate fully the New Zealand honours system, the following actions are recommended:

- (1) that the New Zealand Government request the validation (by Royal Warrant of the Sovereign of the United Kingdom) of past awards of United Kingdom orders and decorations to New Zealand citizens;
- (2) that the Statutes of the New Zealand Order of Merit be revised to clarify their provisions concerning knighthood;
- (3) that the Sovereign of New Zealand resume awards of the honour of knight bachelor;
- (4) that a feminine equivalent of the honour of Knight Bachelor be instituted, with a designation such as '**Dame of Honour**';
- (5) that Māori equivalents of the titles 'Sir' and 'Dame' ('Ta' and 'Kahurangi' respectively, or other agreed terms) be officially recognised, and an equivalent of 'Lady' also be recognised.
- (6) that rules concerning the acceptance of non-New Zealand honours by New Zealanders be revised to clarify the circumstances in which titles associated with honours awarded other than by the Sovereign of New Zealand may be used by New Zealand citizens.
- (7) that the award of United Kingdom honours in the Cook Islands be discontinued;
- (8) that the source of authority for statutes and regulations concerning honours and related matters be put on a statutory basis, and the practice of submitting such instruments to Parliament and requiring their publication be revived.

These recommendations do not deal with all matters that need to be rectified to give the Crown and nation a worthy system for honouring its citizens, but their implementation would be a useful beginning.

Sommaire en français

Cet article s'ouvre avec une courte histoire des formes principales de chevalerie en Nouvelle-Zélande, suivie d'une discussion de la valeur du système honorifique actuel, malgré des doutes sur son existence dans une société égalitaire qui insiste sur son indépendance du Royaume Uni, et la separation entre la Couronne de la Nouvelle-Zélande et celle du Royaume-Uni, malgré l'union personnelle entre les deux royaumes. Ensuite, l'article décrit la chevalerie en Angleterre et dans l'Europe de l'Ouest, et sa place dans leurs systèmes honorifiques. Il souligne l'influence des ordres royaux médiévaux (comme l'Ordre de la Jarretière) et de leurs imitateurs modernes, dont le système de rangs et insignes multiples furent modelés sur ceux de l'Ordre de l'Hôpital de St.-Jean de Jérusalem. Après une discussion du rapport entre la chevalerie des ordres et la simple dignité du chevalier bachelier, l'article termine par une histoire d'un nouvel ordre fondé pour récompenser les Néo-Zélandais en particulier, en notant les problèmes qui ont résulté de la séparation des deux royaumes. Il discute aussi les problèmes d'équivalence et d'usage entre les titres substantifs comme 'chevalier' et 'dame', et les préfixes purement honorifiques associés, comme 'Sir' et 'Lady', et aussi leurs équivalents quasi-officiels dans la langue des Maoris – le peuple indigène du royaume.



The current armorial achievement of King Charles III as King of New Zealand

It unfortunately lacks both the distinctive crest that should be set on a royal helm, above the shield, ideally set on a royal crown – which ought ideally to be distinct from that of the United Kingdom, and ought also to display on the scroll not the name of the country but a distinctive motto, and hanging below the scroll the insignia of the national order.