

# UNDERSTANDING JERSEY THROUGH EDUCATION:

## Constitutional History for the Under-Tens

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### Abstract

Jersey is a dependency of the English Crown whose autonomy can be traced to the battle of Rouen in 1204 when King John lost the last vestige of continental Normandy: the Channel Islands had to align themselves with either the English or the French Crown. The fact that the island owes its special status not to the Westminster parliament but rather to its links with the Crown is central to its sense of identity: it explains the affection in which the monarch is held in the island and the plethora of Royal images that confront a visitor.

But how is the connection to be made between centuries-old historical events and the island's position in the modern world? In Jersey emphasis has been placed on tackling this in primary schools. Using visits to the government debating chamber and the experience of participating in a debate, a programme introduced in 2007 seeks to ensure that every child leaves school with an understanding not only of how political decisions are made but also of the autonomy which Jersey enjoys in the modern world.

### Keywords

Jersey, Autonomy, Crown, Normandy, Education

On 22 June 2004, HRH The Prince of Wales unveiled the Jubilee Needle on Jersey's Albert Pier. A few moments later, he did something similar to a new portrait of Her Majesty The Queen in the nearby Jersey Museum.

I say 'something similar' because the portrait was an unusual one – the first holographic image ever to be made of The Queen. To 'unveil' a holograph does not create the right sort of technological frisson for the twenty-first century. So instead, the Prince pressed a button: Her Majesty was illuminated, or electrified, or whatever the word is when a three-dimensional image appears from an unpromisingly blank screen. It was an interesting juxtaposition of the traditional and the contemporary.

I begin what is essentially a paper on a specific educational initiative in Jersey rather obliquely by talking about public art because I want to establish a context for what is to follow. I use the term 'public art' not only for that which is owned by, or held for, the public but also in the more literal sense of the art that is most publicly accessible. Much of it celebrates the island's relationship with the Crown.

Examples include the recently restored gilded lead statue of George II by Sir John Cheere in the Royal Square, historic heart of the island's capital St Helier. Installed in 1751, it is visible, though for artistic reasons moved slightly, in John Singleton Copley's celebrated painting 'The Death of Major Peirson' which hangs in Tate Britain in London. The smaller details in Copley's painting were based on sketches by his half-brother, which explains some other

infidelities when the painting is compared with the original statue (Neff, 1995). Those familiar with Jersey will know that images of Kings George III and George V and Queen Victoria also occupy prominent public sites.

Such work is, of course, not at all untypical of the eighteenth, nineteenth, and early twentieth centuries generally. What is perhaps more interesting to note is that in *recent* years this tradition of Royalist imagery has been sustained, if not indeed given new impetus. The objectivising through art of what might otherwise be a rather abstract historical relationship between Crown and island is a noteworthy phenomenon of the last 30 years or so.

In addition to the twenty-first century tributes with which I began, the States of Jersey celebrated The Queen's silver jubilee by commissioning a portrait from Norman Hepple<sup>1</sup>, subsequently reproduced on Jersey banknotes. Official visits by the sovereign to the island in 1978, 1989, and 2001 were each commemorated with paintings.<sup>2</sup>

These three pictures are not formal portraits like that of Hepple, nor informal records of the visits; rather, they record ceremonies at which Her Majesty is depicted in the debating Chamber of the States of Jersey or at alfresco sittings of the Royal Court surrounded by the members of the centuries-old institutions that exist by leave of the monarch.

Each transforms a passing moment in an official itinerary into a permanent expression of the relationship between the monarch and her oldest possessions. They are explicit expressions of loyalty: the island's first citizen, the Bailiff, reading the loyal address on behalf of the people of the island, or the Seigneurs pledging their fealty to their feudal overlord in ceremonies that, though celebrating a connection dating from the Middle Ages, were actually reinventions of the twentieth century. There is something about the formality of the medium of painting and the circumstances in which such pictures are displayed and viewed that make these images command far greater attention than more literal and ephemeral photographic records.

An important element in all three is, of course, the Royal Mace given to the island by King Charles II in 1663 following the Restoration 'as a proof of his royal affection towards the isle of Jersey in which he has been twice received in safety when he was excluded from the remainder of his dominions'.<sup>3</sup>

### The Norman Beginnings

So what is the relationship being celebrated here? There is no general agreement on how far one should go back in history to answer that question. The story has its roots in the tenth century when the Channel Islands were annexed by William Longsword into the Duchy of Normandy. They, therefore, formed a part of the territories of William the Conqueror, Duke of Normandy, when he invaded England and seized the Crown at the Battle of Hastings. In 1066, England and the Duchy were united though they remained distinct entities.

However, for the Channel Islands, it is the *end* of this union that is paradoxically taken as the seminal date on which links with the English Crown can be said truly to have begun. In 1204, King John lost the Battle of Rouen and with it the last of the Crown's continental Norman possessions. The islanders had to choose whether they would submit themselves to the French King, Philippe-Auguste, along with the rest of Normandy, or whether they would give their allegiance instead to the Plantagenet king to the north.

As Everard and Holt (2004: 79) point out, there was no representative body in the islands to make this choice: it was up to individuals to determine where their best interests lay. They were, though, encouraged to exercise that choice wisely by what we would today call the “carrot and stick” approach. As far as the stick is concerned, it will suffice to note that the King, having had to invade the island to evict Norman occupiers later in 1204, threatened to confiscate the lands of those who made the wrong choice. He also took hostages back to England as further “encouragement”.

However, King John realised that the “carrot” was actually more important than the stick in the long-term, given the physical proximity of the islands to Normandy.<sup>4</sup> There had to be an incentive if this relationship were to last. Essentially, what the islands wanted was not to be interfered with, and so John capitalised on the physical distance that existed between his administrative apparatus and the islands. To encourage permanent loyalty, he laid the foundations for the autonomy that the islands now enjoy.<sup>5</sup> Those foundations took the form of a document, the physical existence of which was doubted until recently, called ‘the Constitutions of King John’. It instructed the islanders to choose their twelve best men to form a local Court that would administer most aspects of justice within the island. These twelve men were the *juré-justiciers*, or Jurats, who are chosen to help administer justice on an honorary basis to this day.

Over the centuries, this Royal Court, given the freedom to administer its own Norman laws, began to consult with the people of Jersey through the *connétables* (the heads of the twelve parishes) and the rectors of the parish churches. In these three echelons of society – the court, the people and the church – lie the genesis of the estates, or as they became, the States of Jersey, the modern democratic assembly of the island. The privileges that John extended were confirmed, and added to, by subsequent monarchs so that while there is no written constitution for the island, there is an explicit relationship between it and the Crown, based on Royal Charters and Letters Patent, pre-dating the supremacy of the Westminster Parliament.

During the protectorate, when there was no monarch to safeguard the relationship, it is interesting that Oliver Cromwell found time to invite Jersey to send a representative to parliament (Balleine, 1950: 212). The request was said to have been stalled with the ingenious – or perhaps disingenuous – response that islanders spoke French and so did not fully understand the request.

Over the centuries since the Restoration, the States Assembly has developed organically, finally shedding the Jurats and the clergy<sup>6</sup> in 1948 and substituting for them additional elected representatives. In 2005, Jersey replaced its committee system of government with a new ministerial system.

### Enhancing Cultural Identity

Looking at this organic development across the centuries, what makes Jersey’s Royal connections interesting today is the relevance they have for Jersey’s relationship with the wider world. It is very far from being a matter of purely academic interest, though perhaps one might note that this only makes it the more ironic that we should have had to wait until the 800<sup>th</sup> anniversary of the Battle of Rouen for a serious academic study of the events of 1204.<sup>7</sup>

Be that as it may, the issue of maintaining the autonomy that Jersey enjoys as a consequence of its thirteenth-century decision not to be treated in the same way as the rest of the Duchy of Normandy remains as important as ever.

Objective 15 of the 2009-2014 States of Jersey Strategic Plan is ‘to protect and enhance our unique culture and identity’.<sup>8</sup> The supporting narrative notes that ‘we must be alert to ensure that there is a better understanding within and outside Jersey that we are a democratic self-governing society subscribing to internationally accepted principles’. Later, the document avers that the island will ‘protect [its] unique constitution and domestic autonomy’. The two are connected, of course, for one cannot seek to protect something without first knowing what it is. To recognise this, the strategic plan charges the Department for Education, Sport and Culture with ensuring that ‘young people are taught about local history, culture and the workings of Jersey’s political system as a key part of the...curriculum’.

This paper is not about “education” in a general sense but specifically about an approach to introducing primary school pupils in Year Five – that is to say, children aged nine and ten – to the government of Jersey. It is a joint piece of work between the Department of Education, Sport and Culture and the States Greffe, the administrative department of the Assembly. I have sub-titled this paper a ‘Constitutional History for the Under-Tens’ to reflect what, I hope, makes it interesting: the question of what can usefully be introduced into the primary curriculum to stimulate thought about these issues of culture and identity to which the States of Jersey gives such prominence at a strategic level.

Clearly, it would be unrealistic to suppose that an audience of nine and ten year olds would be prepared to digest the material in a paper like this one. And yet, of course, one wants young people to think about what it means to be a citizen of Jersey at as early an age as possible.

The need to address the issue is compounded by the fact that the last island census put those actually born in Jersey in a minority, and it is now estimated that around ten percent of the population comes from outside both Jersey and the United Kingdom, mostly from Madeira and Poland. What effect does this have on ideas of cultural identity?

Sir Philip Bailhache, former Bailiff and civic head of the island, addressed the matter from the individual’s perspective on 9 May 2007 in his traditional Liberation Day speech<sup>9</sup>:

*It is...becoming more important for us to think about our identity as Jersey people. We will always retain our loyalty towards the Crown, but what does it mean to be a citizen of Jersey? Do you have to be born here or have a Norman name to describe yourself as a Jerseyman or Jersey woman? I think not. It has much more to do with where you feel your heart to be.*

*A nation defines itself by its history and its traditions. It has become a tradition for the States Assembly to meet and for us to gather in Liberation Square on the 9<sup>th</sup> May to remember the end of tyranny and to give thanks for freedom. The adults among us have a duty to teach young people about occupation and liberation, which are defining moments of our history.*

Sir Philip was talking specifically about the end of the Second World War Occupation, but his comments apply also to the need to remember other defining moments of our history, particularly if we are not to take for granted the loyalty to the Crown of which he was so certain. Interestingly, in the context of Jersey’s liberation, when King George VI first communicated with his restored Channel Islands days after the occupying forces had left, he was quite explicit about the link with the historic past. On 12 May 1945, the King’s words

were read to an expectant audience in the Royal Square from a makeshift platform next to the statue of his Hanoverian predecessor. The symbolism was doubtless deliberate. His message went:

*“I cordially welcome you on your restoration of freedom and to your rightful place with the free nations of the world...It is my desire that your ancient privileges and institutions should be maintained, and that you should resume as soon as possible your accustomed system of government”* (Lamerton, 200: 202).

It is co-incidental that these recent concerns to consolidate knowledge about what it means to be a citizen of the island and to live in a Dependency of the Crown have anticipated another interesting educational imperative. On 4 July 2007, the States of Jersey voted to reduce the voting age from 18 to 16,<sup>10</sup> following the example of the Isle of Man and giving effect to what had been a recommendation of the electoral commission for the UK as far back as 2002. Interestingly, the former UK Prime Minister, Gordon Brown, speaking in February 2010, voiced his support for such a move in the UK as long as it was accompanied by ‘appropriate education in citizenship’.<sup>11</sup>

#### Primary School Visits to the States of Jersey

In fact, two weeks before members of the States had agreed to admit 16-year-olds to the polling booth, a class six years younger had been sitting in those same members’ seats in the Assembly.<sup>12</sup> Having prepared classroom arguments for and against their chosen topic – in this case, stopping all new building in Jersey’s capital St Helier – they visited the debating chamber of the States of Jersey, took part in their own debate, and arrived at a decision on the subject, following the rules and procedures set down in law for the island’s government.<sup>13</sup> Playing the roles of the senators, connétables, and deputies who make up the modern Assembly, they were trialling what has since become an established element in the primary curriculum.

The combination of practical visit – with the predictably popular opportunity to use speaking lights, microphones, and the computerised voting system – and historical background proved very successful. In October 2007, the programme was launched to bring *all* Year Five pupils in Jersey into the government chamber to conduct their own debate and to learn about the development of the island’s government. The third year of the programme concluded in June 2010. More than 3000 children have gone through the experience since it first began.

Broadly speaking, there are three aims to this work. Firstly, to make children aware of the democratic process by which a decision is reached after a free and open debate; secondly, to help develop confidence by giving them the opportunity to take part in a debate; and thirdly, to make them aware of the history of their parliamentary tradition going back to Norman times.

It is the last of the objectives which is, I think, the most interesting because, necessarily, the history of Jersey’s relationship with the Crown and the way in which the States Assembly has developed must be simplified for such an age group. Yet the simplification must not patronise; neither must it omit key cultural points that transcend the basic need to understand the democratic process. I give three examples by way of illustration.

Firstly, the visits begin outside the States Building in the Royal Square, with attention drawn to the statue of King George II and the royal coats of arms installed above the doors to the Royal Court and the States building. These, like the paintings inside that testify to the link

with the Crown, are placed in the context of King John's gift to the island of its embryonic freedom in 1204.

Secondly, the States of Jersey is a bilingual parliamentary democracy thanks to its linguistic traditions and specifically the status of French as an official language of the law. (Laws were made in French in the States Assembly until well into the twentieth century.) Consequently, members may today address the house in French as well as English, and although this occurs infrequently, the roll-call is still taken in French as a residual example of the persistence of the second language. Members also vote not 'for' or 'against' propositions but rather 'pour' or 'contre'. This also explains why, for each school visit, one of the children is required, as Dean of the Assembly, to get his, or her, tongue around the Lord's Prayer in French at the beginning of the meeting.

Finally, although the Lieutenant-Governor of Jersey, as the personal representative of the Sovereign, is entitled to the deference of islanders, including its first citizen the Bailiff, throughout Jersey, he must accept that an exception is made in the States Assembly and the Royal Court. In 1617, following a protracted row between the Bailiff and Governor of the time (both of whom are appointed by the Sovereign) (Balleine, 1950: 140 *et seq*), the Privy Council decided that the Bailiff took precedence over the King's personal representative in the two places where the island exercised its privileges of autonomy – the States where its laws were made and the Royal Court where they were interpreted.<sup>14</sup> It was an important re-affirmation of the island's autonomy. Consequently, the chair of the Bailiff is today raised seven inches above that of the Governor, and by accepted convention, the latter does not normally speak in the Assembly.

#### A Distinctive Democratic Tradition

All children making the visits should leave being able to explain these three aspects of the visit. Indeed, such is the preparation undertaken now by the primary schools that many can do so before they actually arrive.

Such details go beyond what is required to understand the workings of a debate or even to prepare pupils for initiatives at secondary school to encourage voting in elections. They are intended, rather, to sow the seeds of an understanding of what it means to live in an island with its own distinctive democratic tradition, a tradition that depends on an understanding of the history of the States and an understanding of the difference between Jersey's connection with the Crown and with parliament.

There is anecdotal evidence that this is not widely appreciated among adults. Many parents and teachers accompanying the children on these visits have confessed that they did not themselves understand how the States of Jersey had grown up over the centuries; the majority had never been inside the building. It would be convenient at this point to refer to some appropriately scientific data about this; regrettably, it does not exist. However, an *ad hoc* experiment proved the point. A random selection of shoppers in the main thoroughfare King Street were asked whether Jersey was part of the United Kingdom (which it is not), and whether they knew why our link with the Crown was important. There was, to put it tactfully, room for them to have done better.

I have implied why one should inculcate these ideas at an early stage in terms of the importance of citizenship and of understanding what it is that makes the island distinctive as well as encouraging later engagement in the electoral process. There is a further reason: the fact that such constitutional relationships are not fixed. They depend partly on the

community's own understanding of its position in the wider world: the greater the understanding, the more firmly embedded are the principles.

In July 2004, a formidable collection of legal and historical minds assembled at the Reform Club in London for symposium exploring 800 years of Channel Islands' Law. One distinguished speaker Jeffrey Jowell, professor of public law at University College, London, reviewed the relationship between the UK and Jersey as it had been formulated in the Kilbrandon report of 1973<sup>15</sup>. That report set out the position that the UK Parliament had ultimate power over the island and could, therefore, legislate for Jersey in domestic matters in the final analysis: that it did not do so was a matter of convention, it was argued.

I have no legal training and so I cannot usefully evaluate the constitutional case that Professor Jowell set out. What interests me is the very existence of such a case.

Twenty years previously, at an earlier stage in my professional life as a rookie journalist, I had to interview a new Bailiff of Jersey after he took office. Tea and biscuits and a general chat about his role out of the way, I determined to bowl him a googly: I asked him about the constitutional relationship with the United Kingdom, which I said I understood to be "uncertain". His response was swift. Had I not read the Kilbrandon report? It was all set out clearly there. That was it. There was nothing more to be said on the subject, except did I want to borrow his copy?

My ignorance knew no bounds. I was too embarrassed to admit I had not heard of, far less read, Kilbrandon, so that was the end of the line of questioning – it was back to safer ground of the tea and biscuits.

Eighteen years later, at the 2004 symposium, Professor Jowell took a different view. He argued that, by considering Jersey's links with the Crown and the privileges extended by monarchs since King John and, in particular, the absence of Jersey representatives at Westminster, one could be led to a quite different conclusion. Jowell asserts that:

*"[Kilbrandon's] reasoning is devoid of reference to constitutional principle which should, these days, guide the relationships of modern democracies. Neither law nor convention clearly stands in the way of the constitutional principle which unequivocally grants Jersey the autonomy to determine its own domestic policies".*<sup>16</sup>

There is, of course, a chasm between references to the importance of our links with the Crown made when introducing primary school children to the States of Jersey each year and the complex constitutional arguments raised at the 2004 legal symposium. And yet it seems desirable in a Dependency of the Crown where autonomy is prized so highly to try to ensure that the population as a whole is encouraged at least to think about their historic privileges in the fast-changing modern world. Perhaps, such efforts help explain the proliferation of post-Kilbrandon royal imagery with which I began.

And if one thousand primary school children each year leave the States Building knowing the importance of the gift of freedom and how it led to the creation of their own island parliament where the twin languages of French and English co-exist, it is not only a step towards greater engagement with the democratic process: it is also a step towards understanding an aspect of what it means to be a citizen of this particular island community.

## Notes

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<sup>1</sup> The painting hangs in the States building in St Helier at the main entrance to the debating chamber.

<sup>2</sup> 'Her Majesty The Queen in the States Chamber' (1978) by Ken Howard, RA; 'The Act of Homage to Her Majesty The Queen at Mont Orgueil' (1989) by William Bowyer, RA; and 'The Queen's Visit' (2001) by Jason Butler.

<sup>3</sup> Translation of the Latin text that Charles II instructed should be inscribed on Jersey's Royal Mace.

<sup>4</sup> Jersey is some twelve miles from the nearest point in Normandy but almost a hundred from the south coast of England.

<sup>5</sup> I discuss Jersey specifically though the Bailiwick of Guernsey developed in parallel.

<sup>6</sup> The Dean of Jersey remained as a representative of the Church entitled to speak, though not to vote, in the Assembly.

<sup>7</sup> *Jersey 1204: the forging of an Island community* was commissioned as part of the celebrations in 2004 to mark the 800<sup>th</sup> anniversary of the association with the Crown.

<sup>8</sup> *States of Jersey Strategic Plan 2009-2014*, pp.31-2, available at [www.gov.je](http://www.gov.je).

<sup>9</sup> Jersey celebrates its liberation from occupation by German forces in the Second World War on 9 May each year. Since the 50<sup>th</sup> anniversary in 1995, the island has held a formal ceremony with a meeting of the States of Jersey, followed by a procession and service, and re-enactment in Liberation Square of the historic moments of the 1945 Liberation. It has become traditional for the Bailiff of Jersey to make a formal address during the ceremony.

<sup>10</sup> The Public Elections (Jersey) Law 2002, as amended.

<sup>11</sup> *The Telegraph*, 'Gordon Brown: Voting age should be lowered to 16', 2 February, 2010, available at [www.telegraph.co.uk](http://www.telegraph.co.uk).

<sup>12</sup> The honour of taking part in the trial went to one of the St Helier Primary Schools, d'Auvergne.

<sup>13</sup> See the States of Jersey Law (2005), available at [www.jerseylaw.je](http://www.jerseylaw.je).

<sup>14</sup> It should be noted that, considering the overlap in membership of the two bodies, absolute distinction in purpose of the two bodies was not crystallised until 1771.

<sup>15</sup> *Report of the Royal Commission on the Constitution* (1973), Vol.1, Pt XI.

<sup>16</sup> The papers given at the symposium were subsequently published as *A Celebration of Autonomy: 1204-2004*. See pp.249-269 for Professor Jowell's contribution.

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