

CONSTITUTIONAL CONSTRAINTS: LIMITATIONS THAT LED TO ABDICATION

Amanda Terrell

The 1930s were a time of ambiguity. Subsequently, the reality fails to coincide with recollection, or, at least, the desired recollection. Despite being mired in economic hardship and diplomatic tensions, the thirties are remembered with a sense of dramatic nostalgia because it was the period before the world was plunged into war. Many historians have not escaped the trap of wistfulness when chronicling the abdication of Edward VIII—the British king who relinquished his throne in order to marry the woman he loved.

The authors who are easily ensnared are the biographers and autobiographers. Most prominent of these are the Duke and Duchess of Windsor. In their respective memoirs, *A Kings Story* (1951) and *The Heart Has It's Reasons* (1956), the Duke and Duchess recount the abdication with a sense of dramatic longing, the Duchess more so than the Duke. James Pope-Hennessy, in his biography of Queen Mary entitled *Queen Mary: 1867-1953*, presents the abdication as the only thing to ever break the heart of Dowager Queen. This representation gives the story more than just a flair for the dramatic. Keith Middlemas and John Barnes in their 1969 biography of Stanley Baldwin, *Baldwin: A Biography*, present the abdication as a problem only Baldwin could have fixed. In making Baldwin the victim and hero, the authors added to the growing nostalgia.

Other historians have tackled the whole issue of abdication instead of one person's role or account. Christopher Warwick, in his 1986 book *Abdication*, relays the entire story in abundant detail making one yearn for the days when kings were not forced to choose between love and the throne. Susan Williams wrote her book *The People's King: The Betrayal and Abdication of the First Modern Monarch* in 2003 with the benefit of access to letters and papers that were previously withheld. Williams provides different angles to the abdication, telling the story from the King's perspective as well as the Prime Minister's. However, Williams' primary focus is the impact of the abdication on the English commoner.

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There are historians who have only offered one-sided analysis of the abdication in the form of the “blame game.” Lord Beaverbrook's 1966 posthumous book, edited by A.J.P. Taylor, places the blame of the abdication on the shoulders of Stanley Baldwin. Sir Oswald Mosely, in his 1968 autobiography *My Life*, accused Baldwin of manipulating the government in order to maximize his power. Conversely Robert Rhodes James reveals, in *Memoirs of a Conservative: J.C.C. Davidson's Memoirs and Papers 1910-1937*, that Davidson, a Baldwin supporter, faulted Edward's impossible demands for the abdication.

Other historians have provided more balanced analysis of the abdication. Some simply provide that the abdication was inevitable. Linda Rosenweig, in her 1975 article “Abdication of Edward VIII”, argues that Edward's complex mental state cost him his throne. Rosenweig argues the abdication from a psychiatric point of view. In 1964 Ronald Blythe wrote *The Age of Illusion: Britain in the Twenties and Thirties 1919-1940*. In this book he maintains that the abdication was inescapable because Edward was just too different and the establishment could not handle change.

Still there are some historians who emphasize the political and constitutional aspects of the abdication. Alan Clark, in *The Tories: Conservatives and the Nation Sate 1922-1997*, expresses the enormity of the Tories, traditionally being supporters of the monarchy, as the ones who dethroned a king. M.M. Knappen proposes in the 1938 article, “The Abdication of Edward VIII,” that, since the abdication, the position of the monarch has been aggrandized while the influence of the actual monarch has been diminished. Moreover, Arthur Keith's 1938 book, *The King, the Constitution, the Empire, and Foreign Affairs*, presents a similar argument. He argues that the office of the Prime Minister was increased while Parliament, the cabinet, and the sovereign's roles were decreased.

Clearly the abdication has been researched and arguments made on nearly every aspect. However, what was the real political climate like during the abdication? Ignoring causes and results of the abdication, what did the two sides really want? Moreover, why could these two sides not come together and avoid abdication? I contend that that both Stanley Baldwin and the King wanted a pleasant end to the situation in which Edward remained king; however, each man's means to that end were limited by constitutional constraints and thus a pleasant end could not be attained.¹

¹Examining constitutional constraints can prove tricky because of the fluidity of the British Constitution. The British Constitution is made up of both written documents and unwritten precedent. Therefore, determining not only the positions of the King and Prime Minister in the government, but the things that constrain them requires an in depth knowledge and understanding

As a prince, Edward caroused and cavorted among London society. Throughout his bachelorhood the Prince of Wales never wanted for the company of a woman; however, Edward's companions tended to be married aristocrats. Edward met Wallis Simpson, a married American, in November 1930 at the home of mutual friends.² The Prince's initial romantic advances toward Mrs. Simpson failed when he first asked her about home heating systems in the United States.³ Nevertheless Edward's frustrations did not persist. Soon he frequented the Simpson's flat for tea or dinner. Edward found himself captivated and influenced by the social atmosphere. Henry "Chips" Channon recorded in his diary several encounters with the Prince of Wales at Simpson's home; he wrote, "We had cocktails at Mrs. Simpson's little flat in Bryanston Court; there I found Emerald Cunard, David Margesson, the Prince of Wales and one or two others."⁴ On another occasion Channon wrote, "Much gossip about the Prince of Wales' alleged Nazi leanings; he is alleged to have been influenced by Emerald Cunard...through Mrs. Simpson."⁵ Rumors about Edward's political sympathies were rife; however, now that a woman was an influence, rumors began taking a serious overtone. Nonetheless, Wallis was sharp and funny and she surrounded herself with similar people and the Prince of Wales immediately fell in love with her. Edward's thoughts quickly moved to how he could marry a woman who already had a husband and had previously been divorced.⁶

As Prince of Wales, Edward's public life had been devoted to the service of the Empire. Before he could make major life decisions the effects on the Empire had to be considered. A prospective marriage proved no different. Edward said of the situation, "a prince's heart, like his politics, must remain within the constitutional pale. But my heart refused to be so confined."⁷ However, Edward concealed his intentions, at least while his father was alive.

of the Constitution. Both Edward VIII and Stanley Baldwin demonstrated such an understanding of the British Constitution.

²Duchess of Windsor, *The Heart Has Its Reasons* (New York: David McKay Co, Inc., 1956), 154.

³Duke of Windsor, *A King's Story* (New York: G.P. Putman & Sons, 1951), 256.

⁴Henry "Chips" Channon, Diary entry 14th May 1935; Accessed at <http://www.spartacus.schoolnet.co.uk/MONEdwardVIII.htm>.

⁵Henry "Chips" Channon, Diary entry 10th June 1935; Accessed at <http://www.spartacus.schoolnet.co.uk/MONEdwardVIII.htm>.

⁶Wallis Simpson had been married before her marriage to Ernest Simpson. She married Earl Winfield Spencer Jr in 1916. Spencer was a naval pilot who was prone to alcoholism and spousal abuse and the couple divorced in 1927. Duke of Windsor, *A King's Story*, 257-259.

⁷*Ibid.*, 259.

King George V died on 20 January 1936 after protracted illnesses. Edward was now King and believed that he could now marry Simpson. According to the Royal Marriages Act of 1772, as King, Edward could restrict the marriage of a family member but no one could restrict his marriage. The only prohibition on a monarch's marriage was that he, or she, could not marry a Roman Catholic. Since Simpson met the only written standard Edward looked to proceed with his intentions.⁸ However, when Mrs. Simpson began divorce proceedings against her husband the situation became more difficult.⁹ In the 1930s divorce was not looked upon favorably, especially by the elite. In fact, Simpson did not meet any of the elite's unwritten qualifications for acceptance into their social circle: she was American, she lacked status, she did not have money, and most importantly she was divorced.¹⁰ The Cabinet and politicians were part of the British elite; consequently, they would not tolerate someone as inadequate as Queen.

Stanley Baldwin returned from a hiatus in mid October 1936, only to find a stack of papers waiting for him, all concerning the King and Simpson.¹¹ The Prime Minister was hesitant to intervene in Edward's personal life. Nevertheless, the King and Prime Minister met on 14 October 1936 and had subsequent meetings on the 20 October and 16 November.¹² It was not until the last meeting that the word "marriage" was spoken. Moreover, Edward communicated his intention to marry Simpson at the latter meeting. Thus a constitutional crisis was in the making.

⁸Susan Williams, *The People's King: The True Story of the Abdication* (New York: Palgrave MacMillan, 2004), 53.

⁹Mrs. Simpson was granted a divorce hearing on 15 October 1936. The hearing was scheduled for 27 October 1926 at the Ipswich Assizes. The different location was granted at the behest of Mrs. Simpson's lawyer Mr. Goddard. If the proceedings were held at Ipswich they would be done faster and there would be less publicity. Duchess of Windsor, *The Heart Has Its Reasons*, 228. Mrs. Simpson was granted a *decree nisi* at the 27 October hearing. A *decree nisi* meant the divorce would not be final for six months. Christopher Warwick, *Abdication* (New York, Sidgwick & Jackson, 1986), 108.

¹⁰Williams, *The People's King*, 32.

¹¹Baldwin returned on 12 October after a several month sabbatical due to exhaustion.

¹²The meeting on the 14 October was at the request of Stanley Baldwin because he wanted to gauge Edward's relationship with Mrs. Simpson, but to his chagrin, the topic was never brought up. Williams, 57. In the meeting on the 20 October the Prime Minister again skated around the issue of Edward's relationship with Mrs. Simpson. However, he did ask Edward to prevent Mrs. Simpson's divorce, which Edward declined to do. Baron Beaverbrook, *The Abdication of Edward VIII*, (New York: Atheneum, 1966), 47.

Why would a constitutional crisis be brewing? The only stipulation on Edward's marriage pertained to religion, and, as aforementioned, Simpson met that qualification. Well, at the meeting on 16 November, Stanley Baldwin told Edward that a marriage to Simpson would be unpopular with the people.¹³ All his life Edward had been fashioned by the will of the people and he was finding that being King did not change his circumstances. However, as King, he could retaliate and responded to Baldwin's warning that he would marry Simpson or abdicate.¹⁴ Edward did not disagree with Baldwin about the degree of public support; however, his resolve was strong. At the same meeting he received permission from Stanley Baldwin to meet with two cabinet members, Samuel Hoare and Duff Cooper, regarding the situation. Mr. Hoare provided no help or sympathy for the King's plight. Duff Cooper offered advice Edward did not want to hear. Cooper advised the King to wait until after his coronation to marry Simpson. Cooper reasoned that the government would not be able to prevent the marriage if Edward was crowned.¹⁵ Perhaps thinking that by being crowned Edward would have garnered so much public support the government could not possibly oppose his marriage. Nevertheless, Edward rejected Cooper's proposal. The King believed he would be misleading his people if he proceeded in that fashion.¹⁶ Instead, Edward wanted to marry Simpson before his coronation and either have her crowned with him or have her present at the ceremony and recognized as his wife. This led to Edward's mantra "No marriage, No Coronation."¹⁷

Another reason for Edward's insistence that the coronation take place with him either married, or not at all, was a religious one. Edward did not consider himself a religious man; nonetheless, he did recognize the religious aspects of coronation. He tells in his autobiography that the coronation "is essentially a religious service."¹⁸ As head of the Church of England, he did not think he could participate in such a ceremony when he, as king "swears an oath to uphold the doctrines of the Church of England, which does not approve divorce."¹⁹ Edward further noted:

¹³Stanley Baldwin believed that he could speak for the people because he represented a government that was elected by the people.

¹⁴ This is important because many historians contend that abdication was thrust upon the King. In fact, the King was the first to mention abdication as an option to the situation. Ibid., 34.

¹⁵J. Murphy V., and J. Bryan III, *The Windsor Story* (New York: Morrow, 1979), 246.

¹⁶Warwick, *Abdication*, 109.

¹⁷Beaverbrook, *The Abdication of Edward VIII*, 16.

¹⁸Duke of Windsor, *A King's Story*, 340.

¹⁹Ibid.

For me to have gone through the Coronation ceremony while harboring in my heart a secret intention to marry contrary to the Church's tenet's would have meant being crowned with a lie on my lips. My soul contained enough religion for me to comprehend to the full the deep meaning attached to the coronation service.²⁰

Despite Edward's overall ambivalent attitude toward the established religion and its leaders, he was decided on the fact that he could not blatantly disregard the church and be crowned intending to violate its teachings.²¹

On 21 November the "King's Matter", as it was known among London society, took a new turn. Esmond Harmsworth, heir to Lord Rothermer, presented Simpson with the idea of marrying the King morganatically.²² According to Simpson's account neither she nor the King favored a morganatic marriage, but since both desired not only to marry, but a quick and favorable end to the developing crisis the option was explored further. Edward met with Baldwin on 25 November and had him pose the question of morganatic marriage not only to the Cabinet, but to the Dominion governments.²³ This action exhibits Edward's adherence to the Constitution. Here he is seeking the advice of his ministers and acting through his prime minister. The

²⁰Ibid.

²¹ Another person that would not accept a marriage between the King and Mrs. Simpson was Dr. Cosmo Lang, Archbishop of Canterbury. Dr. Lang planned to use Edward's coronation as revival for the Church of England. Lang's proposed revival would serve as a counterattack on the increasing number of divorces in Britain. Duke of Windsor, *A King's Story*, 332. However, the movement would lack legitimacy if Edward, as head of the church, married a divorcee. Edward's thoughts about being head of the Church of England are unclear. There are times like the aforementioned when he treats the church with respect. There are other times when he displays his frustrations with the church. At his first, and only, state opening of Parliament, Edward objected to affirming the Protestant faith. He realized the historical importance, but still he said "the duty of uttering this outmoded sentiment was repugnant to me." Duke of Windsor, *A King's Story*, 325. As head of the church, Edward's thoughts are troubling. There are also instances during the abdication crisis when Edward reveals his feelings toward the Archbishop of Canterbury, he said: "I fully appreciate the quandary in which I had placed Dr. Lang." Duke of Windsor, *A King's Story*, 332. All of these occasions muddy the position of Edward toward the Church of England.

²²A morganatic marriage is one in which a monarch marries but his or her spouse is not recognized his or her equal; therefore the spouse does not become the monarch's consort. Also, any children resulting from the marriage are excluded from the line of succession. Beaverbrook, *The Abdication of Edward VIII*, 50.

²³Duchess of Windsor, *The Heart Has Its Reasons*, 240-241.

King's personal advisors, namely Lord Beaverbrook, warned him against such action. Beaverbrook argued that by posing the question to the government Edward was constitutionally bound to its advice and, hence, gave the government the upper hand.²⁴ Given the circumstances, Edward did not have Baldwin rescind the question but did tell the Prime Minister via Walter Monkton that "he wanted no advice on the marriage."²⁵ Nonetheless, since the question of morganatic marriage had already been posed, Baldwin was bound to give the King the government's answer. Channon perceived the political mood and noted in his diary on 28 November that "the Battle for the Throne has begun."²⁶

By 2 December Baldwin had received answers from most of the Dominions and the Cabinet had reached a decision regarding the morganatic marriage. Therefore, on the 2 December the King and Prime Minister met at Buckingham Palace. There Baldwin told the King the unhappy news. Both the Cabinet and Dominions had rejected the idea of morganatic marriage.²⁷ With this the King's cause took a terrible blow. The next blow came from a most unexpected source. Bishop Blunt gave a speech on 2 December and in it spoke of his desire for the King to be more religious. Many newspaper editors believed Blunt was referring to the King's relationship with Mrs. Simpson and the next day ran the story.²⁸ According to the Duke of Windsor, then Edward VIII, the harsh words and actions of the

²⁴Murphy & Bryan, *The Windsor Story*, 251.

²⁵ Walter Monkton acted as the King's emissary to Baldwin because the King no longer trusted his Private Secretary, Alexander Hardinge. Hardinge wrote the King a letter, which the King received on 13 November, the letter stated the following: the British Press would report Edward's relationship with Mrs. Simpson; the Cabinet was devising strategy on how to deal with the situation, one solution being resignation; a new government would not be able to function; new elections would be necessary and the King's personal life would be a political issue; and lastly Mrs. Simpson should leave Great Britain. Edward suspected Hardinge received his information from Stanley Baldwin and, therefore, utilized Monkton as his "go between." Beaverbrook, *The Abdication of Edward VIII*, 49.

²⁶Henry "Chips" Channon, diary entry 28th November, 1936, accessed at <http://www.spartacus.schoolnet.co.uk/MONEdwardVIII.htm>.

²⁷Duchess of Windsor, *The Heart Has Its Reasons*, 244.

²⁸Until then the British Press had been silent regarding Edward's relationship with Mrs. Simpson per a "gentleman's agreement" that the press would not report on the King's private life. Fred Siebert, "The Press and the British Constitutional Crisis," *The Public Quarterly* 1, no 4 (1937), 121. Dr. Blunt, Bishop of Bradford, was not referencing the King's relationship with Mrs. Simpson in his speech. In fact, Bishop Blunt was hoping to rebuke the King into taking his duties as head of the Church of England more seriously in the form of going to church. Williams, *The People's King*, 104.

newspaper editors are what made the matter a political one. The Duke stated, "by that action the Monarchy was brought violently into politics."²⁹ Edward had been reared on the maxim 'the Crown must remain above politics,' so to be entrenched in such a situation was deplorable to him.³⁰ Nevertheless, Edward's next move was to meet with his Prime Minister in order to sort out his options. As it turned out the King did not have many options. When the two met on 3 December Baldwin presented the King with the following alternatives: give up the marriage, marry despite the government's objections and deal with its resignation, or abdicate. The King stood his ground. He now tried to find a way to marry and keep his throne while still keeping within the means of the Constitution.³¹

Despite holding firmly to his position, the King did weaken emotionally. However when Simpson proposed the idea that the King address his subjects via radio, Edward perked up. The King decided that even though the chances of the government allowing the broadcast were slim, he would prepare a speech and propose the idea to Baldwin for consideration.³² In his proposed speech Edward wanted to tell his side of the story, which included this line, "neither Mrs. Simpson nor I have ever sought to insist that she should be Queen. All we have desired was that our married happiness should carry with it a proper title and dignity for her, befitting my wife."³³ Edward went to London to meet with Baldwin and ask permission to address the nation. Edward's request was rejected on the grounds that he would be superseding the government. However, something more important happened that day. The King saw the crowds that had gathered outside Buckingham Palace. Portions of the public were rallying to the King in defense of his cause.³⁴ Nevertheless, the King would soon find other channels of support. On 4 December the

²⁹ The action the Duke is referring to is his harsh depiction in the print media. Duke of Windsor, *A King's Story*, 358.

³⁰Ibid., 382.

³¹Ibid., 355.

³²Ibid., 356-357.

³³ The King wanted to tell his side of the story because he thought the newspapers were portraying only one side of the issue. Ibid., 361.

³⁴Ibid., 365-367. Edward's supporters came to be known as the "King's Party." According to Edward, the party was an unorganized group of young commoners spread throughout London and other cities. Mostly the groups just carried homemade signs and sang "God Save the King" or chant "God save the King from Baldwin." Edward reflected that had he supported the "King's Party" he would have begun a civil war. Hostilities may have been averted but definite war of words would have ensued which would have been just as devastating. The Duke wrote, "A civil war is the worst of all wars. Its passions soar highest, its hatreds last longest." Duke of Windsor, *A King's Story*, 383-84.

Catholic Times, an unlikely supporter, made Edward's case. The newspaper was anti-divorce, but sided with the King because it did not want to see the "Crown made the pawn of politicians."³⁵ However, ironically, the King's next means of support would come from a politician, Winston Churchill.

Churchill played only a small role in the abdication. Per the King's request, Lord Beaverbrook met with Churchill on 30 November because Baldwin had prevented the King from doing so. Beaverbrook informed Churchill of the situation and the King's position at that point.³⁶ Churchill only became actively involved in the crisis after the issue ofmorganatic marriage was denied by both the Cabinet and Dominions.³⁷ On 3 December Edward cut ties with his then advisor Lord Beaverbrook and received permission from Baldwin to confer with Churchill regarding his position.³⁸ Churchill joined the King for dinner on 4 December and was against the King abdicating from the start. Churchill reasoned that Simpson's divorce would not be absolute until April, nearly five months; therefore, the government could not advise the king, and certainly not threaten resignation, on matter that did not exist. Churchill's initial advice to the King was to delay.³⁹ That same night Churchill almost declared himself the *de facto* leader of the "King's Party" but thought better of it. Churchill agreed with Edward that kings should not be in politics, and by endorsing the growing party Churchill would have done just that.⁴⁰ Nevertheless when Edward did ask for help and advice Churchill did not hesitate. Both the King and Churchill left their meeting charged and ready to fight for the cause. In fact, the presence of Churchill seemed to reinvigorate all of the King's camp.⁴¹ The next day Churchill wrote the King a letter. The letter makes one think the two were still soldiers fighting the Germans. Churchill wrote:

News from all fronts! No pistol to be held at the King's head. No doubt that this request for time will be granted. On no account must the King leave the country. Windsor Castle is his battle station. When so much is at stake, no minor inclinations can be indulged.

³⁵Beaverbrook, *The Abdication of Edward VIII*, 71.

³⁶*Ibid.*, 65.

³⁷Lewis Broad, *Winston Churchill: The Years of Preparation* (New York: Hawthorn Books, 1958), 391.

³⁸Beaverbrook, *The Abdication of Edward VIII*, 74.

³⁹*Ibid.*, 76-77.

⁴⁰Roy Jenkins, *Churchill: A Biography* (New York: Farrar, Straus, & Giroux, 2001), 500.

⁴¹Beaverbrook, *The Abdication of Edward VIII*, 78.

Good advance on all parts giving prospects of gaining good positions and assembling large force behind them.⁴²

By telling Edward to entrench at Windsor Castle, Churchill evokes monarchical sentiment. He tried to persuade Edward to defend his throne like kings of old. He succeeded, but only momentarily. The previous night Edward had been geared to defend his throne; however, something changed overnight. The same morning Churchill penned his letter, Edward sent Monkton to Baldwin in order to forewarn him that Edward would personally tell the Prime Minister of his decision to abdicate later in the day. At this point the King had to see no bright spots in his situation. However, Monkton quickly presented an optimistic point. Monkton told the King to ask Baldwin to add with the Bill of Abdication a bill finalizing Simpson's divorce, so she could marry right away. This proposal enlivened the King a bit.⁴³ But of course, once proposed, the matter was in the hands of Baldwin and the Cabinet.

Baldwin seemed receptive to the idea and according to both Beaverbrook's and the Duke of Windsor's accounts, Baldwin promised to resign if the two bills were not passed simultaneously.⁴⁴ Nevertheless the Cabinet rejected the divorce bill and it was never put before the House of Commons.⁴⁵ Thus, Edward was left with nothing. His abdication would not be complete until 11 December and the intervening six days was a big hullabaloo, the proverbial beating of a dead horse. The newspapers did not cease attacking Edward and Simpson. All throughout the crisis the papers daily called for the King to act wisely. The *Times* reminded the King and all of London that "the King is responsible for the Monarchy and for the Empire."⁴⁶ Readers of the *Daily Dispatch* read that "the privileges of kingship carry with them tremendous responsibility. The personal element must be subordinated."⁴⁷ Due to the majority of newspapers printing stories with the aforementioned sentiment, the public perception of the Edward was bound to seem selfish. People could not see how a

⁴²*CV*, V, pt 3, pp. 455-6; Quoted in Jenkins 500-01, n. 34.

⁴³Duke of Windsor, *A King's Story*, 386.

⁴⁴Beaverbrook, *The Abdication of Edward VIII*, 80 and Duke of Windsor, *A King's Story*, 391.

⁴⁵The bill carried no support in the Cabinet. Non-Conformists argued that allowing a twice divorced person to remarry went against their doctrine. Anglicans simply considered divorce an "abomination" and thus refused. Other members of the Cabinet refused the bill because they believed they would lose support at the polls if they supported it. Beaverbrook, *The Abdication of Edward VIII*, 80-81.

⁴⁶*The Times* (London), 4 December 1936, 18.

⁴⁷*Ibid.*

king could choose love over a throne. Edward disagreed. In his memoirs he wrote:

I certainly married because I chose the path of love. But I abdicated because I chose the path of duty. I did not value the Crown so lightly that I gave it away hastily. I valued it so deeply that I surrendered it, rather than risk any impairment of its prestige.⁴⁸

Conversely to the public's and media's opinion, Edward did consider other matters beside his own feelings. In fact all throughout the abdication crisis Edward adhered to his constitutional role. He never consulted anyone without the permission of his Prime Minister. He did not address the nation despite his plight, nor did he rally his supporters. Edward maintained a working relationship with Stanley Baldwin, and when the situation came to a head could not take the advice of his ministers so he abdicated rather than plunge the nation into uncharted political waters.

Baldwin, the Prime Minister, never wanted to get involved in Edward's personal life. Baldwin considered himself a close friend to the King and did not want to jeopardize that relationship.⁴⁹ Nonetheless, after Baldwin's aforementioned hiatus he was compelled to action. Lord Beaverbrook and Winston Churchill claimed that there was no constitutional basis for Baldwin's actions. In other words there was no constitutional crisis, and thus Baldwin stepped outside his carefully crafted constitutional role.⁵⁰ However, according to the Parliamentary Council, Baldwin was still well with his role. On 5 November 1936 the council drafted a memo addressing the topic of ministers and their advice to a monarch. The memo stated that if a monarch refused the advice of the government the government can resign. However this action is a last resort, and to ensure that it does not happen the government should take the effort that no other party would form a government, hence forcing the monarch into submission. The Parliamentary Council reasoned that a monarch can no longer rule in Britain without ministers, thus he, or she, would have no other option but to abdicate.⁵¹ Therefore, Baldwin was well within his limits when he consulted the oppositional parties to ensure that they would not form governments if he was forced to resign.

⁴⁸Duke of Windsor, *A King's Story*, 385.

⁴⁹Keith Middlemas and John Barnes, *Baldwin: A Biography* (London: Weidenfeld & Nicolson, 1969), 980.

⁵⁰Beaverbrook also disliked Baldwin; therefore, that also fueled his suspicions. Beaverbrook, 76-77.

⁵¹It most likely this memo that compelled Alec Hardinge to write his letter to the King which warned that the situation involving Mrs. Simpson could lead to the resignation of his current government and the impotence of a future government. Williams, *The People's King*, 71.

Baldwin covered all his bases. He spoke with both the Liberals and the Labour parties. Sir Archibald Sinclair was the leader of the Liberal Party and he wrote this to Beaverbrook years after the abdication: "It is true that Mr. Baldwin consulted me about the King's proposal to marry Mrs. Simpson and again on two or three other occasions about the development of the crisis, and the proposed morganatic marriage."⁵²

Sinclair does not explicitly say Baldwin asked him not to form a government but that was the implied question and answer. In fact, Middlemas and Barnes write in their book *Baldwin: A Biography* that the Prime Minister met with both Sinclair and Clement Atlee on 25 November and the purpose of the meeting was to ensure neither man would form a government should Baldwin resign.⁵³

Once Baldwin had garnered support and guaranteed the stability of his government he could tackle the "King's Matter" head on. The first issue was the morganatic marriage. It has already been noted that both the Cabinet and Dominion governments rejected a morganatic marriage between the King and Mrs. Simpson. However, there was logical, constitutional reason for them to be involved—they did not wholly reject the marriage out of spite. Great Britain holds no precedent for morganatic marriage. Therefore, the government would have had to enact legislation to set the precedent.⁵⁴ Since the Cabinet and the Dominions refused the morganatic marriage, Baldwin could do nothing else with the issue.⁵⁵

As soon as Edward decided to abdicate in favor of marrying Mrs. Simpson, Baldwin was faced with the issue of the including a divorce bill with the Bill of Abdication. Previously mentioned was Beaverbrook's assertion that Baldwin promised to resign if the two bills were not passed concurrently. According to Middlemas and Barnes, Baldwin never made that promise.⁵⁶ Baldwin presented both bills to the Cabinet on 6 December and was met with a flood of opposition. Neville Chamberlain stated that if Parliament passed both bills it would be looked upon as "an unholy bargain," people would see the passing of the divorce bill as a prerequisite for the King's

⁵²Beaverbrook, *The Abdication of Edward VIII*, 58.

⁵³Churchill was also at the meeting on the 25 November, but he did not cooperate with Baldwin's request. Middlemas & Barnes, *Baldwin*, 999.

⁵⁴Beaverbrook, *The Abdication of Edward VIII*, 52.

⁵⁵Beaverbrook has alleged that Baldwin influenced the Dominions by the wording of the telegrams sent about the morganatic marriage. However, this is not true because Baldwin did not write or send the telegrams; they were sent by the Dominions Office. Middlemas & Barnes, *Baldwin*, 1000.

⁵⁶*Ibid.*, 1010.

abdication.⁵⁷ Baldwin tried, but to avail. He could not convince the cabinet and the bill was struck down.

There have been other allegations that Baldwin's actions were fueled by a personal vendetta. People have claimed that Baldwin never wanted Edward to be king and that he used the marriage issue to force Edward off the throne. This assertion is not altogether true. Baldwin often found himself preventing others from being too harsh on the King. For instance, on 9 November Neville Chamberlain and other members of the Cabinet drafted a letter containing an ultimatum, telling the King to give up Simpson at once or else. Baldwin did not approve of the ultimatum and was able to tactfully dismiss the issue when he took the letters home with him to review them and never brought them back.⁵⁸ Another example that signals Baldwin's desire to resolve the situation and keep Edward on the throne is when he arrived at the King's home on 6 December prepared to spend the night. Baldwin intended to be available to the King to talk out the issue, in case there was any possibility of avoiding abdication.⁵⁹

Stanley Baldwin was not the villain in the drama of abdication. At every turn he acted constitutionally. Whether it was consulting the Cabinet, or Dominions, or advising the King according to the merits of the Constitution Baldwin adhered to his role. Despite Baldwin's compassion for the King, he did not abuse or misuse his position in order for the King to keep his.

Edward VIII ceased being King of England in the afternoon of 11 December. His reign had lasted less than eleven months, the shortest reign by an English monarch in 453 years.⁶⁰ These facts leave no room for ambiguity. The abdication of Edward VIII has attracted much research. Scholars have propounded theories of cause and effect. Nevertheless, the actions of each of the principal players--the King and the Prime Minister--have not been analyzed as to what constrained them, the Constitution, and that factor being the means for abdication until now. Indeed, both men adhered to their role circumscribed in the Constitution so adroitly that a pleasant end could not be attained. Perhaps, if one man had stepped outside the limitation of his office, abdication could have been averted; however, this was not to be, and was never really likely. Abdication occurred, Edward left England for self-imposed exile, and the story was left to be told, nostalgia and all.

⁵⁷Ibid., 1011.

⁵⁸Ibid., 987-991.

⁵⁹Baldwin did not end up spending the night, at the request of the King. Duke of Windsor, *A King's Story*, 398.

⁶⁰Ronald Blythe, *The Age of Illusion: England in the Twenties and Thirties 1919-1940* (Boston: Houghton Mifflin Co., 1964), 208.

CAPITAL PUNISHMENT IN GREAT BRITAIN: THEORIES CONCERNING ABOLITION

Ashley Tomlinson

As early as 450 B.C., records report the death penalty being used as criminal punishment in England. Though kings generally decided what type of punishment should be inflicted, those sentenced to death were most commonly thrown into a quagmire and left to die.¹ As the Middle Ages unfolded, the number of capital crimes increased, as did the cruelty of the punishment. It was not long until methods of burning, drawing and quartering, boiling, and hanging were used for commoners, while beheading, an honorable death, was left for the elite classes.²

Despite all the possible approaches, hanging replaced most other methods of capital punishment by 1547.³ This became the English tradition. For example, those executed at Tyburn in London were routinely paraded through the town, usually sitting on a coffin, wearing a shroud.⁴ Crowds gathered in the street to mock the condemned, and there were rarely fewer than three thousand present to watch the execution. With similar execution traditions developing around the country, public support of execution lasted well into the twentieth century.⁵ Yet, the death penalty was abolished in 1969. The reason England, having such strong tradition and public support behind capital punishment, voluntarily eliminated capital punishment from their penal code is still debated.

Four central theories, all centering around twentieth century occurrences, have been developed to offer a solution. First, scholars, such as Victor Bailey, conclude that the public developed sympathy for the condemned during the twentieth century and, as a result, pushed for abolition. Others believe that abolition resulted from a shift in

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¹ John Laurence, *A History of Capital Punishment* (Port Washington: Kennikat Press, 1932), 2.

² Ibid., 6.

³ Ibid., 8.

⁴ This London execution place was named after the Tyburn River. It is estimated that the public watched over 50,000 people executed there.

⁵ John Laurence, *A History of Capital Punishment*, 1777.