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THE DEVELOPMENT OF IMPERIAL RELATIONS

By PROFESSOR W. T. WAUGH

In what I am about to say I do not propose to restrict myself to the Canadian point of view. Were I to do so, I should inevitably trespass on ground already covered by previous speakers. Furthermore, it would be idle, if not impudent, for a comparatively recent immigrant to discourse on Canada's relations with Great Britain to an audience containing friends and kinsmen of some of the great figures in the last half-century of Canadian politics. However discreetly and acutely I might use my authorities, there must remain many topics—as, for instance, the Alaska boundary dispute—on which some of you possess knowledge which I could not attain. No less decisive is the consideration that Canada's present status in the British Commonwealth has been partly determined by events that have happened and precedents that have been established in other Dominions. I shall therefore include in my survey, which must perforce be very superficial, all the self-governing parts of the so-called British Empire.

When the Dominion of Canada was established, responsible government was of course no new thing to its component provinces, and it was also enjoyed by New Zealand, Tasmania, and four colonies of the Australian mainland. The British conception of the rights of such colonies was a generous one. Nearly thirty years before, Lord Durham had said that the only points on which the mother country required a control were the constitution of the form of government—the regulation of foreign relations, and of trade with the mother country, the other British colonies, and foreign nations—and the disposal of the public lands. Otherwise the colonies with self-government should possess the “final, unfettered, and complete” direction of their domestic affairs. Not only had this opinion been generally accepted by British statesmen, but Durham's reservations had been in great part abandoned. The claim of the self-governing colonies to regulate their external trade had been granted, subject to the prohibition of differential duties. Control of public land had been conceded almost immediately. The Colonial Laws Validity Act of 1865 had placed beyond doubt the power of several colonies to amend their own constitutions. It is vital to remember such facts when comparing the colonies of sixty years ago with the Dominions of to-day.

It need hardly be said that this liberal policy towards the colonies was not the expression of an affectionate trust in the loyalty and sagacity of their inhabitants. Though the Golden Age of the Manchester School was passing away, it was still generally believed in England that the secession of the colonies was inevitable, if not desirable. Disraeli was unjust when in 1872 he accused the Liberal party of having made a continuous and subtle effort to disintegrate the Empire. There had been no effort; and if disintegration had been passively and indeed hopefully awaited, the attitude had been assumed by Conservatives as well as Liberals; twenty years earlier Disraeli himself had called “these wretched colonies” a “millstone round our necks.” It is noteworthy that Walter Bagehot, when in the very year of Canadian Confederation he was struggling to justify the existence of the British monarchy, never said a word

about the colonies. Perhaps the prevalent feeling is best expressed in a celebrated letter written as late as 1885 by Lord Blachford, who as Sir Frederick Rogers had been Permanent Under-secretary of State for the Colonies from 1860 to 1871. "I had always," he wrote, "believed—and the belief has so confirmed and consolidated itself that I can hardly realize the possibility of anyone seriously thinking the contrary—that the destiny of our colonies is independence; and that in this point of view the function of the Colonial Office is to secure that our connection, while it lasts, shall be as profitable to both parties, and our separation, when it comes, as amicable as possible."

In face of such an attitude, no one could look for effusive loyalty from the colonies. If separatist sentiment was less outspoken in Canada than it had been twenty years before, there was grave disaffection in Australia, where in 1870 it was urged by responsible politicians that Victoria should declare her neutrality in the event of Great Britain going to war; while in New Zealand, where the colonists had suffered some provocation from the Home Government, there was talk of seeking annexation by the United States. Indeed, it has been said that relations between England and her colonies have seldom been more strained than in 1869-70, when Lord Granville, a man singularly unsuited to the post, was Colonial Secretary.

In discussing the subsequent development of imperial relations, one has constantly to be on guard against two opposite temptations. There is on the one hand the risk of over-emphasizing the significance of constitutional law and accepted procedure. That the Imperial Parliament has sovereign authority over every part of the territories of the Crown is as true now as it was in 1867. It is also true that established rules, based in part on statute, which control the employment of the Great Seal, give British ministers the power to frustrate many executive acts of Dominion governments. Such facts must not be forgotten; but if we concentrate our attention upon them, as some of my legal colleagues are wont to do, we shall not learn much about the British Empire. On the other hand, there are people who treat as authoritative flights of rhetoric about "the partner nations of the British Commonwealth," or "sister states equals of the United Kingdom in everything except population and wealth," or "freedom and independence the essence of the imperial connection"—all phrases used by great British statesmen, but in strictness unwarrantable as long as the Empire continues to exist on its present legal basis. And yet it would be wrong to ignore such utterances, for they have had their effect on the relations between Great Britain and the Dominions, and they serve to correct the false notions induced by an over-devout study of law and procedure. But it is indeed hard, when dealing with such a political phenomenon as this Empire, Commonwealth, or whatever it should be called, to ascribe just weight to statute, convention, custom, precedent, opinion and aspiration; and I have no doubt that I have miscalculated the value of many factors in forming the crude generalizations which limitations of time compel me to make.

The history of imperial relations in the last sixty years may be divided into three parts of nearly equal length. The first ends about 1886, the second twenty years later. In the first the doctrine of *laissez faire*, though rapidly losing influence, was still predominant among the politicians who had the shaping of British colonial policy. After 1886 came twenty years of imperialist enthusiasm, felt in all parts of the Empire, and reaching its climax in 1897, the year of Queen Victoria's

Diamond Jubilee, which conveniently occurred precisely half-way between Canadian Confederation and the present year. After 1906 there was a strong reaction of temper, which has led to results which would have caused consternation if they had been foreseen in 1897, but would on the whole have pleased the politicians of sixty years ago.

From 1867 to the middle of the ninth decade of the century there was no great change in imperial relations. No British government thought of withdrawing any of the rights which had been bestowed on the colonies. The Cape of Good Hope, in fact, obtained responsible government in 1872: a few years later Sir John Macdonald's National Policy led to the abandonment of the old prohibition of differential duties: and the home government gave up the practice of making commercial treaties that were binding on the whole Empire. Nevertheless, the subordination of the self-governing colonies to the United Kingdom was neither denied nor concealed. Acts passed by colonial legislatures were now and then disallowed, sometimes as *ultra vires*, sometimes as detrimental to imperial interests, sometimes as contrary to the spirit of British policy. The Imperial Parliament occasionally legislated for self-governing colonies. Governors were allowed considerable discretion with respect to the dissolution of colonial parliaments and the exercise of the prerogative of mercy. Such interferences were, however, exceptional. They cannot be ascribed to any new concern for the welfare of the colonies or the promotion of imperial unity. For the greater part of this period the Liberals held office in the United Kingdom and displayed in their handling of colonial affairs an ineptitude which was largely due to indifference. At the same time, a widespread change in public opinion was becoming evident. In 1868 Sir Charles Dilke's *Greater Britain* was published, and the interest which it aroused was revived and increased in 1883 by Seeley's famous lectures on the Expansion of England. The assumption by the Queen of the title of Empress of India drew popular attention to the overseas territories of the Crown. The Conservatives in England, inspired by Disraeli, began to think and talk about the Empire, the more so when after the first Boer War it gave them a good stick wherewith to belabour Gladstone. In Canada Sir John Macdonald was for most of the time in power; by the building of the Intercolonial and Canadian Pacific railways people's eyes were turned east and west, and less than heretofore towards the south, and the desire for British immigrants was for a while increased. There is varied testimony that feeling in Australia was becoming much more friendly to the mother country, and when in the 'eighties' the Australasian colonies awoke to the possibility of being attacked by a power with ambitions in the Pacific, their loyalty to the Imperial connection was much stimulated. That Australia was not peopled exclusively by convicts, gold-diggers, and bushrangers was brought home to the British public when in 1882 an Australian eleven first beat England in a cricket match—and I am quite serious when I treat that as an historic event. The changing temper of the time was symbolized by the presence in the Khartoum relief force of contingents—no matter how small—from Canada and New South Wales.

The advent to power of the Conservatives in 1886 marked the ascendancy of the new spirit, which was in part responsible for the rejection of Irish Home Rule by the British electorate. The next dozen years were a time of immense fervour and rapid expansion. Everything encouraged a policy of active imperialism. The two Jubilees of the Queen would in themselves have evoked popular enthusiasm about the vastness

and wealth of the lands over which she ruled. The feeling of mortification left by the disasters of Majuba and Khartoum dictated a vigorous policy in both South and North Africa; while the achievements of explorers had rendered inevitable the unedifying scramble for the tropical regions of that continent which had begun when Gladstone was in power but was completed in the early years of Salisbury's administration. The influence of writers like Seeley and Froude spread the interest in Greater Britain among the educated, and was powerfully reinforced through the rise to fame of Rudyard Kipling, whose tales and verses gave to a vast public an admiration for the extent, variety, and resources of the Empire, a sense of the price that had been paid for its acquisition, a comforting faith that its maintenance and expansion were philanthropic duties, and a grasp of the constitutional principle that a girl might be daughter in her mother's house and mistress in her own. Sport served the good cause. Canadians played lacrosse in England, and many Englishmen took up the game, which is now played there more than here. Australians and South Africans went there to play cricket, and English teams returned their visits. And, though Salisbury seldom departed from his usual reserve, his colleagues, led by Joseph Chamberlain, rivalled one another in compliments to the colonies; and even Gladstone, during his last ministry, had as Foreign Secretary an imperialist, who succeeded him as prime minister.

Feeling in the self-governing colonies, as so often happens, lagged somewhat behind. Up to 1891 Canada was much concerned about reciprocity with the United States; and whatever one may think of the political risks involved in the various proposals that found favour, it cannot be plausibly contended that they would have strengthened the bonds of Empire. Yet the virtual end of this episode was Macdonald's last address to the Canadian people, too familiar to need quotation; the Imperial Federation League was becoming active; a few years later it was Laurier, Liberal as he was, who granted a preference to imports from Britain; while, inspired by the Diamond Jubilee, Canada issued a postage stamp which as a display of flamboyant imperialism can hardly be paralleled. Meanwhile, Australia and New Zealand had begun to make annual contributions towards the maintenance of the British navy. In 1898 the Cape of Good Hope followed their example. This was particularly remarkable, since relations between the United Kingdom and the Boer Republics were already critical, and a large element in Cape Colony sympathized with their Dutch kinsmen. It was however natural that the British in South Africa should become fervently and indiscreetly attached to the Empire.

Notwithstanding the tumult and the shouting, notwithstanding some practical evidence of devotion to the Empire, these twenty years had little positive effect on the constitutional relations of the self-governing territories of the Crown. There was no reaction towards greater control of the colonies by the Home authorities. West Australia and Natal attained responsible government. The connotation of "autonomy" was enlarged. Thus, the right of the self-governing colonies to legislate freely respecting immigration was established, though in some cases the consequences were most detrimental to the harmony of the Empire and flatly contrary to principles of English common law. The formation of the Commonwealth of Australia did not involve the acceptance of any new constitutional principle; but it is noteworthy that the Australians were given power to amend the federal constitution and that appeals from the High

Court of the Commonwealth to the Judicial Committee of the Privy Council were not to be allowed in disputes as to the interpretation of that Constitution. In general, however, the mood of the time favoured movements towards greater political unity. Early in the last decade of the century, Sir Charles Tupper advocated the general adoption of Imperial Preference as a means to this end, and received encouragement from several Australian colonies and the Cape of Good Hope. He also advocated the continual presence in London of a Canadian minister, who should be in constant touch with the British Cabinet; and it is well known that when he was High Commissioner relations between the British and Canadian authorities were closer and more harmonious than ever before or since. It was of course in this period that Colonial Conferences were first held; but during the years under consideration they were not of great consequence, being, as it were, by-products of much bigger occasions—the two Jubilees of the Queen and the coronation of Edward VII. They were not even allowed to discuss imperial federation, though the subject was being debated all over the Empire and several important organizations were working in favour of it. Far more momentous than the talk round the conference table was the help rendered by the colonies to the mother country in the Boer War. Their contingents were of real military value, and, as I well remember, made a great impression on popular imagination in England. Now here, it seemed to Joseph Chamberlain, was the very occasion for welding new bonds of Empire. It is not unlikely that he had in mind the use made by Bismarck of the common enthusiasm engendered in north and south Germany by the war of 1870; for he was always interested in the German Empire and attracted by it. At all events, scarcely was the South African war over when he began his "raging, tearing propaganda" for the adoption of a policy of Imperial Preference by the United Kingdom, his avowed motive being a desire to promote imperial federation as well as British and colonial trade. The sequel we all know and most of us remember. Chamberlain caught the wave of imperialism on the ebb. Kipling and Seeley were giving place to Bernard Shaw and Sidney Webb. The streets where the sun never shone aroused more feeling than the Empire where it never set. The imperial purpose of Chamberlain's policy excited small interest among the general public. The crucial question was, Would the British workman have to pay more for his food? The British workman was convinced that he would, and at the election of 1906 that belief turned the conservative defeat, probably inevitable for other reasons, into an unprecedented débâcle. That election decided that the period of imperialistic enthusiasm would be constitutionally barren. It destroyed the possibility of imperial federation. And let it be noted that the blow was struck, not by the colonies, jointly or severally, but by the British people.

Since 1906 the political bonds uniting the misnamed Empire have become looser and weaker. In practice, though not (it is true) in law, the autonomy of the self-governing colonies has been greatly extended. They are indeed no longer "colonies" at all, but "Dominions." In 1916 it could be said that they had been granted and would be granted every power of self-government which they finally insisted upon having. The logical consequences of such a situation have been strikingly illustrated since. In fact, the recognition accorded to the Dominions in the peace treaties and the Covenant of the League of Nations, their attitude in relation to the treaties of Lausanne and Locarno, and the acknowledgment of their right to appoint ministers in foreign capitals, gave Dominion

autonomy a meaning which its most ardent advocates had rarely claimed for it. And, as though eager to out-distance events, the Imperial Conference of last year unanimously described Great Britain and the Dominions as "autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs," with the additional assurance that "every self-governing member of the Empire is now master of its own destiny. In fact, if not always in form, it is subject to no compulsion whatever."

The loosening of the links that have hitherto bound Great Britain to her colonies did not, until lately, attract much popular attention. For some time after 1906, indeed, the imperialism which was discredited in England and Canada remained vocal in Australia and New Zealand, and from the proceedings at the Imperial Conferences of 1907 and 1911 it might have been supposed that constitutional changes making for closer union of the Empire were more feasible than ever. But the various proposals of those years—for the establishment of an Imperial High Court, an Imperial Council, and even a federal parliament and cabinet—bore practically no fruit; and in one or two cases the representatives of the United Kingdom had a leading share in their defeat. The most notable results of the efforts of this time towards a closer unity were the creation of the Australian navy and the increase in the contributions of New Zealand and South Africa to naval defence. But the discussions of this question, both at Imperial Conferences and elsewhere, betrayed the difficulties that beset co-operation in the preparations for and conduct of war. They also caused a certain unpleasantness between Great Britain and Canada, whose refusal to follow the lead of other Dominions was ascribed in many quarters to anti-British prejudice.

Then came the war. The conduct of the Dominions at the outset occasioned general surprise—very agreeable to Britain and her allies, extremely disconcerting to their enemies. But it is significant that surprise was felt at all. There followed the splendid exploits of the Dominion forces, and the co-operation of Dominion statesmen in the conduct of the war through the Imperial War Cabinet and the Imperial War Conference. It is questionable, however, whether the war was in any sense favourable to imperial unity. When it was over, most Dominion governments seemed eager to scrap the existing machinery for co-operation; furthermore, while a short triumphant war, such as the Germans fought in 1870, tends to promote good-feeling among the victors, a long, critical struggle, when nerves become intolerably strained, leads to mutual dislike and recrimination between comrades. It is notorious that there was very bad feeling between Australians and British South Africans for many years after the Boer War; and, much as the English admired the military achievements of the Dominion troops in the greater conflict, the soldiers of at least one of the Dominions were much disliked in England. Still, the Dominions rendered immense service to the common cause, and after the war well-advertised Imperial Conferences gave the public the impression that the Empire was holding together well. But in the last two or three years facts, I think, have begun to tell. Last year's report on imperial relations caused widespread interest and no little astonishment. Much nonsense was talked about it; but there is no doubt that if legislation and procedure give effect to the sweeping assertions of the report, the present constitution of the Empire will be destroyed. And, if nothing is done, and the report be treated as mere verbiage, the consequences may be still more sensational. But I am being enticed into current controversy.

Outside Canada it is fashionable to deride the politicians of sixty years ago and in particular to scoff at the conviction of such men as Lord Blachford that "the destiny of our colonies is independence." But was not Lord Blachford substantially right? "States which have voluntarily accepted one crown and one flag, and which in all else are absolutely independent of one another"—thus were the autonomous colonies described, not by Lord Blachford, but by Joseph Chamberlain. If Blachford were alive now, he would probably say, "The independence which I predicted has been attained; the imperial authorities have done their work well; they secured that the connection, while it lasted, was profitable to both parties; while the separation which is coming to pass is more amicable than I would have conceived possible." What would perplex Lord Blachford is the fact that separation is compatible with allegiance to the Crown. When Lord Blachford was at the Colonial Office there was much republican sentiment in England. Even those who believed in the monarchy, like Bagehot, had obvious misgivings about its survival. Joseph Chamberlain himself began his political career as a republican. Dilke somehow remained one for some time after he became an imperialist. Had mid-Victorian statesmen foreseen the rehabilitation of the monarchy in popular esteem, they would doubtless have admitted the possibility and desirability of what we know as the British Commonwealth of Nations. For, notwithstanding Imperial Conferences and the formulation of innumerable schemes of imperial cooperation, the actual development of imperial relations in the past twenty years might have occurred in an Empire still dominated by the doctrine of *laissez faire*.

The real nature of what has happened is obscured by the use of that unhappy word Empire. It suggests a number of states or provinces held together by force, and probably anxious to break away. What we now call the British Commonwealth never was an Empire of that kind. Indeed, the British people have always shown themselves singularly incapable of ruling such an Empire, and they have rarely betrayed any wish to govern white men who dwell beyond the limits of the British Isles. The imperialism of thirty years ago never sat comfortably upon them and was quickly discarded. Time forbids me to enlarge on this theme, much as I should like to do so. I must be content with recording my belief that the present British Commonwealth, or as I prefer to call it, the British Society of Nations, owes its existence and character, partly no doubt to the national aspirations of the Dominions, but equally to a policy pursued by great Britain, with but few interruptions, since the American Revolution. It is a typical product of English temper and habits. Its future is no concern of mine to-day. It is sufficient to say that the development of imperial relations in the past sixty years has brought into being a political society, unique in history, the preservation of which, in my opinion, is vital to the welfare of mankind.