

327

18

C. H. Caham

Autonomy 227 to 227

OUR COLONIAL STATUS

A PASSING PHASE

Relations with the Empire

220 April
1912

Our Colonial Status—A Passing Phase

ADDRESS DELIVERED BY C. H. CAHAN, K.C. BEFORE THE CANADIAN CLUB
OF KINGSTON, ONTARIO, ON APRIL 24th, 1912

Peoples organize themselves into communities from an instinctive desire that, by the union or co-operation of their resources, they may enable the members of the community to live more complete human lives, and thereby attain not merely full physical or material, but full moral and intellectual development.

Christianity has emphasized the priceless worth and value of each human being, by asserting his personal responsibilities and duties, his individual rights and privileges. The establishment of the State and the organization of the Government of the State are but means, though absolutely indispensable means, for the co-operation of individuals, in developing the highest types of individual character, and the most complete and efficient social and political systems which may be possible under the ever-changing conditions of our ever-advancing civilization.

The whole tendency of modern political history has been toward the establishment of popular rights on a representative basis, by conceding to each member of the body politic a full share in the Government under which he lives, and by encouraging every citizen to develop a manly individual independence in the exercise of his public rights and privileges, and in the performance of his public duties and responsibilities.

The supreme object of our political activities in Canada should be to evolve and maintain such conditions as will make possible the attainment by our people of the highest ideals of citizenship. In laying the foundation of the Canadian Confederacy, the creators of the Union gave evidence that the people were fitted for popular

self-government, so as to make that Government best for the people, by giving expression, in the new constitution of the country, to the desire and ability of the majority of the people to place upon itself those constitutional restraints by which the minority would be assured of receiving justice from the majority.

At the very outset, they were confronted by the special difficulty that these British-American Colonies had been peopled for over a century by two distinct races, whose ancestors for centuries past had been in almost constant conflict, and who were further separated by their traditional adherence to two distinctly different professions of the Christian faith.

By separating the English and French divisions of Canada into provinces, and by reserving to the provincial authority wide powers of legislative and administrative control, the Canadians of French descent in the Province of Quebec, in which then as now they constituted a large majority, were assured of the preservation of the right and privilege of preserving their language, their laws and their religion; while the measure of the concessions, which had theretofore been made by the Protestant majority to the Catholic minority in the English-speaking Province of Ontario, was, by the express provisions of the constitution, made the measure of the concessions which the Protestant minority might require of the Catholic majority in the French-speaking Province of Quebec. "Respect for the rights of the minority," said Sir John Macdonald, "is the great test of constitutional freedom;" and the history of every country, composed of two or more races, or in which two or more religions prevail, affords ample vindication of the truth of his criticism. By respecting the established conventions under which Canada has made such peaceful material and intellectual progress in the past half century, we establish the strongest guarantees of like peaceful progress in the future. Mutual understanding and mutual confidence are naturally more easily established among men of the same race, than among those whose primary instincts are inherited from different antecedent histories; but, while constitutional conventions may not always prevent in Canada misunderstanding and strife, these may usually be obviated by mutual insight and sympathy, by mutual respect and tolerance.

The future development of Canada—material, moral and intellectual—the worth of the contributions, which history shall record

our country as making to the moral and civilizing forces of the world, depend, in a large measure, upon the cordial co-operation of the descendants of the two great races which now compose the bulk of our population. We, English and French, have united for all time in a political marriage, which permits of no divorce in life, and which can only be dissolved by the utter destruction of the constitution under which we have hitherto progressed and prospered; and you English-speaking Canadians of this great Province of Ontario must not forget that the French-speaking majority of your sister Province of Quebec has the undoubted constitutional right to impose the same restrictions upon the use of the English language in the schools of Quebec, which you may impose upon the use of the French language in the schools of Ontario.

But the line of the political development of each and every community is necessarily the resulting compromise between divergent tendencies, or sometimes opposing forces; and the fact that, of Canada's present population, at least two millions or more are of French descent, and that nearly a million at least are Foreign Immigrants, a majority of whom have crossed our Southern Border from the United States, must necessarily affect or modify in some measure the dominant political sentiment of this country. As for Canadians of French descent, they, as a whole, are the most intensely patriotic people of all Canada; since, having long been severed from the history, the traditions and the literature of Old France, they now know no other country, and their political affections are, first and last, centered upon Canada, the home of their fathers for many generations; and yet, by reason of their history, their traditions, and their religious teaching, they naturally adhere most tenaciously to Monarchical institutions.

In the development of all political policies for the advancement of Canadian interests, in so far as those interests are affected by the continued maintenance of our political relations with Great Britain and with the British Empire, we must first appeal in Quebec—not as in Ontario to the racial instincts of its people—but we must appeal in Quebec to reason, to considerations of Canada's vital national interests, and, if you will, to motives of political expediency, relying upon the popular sentiment in favour of the Monarchical institutions, and upon the creation and development of material and moral interests which may be held in common by Canada and by other portions of the Empire.

It is also evident that the influx of foreign immigration into the two great Western Provinces of Saskatchewan and Alberta has created in those Provinces a political atmosphere which is possibly more American than Canadian, and which is certainly more Canadian than British; and which, in the last alternative, is not altogether dissimilar to that which prevails in the Province of Quebec. The majority of the immigrants, crossing the Southern Boundary of those Provinces, find therein municipal and provincial institutions, schools and churches and in fact, a social life and social conditions similar to those which they had previously enjoyed in the United States of America. They and their children become attached to Canada; their welfare and that of their families is dependent upon the general prosperity of Canada; but their patriotism is naturally confined to Canada, and upon their minds and hearts appeals for loyalty to the British Throne and for allegiance to the British Empire make little or no favourable impression.

To these two distinct classes of our population must be added a third and ever-increasing class, that of the Canadian native born of the second, third and fourth generations, in whose minds the sentiments of fervid and intense loyalty, which led their fathers to separate themselves from the American States to build new homes in Ontario and in the Maritime Provinces, are, from generation to generation, becoming more vague and evanescent.

It is apparent, therefore, that the supreme test which will hereafter be applied by the majority of Canadian electors to any policy or policies relating to Inter-Imperial affairs or to external relations will be, whether such policy or policies are in the best interests of Canada as a distinctive political entity. In particular, the future relations of Canada with Great Britain and with the British Empire will, in a large measure, be determined by the test of their utility to Canada—by sentiments of patriotism, rather than by sentiments of racial affinity.

It was in part due to considerations such as these, perhaps, that those, who are most anxious to maintain Canada's political connection with Great Britain and with the Empire, first sought to develop the policy of Inter-Imperial Tariff Preference, in the hope that, by creating economic interests, common to Great Britain and to the over-seas Dominions, a strong material bond might be fabricated, which would continue as an abiding cohesive force, even although

other sentimental considerations should become weakened or dissipated. It was due to motives such as these, it seems to me, that the statesmen of Canada, Australia, New Zealand and South Africa have not only granted Preferential treatment to British goods in the markets of these Dominions, but that they have frequently proffered to the Government of Great Britain larger measures of preference, in return for similar Preferential treatment in British markets for the chief products of the Dominions. But during recent years that common economic bond has not been materially strengthened.

At the Colonial Conference of 1907, Mr. Asquith, the Premier of Great Britain, in reply to the overtures of the self-governing Dominions, expressly declared that preference "means that we are to consider the question whether we shall treat the foreigners and the Colonies as it were differently, and that we conceive we are not able to do." Since 1907, the views expressed by Mr. Asquith have controlled the political actions of the Government of Great Britain, and that Government has apparently been supported by a large majority of the people of Great Britain.

In all matters relating to the export and import trade of Canada,—matters which so vitally affect the material interests of all the Canadian Provinces, and particularly those of the Middle West, we are now, in spite of concessions made by us, and hereafter we may expect to be, treated by Great Britain as all other foreigners are treated, without any special preference or privilege whatsoever. The policy of tariff reform and tariff preference has received but indifferent popular support in Great Britain, and now affords but a very meagre prospect of dominating the political sentiment of that country.

I do not pretend to criticize the so-called free trade policy of the British Government or of the British people—I merely desire to emphasize the fact, to which Mr. Churchill directed special attention, when, at the close of the Imperial Conference of 1907, he boasted at Edinburgh that the British Government had "banged, barred and bolted the door on Imperial Reciprocity;" and then and there declared that "they would not concede one inch, they would not give "one farthing preference on a single pepper-corn."

When all efforts had failed to create a common economic bond between the self-governing Dominions and Great Britain, by means

of a Tariff Preference, those who were sincerely desirous of strengthening the ties between the self-governing Dominions and Great Britain, conceived that a strong political bond might be created on the basis of joint co-operation for the protection of common interests against possible foreign aggression,—by concerted action for establishing and maintaining the naval and military supremacy of the Empire. It is evident that neither of the over-seas Dominions can as yet stand alone among the Nations of the earth, many of which are greedy for territorial expansion as a means of obtaining profitable employment for their ever-increasing populations. Australia lives in constant fear of Chinese and of Japanese expansion. South Africa has Germany located on its Northern Border. Canada, as a whole, fears the possibilities that might result from the increasing Eastern Immigration; and, above all, that the economic and industrial necessities of its Southern neighbour for larger areas of agricultural lands and for vast supplies of the natural products of the forest, the mine and the sea, may already have induced its people to cast covetous eyes upon this peaceful Northern country. Perhaps this sentiment is not so fully shared by at least a minority of the people of the central Western Provinces, but on the Pacific Coast and from the Great Lakes to the Atlantic, I am confident that Canadians with few exceptions are convinced that the British connection is at present essential to assure the political future of Canada, and that that connection is far more consistent with our Canadian traditions, and far more honourable to both races in Canada than any other political connection which we could possibly form for safeguarding our national interests.

But the very possibility of foreign aggression has directed public attention in Canada to the whole scheme of our inter-imperial and international relations, at a time when other more or less irritating conditions have aroused in us a consciousness that we have outgrown the swaddling clothes of our existing colonial status. The legislative and administrative jurisdictions of Canada, in respect of which we enjoy responsible self-government, appear all too circumscribed in the light of incidents of almost daily occurrence.

A Canadian trips across the border to the United States and commits the crime of bigamy, by going through the form of marriage there, while his real wife is still living in Canada, and he and his newly wedded spouse may return to Canada and flaunt themselves, with impunity, as man and wife, in the eyes of his Canadian family.

Our laws are ineffective to punish in Canada a Canadian who commits a crime across the border, unless it is proved that he left Canada with the intent of committing a crime beyond the Canadian boundary; and then we can merely punish the offender for leaving Canada with criminal intent. We seek to ascertain the basis of this anomaly; and we find it in our existing colonial status, in the fact that this country is not a sovereign state, and that its government does not exercise and cannot, under existing conditions, exercise those sovereign rights over its own citizens which are vested in any and every petty Central or South American State.

We admit, under certain well defined conditions, immigrants of foreign birth to naturalization as citizens of this country; and they frequently fondly imagine that, when so naturalized, they are admitted to all the rights and privileges of British citizenship; but when they cross our Southern Boundary, or proceed beyond the three mile limit from our coasts, they find to their amazement, and, perhaps, to their personal prejudice and injury, that the rights and privileges of citizenship conferred by Canada upon its immigrants have no value, and are not recognized by most foreign nations,—not even by Great Britain itself,—when once, for business or pleasure, they have recrossed the confines of this country.

We enact laws, seemingly in pursuance of the express authorities conferred by our Constitutional Act, relating to copyright, to shipping, or the like, only to find that it is necessary that these same laws shall be reserved for approval or for disallowance at the *ipse dixit* of a Colonial Secretary, holding a position in the British Cabinet, who is neither responsible to the Canadian people, nor to any Parliament in which the will of the people of Canada may directly or indirectly find expression.

We recently enacted legislation respecting a Canadian Naval Service, and the acquisition or construction of ships for a Canadian Navy; but we had not proceeded far before we were faced with the fact that the ships of the proposed Service would only be subject to Canadian laws so long as their manoeuvres are restricted to our inland and coastal waters; that the operation of any colonial law is necessarily restricted to the boundaries of that colony.

We hear our master's voice wafted across the Atlantic, whether it is distinguished by the intonations of Mr. Asquith, or of Mr.

Lloyd George, or of Mr. Churchill, or of the Colonial Secretary—whose name I venture to say scarcely any one of this intelligent audience can for the moment recall—we hear our master's voice soothing us by saying that we are "masters in our own household;" that we exercise a freedom "absolute, unfettered and complete," and we become puffed up with a sense of foolish pride and self-importance, until some critical issue arises in our external relations, of perhaps supreme importance to Canada, such as the Declaration of London, a Prize Court Convention, or the negotiation of a permanent treaty of arbitration with the United States, a treaty of offensive and defensive alliance with Japan, or the like, by which our most vital interests are affected, but concerning which our responsible representatives are never even consulted, and in respect of which we no more exercise the responsible rights of citizens of the Empire than if we were inhabitants of such feeble foreign states as Liberia or Patagonia.

We are one day filled with rejoicing that His Gracious Majesty, for whose person and family we have the most loyal esteem and sincere affection, has deigned to appoint his most distinguished kinsman as Governor-General of this country, but soon, by one incident after another, we may be forced to realize that our Viceroy's official instructions emanate from the Colonial Secretary—whose name a moment ago we could not even recall—and that our Viceroy's official acts, in relation to all Imperial or Inter-Imperial interests, are dictated from the same source.

We sometimes fancy that our Parliament and Government exercise their powers, circumscribed though they are, by virtue of an irrevocable constitutional right, but ultimately we are forced to recognize the undoubted fact, no matter how permanent the delegation, expressed in the British North America Acts, may appear to be, that those powers are exercised under a delegated and revocable authority—revocable, at will, by a Parliament, which is solely responsible to the electors of Great Britain and Ireland, whose special interests its members are elected to conserve.

We may be thankful that the King—God bless Him—is our King, and that he and his descendants will ever remain the symbol of Imperial Unity, imperfect and anomalous though that Unity may be, but even this consolation is no longer left us, for by abrogating the veto powers of the House of Lords, the popular representative

assembly of Great Britain and Ireland has again obtruded upon our attention the undoubted constitutional fact that the Royal Line may be changed at will by a Parliament that is neither directly nor indirectly responsible to us.

And then we may reflect that, at least, we are a part of the Empire, though a subordinate part, and that we may continue at will to occupy our present subordinate place within the Empire, but even then the sober fact ever stares us in the face that we can be severed, by piece-meal or altogether, from the Empire, and politically united to the United States or, may be, to Mexico, by a political authority, which has ever repudiated the idea of being, or even of becoming, directly or indirectly, responsible to the millions of people who may now or hereafter inhabit the Dominion of Canada.

Mere local self-government has often been established in States which were controlled by absolute despotism; but mere local self-government is incompatible with the development of the highest types of individual character, of the most efficient organization of political institutions, and of the highest forms of modern civilization.

The instinctive desire of the races, from which the Canadian people have sprung, to acquire and conserve the rights and privileges of responsible self-government cannot possibly be rooted out. It was due to that instinct that the people of England demanded and obtained control through Parliament of public revenues and of public expenditures. It was due to that same instinct that the hereditary Second Chamber, the House of Lords, was finally deprived of even a scintilla of control of Government expenditures. It was due to that same instinct that Thirteen American Commonwealths, separated as they were into independent political communities, comprising a population of nearly three millions of people, declared their independence of the Crown, and thereupon organized a political union under which they themselves, through their own representatives, might absolutely control all matters of taxation or of contribution and expenditure. That same instinct is shared, in a pre-eminent degree, by the two millions of people of French-Canadian descent, who now inhabit Canada, and by the tens of thousands of people, who, in recent years, have left the United States to establish new homes in the North-Western Provinces of Canada. That same instinct is so potent that it would inevitably impair the fervent loyalty of

many Canadians of British descent to the institutions which the British Government now represents, if they were once absolutely convinced of the impossibility of Canada achieving her highest political destiny, as a unit within a greater unity, as a self-governing Dominion within a self-governing Empire.

The free people of Canada may not always be governed in all their external relations by the free people of the British Isles. Canadians believe that, with the assumption of corresponding duties and responsibilities, they should be conceded rights and liberties from which they are now excluded.

It is, perhaps, to be expected that British Ministers, who are now only responsible to British constituencies, will always be reluctant to extend the privileges of British citizenship to the inhabitants of the over-seas Dominions. They will doubtless seek in the future, as in the past, to maintain their exclusive authority. It was not, therefore, a complete surprise that the representatives of the British Government, present at the recent Imperial Conference, should have expressly declared, and even more clearly indicated by their attitude than by their words, that that exclusive authority in external affairs, which is now vested in the Government of the United Kingdom, will never willingly be shared by them with representatives of the Dominions.

It is true that the representatives of the Government of Great Britain have suggested as the maximum of possible concessions to the Dominions that the subordinate Governments shall be kept more fully informed of the foreign or external policies of the dominant executive. But it is not merely a matter of information, it is a fundamental political principle that is involved, that of participation in the joint direction and control—of sharing in the responsibility of advising the Sovereign—in matters of collective interests.

There are politicians in England, possibly they constitute the majority, who, apparently failing to comprehend the existing conditions, declare that it is impossible for the Government of the United Kingdom to share that responsibility with representatives of the Dominions. Do they represent the intelligently matured views of the democracy of the United Kingdom? We must ascertain definitely whether the British people are with us or against us.

The Unity of the Empire, under existing conditions, can only be consummated by the Democracy; the dominant statesmen of the United Kingdom tacitly admit their indifference. In any case, it is with the Sovereign and with the people of the United Kingdom that Canadians feel a really vital relationship, and not with politicians whose controlling desire may be to obtain or to retain office on the parochial issues that usually divide their parliamentary parties.

It is sometimes suggested in the English press that Canada should state expressly what are her "demands;" but if Canadians should formally comply with that request they cannot "demand" less than is their birthright—the right to participate, through their responsible representatives, in the control and direction of the collective interests of the Empire of which they form a part—a right which is now lost to every British subject who leaves the United Kingdom to acquire a new domicile in Canada.

But what are the British people willing to concede; since, unless the British Democracy insists that reasonable concessions shall be made, the British politicians are evidently resolved to concede nothing, but information, forsooth, concerning their own pre-determined policies! But what are the British people willing to concede, in the way of constitutional participation in the direction and control of strictly Imperial affairs, to the present and future generations of their own kindred, who now or hereafter shall inhabit the over-seas Dominions?

The Dominions will now gratefully accept even meagre concessions, if, in themselves, these concessions constitute a promise and a pledge that equality of citizenship will eventually be established. But when the Dominions are deliberately told by the Prime Minister of England that "the authority of the Government of the United Kingdom in such grave matters as the conduct of foreign policy, the conclusion of treaties, the declaration and maintenance of peace, or the declaration of war, and, indeed, all those relations with foreign powers," etc., "cannot be shared" with the over-seas Dominions, then, if that declaration is to be accepted as an expression of the irrevocable decision of the British Democracy, there is but meagre hope of placing the Imperial connection on a satisfactory and permanent basis. The dissolution of the bonds of union, by such a decision of the British Democracy, either tacit or expressed, would be regarded in Canada, at least, as an irreparable injury that for many generations could not be forgotten nor forgiven.

But Canadians cannot believe that the British Democracy will ever deliberately decide that way. We have persuaded ourselves that the British people have never in the past, and will never in the future, declare in favour of the disruption of the Empire. We still await with confidence the decision of the British people when this vital issue, which cannot long be postponed, is placed definitely before them.

If there were only one leader of public opinion in England, endowed with a vision that could look beyond the parochial political issues, upon which British parliamentary parties so frequently divide—one real man who would voice the yearnings of the race for Imperial Unity, on a basis of equality of citizenship for inhabitants of the Dominions as well as of the British Isles, then we could laugh out of sight the "impossibilities" conjured up in the minds of the politicians of the Empire, and realize in our own time the aspirations of all the white races that inhabit the Imperial domains.

As an excuse for denying to the people of the over-seas Dominions the right of participating in Imperial affairs, we are now frequently told that even in Great Britain parliamentary control is being supplanted by cabinet control, and that the representatives of the people in Parliament no longer determine questions of foreign or international policy. But nevertheless the power of making war, even in Great Britain, still essentially resides with the people and not with the executive. The Commons alone control the enlistment of troops, and the voting of funds; and the people are in reality the final arbiters in all those vital questions of foreign policy, of defense, of war, which are to the State of as supreme importance as the final question of life and death to the individual. "Where the executive," says an eminent political writer, "has not only the nominal but the "real power of declaring war, we cannot speak of civil liberty or of "self-government." In the determination of those questions Canadians ask no more, and we can ultimately accept no less than is already, under the existing constitutional practice, conceded to the electors of Great Britain.

Less than two years ago the present Prime Minister of Canada, declared in the House of Commons that:—

"I think the question of Canada's co-operation, upon a permanent basis, in Imperial defense, involves very large and very wide

“ considerations. If Canada and the other Dominions of the Empire
“ are to take their part as nations of this Empire in the defense of the
“ Empire as a whole, shall it be that we, contributing to that defense
“ of the whole Empire, shall have absolutely, as citizens of this
“ country, no voice whatever in the Councils of the Empire? I do
“ not think that such would be a tolerable condition. I do not
“ believe the people of Canada would for one moment submit to
“ such a condition.”

The really vital issues, which underlie the questions of Imperial Naval and Military organizations and Canadian contributions for the maintenance of those organizations, go to the very roots of our political life. They are not to be settled even temporarily, it seems to me, by consultations between representatives of the Canadian Government and the Admiralty or the War Department at London, whose technical advice and experience may, under appropriate conditions, be of exceeding great value. They are not to be settled by expert officials of the naval and military services, who by education and training may be incapacitated for these high political duties. The appointees of Mr. Churchill to the Admiralty Board cannot be permitted to determine those paramount issues which involve the political destiny of the over-seas Dominions. Those issues can only be settled by prolonged deliberations between the Government of Great Britain and the Governments of the Dominions,—deliberations which can only result successfully, it seems to me, if they open the way for these Dominions to achieve their highest political destiny as self-governing units in a self-governing Empire—if they open the way to Canadians, while domiciled in Canada, to acquire and to assume all the duties and responsibilities and to exercise all the rights and privileges that appertain to British citizenship.