

Ambivalent Empire: Canada 1917-1919

James W. J. Bowden

Britain has held various possessions in the Caribbean Sea since the 17th century, known collectively until the mid-20th century as the British West Indies. Today, only six Crown colonies — British Overseas Territories, as they are now called — remain in the Caribbean: Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, and the Turks and Caicos. In contrast, Antigua and Barbuda, the Bahamas, Barbados, Belize, Grenada, Jamaica, Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines achieved independence and responsible self-government as Commonwealth realms, equal to Canada and Australia, in the 1960s, 1970s, and 1980s. Upon gaining their independence and self-government in the same period, Dominica opted to become a parliamentary republic instead; Trinidad and Tobago, as well as Guyana, gained independence as realms but later became republics.

Canada's links with the Commonwealth Caribbean date from the 19th century. Canadian banks established a presence in the region as early as the 1880s; today, the Bank of Nova Scotia, CIBC (which there presents itself as "The First Caribbean"), and RBC ("The Royal Bank") dominate the financial services sector and hold a majority of the assets in the region; Barclays of the United Kingdom comes in fourth, behind the three Canadian banks. The Royal Canadian Mounted Police often engage in training missions with the police forces of

the Caribbean Commonwealth Realms, and the Canadian Armed Forces routinely work closely with the defence forces of the region, especially the Jamaica Defence Force.

Some scholars have characterized Canada's relationships as covert neo-imperialism or neo-colonialism rather than a free association. But history could have taken a different course a century ago, when the Dominion of Canada

could instead — had it chosen to do so — have engaged in an overt "paleo-imperialism" in the British West Indies. Calls for stronger commercial ties began even before Confederation, initially as an anxious response to Washington's abrogation of Reciprocity in 1866. And from the 1880s to the 1920s, the Canada and the West Indies — especially Barbados, and Jamaica — flirted with various forms of political union in what Robin Winks calls "the Forty-Year Minuet."

These efforts culminated between 1917 and 1919 when Sir Robert Borden and David Lloyd George, the British prime minister, deliberated a Canadian proposal that the entirety of the British West Indies be transferred to Canada. This, the grandest idea of them all, ultimately failed as well. But exploring why it failed and the British West Indies remained under London's tutelage instead of Ottawa's reveals how the British Empire evolved into the interwar Commonwealth, how the various Dominions accrued their own international legal personalities through autonomy and independence, and how the Imperial Crown branched

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into a personal union of Crowns. The writings of Sir Joseph Pope, Borden, and Lloyd George demonstrate that, in fact, Canadian officials in the 1910s did not appreciate the difference between internal, incorporate territories versus external, overseas territories. These conceptual misunderstandings of how the Empire operated outside of North America, coupled with overt prejudice against Afro-Caribbeans, both contributed to Canada's decision not to assume the administration of the British West Indies.

The Pope Memorandum, 1917

ON 31 JANUARY 1917, Pope, then Assistant Clerk to the Privy Council and Under-Secretary of State for External Affairs, prepared a "Confidential Memorandum upon the Subject of the Annexation of the West India Islands to the Dominion of Canada" in advance of Borden's participation in the first meeting of the Imperial War Cabinet. Borden initially pushed Canada's case, over the opposition of British officials, especially the Colonial Office — though by 1919, Lloyd George had come to support the idea more enthusiastically than Borden.

In the memorandum, Pope adduces history, economics, and the sanctity of the Dominion's sacrifices during the Great War, in a general argument for political union. Pope then presents a list of five rationales of how union would benefit the Dominion of Canada, debunks four possible objections to such an arrangement, and concludes with a series of figures on Canadian-West Indian trade prepared by the Department of Customs on 19 October 1916.

Pope notes that the Legislative Council of Jamaica sought to send a delegation to Ottawa in 1885 to explore "either confederation or reciprocity." The Macdonald government agreed but made clear that Ottawa remained neutral on "the desirability of political confederation." For its part London objected to "any inquiry into Confederation." From this failure, the Under-Secretary of State understood the necessity of British approval. While those talks came to nothing, Pope's summary of the events — in which he himself would have taken part, since he had served as Macdonald's secretary as well — reveal from the outset his conceptions about how empires work. It transpires that neither

Pope nor Borden could conceive of anything other than annexing the British West Indies as territories within Confederation — that is, as parts of Canada itself. The idea that the British West Indies could be transferred from British Overseas Territories into the first set of Canadian Overseas Territories, held by Canada but not part of Canada, simply never occurred to them.

Even in the throes war, Pope understood that its aftermath would irrevocably alter the nature and structure of the British Empire, shaking it to the core and perhaps leaving it vulnerable and weakened. Canada in 1885, still fragile as a polity after finally linking itself by rail that same year and overcoming a second Western rebellion, could not then have taken on far-flung Caribbean territories. But Pope believed in 1917 that Canada should seize its destiny amidst "the reorganization and readjustment of Imperial relations [that] in all probability will follow the European war." Pope argued that the Dominion had "very greatly developed and consolidated its resources" between 1885 and 1917 and now found itself able to take on new "responsibilities." This both emphasizes the traditional view of European imperialism as a duty and civilizing mission, and sets up the main argument that Borden would present to the Imperial War Cabinet: that Canada's sacrifice in defence of "our beloved mother country" merited repayment in kind. Pope notes that Australia and New Zealand were to receive some German islands in the Pacific and that a "vast territory," German South-West Africa, "will be incorporated into the Union of South Africa." There again, Pope reveals his profound misunderstanding of Imperial organization. In reality, the future Namibia never became part of the Union of South Africa itself; instead, it remained a separate external territory under South Africa's sovereignty and, officially, as a League of Nations Mandate. Similarly, Samoa never became part of the Dominion of New Zealand, and Papua New Guinea never became part of the Commonwealth of Australia. These became, as it were, sub-colonies ruled by the autonomous British dominions. Pope was for some reason unable to apply parallel logic to Canada's case.

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Already by 1917 the Dominion government had developed a strong sense of autonomy. Pope's memorandum presaged the splintering of a common Imperial foreign policy charted by the British cabinet in London and starkly presents Borden's role as "upholding the interests of Canada," not the interests of the Empire as a whole. Already the Great War had sundered common defence and foreign policies. Pope even goes so far as to deny that the British cabinet's decision to go to war had bound Canada automatically to do the same. Instead, Canada entered the Great War willingly out of "loyalty to and affection for our Sovereign and to British institutions" and did not "stipulate conditions" in return for raising armies in aid of the Mother Country at a time of great peril.

ON THAT BASIS Canada should "participate in the advantages which will flow from triumph of our arms" — especially since "the other Dominions would receive accessions of territory" in the event of an Allied victory and the division of former German territory as spoils of war. Those new Canadian territories would instead derive from existing British possessions in the Caribbean willingly transferred by London. Pope argues that since "there are no German possessions on this continent for Canada to conquer," Canada should receive "territorial recompense" in return for having fought "to preserve and augment the integrity and greatness of the British Empire." He concludes that "the inclusion of the British West India Islands within the Dominion" would provide a just compensation. Pope saw acquiring the West Indies not only as a means of upholding Canada's competing prestige against her "sister Dominions" of Australia, New Zealand, and South Africa but, crucially, also as a way of competing with and rivalling the United States. Two Manifest Destinies would thus square off in the Americas, those of the monarchical Dominion of Canada and that "great Republic," as Pope calls it, to the south.

Pope lists five main "advantages of the union of these islands," centering on Canadian prestige and economic benefits.

The advantages of the union of these islands with Canada may thus be briefly summarized: —

1. It would give to Canada an increase of territory amounting to 113,000 square miles, and of population 2,300,000, thus adding considerably to the importance of the Dominion.

2. The tropical products available in the new territory would make the Dominion more self-contained and would give us practically all the advantages of a diversity of climate and products which are afforded to the great Republic by the southern portion of the United States.

3. The importance of sea power would become so obvious under

new conditions as to leave little room for argument to the contrary.

4. Confederation would afford a broader market to manufacture and producers which must result in a very large development of trade, as we produce precisely what they require and vice versa.

5. It would balance the accessions which will accrue to the other self-governing dominions at the termination of the war in the only way in which it is possible for Canada to obtain an equivalent, and thus to some extent compensate the Dominion for the sacrifice she has made in the defence of the Empire.

Geography had longed worked against Canada. Macdonald and Laurier never lost sight of the Dominion's geographical disadvantage; they sought to bridge the imposing granite barrier of the Canadian Shield with trans-continental railways which opened up the Prairies to mass settlement and solidified the country's claim to the West, North, and Pacific. Pope thought along similar lines and noted that Canada's provinces fall along "roughly the same parallel and possess similar climatic conditions," which made their agricultural yields "nearly identical"

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and therefore left little competitive advantage, militating against inter-provincial trade. Observing that the most productive trade routes ran longitudinally in the Americas rather than latitudinally, he argued that incorporating the British West Indies into Canada and cultivating their tropical produce would align a vast, advantageous common British North American common market and significantly diversify and increase trade and economic output for all.

Perhaps most importantly in light of Canada's reactionary, counter-Manifest Destiny, a Canadian-Caribbean union would allow Canada to erase "the disparity at present existing between us and the United States," and expand Canada's territory and population, "thus adding considerably to the importance and influence of the Dominion." The West Indies would benefit from Canadian natural resources and commodities like timber and grain, while Canada would likewise profit from West Indian "tropical products." Annexing the West Indies would also "make the Dominion more self-contained" economically and agriculturally. Union with the British West Indies would allow Canadian merchants to open profitable canning factories for tropical fruits, empower Canada to better compete against its southern neighbour as well as "facilitate the union of Newfoundland with Canada" and expand this common British North American market yet further. (Apparently, the Royal Newfoundland Regiment's immense sacrifices in the war merited not some new territorial acquisition for the Dominion of Newfoundland, but rather the privilege of being annexed by the Dominion of Canada!)

In addition to these economic benefits, Pope believes that annexing the West Indies would render a significant political dispute from earlier in the decade moot and thus strengthen national unity. This policy would definitively settle the divisive Naval Question, which first erupted in 1911, by obligating the Dominion to maintain a separate Royal Canadian Navy in order to project future Canadian sovereignty in the Caribbean.

Incidentally, this arrangement would therefore probably have accelerated Canada's push for autonomy and the emergence of a separate Canadian international legal personality. Borden also mentions this in his correspondence

from January 1919. Pope likened the Canadian-West Indian political and economic union to the market between the United Kingdom and India. Through this analogy, Pope fails to appreciate the crucial distinction between internal and external territories: neither British India nor the British West Indies ever formed part of the United Kingdom itself but were instead held by the British Crown as overseas territories ruled primarily by a Viceroy and Governors. In contrast, Canada, Australia, New Zealand, and South Africa were also overseas territories of the British Crown with self-government.

Pope attempts to debunk "objections to the scheme" of union of which the "First and foremost is the negro question." While Pope's attitudes toward the prospect of enfranchising Afro-Caribbean West Indians to vote in Canadian elections does reveal an underlying racial prejudice and animosity, he also attempts to defuse what he calls "the negro question" by drawing an analogy to the constitutional status of the Northwest Territories and Yukon. (Contemporary writings between 1917 and 1939 use the terms "negro" and "coloured," now considered archaic or demeaning, though at the time they were in common use and were often employed as neutral terms.)

Pope concluded that "the advantages outweigh the disadvantages ... with the possible exception of the negro problem." He included a proviso conceding that "Confederation" of the British West Indies was not apt. He added:

There can be no confederation of the British West Indies with Canada at the start in the sense that this word was used in the case of Nova Scotia and New Brunswick half a century ago. There can be no equality of status at the outset. That would be impossible and from what I can learn not expected and not desired by the West Indians themselves. "Annexation" or "Incorporation" would more closely describe the initial process of admission into the Union, under which they would be some, as it were, "territories" of the Dominion.

Pope acknowledged the widespread prejudice toward Afro-Caribbean peoples and par-

takes in it himself. He laments that “the negroes would clamour for larger political privileges than they at present possess under the direct control of Great Britain” but argues that the franchise would have to include a strict property qualification as well as “an educational standing high enough, at the outset, to exclude a very considerable portion of the black population.” This implies that Ottawa would gradually expand the franchise over time to the black population; such restrictions in the West Indies would have found precedent in Canada, which did not guarantee universal suffrage irrespective of sex, race, or national origin until the federal general election of 1963.

Pope identified “distance, finance, and defence” as the other main objections. Pope dismissed the Distance Problem by pointing out that shipping products from Kingston to Halifax would cost less than shipping from the Prairie Provinces to Nova Scotia. Furthermore, in 1917, shipping goods from Trinidad to Montreal cost less than moving them between Toronto and Winnipeg. And the British West Indies still lie closer to Canada than to the British Isles. As to “Finance,” Pope acknowledged that some Canadian producers would indeed suffer in the near term once British West Indian products could enter Canada and the new Common British North American Market duty-free, but he concluded that “the great development of trade which would follow from union” would generate significant economic growth and more than compensate for those initial losses over the long term.

On the problem of “Defence,” Pope acknowledged from the outset that acquiring the British West Indies “might excite the jealousy of other powers,” which would presumably have included the United States. An intra-Imperial transfer might even have turned President Wilson’s mind to the Monroe Doctrine and the 1904 Roosevelt Corollary. [footnote: “Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the

exercise of an international police power.”] Wilson could have cited what American historian Samuel F. Wells calls the British Empire’s “strategic withdrawal from the Western Hemisphere” between 1904 and 1906, wherein London withdrew all British Army garrisons and all but one Royal Navy cruiser from the West Indies between those years, as a precedent against Canadian annexation of British territories in the Caribbean. Furthermore, Pope points out that the “isolated and exposed position” of the West Indies “would render the Dominion more vulnerable to attack, and would thus necessitate expenditure for both naval and military defence on a considerably larger scale than hitherto contemplated by this country.” However, a few paragraphs earlier, he had characterized these same conditions as beneficial to Canada because they would force the country to sustain a separate Royal Canadian Navy, making the Naval Question moot and forcing the country to assume new responsibilities.

Borden & Lloyd George, 1918-19

IN ACCORDANCE WITH Pope’s memorandum, Borden first broached the subject that London should transfer the administration of the British West Indies to Ottawa at the inaugural meeting of the Imperial War Cabinet in March 1917. The Colonial Office and Foreign Minister, Lord Curzon, initially balked and bristled. By 1918, Lloyd George had enthusiastically endorsed the idea of transferring the West Indies to Canada. But by the start of the Versailles Conference in January 1919, Borden and Lloyd George had switched views, as the primary sources reveal.

On 30 November 1918, Francis Keefer, the Parliamentary Under-Secretary of State for External Affairs and a Conservative MP from northern Ontario, wrote to Borden in wonderfully oblique phrasing, saying: “Now it is time, [...] for the Canadian Government to quietly bring up with the Home Government the advisability of suggesting to the West Indian officials the desirability of joining the Canadian Confederation.” Keefer brings up some of the same points that Pope raised, mentioning that “the Union of these Islands with Canada would wonderfully stimulate trade in the Maritime Provinces” and would help persuade Newfoundland to join Confederation as well.

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Borden's reply from January 1919 implies two options: "handing over the administration of the British West Indies Islands to Canada or of having them formally annexed to Canada." The first sounds more like taking them on as external territories, though this was not explored further. Borden also notes that the "British Prime Minister is thoroughly in sympathy with the proposal but of course he could not undertake to carry it out against the wishes of the inhabitants." Lloyd George's own *Memoirs* of the Peace Conference corroborate Borden's characterization. Interestingly, both Keefer's letter and Borden's reply both suggest that the Dominion government would only seek administration over the West Indies with the consent of its inhabitants — though possibly only their white minority, given what Borden and Pope said about the black majority.

ECHOING POPE, BORDEN adds that the advantages of some kind of association would include gaining agricultural "products that are not available and cannot be grown in Canada," as well as "the lesson which [acquiring these territories] would teach as to the necessity of naval power." As Thucydides observed, "War is a violent teacher," and the Great War seems to have caused Borden to re-evaluate the Naval Question of 1910-1913 and come around to a position closer to — perhaps even more nationalist than — Laurier's view in 1910.

Borden also cites some "serious disadvantages," lamenting that "The coloured population [...] would insist upon representation in Parliament" — which would make sense only if the West Indies became part of the Dominion — and that "As Canadian negroes are entitled to the franchise, West Indian negroes would consider themselves equally entitled." These objections would not apply if the British West Indies became self-governing Canadian overseas territories, because then their inhabitants would be eligible to vote only in elections for their local assemblies and not for Parliament. Borden's own correspondence shows that racial attitudes played a role in his turn away from annexation and would almost certainly have come to the fore in any Canada-wide debate. Aside from the obvious prejudice and anxieties,

the passage reveals that Borden shares in Pope's fundamental misunderstanding of how empires work. Race alone cannot explain Borden's turn away from taking on the British West Indies, given that the same prejudices prevailed at this time in South Africa, Australia, and New Zealand yet those Dominions readily took on external territories in 1919 populated by non-European peoples.

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In 1939, Lloyd George published his memoirs of the Versailles Conference, providing insights into the nature of the Empire and the role of the Dominions in taking on new external territories. He also largely corroborates what Pope and Borden wrote between 1917 and 1919. He notes that the Imperial War Cabinet convened 48 times between 20 March 1917

and 31 December 1918 and that the Dominions enjoyed strong representation on all the important committees. Borden presented the proposition contained in Pope's memorandum at one of these early sessions in 1917. On 20 November 1918, the Imperial War Cabinet first discussed the issue of turning former German territories into mandates within the Empire; the British representatives expressed little enthusiasm toward annexing additional territory, but the Dominion leaders all agreed that the Dominion forces which took the former German territories in Africa and the Pacific should retain these possessions after the war. This formulation confirmed Pope's fear of diminishing Canada's prestige relative to Australia, New Zealand and South Africa; it would have precluded Canada from taking on any new territories, since there were no German colonies in the Americas for the Canadian Expeditionary Force to capture during the Great War.

At meetings of the Imperial War Cabinet, Borden took a more Wilsonian tack than his Antipodean counterparts and argued that "Canada [...] did not go to war in order to add territory to the British Empire." Borden agreed that Australia, New Zealand, and South Africa should keep the former German territories that

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they took during the war only if “their acquisition was necessary for the future security of the Empire.” According to Canadian historian Philip G. Wigley, Borden possessed something of a Wilsonian streak himself. He “had made a number of speeches to American audiences since the outbreak of hostilities, touching on the lofty ideals behind the Canadian and Imperial war effort.” However, Borden’s rhetoric followed the failure of two failed Canadian proposals for territorial acquisition: one that the United States cede the Canadian claim on the Alaskan Panhandle to Ottawa in exchange for acquiring British Honduras (now Belize) from London, and another that France transfer to the Dominion of Canada — and not to the Dominion of Newfoundland — the anomalous French islands of St Pierre and Miquelon.

Lloyd George observes, with more than a hint of derision, that Borden “was always in close touch with American opinion.” In contrast, Australian Prime Minister Billy Hughes and New Zealand Prime Minister William Massey openly defied US President Woodrow Wilson’s attitudes regarding the fate of the German Pacific islands. Hughes later had to assuage Wilson that Australia sought to retain control over former German Pacific islands “in the interests of Australian security, and not in the interests of the British Empire.” Here the Dominion Prime Ministers began to consider the interests of their countries as both paramount to and separate from British Imperial interests as a whole, partly in order to appease Washington. The Dominions also broke with their earlier commitments at the Imperial War Cabinet and thus began the splintering of a common Imperial foreign policy as the Dominions readily asserted their own international legal personalities.

Borden’s enthusiasm for imperial acquisition had waned by 1919 as the daunting realities of administering vast swathes of territory set in. Lloyd George remarked:

Canada was the only Dominion that sought no accession of tropical territory in any quarter of the globe: in fact, she shrank from the idea. Personally, I regretted the disinclination of her statesmen and her people then to share in the direct responsibilities of empire. I had many a talk with Sir Robert Borden on the subject. I

had been of the opinion that Canada might undertake the control and administration of the British West Indian Islands on behalf of the Empire. Those beautiful and fertile islands were — and still are — suffering from the neglect which is inevitable in an immense and scattered estate needing constant care and capital, not only for its full development but even to prevent its falling into decay. Canada has no tropical or semi-tropical territory, and I thought the undertaking might interest the Canadian people. I found that Sir Robert Borden was deeply imbued with the American prejudice against the government of extraneous possessions and peoples which did not form an integral part of their own Union. He therefore gave no encouragement to my suggestion, and I dropped it.

Canada as Land Empire

LLOYD GEORGE HAD more or less correctly identified the problem: Borden and Canadian officials could not conceive of the standard imperial constitutional structure where the Crown holds multiple separate polities and distinguishes between the metropole and overseas territories. In other words, a system in which the Dominion of Canada consists of provinces and territories, but Ottawa would also take on and administer overseas territories that form no part of the Dominion of Canada but belong to it as colonies of, in effect, the Canadian Crown. In contrast, the Australians and New Zealanders, literal islanders like the British, and the South Africans, figurative islanders who saw themselves as separate from and superior to black Africans, implicitly understood the distinction between land empire and maritime empire.

British North American geopolitics had long centered on the concerns of land empires: preventing another invasion after the War of 1812, securing Canadian sovereignty over the northern half of the continent vis-à-vis the US, and subsequently maintaining law and order through the North-West Mounted Police. The Fenian Raids of 1866, which took place amidst the various conferences that led up to Confederation, portended that the Dominion would face threats by land. The British Army withdrew from Canada in 1871, but Canada only assumed from the Royal Navy control of Halifax on 16 January 1906 and Esqui-

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malt on 1 May 1906. Canadian officials resisted any notion of taking on the trappings of maritime empire and thought so little of maritime defence that Parliament did not provide for a separate Canadian navy until 1910 — and only after a colossal controversy that spanned the Laurier and Borden governments, persisted in Parliament until at least 1914, and remained fresh in Pope's mind when he wrote his memorandum in 1917. In contrast, most of the Australasian colonies had established their own navies even before federating into the Commonwealth of Australia in 1901.

Pope argues that the West Indies should become part of Canada as Caribbean territories under the same constitutional status as the two extant northern territories, thereby restricting not only the franchise but also their self-government in local matters. He dismisses admitting the West Indies “forthwith to the full measure of self-government enjoyed by our provinces” as entirely “out of the question.” Instead, they would fall under the “same system as obtained in the early days of the Northwest Territories”: the Governor General appoints a Commissioner and a territorial Council which administer the territory. This system could gradually give way to one where the people elect some Councillors (though, of course, under a restricted franchise) and the Commissioner appoints others; finally, Ottawa would grant the territory a legislative assembly elected entirely so that it could “ultimately attain the full measure of responsible government enjoyed by our provinces today.” The West Indians would achieve self-government when Ottawa deemed that they had proven their “fitness” for it.

Yet nowhere does Pope contemplate a third — and, for Canada, novel — option of taking on the West Indies as overseas territories not part of Canada or Confederation itself. Ironically, annexing the West Indies as overseas territories instead of as normal territories would have assuaged and rendered moot racist anxieties and prejudices more effectively than would Pope's suggestion,

because this type of imperial arrangement would have given even their white inhabitants no claim at all to vote in Dominion elections. Casting back to the late 18th century, once British North Americans had achieved some measure of self-government, they could vote in elec-

tions only for their colonial legislatures, not in elections to the Westminster Parliament. Pope characterizes the status of the British West Indies as overseas territories of the United Kingdom and colonies of the British Crown as “direct control of Great Britain,” but he does not grasp precisely that this fundamental and profound misunderstanding of how empires work played a key role in dooming the project to failure.

‘I found that Borden was deeply imbued with the American prejudice against the government of extraneous possessions and peoples which did not form an integral part of their own Union.’

Pope's memorandum betrays an ambiguity and uncertainty about the exact relationship that “annexation” would bring between Canada and the British West Indies. Pope, and later Borden, presumed that the various West Indian islands would become territories, tropical counterparts to Yukon and the Northwest Territories. They could not conceive of a political arrangement in which the West Indies, then overseas territories of the Imperial Crown, would become overseas territories of Canada.

Pope alludes to the statutes and executive instruments which allowed Canada to expand to a three-ocean country between 1870 and 1917. Section 146 of the *British North America Act*, 1867 provided that the existing colonies of British Columbia, Prince Edward Island, and Newfoundland would join Confederation as provinces and that Rupert's Land and the North-western Territory would also become part of Canada — and they all eventually did. Imperial Orders-in-Council transferred British Columbia and Prince Edward Island to the Dominion of Canada in 1871 and 1873, respectively. Concurring legislation between Canada and the United Kingdom brought Newfoundland

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and Labrador into Confederation in 1949.

Her Majesty's Government had annexed Rupert's Land and the North-western Territory to the Dominion of Canada by Order-in-Council in 1870. Parliament established the Province of Manitoba out of those possessions that same year, despite some lingering doubts in Canadian legal circles as to whether the Dominion Parliament possessed the authority to do so. In response, the Imperial Parliament passed the *British North America Act*, 1871 in order to remove any doubt that Canada can establish new provinces out of possessions that that the British transferred to Canada by Order-in-Council. London then completed the annexation of all other "British possessions and Territories in North America and islands adjacent thereto" — portions of what are now Yukon, the Northwest

Territories, Nunavut, and, crucially, the Arctic Archipelago — to Canada by Order-in-Council in 1880. Finally, the *British North America Act*, 1886 built upon the aforesaid amendment from 1871 and affirmed that the Dominion Parliament could also provide for the representation of these new provinces in the House of Commons and Senate. But that proviso would not have applied to external, overseas territories, which, by definition, do not enjoy representation in the parliament of the metropole.

Given that Pope had cited Yukon and the Northwest Territories as constitutional rubrics for the West Indies, he probably would have expected that London would transfer these islands to Canada by Imperial Order-in-Council. Yet even here, Pope had bogged himself down in these precedents and still did not quite grasp the dis-

German Conservatism after Merkel

"THERE IS A DIFFERENCE BETWEEN conservative and traditionalist," says historian Andreas Rödder. "The traditionalist wants to hold on to the past. The conservative knows that change is inevitable, and wants to delay until it is harmless. ... Is the CDU still a conservative party? Many doubt it now, and the AfD claims to be home to the true Conservatives."*

Rödder is Professor of Contemporary History at the University of Mainz, a member of the CDU, and served in the shadow cabinet of Rhineland-

Palatinate's lead candidate for 2011, Julia Klöckner, now a possible successor to Merkel.

Rödder agrees that the CDU has moved to the left, but does not accept that the AfD is conservative. "It's traditionalist, even reactionary, because it wants to turn back time. True conservatives know that the solutions of the past no longer work today. It is clear to them that values have changed too. The conservative today defends what he resisted yesterday," said Rödder.

Conservatives used to reject market liberalism but now embrace it. Today, "marriage for all" can be justified from a conservative perspective — because, it is argued, family is a conservative institution "that meets the desire of many homosexuals for a deeply bourgeois life." To be conservative is also to be sceptical about changes. "If an innovation turns out to be wrong, you have

to be ready to turn it back."

Conservative elements exist also in the Green Party, which has common ground with the CDU "in that both put society's interests above the state." Also, "it is a conservative value to protect the environment," in Christian terms, to "preserve creation." The CDU, however, wants realistic changes within the limits of what is feasible.

Unfortunately, Merkel has, according to Rödgers, "pushed the CDU so far to the left that she took the SPD's breath and created space for right-wing parties." Merkel will therefore be remembered "either because she held Europe together, or because she split the CDU and Europe." When asked if the Chancellor had missed the date for a departure in dignity, the historian replied: "Yes."

— Maxim Landau,
Frankfurter Allgemeine Zeitung (Oct. 26)

* The Christian Democrat Union is the federal centre-right party led by Angela Merkel, who intends to remain Chancellor until 2021. Alternative für Deutschland is an insurgent party founded in 2013. Rödder spoke at a "Knowledge in Dialogue" event sponsored by Frankfurt's Polytechnic Society, the Villa Metzler, and the *Frankfurter Allgemeine Zeitung*.

inction between a territory part of Canada on the one hand versus an external or overseas territory administered by Canada on the other. Admittedly, however, if Borden and Lloyd George had come to an agreement about the British West Indies in 1919, a transfer of overseas territories to Canada would have required action on the part of both the Imperial Government and the Imperial Parliament, in something akin to the precedent of 1870-1871.

A SIMPLE IMPERIAL Order-in-Council would have sufficed to transfer these Caribbean territories from British to Canadian control; however, the Dominion Parliament would then have lacked the authority to legislate for these external, overseas territories at all unless the Imperial Parliament passed a new *British North America Act* conferring upon the Dominion the authority to pass legislation of extra-territorial application to Canadian possessions in the Caribbean. Ultimately, the Dominion Parliament did not gain this general competence to make laws of extra-territorial application until the Statute of Westminster in 1931; it applied that principle retroactively to all existing Canadian statutes through the *Extra-Territorial Act* in May 1933 in order to bestow extra-territorial operation on Canadian statutes which entered into force before 1931.

In 1919, Ottawa could have taken on the British West Indies as Canadian overseas territories and still granted them Representative Government, (a modicum of self-government and their own representative legislatures) and eventually full Responsible Government, under which Canada would only take responsibility for the defence and foreign affairs of the islands. Such an evolution would have paralleled what the Canadas underwent in the 18th and 19th centuries. In fact, Pope alluded to this constitutional evolution in his memorandum, but he could not make the additional leap differentiating territories part of the Dominion and overseas territories external to the Dominion but under its sovereignty. Ironically, this overly imperialist structure would also have rendered Borden's prejudice against Afro-Caribbean peoples moot, since they would have been voting in their own territorial elections and not in Canadian federal or provincial elections, in the same manner that Canadians from 1791 onward voted in their own elections and not in elec-

tions of the Westminster Parliament in London.

Borden's Ambivalence

LLOYD GEORGE CORRECTLY observed that Borden and other Canadian officials did not really understand how empires worked. Where Borden thought that the British West Indies would become part of Canada, since he thought that they would need representation in Parliament, Lloyd George would probably have envisioned the West Indies becoming Canadian overseas territories not part of Canada itself.

Canada — unlike South Africa, Australia, and New Zealand, which all took on protectorates and territories — refused to help London administer the postwar Empire in 1919 and probably thereby lost its one real chance of fulfilling Laurier's prophecy that "Canada will fill the 20th century." When the Republican majority in the United States Senate refused to ratify the treaty that would have made the United States of America a founding member-state of the League of Nations in 1920, they doomed Wilson's vision to impotence. Borden's reluctance to accept that Canada take on the administration of the British West Indies might have likewise destroyed Lloyd George's vision of Dominion sub-empires and the last best hope that the Empire would survive. Alternatively, perhaps the Empire and the Imperial Crown would have evolved as they did anyway into the Commonwealth and a personal union of Crowns.

Even so, the idea of political union or some kind of association with the Commonwealth Caribbean did not end in 1919. In 1958, the British re-organized Jamaica, the Turks and Caicos, Anguilla, Antigua and Barbuda, St. Kitts and Nevis, Montserrat, Dominica, St. Lucia, St. Vincent and the Grenadines, Barbados, Grenada, and Trinidad and Tobago into one self-governing polity under the British Crown called the West Indies Federation. Belize, the Bahamas, and Bermuda remained separate. Constitutionally, the West Indies existed in the same middle ground as its sister federations Canada and Australia until the Statute of Westminster: self-governing in local matters but with London retaining responsibility for its defence and foreign affairs. The Foreign and Commonwealth Office intended that the West Indies would then gain independence as a Commonwealth Realm after

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five years, in 1963. Unfortunately, the federation proved too dispersed and unwieldy; it collapsed in 1962.

Douglas G. Anglin, Associate Professor of Political Science at Carleton University, characterized the West Indies Federation in 1961, only one year before its collapse, as “one of the weakest federal systems ever to coin into existence” because it spanned the vast distance between Jamaica (part of the Greater Antilles) and the Lesser Antilles, and because the federal constitution failed to provide a customs union and common market and even allowed the individual islands to restrict migration between one another. The Turks and Caicos, Anguilla, Antigua and Barbuda, St. Kitts and Nevis, Montserrat, Dominica, St. Lucia, St. Vincent and the Grenadines, Barbados, and Trinidad and Tobago reverted to individual British Overseas Territories and then began to gain independence as self-governing, independent Commonwealth Realms, starting with Jamaica in 1962 and ending with Saint Kitts and Nevis in 1983. (Dominica did so as a parliamentary republic). The Constitution of the defunct West Indies Federation formed the basis for the constitutions of all the Realms which emerged from its dissolution, as evidenced by the similarities in structure, content, and manner and form between them.

In 1960, Canadian historian James Eayrs presciently argued that if the Federation of the West Indies failed, Canada should take on “the West Indies as the eleventh province of the Dominion — perhaps the eleventh, twelfth, or more.” This unobvious destiny of pan-British North Americanism had endured, and it had now morphed into a liberal-imperialist vision in which Canada would become a microcosm of the Commonwealth of Nations and “voluntarily assum[e] the challenges of a multi-racial society, experiencing its tension first-hand” and, as a result, would also “gain maturity as a people, prestige within the Commonwealth, and a surer touch in diplomacy throughout the world.” Even in Eayrs’s work, one hears the echoes of the paleo-imperialism of the 19th and early 20th centuries.

Today, the former British West Indies consists of only the six remaining British Over-

seas Territories in the Caribbean, so any modern resurrection of this idea of transferring administration of these islands from London to Ottawa would have to limit itself to Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, and the Turks and Caicos, since all the other islands of the Commonwealth Caribbean are independent and sovereign in their own rights, and equal to Canada. For whatever reason, a handful of Canadian politicians in the mid-20th century to the early 21st century have fixated from time to time only on the Turks and Caicos out of these six remaining British Overseas Territories. Worse still, they have maintained the same confused attitudes toward Empire as Borden and Pope one century ago: they cannot decide precisely how these islands would relate to Canada.

New Democratic MP Max Saltzman introduced a private member’s bill, Bill C-249, “*An Act Respecting a Proposed Association Between Canada and the Caribbean Turks and Caicos Islands*,” during a cold snap in January 1974, claiming that the inhabitants of the islands had expressed an interest in joining Canada. The bill died on the Order Paper, frozen to death at 1st Reading, and the Department of External Affairs issued a preachy statement dismissing the proposal on the grounds that it would create a “new relationship that could be represented as neo-colonial.” Thirty years later, the idea found new life. In 2004, Nova Scotia’s House of Assembly unanimously supported a motion that “the Government of Nova Scotia initiate discussions with the Turks and Caicos to become part of the Province of Nova Scotia and encourage the Government of Canada to welcome the Turks and Caicos as part of our country.” Peter Goldring, while a Conservative MP, also pushed for the Turks and Caicos to join Confederation either as the 11th Province or the fourth territory throughout the 2000s and 2010s. Rufus Ewing, Prime Minister of Turks and Caicos, visited Ottawa in May 2014 in order to promote trade and tourism, and remained agnostic on the subject of joining Confederation, saying: “I’m not closing the door completely.” (THE DORCHESTER REVIEW contributor “Cimon,” in Vol. 2, No. 2, Autumn/Winter 2012, touched on 19th-century interest in Canadian union with the West Indies.)

Canada has never mustered a serious effort at either acquiring the British West Indian colonies or persuading self-governing Commonwealth Caribbean islands to join Confederation, and it almost certainly never will. With the apogee of European and British empire-building now decades old, a formal offer toward one of the British Overseas Territories to join Confederation as an internal territory would probably seem horribly retrograde at best and a neo-imperialist absurdity at worst, especially in light of the real and documented racial attitudes toward Afro-Caribbean peoples which Canadian officials once expressed. Furthermore, an offer to join Confederation as a province would probably precipitate a constitutional crisis. Section 42(f) of the *Constitu-*

tion Act, 1982 says, “Notwithstanding any other law or practice, the establishment of new provinces” requires an amendment to the Constitution of Canada under the General Amending Formula. Ottawa lacks the political will and ambition even to assert its own federal jurisdiction and guarantee internal free trade and the construction of vital inter-provincial infrastructure, let alone to expand British North America from sea to sea to sea to the Caribbean Sea. Canada now enjoys strong economic partnerships, cultural exchanges, similar governing institutions, and a shared Imperial heritage with the Commonwealth Caribbean. And this is how it shall remain. ✎

Reference notes available from the author.

An Underhanded Handover

RUSSELL BURKE *describes the British Parliamentary debate on Canada's Constitution in 1982*

In March of 1981 the longtime goal of Pierre Elliot Trudeau to patriate the Canadian constitution with a bill of rights seemed to be going nowhere. Since at least the late 1950s, Trudeau had nourished this aspiration. Though the Manitoba Court of Appeal had recently ruled that Ottawa's strategy of unilateral patriation (proceeding without the consent of the provinces) was constitutional, the Newfoundland Court of Appeal would rule at the end of March 1981 that the Federal Government's unilateral approach was unconstitutional. Perhaps more damning for the Prime Minister was the assertion of the Court that Canada's provinces were autonomous communities. Put differently, according to the Newfoundland Court of Appeal, the Federal Government in general and the Government led by Pierre Trudeau in particular, did not speak for Canada. Trudeau could neither get the unambiguous support of the courts for his project, nor could he get substantial provincial consent. Across the Atlantic, British politicians — who would ultimately have to vote on Trudeau's constitutional package — were also

becoming concerned. For some, the Westminster Parliament had been asked in 1931 to retain the power to legislate Canada's constitution — the *British North America Act* (BNA) — as a means to preserve Canada's federal constitution. This was certainly what provincial agents in London were telling them and indeed senior officials in the Thatcher government were beginning to have misgivings. Clearly speaking from frustration, the Prime Minister let it be known that Westminster politicians who didn't like his constitutional proposal could “hold their noses while voting for it.”

A year later, in March of 1982, Trudeau was in a much better position, having had the Supreme Court rule in his favour and having obtained the approval of nine of the provinces. The Canadian Senate and Commons had passed a joint resolution in December and the Canada Bill had received Third Reading in the House of Commons at Westminster after only four days of debate on March 8, 1982. During debate in the Lords, the Lord Stewart of Fulham replied to the comments of the Canadian Prime Minis-