

# POLITICAL DEVELOPMENT AND RELATIONS \*

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AFTER the confused, almost chaotic period of government that followed the war of independence, the people of the United States adopted in 1787 a constitution that has withstood the test of nearly a century and a half. Its principles (including the first ten amendments) have been set forth by an eminent authority as follows: representative institutions; a federal system of government; assurance of individual liberty and security through constitutional limitations; an independent judiciary with power to declare invalid any enactment that exceeds constitutional authority; a system of governmental checks and balances; joint control by the Senate and the Executive over the foreign relations of the government, and a fixed term of office for the Executive, who is at once the leader of the dominant party and the head of the State; a distinctive separation of the executive, the legislative, and the judicial powers. These principles have not been materially modified up to the present. In form the government was democratic, but there were restrictions upon the power of the majority in certain respects already alluded to. The most interesting features were: first, the system of dual sovereignty by which executive and legislative power was divided between the Federal and the State authorities; and second, the establishment of an independent judicial tribunal with power to determine whether legislative authority had been exceeded in any enactment. It is a memorable tribute to the wisdom and statesmanship of those who conceived and framed your constitution that it has proved thoroughly adaptable to the extraordinary changes in the conditions and needs of your country and people during a century of unprecedented development.

You may be interested to consider the systems of government which then prevailed, as well as those which have since developed, in Great Britain and in those portions of the Britannic Commonwealth that have acquired the status of self-governing nations. Your war of independence was not waged against the people of Great Britain,

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but against an oligarchic government which then controlled the administration of public affairs in that country. England had possessed representative institutions for more than five centuries, but not democratic government as we now understand it. The franchise was narrowly restricted, and it was not the people but an oligarchy that was represented. In form feudalism had almost wholly passed away, but its spirit and influence still persisted. The whole political power of England was virtually concentrated in the hands of two or three hundred territorial magnates, who controlled through their vast power and influence the election of a majority of the House of Commons, and who sat in large numbers in the House of Lords. In 1776, and until after the end of that century, Ministers regarded themselves as servants of the King rather than of the people. The principle of executive responsibility to the people's representatives in Parliament had in some measure been recognized before 1832; in 1834 it became more thoroughly assured; but the nineteenth century was well advanced before the British House of Commons effectively and successfully asserted its control of public affairs. Democratic institutions were not established in Great Britain without disturbance and disorder that verged on civil war. In 1832, after the rejection of the Reform Bill, the monarchy was threatened, there were extensive riots in different parts of the country, and both civil and military authority seemed paralysed for a time. But progress and development have since been continuous; and nowhere do the spirit, the ideals, and the purpose of democracy find more complete expression or attain higher accomplishment to-day than in the self-governing nations of the Britannic Commonwealth.

It is rather remarkable that the fight for democratic government in Canada was almost contemporaneous with the like struggle in Great Britain, although it proceeded upon different lines. In Great Britain the contest was one for real representation of the people in Parliament; in Canada the issue was the responsibility of the executive to the people's representatives. In the territory now embraced in Canada, representative institutions had their beginning in 1757. The province of Nova Scotia, then including New Brunswick and Prince Edward Island, first elected a legislature in that year. By the Canada Act of 1791 the territory comprising Ontario and Quebec, then known as Canada, was divided into two provinces and received representative institutions. In these two provinces, as well as the Maritime Provinces, a Governor appointed by the Colonial Office practically controlled the machinery of government. The legislative assembly elected by the people could grant or refuse the supplies requisite for carrying on the government,

but there were Crown revenues and military grants from the British government which made the Governor virtually independent of the Legislative Assembly. On the one hand the Governor carried on the administration through officers whom he selected, and who were not responsible to the Assembly; on the other hand no laws could be made without the Assembly's consent. The Governor regarded himself as responsible to the Colonial Secretary in London rather than to the people, and in no inconsiderable measure the administration was carried on under the immediate direction of the Colonial Office. There was inevitable conflict between the people's representatives and the Governor and his advisers. Bitter passion was frequently aroused, fierce controversy raged almost incessantly, and there was complete deadlock from time to time. These disastrous conditions brought about the outbreaks of 1837 in both Upper and Lower Canada. The constitution of Lower Canada was suspended, and Lord Durham's mission began.

Lord Durham's report upon conditions then prevailing in Canada laid the foundations of a reasonable policy when he declared that the Crown must submit to the consequences of representative institutions, and, therefore, must consent to have the government carried on by means of those in whom the people's representatives had confidence. At first this truth fell upon dull or even deaf ears. In the light of later events it seems strange that British statesmen of the highest ability believed that the adoption of responsible government in Canada would lead to the disruption of the Empire. Yet in this view they had the support of a certain section of the Canadian people. It was not until 1848 that wisdom was learned, largely through the direction and influence of Lord Elgin, a Governor of unusual insight, notable tact, and distinguished ability. Under his wise guidance and through his direct action, the principle of executive responsibility to the people's representatives was fully acknowledged. A constitutional convention was recognized and established, by which the advisers of the Governor must possess the confidence of the elective branch of the legislature. As soon as it appeared that they no longer possessed that confidence it was the duty of the Governor to accept or, if necessary, to call for their resignation, and to select advisers who could command the support of the people's representatives.

It is to be noted that this great constitutional change was not based upon any formal enactment of the law, but was consummated by the adoption of a recognized convention; the constitutional enactments, unchanged in form, were ingrafted with a new and paramount principle. The trunk was the same,

but the tree bore different fruit. Indeed custom and usage developing into conventions have exercised a controlling influence upon the form and method of government both in Great Britain and in the British Dominions, as well as in the relations between the United Kingdom and the self-governing nations of the Britannic Commonwealth. As President Lowell of Harvard University has said: "The conventions are superimposed upon the law, and modify political relations without in the least affecting legal ones." The office of Prime Minister in Great Britain and the Dominions is quite unknown to the formal enactments of the law. Immense power, authority, and prestige attach to that office; but they are wholly attributable to custom which has developed into constitutional right. The King, the formal head of the State, is of no political party, and in the Dominions is represented by a Governor. Both the King and the Governor act solely upon the advice of Ministers responsible to Parliament. Thus, in all these nations the Ministry is in effect the government for the time being, although it acts in the name of the King or the Governor as the case may be. The executive is perpetual, while the persons through whom and by whose advice it acts change with each new administration. In other words the government is endowed with absolute continuity, but acts through successive Ministries at the will of the House of Commons.

No Act of Parliament, either in Great Britain or in the Dominions, is valid until assented to by the King or by the Governor. Thus, there is technically a legal power of veto, which however has become obsolete and is never exercised. Similarly the Parliament of the United Kingdom technically possesses legal power to repeal the constitution of Canada or of Australia, and to legislate with respect to their internal affairs. Constitutionally, that Parliament possesses no such right, and any legislation of such a character would not be respected but would be wholly ineffective. In your own country custom has also developed into constitutional right in more than one instance; the earliest and most notable is that by which the selection of the President became vested in the people, instead of in the electoral college as was intended by the framers of the constitution. The electoral college ceased to exercise an independent judgment, and restricted itself to the duty of registering the will of the people.

In 1867 the four provinces of Ontario, Quebec, New Brunswick, and Nova Scotia became united in one confederation, the boundaries of which have since been extended until they embrace the northern half of this continent with the exception of Alaska. The constitution was embodied in an Act of Parliament of the United Kingdom, passed

in the form proposed by the four provinces, and at their instance. In the preamble it is recited that these provinces had expressed their desire to be federally united into one Dominion with a constitution similar in principle to that of the United Kingdom. The federal character of the constitution was obviously derived from your own, but there are many important differences. A system of cabinet responsibility to the legislature prevails, the power to dissolve Parliament before the expiration of its term is recognized and exercised, and the residuum of power not specifically assigned to the provinces is vested in the federal legislature. There is a definite distribution of legislative and executive powers between Canada and the several provinces, but no attempt to define the constitutional relations between the British and the Canadian governments. Thus these relations have been capable of developing by slow and sure steps as occasion and opportunity might demand. The complete control of Canada over her fiscal system had been successfully asserted before Confederation, and it has since been fully recognized. In the negotiation of commercial treaties, in the right to be consulted respecting political treaties, in the assertion of a voice respecting policies affecting her interests in external affairs, Canada had made distinctive progress before the world war. During the war a very important development took place. The British constitution possesses almost unlimited flexibility in meeting new needs by new methods. In 1917 Mr. Lloyd George, through the wide powers vested in him as Prime Minister, called into existence what was known as the Imperial War Cabinet, which included the five members of the British War Cabinet, and the Prime Ministers of the self-governing Dominions. This Cabinet, which sat in London during a portion of each year, was in effect a conference of Ministers who acted in co-operation, and were responsible to their respective Parliaments. It might fairly be called a Cabinet of Governments. This Cabinet or Conference functioned until the end of the war, and at the Peace Conference at Paris the self-governing nations of the British Empire were distinctively represented, and became members of the League of Nations.

I have traced in very brief review the history of constitutional development within the British Empire from 1787 up to the present. It is well to bear in mind that in its organization and system of government the British Empire is a very modern affair compared with your own country. The new constitution of the Britannic Commonwealth, as I prefer to call it, had its beginning in 1848, and its final development has not yet been attained. It has adopted your system of divided sovereignty, and

has applied it upon a broader scale and under more complex conditions. Formerly the government of the United Kingdom assumed to act as trustee for the self-governing British Dominions in respect of foreign relations. During the war a new principle was established by a resolution to which the British Government was party. In the Imperial War Conference of 1917, I had the honour of moving that resolution which is in the following words:

The Imperial War Conference are of opinion that the readjustment of the constitutional relations of the component parts of the Empire is too important and intricate a subject to be dealt with during the war, and that it should form the subject of a special Imperial Conference to be summoned as soon as possible after the cessation of hostilities.

They deem it their duty, however, to place on record their view that any such readjustment, while thoroughly preserving all existing powers of self-government and complete control of domestic affairs, should be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and of India as an important portion of the same, should recognize the right of the Dominions and India to an adequate voice in foreign policy and in foreign relations, and should provide effective arrangements for continuous consultation in all important matters of common Imperial concern, and for such necessary concerted action, founded on consultation, as the several Governments may determine.

The methods by which the principle embodied in this resolution can be worked out have not yet been fully determined. Unquestionably there are many and serious difficulties to be overcome, but they are not greater than those that have been successfully met in the past. In effect the Britannic Commonwealth may be regarded as a league of nations owning a single allegiance, and possessing international relations that are still in a state of development.

Let me now speak of the relations between the British Empire and your own country from 1787 up to the present. Since the unfortunate war of 1812-14, there has been peace, unbroken peace, for more than a century. That war was not creditable to either nation, and was both disastrous and futile. If there had been an Atlantic cable, it would never have occurred; because the *casus belli* upon which your government acted had been removed before war was declared. Since 1814 the relations have more than once been severely strained, but with grateful and thankful hearts we recall and acknowledge the good sense, moderation, and self-control on the part of statesmen and people, through which peace has happily been preserved.

Among the overseas nations of the Britannic Commonwealth Canada holds the premier place, and to the Mother Country as well as to the other Dominions she is united by the ties of kinship, language, democratic institutions and ideals, and a common allegiance. By like ties of blood, language, institutions and ideals she is closely associated with this great Commonwealth. No two nations in the world under separate systems of government are so firmly united socially, commercially, and in political ideals as the people of Canada and of the United States. There are no two nations with thousands of miles of boundary so unguarded; no nations bordering on great inland seas whose waters are so untroubled by armed navies. It is almost commonplace to speak of the disarmament agreement of 1817, but it is always timely to recall the fulfilment of the newborn hope that it gave, and the rare promise that it bore. That fulfilment has, perhaps, been more complete and splendid than was apparent to the vision of the statesmen who endowed the two nations with this living emblem of peace. The agreement was expressed in the simplest language, not even couched in the terms of a solemn treaty; it was merely the exchange of notes, scraps of paper if you like; yet the pages on which its terms were recorded are still unstained by the blot of any violation. It covered only disarmament on the Great Lakes, but its spirit and its influence have extended to the entire boundary. Upon that vast boundary from ocean to ocean the two nations laid down their arms more than one hundred years ago. The weapons then discarded have never been resumed. Can you doubt the infinite advantage? May we not take just pride in this high confidence of mutual trust, and in the true nobility of this splendid unpreparedness for war? Consider the hundreds, yes, the thousands of millions that might have been squandered on bristling fortifications, on navies, on armaments, along that wide border from ocean to ocean. Bear in mind the suspicions that would have been engendered, the hostile spirit that would have sprung from the mere existence of such warlike preparations.

A century had almost elapsed when another impressive advance was made. It was inevitable that differences, and even controversies should arise upon a border of nearly four thousand miles, much of it extending through great inland waterways, and everywhere intersected by streams rising in one country or the other, and flowing across the invisible boundary. The treaty that established the International Joint Commission twelve years ago was almost as notable in its character and far reaching in its effects as the agreement of 1817. It created a standing tribunal to which the United States and Canada entrusted the determination of most important

and often difficult questions touching their respective rights and duties. The treaty expressed the cardinal and controlling principle of determining international questions through the arbitrament of a permanent tribunal. It signified the crowning of each national resolve that by methods of peace and justice, not by resort to brute force, should the reciprocal rights and duties of each community in such matters be adjusted and determined. The treaty has been followed by most valuable and beneficent results, and I believe, certainly I most earnestly hope, that the methods which it established have developed into a permanent system. With the assent of the two governments and the approval of your Senate the jurisdiction of the tribunal may be extended to any questions in dispute between our countries. The very fact that such a permanent tribunal stands prepared for immediate action increases the probability that such disputed questions will be so referred. This later pledge of peace is hardly less impressive than that which we have honoured for more than a century. We can point to no prouder events in our common history. They carry a moral and an example that statesmen and people should alike bear in mind and take to heart.

Have our English-speaking democracies solved the problem of government? Have they established an effective and permanent system of organized society? These are questions that must sometimes occur to every thoughtful person. We are apt to rest on the easy assumption that our civilization will endure for the ages. Let us not be unmindful that the shores of time are strewn with the wrecks of vanished civilizations which were the equal of our own in every respect except control and knowledge of material things. There was no anticipation of their decay and downfall. When the Roman poet deemed that his fame would be eternal, he proclaimed that it would endure as long as the pontiff ascended the Capitol with the silent vestal. In its relation to the then known world, the Roman civilization and scope of empire surpassed any that has since arisen. In its materialism, in its practical efficiency, in the courage, the enterprize, the persistent and stern determination upon which it was founded, in its worship of wealth and in its dearth of spiritual conceptions and ideals, it was not unlike that of the present English-speaking world. The Roman was a virile type. The greeting of the Hebrew spoke of peace, the Greek of joyousness, the Roman of strength. His strength enabled him to overrun the world, to win the spoils of the nations and to lay them at the feet of Imperial Rome, to accumulate vast wealth, to extend his commerce and his financial control to the ends of the earth and to cover the



oceans with his navies. But in the day of his wealth the Roman might have heard the knell of his doom. There was a decline of religious faith and of public spirit; the republic became commercialized, its institutions ceased to be efficient, it merged in the Empire; the Roman populace found its gospel in *panem et circenses*, and the throne of the Caesars was put up at auction. In the end the Roman civilization and empire fell because they deserved to fall. Let us take this to heart in estimating the permanence of our own.

In your country the ideals and institutions of democracy have prevailed for a longer period than in any other. That period is but a moment in comparison with the ages during which mankind has sought sufficient wisdom and self-control to establish a just and stable system of organized society. With you, as with us, there are serious elements of danger. Under the modern industrial system the people at large have gained many comforts and conveniences that formerly were not available. Standards of living have been raised in every civilized country, and probably there is greater equality of opportunity than was ever known in the world before. But, on the other hand, there is an increased tendency to unequal distribution of wealth; strife and bitterness between capital and labour result in strikes and lockouts that threaten to develop into civil war; industrial antagonism serves to set class against class; industrial rivalry arrays nation against nation. The spirit and ideals of service are not nourished in this atmosphere, and there is neither opportunity nor inclination to obtain an intelligent comprehension of the graver problems that confront our civilization.

The world catastrophe, from which we have by no means emerged, fastened upon our attention—so that we cannot for a moment forget it—a menace to our modern civilization which did not exist in bygone ages. Upon each of us there is an individual responsibility in all that concerns the welfare of our country and of the world. This menace makes that responsibility graver than ever before. During the past hundred years, and especially during the past quarter of a century, man has acquired over the forces of nature a control beyond former imagination. During peace those forces can be, and they have been, put to most useful and beneficent purposes. We learned in the late war to what extent they can be used for purposes of unbelievable destruction and unimagined horror. In 1909 aeroplanes for the first time crossed the British Channel; six years afterwards they swarmed for destruction over London and Paris. If another war should occur, they may cross the Atlantic as easily as during the last they crossed the British Channel, and their numbers may swell from scores to thousands. We recall

the tale of horror and agony from poisonous gasses in France and Flanders. What of those that in another war may, within a few hours, decimate the population of a great city, or within a few days scorch every semblance of life from half a province or state?

Man has won this awful control over means of destruction, but what control has he gained over his own primeval instincts and passions? I trust that this thought will not pass from your minds. Will the thin veneer of civilization, with which the centuries have endowed him, withstand the outburst of passion and hatred that would ensue in another Armageddon? The brutalizing and demoralizing effects of the late conflict are sufficiently manifest; but if these most terrible forces of destruction are turned loose without stint and without pity, how long can human endurance withstand the monstrous shock of such a war before civilization dissolves and mankind, reverting to primeval savagery, begins once more the slow and weary ascent to a higher epoch? In man's control over the agencies of destruction, coupled with his lack of control over himself, our civilization faces a new and hitherto unknown peril.

Whether I have drawn a fanciful and exaggerated picture I leave you to judge! May I hope that what I have said will arouse that sense of individual responsibility upon which the hopes of democracy and of mankind must be based?

It was my privilege to take part in the Peace Conference at Paris little more than three years ago, and in the Washington Conference of last year. From each of these Conferences I returned with the belief, which has grown firmer and firmer with reflection, that upon the public opinion of the nations rests the one hope for the future peace of the world. The very life blood of any democracy is to be found in the public spirit of its people and their ideals of service. When these fail, democracy fails. It is this spirit that stands behind the insignificant police force in your country or mine, and safeguards peace and order through the power of the people. So must it be in world affairs. Each one of you is responsible *pro tanto* for the public opinion of his country, for its peace and good government. Each country is relatively responsible for the world's peace and security. I was not in sympathy with all the provisions of the covenant of the League of Nations, but I gave it my whole-hearted support because of its purpose,—the enthronement of public right and the maintenance of the world's peace. I admit at once that peace cannot be preserved by machinery alone, however elaborate; but the machinery of the League serves a most important and, indeed, a vital purpose in providing the means for assembling the nations at regular and

frequent intervals around a common council board. To bring the nations thus into full and free conference was the realization of a paramount duty and the dawn of a new hope. The same high ideal inspired your President to summon the Washington Conference. To establish the habit of constant consultation and co-operation; thus to remove distrust, misunderstanding, and suspicion, and finally to create and maintain a world opinion that will ostracize and punish any nation resorting to war rather than to judicial determination: this must be the supreme purpose. The tempest of war would not have broken upon Europe in 1914 if, as Sir Edward Grey urged, a conference of the European powers had been summoned before resort was had to arms. There was no effective machinery or organization to summon such a conference within the brief respite of those fateful July days, and a storm burst upon the world from which the foundations of civilization are still rocking.

Man's control over forces formerly unknown and undreamed of has made every nation the neighbour of every other. Upon the paths of the ocean and through the highways of the air, communication and intercourse become more and more intimate and incessant. The nations sit at each other's thresholds; thus it is impossible for any people to disinterest or disengage itself from the welfare of every other; and upon each there is a new and increasing responsibility for the preservation of peace, and for the salvation of the world from the unspeakable and overwhelming horrors of another war. Especially upon the great English-speaking Commonwealths, which together exercise an unequalled power and influence in world affairs, that constant and searching responsibility does unmistakably rest. Upon its acceptance and fulfilment must depend the judgment that will be recorded in the pages of history as to their worth, their service, and perhaps their ultimate destiny.