

THE BRITISH COMMONWEALTH OF NATIONS.¹

Fifty years ago the constitution of that political entity known as the British Empire presented few difficulties to the student of political science. The period in which the government of the colonies was in the hands of the colonial governors who had derived their powers through the exercise by the King of his prerogatives had passed. The Empire was in its second stage of development, depending upon the sovereignty of the Parliament of Great Britain in legislative matters and the control of the executive functions of government by the Prime Minister of Great Britain and his cabinet. In legal theory, of course, the executive powers were vested in the King, but it had long been established that he was a constitutional monarch and could act only upon the advice of the Prime Minister and his cabinet, who were his constitutional advisers, responsible for their actions, not to him, but to the Parliament of Great Britain, of which they themselves were members. The status of the dominions, even of those which had large powers of self government, and of those which enjoyed responsible government was clearly inferior to that of Great Britain. A fundamental change has taken place and the British Empire has passed into a third stage of development based upon the autonomy of the dominions and the equality of their status to that of Great Britain. The term British Commonwealth of Nations is of recent origin and seeks to give expression to this new conception. Although the term is open to criticism it will be employed for the purposes of this lecture, as it was employed by the Imperial Conference of 1926 to designate the group of British countries consisting of Great Britain and Northern Ireland and the self-governing dominions, Canada, Australia, New Zealand, South Africa, the Irish Free State and Newfoundland.

The Imperial Conference of 1926 defined their position and mutual relation in striking terms: "They are autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations." This is the basis upon which the British Empire now

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rests, insofar as the constituent parts of it which have been mentioned are concerned.

There has been much controversy over this declaration of the Conference and its implications. There are those who see in it the end of the British Empire and the beginning of a new association of independent nations, united, it is true, in their allegiance to the one King, and enjoying similar institutions of government, the bonds of union being those of sentiment rather than those of law. On the other hand there are those who see no change and who say the definition of equality of status is not in accord with the facts. It is a source of annoyance to those who examine it with the eyes of the lawyer steeped in the atmosphere of the courts and ruled by the binding force of statutes and the precedents of the Common Law. The legal argument which they advance to show the inaccuracy of the definition can be briefly put, with Canada being used as an example. The Dominion of Canada came into existence as a legal entity by virtue of the British North America Act of 1867, a statute of the Parliament of Great Britain. That statute divides the legislative power between the federal Parliament and the provincial legislatures. It provides for the review and disallowance of legislation passed by the Federal Parliament by the Government of Great Britain. Canadian legislative bodies whether federal or provincial cannot validly pass legislation inconsistent with its terms nor amend any of its provisions. Canadian legislation which is repugnant to any statute of Great Britain, which has been made to extend to the dominions, is void to the extent of the repugnancy. Therefore Canada cannot effectively prohibit appeals to the Judicial Committee of the Privy Council and has no absolute control over her judicial system, nor can she pass legislation inconsistent with the Merchant Shipping Act of Great Britain and therefore she has no absolute control over her shipping. Any legislation passed by Canada beyond her legislative power would be declared *ultra vires* by the Courts. It has also been held that a dominion, such as Canada, has no power to pass legislation having an extra territorial effect. What has been said of Canada may be said, with some differences of detail, of the other dominions. As a matter of law they have limited legislative power. But there are no legal limitations upon the power of the Parliament of Great Britain to pass any legislation it pleases. No court would declare any of its enactments *ultra vires* or unconstitutional. The Parliament of Great Britain is sovereign and Great Britain is a sovereign state. The Parliaments

of the dominions are invested with limited jurisdiction and the dominions are not sovereign states. Furthermore there has been no change in the law affecting their status: the Imperial Conference is called for consultation only; its declarations have no binding force on any of the governments represented and it has no legislative authority whatsoever. How can there be equality of status between communities which are so unequal in legislative power? This legal argument is quite sound in itself and it would prevail in a court of law yet it falls far short of being a complete picture of the situation as it actually exists for it fails to take into consideration that portion of the British constitution, which has never been reduced to legal formula, and that constitutional development which has taken place in spite of antiquated legal machinery.

The British Commonwealth of Nations is without precedent and is in the nature of an experiment in government. When the Imperial Conference made its declaration of equality of status between Great Britain and the dominions, it had in mind their constitutional status rather than their legal one. In order to understand this statement it is necessary to keep in mind the distinction that is ever present under the British system of government between the law of the constitution and the conventions of the constitution. There is no written constitution in Great Britain to restrict the liberty of Parliament to legislate as it sees fit and the powers of the executive are nowhere defined by law. The constitution of the dominions is not confined to the statutes which brought them into being. All of the dominions now enjoy the system of responsible government in exactly the same form as it exists in Great Britain. The principles of responsible government are nowhere, except in the Irish Free State, defined by statute, yet they are fundamental to the government of all the countries of the British Commonwealth. They become established from time to time by constitutional practice as the need arises. It is not a principle of the British system to anticipate difficulties or to provide for their solution in advance. All those portions of the British constitution which are not written belong equally to all the countries of the British Commonwealth if they wish to adopt them. It is this flexibility that has made the constitutional development of the dominions possible. When they were granted the right to responsible government, "their progress towards equality of status was both right and inevitable." The distinction between legal power and constitutional right must always be kept in mind. For example, the King has still the legal power to veto legislation passed by both

Houses of Parliament, but he has not exercised it for over 200 years—the exercise by him now of his legal power to veto, in view of the constitutional practice which has obtained, would be revolutionary and would be constitutionally wrong.

Similarly in the relations which now exist between Great Britain and the dominions it has been recognized that they are constitutionally equal. Therefore it would not be constitutionally right for the British Government, for example, to disallow Canadian legislation. The legal power of disallowance has been exercised only once; it still exists by statute, but the constitutional right to exercise it is dead. The legal power of the Parliament of Great Britain to pass legislation extending to the dominions still exists but in view of the constitutional practice that they shall not be subject to external control, it would not be constitutionally right to pass such legislation without their concurrence. It is inconsistent with the constitutional equality of the dominions that their legislative powers should be limited as they are, but it will be for them to determine to what extent these limitations should be removed and the legal power of the Parliament of Great Britain will be exercised at the request of the dominions as a matter of constitutional right. The declaration of the Imperial Conference as to equality of status is in the nature of a constitutional agreement between Great Britain and the dominions, that she will not exercise her legal powers over them except at their request or with their concurrence and that she will confer additional legal powers upon them, which they now lack, at their request. It was admitted by the Conference that existing administrative legislative and judicial forms are not wholly in accord with the equality of status declared to exist, but study is being given to the problems that must be solved in order that such accord may be brought about.

An interesting change has taken place in the status of the Governor-General who is the representative of the King, in each of the dominions. He occupies now exactly the same position in the dominion of which he is the nominal head, as the King does in Great Britain. He must act upon the advice of his constitutional advisers in the dominion just as the King does upon his in Great Britain: he is in every sense a vice-roy. Until 1926 he was appointed by the King upon the advice of his ministers in Great Britain and acted as their representative. He is no longer the representative of the British government nor the channel of communication between the government of the dominion in which he represents the King

and that of Great Britain for the two governments now communicate directly with one another.

The British Commonwealth of Nations is today based upon the autonomy of its constituent parts: "equality of status is the root principle governing their relation to one another." The world will watch with interest the working out of the great political experiment that is being made in building an institution that covers one-fourth of the area of the world and comprises over one-fourth of its population, based not upon central control or compulsion, but upon decentralized authority, the individual autonomy and responsibility of many of the countries that compose it.

It is in the field of external affairs that the autonomy of the dominions has grown to an amazing degree in recent years. The old theory of the British Empire as a unit in relationships with foreign countries is giving place to a new conception, as yet not clearly defined, the implications of which are far reaching. The dominions are acquiring an international status of their own and are emerging as international persons. In this field the development has not been hampered by the restraining influences of legislative enactments for in the main international relationships are regulated by international practice and usage. The best evidence of the separate international status of the dominions is found in the fact, clearly manifest within the past decade, of its recognition by foreign countries.

It is interesting to note the changes that have taken place in the British Empire with regard to foreign policy. Prior to the granting of responsible government to the dominions, the executive unity of the Empire was undisputed, for the colonial governors received their instructions from Great Britain and the colonies had no voice in the executive functions of government, for the governors were in no sense responsible to the colonial legislatures. There could be no doubt that there was only one foreign policy for the British Empire, that laid down by the Foreign Office of Great Britain. The diplomatic unity of the Empire was never doubted. With the granting of responsible government to the dominions central control in Great Britain over the Empire began to disappear. Disputes arose as to what were purely local matters and what were of imperial interest. Proposals were made as early as 1850 in Great Britain and 1855 in Australia to define the respective fields of activity. Fortunately for future development the proposals were never adopted. One by one matters which had been considered of imperial concern passed

into the hands of the dominions as local matters. For example, Canada's power to control her fiscal policy was recognized in 1859, even before Confederation and she imposes a tariff against British goods. It was recognized as early as 1882 that Canada might arrange trade conventions with other countries: these being really in the nature of agreements to enact concurrent legislations and not treaties requiring ratification by the head of the state. The right of the dominions to control immigration, even to the extent of excluding British subjects, has long been recognized. Every advance towards autonomy was resisted as a step towards the disruption of the Empire. A counter movement towards unification of control took place on the part of those who were fearful of too radical a change in the Empire which they held dear. An Imperial Federation League was founded in 1884 and had strong support. Several schemes were proposed for more closely knitting together the various parts of the Empire which had been marching along the road to autonomy. An Imperial Parliament representative of the Empire with an Imperial Executive was suggested but the difficulties in the way were unsurmountable. The parts of the Empire were unequal in power and in population and neither Great Britain nor the dominions would have consented to delegate their powers to a central parliament or renounce any portion of their autonomy. The Imperial Federation League came to an end in 1893 but the fire behind it continued to burn. At the Imperial Conference of 1911 the Prime Minister of New Zealand proposed a central Parliament and an Imperial council of state that would deal with matters of peace and war, the defence of the Empire, treaties and foreign relations generally. The Round Table groups also fostered the idea of unified control. It was the desire for closer relationship between the various parts of the Empire that led to the institution of the Imperial Conference but this very institution showed the futility of the principle of centralized control whether legislative or executive. No responsible statesman in the British Empire suggests it now, as even a possibility. The idea is foreign to the desire for self-determination and the sense of democracy inherent in the British constitutional system of government. It has been definitely and finally abandoned. What has taken its place? The answer is a simple one—the complete autonomy of the dominions over their own affairs, whether domestic or external, and willing co-operation based upon complete understanding through free and continuous consultation in matters of common concern, each dominion to be the sole judge of the co-operation it

will give. Can it be that this is the same Empire as that of 1911, when the Prime Minister of Great Britain at the Imperial Conference of that year declared to the Prime Ministers of the dominions and to the world that the responsibility for foreign policy, for the making of treaties, for the maintenance of peace and the declaration of war was for Great Britain alone and could not be shared by the dominions?

What were the causes of the radical change that has taken place? The war undoubtedly hastened the change. The willingness of the Dominions to co-operate and come to the assistance of Great Britain in the hour of need showed the strength there could be in an association of autonomous communities, for the dominions acted of their own volition in sending troops to the field of warfare and their troops never lost their identity although they were put at the disposal of the British War Office. The war also greatly strengthened the national consciousness that was growing in the dominions: the expeditionary forces of the dominions have played their part in the development that has taken place. Even if there had been no war the result would have been the same, although perhaps delayed, for it was the inevitable consequence of the growing sense of nationhood of the dominions. Canada has often been called the laboratory of constitutional experiment for the dominions: she has also been the workshop of their constitutional development. Every government since Confederation, no matter what its party utterances were while in opposition, has furthered the advance of autonomy and this could not long be confined to domestic affairs. No government would long survive in office if it surrendered any vestige of autonomy or denied the right of the Canadian Parliament to determine for Canada what the course of Canada should be. The same forces are at work in the other dominions, although they have not all availed themselves of their rights to the same extent. The development of the dominions is a process of evolution stronger than the desire of individuals who would seek to check it.

It might be well to indicate the stages in the development that has taken place in the growth of the dominions towards international personality. The Imperial Conferences have been a great factor in this development. The first Conference took place in 1887 on the occasion of Queen Victoria's Golden Jubilee: it was desired to take advantage of the presence in London of so many statesmen from various parts of the Empire who had met to do honor to the Queen and call them together to discuss matters of imperial interest; repre-

sentatives from both the dominions and the crown-colonies were members of the first conference. Similar conferences took place in 1897 and 1902. In 1907 the institution was put on a more permanent basis: the name Colonial which had been adopted was abandoned and the name Imperial adopted. The conference was to meet every four years and was to consist of the Prime Minister of Great Britain as chairman and the Prime Ministers of the dominions with such other members as the several governments represented might appoint, each government to have equal voting power. There is no written constitution and no set form of procedure. Votes are not actually taken and the decisions of the Conference are not binding on any government. The Conference is a medium of free consultation between the governments of the British Commonwealth of Nations. The Prime Ministers meet on terms of equality. Mention has already been made of the Conference of 1911. No conference was called until after the war had been in progress for three years. The Imperial War Conference of 1917 was a very important one for it suggested the calling of a special imperial conference as soon as possible after the cessation of hostilities to deal with the subject of the readjustment of the constitutional relations of the Empire, and went on to declare that any such readjustment "should be based upon a full recognition of the Dominions as autonomous nations of an Imperial commonwealth," and should recognize the right of the dominions to an adequate voice in foreign policy. The reaction against the declaration of 1911 that foreign policy was for Great Britain alone to decide had set in. This conference marked the abandonment of the policy of centralized control and the commencement of the policy of co-operation in matters of common imperial concern, based upon continuous consultation; a joint foreign policy was to be substituted for what had hitherto been the foreign policy of Great Britain. The Imperial Conferences met again in 1923 and 1926. Their work will be dealt with later.

Upon the conclusion of the War, Sir Robert Borden, who was then Prime Minister of Canada, insisted upon the right of Canada to take part in the peace negotiations and the treaty of peace. Great Britain agreed to this proposal but it was opposed by the United States delegation under President Wilson and Mr. Lansing, to whom the right of Canada, a non-sovereign country, to separate representation was a novel and at first unacceptable conception. Yet the right was ultimately recognized, partially, it is said, upon the representations of M. Clemenceau, the "Tiger" of France, who pointed

out the fact that Canada had left more dead on the battlefields than had the United States. The first battle for international political recognition had been won and the dominions all signed the Peace Treaty by their own plenipotentiaries under the signature of the British Empire. When the League of Nations was formed the dominions became separate members of it and they have been enthusiastic in their support of its aims and objects. Their right to separate membership was challenged, it is true, by the United States Senate, but it is now generally accepted. The right of the dominions to sign the Peace Treaty and to separate membership in the Assembly of the League of Nations, recognized as it eventually was, marked the birth of a new conception, viz., that countries which were not fully sovereign states in the generally accepted sense could acquire a separate status in international relationships. After all there is nothing more rigid in international usage than there is in the British Constitution. It is free to change in accordance with international needs. Certainly those countries which are members of the League of Nations have for certain purposes at any rate recognized the dominions as international persons. In the cause of world peace they have not quibbled over distinctions between fully sovereign and not fully sovereign countries or national entities.

The right of the dominions to be elected to the Council of the League of Nations was recognized in a letter given to Sir Robert Borden in 1919, signed by President Wilson, M. Clemenceau and Mr. Lloyd George and Canada was elected as a member of the Council in 1927. Her membership there has implications of an important nature for she has her share in deciding the executive policies of the League and in so doing owes a duty to the membership of the League at large. It might possibly be that this duty might conflict with the interests of Great Britain and require action on her part in opposition to them. It is to be hoped that such a contingency will not arise.

International relationships are normally affected in two ways, by the making of treaties and by the interchange of diplomatic representatives. In this respect the former conception of the British Empire as a unit in international affairs, depending as it did upon the theory of the diplomatic unity of the Empire, has undergone a fundamental change.

The British Empire, as a whole, was formerly represented for diplomatic purposes at the capital of a foreign country by an ambassador properly accredited by the head of the British Empire, the

King, upon the advice of his ministers in Great Britain. The dominions, it is true, might have trade commissioners, immigration agents and other officials but they had no diplomatic standing. In 1920 the Canadian government announced in the House of Commons the proposal to have a Canadian minister at Washington to take charge of Canadian matters there; he was to act in conjunction with the British Embassy and was to take charge of it in the absence of the British ambassador, this latter suggestion being made so that there should be no departure from the principle of the diplomatic unity of the Empire. Six years later the proposal became an accomplished fact and Canada has its own minister at Washington, there being also a United States Minister at Ottawa. The two countries have exchanged diplomatic representatives. The Canadian Minister is not part of the British Embassy and concerns himself only with Canadian affairs, being accredited by the King on the advice of his ministers in Canada. A similar situation exists with regard to the diplomatic relations between the Irish Free State and the United States. So that there are now three diplomatic representatives of the King at Washington, all properly accredited, but from different countries and on the advice of three sets of ministers, those in Great Britain, the Irish Free State and Canada respectively. Each dominion has the right to have its own minister to take charge of its own interests in a foreign country and it will appoint such a minister if it deems it in its interests to do so. France and Japan have indicated their willingness to exchange ministers with Canada, and at the session of the Canadian Parliament which has just concluded, moneys were appropriated for the establishment of Canadian legations at Paris and Tokio. So far Canada and the Irish Free State are the only dominions which have appointed separate ministers; Australia and South Africa have declared their intentions not to follow this course although they have a right to do so. It is interesting to note in this connection that the invitations of the United States to sign the Kellogg treaty for the "outlawry of war" went to Canada and the Irish Free State through their respective ministers and the willingness of those countries to sign was expressed through the United States Ministers at Ottawa and Dublin. The United States appears to have accepted Canada and the Irish Free State as international persons.

International agreements are of various kinds. It is quite usual for agreements which are of an administrative or technical or commercial nature to be entered into between governments and to be signed by their representatives. The right of the dominions to enter

into such agreements has long been recognized, e.g., trade agreements, postal conventions and other agreements to pass concurrent legislation or regulations. Then there are agreements of a political nature, more technically known as "treaties," which by diplomatic usage are made between the heads of states and require to be signed by plenipotentiaries with full powers issued by the heads of the states involved. It was until very recently felt that the dominions could not by themselves enter into such political agreements or treaties with foreign countries for to recognize their right to do so would be to accord to them the rights of sovereign powers. Up until 1923 all treaties of a political nature affecting Great Britain or any or all of the dominions had been signed by a plenipotentiary, usually the British Ambassador to the country involved, acting under full powers issued by the King on the advice of his ministers in Great Britain, without the right of the dominions to be consulted being recognized. In 1923, however, Canada negotiated a treaty with the United States with regard to the Halibut Fisheries in the north Pacific. She insisted upon the right of her minister, Mr. Lapointe, to sign the treaty on behalf of Canada and although the Senate of the United States sought to add a rider to it, the treaty was finally concluded without the rider and without the signature of the British Ambassador. The treaty affected only Canada and was signed by a Canadian minister. The treaty making powers of the dominions were considered by the Imperial Conference of 1923 which recognized the right of each dominion to enter into treaties imposing obligations upon it alone and to have them signed by its own representative. It was laid down however, that no treaties should be negotiated by any government of the Empire without informing the other governments likely to be affected of its intentions. Thus the separate treaty making powers of the dominions was admitted by Great Britain and it has been recognized by the countries who have made separate treaties with them. So far the only examples are treaties made between Canada and the United States, of which there have been several. The Imperial Conference of 1926 went even further and declared that not only could each dominion make its own treaties affecting its own affairs but that no other government could make treaties on its behalf, likely to involve it in active obligations without its definite assent. It may be interesting to state very briefly the present position of the various members of the British Commonwealth with regard to this matter for they are now on equal terms. Each government should advise the others of its intentions to enter into negotiations

with a view to making a treaty; if no adverse comments are received and no active obligations on the part of the other governments are involved, the initiating government may assume that its policy is generally acceptable. It was agreed that in the future all treaties whether made under the auspices of the League of Nations or not should be made in the name of the King. An examination of the King's title shows that not only is he the King of Great Britain but he is also the King of Canada and of each of the dominions and in each place he has his constitutional advisers, the ministers of the government in power. The important fact to note is that no longer will treaties be made in the name of the British Empire. If the treaty is to apply to only one part of the British Empire it is to be stated that it is made by the King on behalf of that part: if several parts are involved the treaty should so state. The provisions with regard to signing are important: the plenipotentiaries for the various British units should have full powers issued in each case by the King on the advice of the government concerned indicating and corresponding to the part of the Empire for which they are to sign. For example full powers to sign a treaty on behalf of Canada will be issued by the King only upon the advice of his ministers in Canada: they cannot be issued upon the advice of his ministers in Great Britain or any of the other dominions. If several parts of the Empire are involved the governments may concur in the issue of full powers to one plenipotentiary to sign for all of them or may desire to be represented by separate plenipotentiaries.

Thus a radical change has taken place in the foreign policy of the British Empire since the declaration of 1911 that responsibility for it could not be shared by Great Britain with the dominions. Not only can it be shared under the present system but also Great Britain cannot assume responsibility for the dominions without their consent. The change that has taken place in the treaty making powers of the various members of the British Commonwealth has been emphasized because of the important international consequences that follow the making of treaties. The declarations of the Imperial conference are in the nature of an agreement between the parties represented, but they are also a notice to the world of the changes that have taken place. In fact, the conference suggested that the change in the form of treaties should be explained to the members of the League of Nations and that efforts should be made at future International Conferences to secure that effect be given to its recommendations. A country that has made a treaty with Great Britain has no right

to assume that it is binding upon the dominions unless they have given their assent to it. Every separate treaty entered into by any country with one of the dominions affecting it alone is an act of recognition by it of the international personality of the dominion, and each act of recognition is evidence of the existence of such personality.

The dominions have been frequently represented at International conferences during the past few years. Those that are called under the auspices of the League present no difficulties for in such cases all the members of the League are invited, and entitled, if they attend, to be represented by separate delegations. With regard to other conferences no rule can be laid down since it is for each government to determine to whom invitations shall be sent and what their form shall be. It is recognized as possible, however, that any one of the dominions has a right, if invited, to participate at such conference and be represented by its own delegation.

In view of the developments that have been outlined with regard to the status of the dominions in external affairs it would be safe to state that the theory of the diplomatic unity is no longer in accord with practice. The King is still the symbol of unity but instead of acting in all international matters only on the advice of his ministers in Great Britain, he now acts for several purposes on the advice of his ministers in the particular part of the British Commonwealth which is involved. The interesting fact should be noted that this radical change has been effected without any change in the law for no legal change was necessary. It was an act of wisdom not to frame a formal and binding constitution for the Empire, for had such a constitution been framed, the British Empire would not stand upon the foundation it does today and the future of the dominions would not be such an interesting source of speculation.

What will be the result of the change? Who can say? No longer is there a foreign policy settled only by the British Foreign Office. There may not even be a joint foreign policy, for although in perhaps most of the foreign policies there will be common agreement, yet in many cases the dominions will have separate foreign policies of their own. Australia and South Africa have each their special problems as Canada has hers. It is desirable that the development which has taken place should become internationally known so that other countries dealing with any of the British nations may know with whom they are dealing and the extent of their obligations incurred or rights acquired.

Nowhere is this of greater importance than in questions of peace and war. It has generally been assumed, in view of the legal theory that it is the King, as head of the state, who declares war and makes peace that the belligerency of one member of the British Commonwealth would involve all the other members in belligerency and that it would not be possible for example for the Irish Free State or Canada to be neutral if war was declared either by or against Great Britain. The assumption is open to dispute. The dominions, notably the Irish Free State and Canada have definitely asserted their right—and it has not been challenged—to decide for themselves to what extent, if any, they will actively participate in a war in which Great Britain may be engaged. Whether they could remain passively neutral and be accorded the rights of neutrality is for the future to determine. The conception that some of the dominions might remain neutral although Great Britain was at war has been challenged by eminent constitutionalists as fantastic in the extreme. But it was regarded at one time as absurd that a dominion should ever make a treaty in her own right or be represented in a foreign country diplomatically by her own minister yet these things have happened. It is true that the declaration of war is an act of the King, but it is established now that the King acts only on the advice of his ministers and he has several sets of ministers. Just as his ministers in one country advise him to make a treaty only on behalf of that country so they might advise him to declare war only on behalf of that country. Confusion might undoubtedly result but the possibility is a logical consequence of the new status that has developed in so far as the relationship of the members to one another is concerned, for no member is subject to external control or restraint on the part of any other member. That, however, does not settle the question for the attitude of the country against which the declaration of war is made and of other neutral countries to a declaration of war so limited in its scope must be considered; in this connection the emergence of the dominions as international personalities is of the utmost importance. If other countries have dealt with a dominion as a separate international entity for the purposes of peace, how could they consistently or logically adopt a different attitude for the purposes of war? Why should the recognition of separate international personality, accorded readily and willingly to a dominion in times of peace, be refused when the question to be internationally determined is whether a state of war exists in that dominion or not. If the question should ever arise it would be a difficult one to settle.

In the settling of it, however, the international recognition already given of the separate international status and personality of the dominions would play a most important part. Fortunately for the world, no precedents of international usage have had to be established since the war to govern the situation which is a new one; it has never arisen in previous wars. It is to be hoped that it will never be necessary to settle the question, but the conception of the separate neutrality of the dominions is no more illogical than their power of entering into other international relationships. The contingency is not probable, but it is not impossible.

It would be folly to attempt a dogmatic definition of the British Commonwealth of Nations or the status of the dominions. There is no juristic term that accurately defines that status. It is a new conception. The dominions are states of a new kind, not previously known to the law, with many of the attributes of sovereignty and some of the limitations of dependency: they have a large, if not a full measure of freedom of action in external affairs depending upon the willingness of foreign countries to deal with them as international persons, yet they are still prescribed by law in their freedom of legislative power over their own domestic affairs; truly an anomalous situation.

The world is witnessing a great political experiment—a great political institution, in a period of transition. The British Empire is no longer based on the idea that the dominions are useful only as sources of raw material and as markets for manufactures. The legal bonds are relaxed; the right of autonomy is recognized. The members of the great family are growing to maturity. What shall the future be? Some express fear of it, but that fear is groundless. Autonomy will grow as the demand for it increases, change will come where it is dictated by need for it. In the words of a distinguished Canadian, "The great contribution which Great Britain has made to the science of government is the idea of liberty and good government through freedom." It is that idea which is the basis of the great experiment called the British Commonwealth of Nations.
