

Introduction

*Turning and turning in the widening gyre
 The falcon cannot hear the falconer;
 Things fall apart; the centre cannot hold;
 Mere anarchy is loosed upon the world,
 The blood-dimmed tide is loosed, and everywhere
 The ceremony of innocence is drowned;
 The best lack all conviction, while the worst
 Are full of passionate intensity.*

*Surely some revelation is at hand;
 Surely the Second Coming is at hand.
 The Second Coming! Hardly are those words out
 When a vast image out of Spiritus Mundi
 Troubles my sight: a waste of desert sand;
 A shape with lion body and the head of a man,
 A gaze blank and pitiless as the sun,
 Is moving its slow thighs, while all about it
 Wind shadows of the indignant desert birds.*

*The darkness drops again but now I know
 That twenty centuries of stony sleep
 Were vexed to nightmare by a rocking cradle,
 And what rough beast, its hour come round at last,
 Slouches towards Bethlehem to be born?*

—William Butler Yeats, “The Second Coming” (1919)¹

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Albert Venn Dicey, England’s brightest constitutional mind, published the first edition of his seminal *Introduction to the Study of the Law of the*

¹ Yeats’ “gyre” – a spiral, growing ever wider, struggling to maintain its shape as the motion that made it larger slowly tore it apart – could have also described, in an occult sort of way, the British constitution. *The Second Coming* reflected on the ruin of both physical and metaphysical order in the aftermath of World War I. For Yeats, it seemed to herald the dawn of a new age and begged the question of what messianic figure would arise, as Christ had in the previous, to dominate it. Unfortunately, the latter question falls outside the scope of this book.

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Constitution in 1885.² It ran for eight editions during his lifetime, each prefaced by Dicey with a brief update of constitutional happenings since the last. In the preface to the final edition, written in 1914, Dicey reflected on all that had passed since he delivered his first lecture as Vinerian Professor of English Law at Oxford in 1882. “This introduction . . . is in the main a work of historical retrospection,” he wrote. “It is impossible, however . . . to prevent a writer’s survey of the past from exhibiting or betraying his anticipations of the future.” Dicey, imaginative as he was, could not have anticipated the true magnitude of death and ruin that awaited later in 1914.

Instead, he focused his professional analysis on two more specific portents of doom. First, he predicted, the recent revocation of the House of Lords’ historic right to veto legislation would fundamentally alter the nature of Parliamentary sovereignty. Secondly, in his words, “the Imperial Parliament may, if not in theory yet in fact, have ceased as a rule to exercise supreme legislative power in certain countries subject to the authority of the King.”³ Even worse, Dicey argued, Britain and its colonies could no longer afford to hold one another in a benign neglect that might have assuaged the problem. “Imperialism,” he explained, had become received wisdom because it offered a priceless gift to imperial subjects: It foreclosed on the possibility of war between them, in their millions, and (through their combined strength) also ruled out wars with foreign powers.⁴ This boon obliged Britain and its colonies to consider one another’s mutual interests going forward, and made crisis-management an Empire-wide imperative. “The war in South Africa,” Dicey remembered more than a decade on from the conflict, “was in reality a war waged not only by England, but also by the Dominions to prevent secession.”⁵ No longer peripheral inconveniences, wars like the one in South Africa had become existential struggles to preserve the unity of the Empire and the crucial security cordon it provided. Dicey thus described a grim dilemma: Imperialism had simultaneously turned the British constitution into a bulwark holding back all assailants, and yet was weakening that bulwark from within. Like iron, it was strong but brittle. As Abraham Lincoln had,

² Dicey’s work has been so influential, including among other things popularizing the phrase “rule of law” and articulating the function of parliamentary sovereignty, that his writings are considered part of the UK’s unwritten constitution. See a recent exploration of Dicey’s impact by Lord Bingham: Tom Bingham, *The Rule of Law*, reprint (London: Penguin Global, 2011).

³ A. V. Dicey, *Introduction to the Study of the Law of the Constitution*, first ed. 1915, 8th rev. ed. (Indianapolis: Liberty Classics, 1982), 21. Dicey refers in the first instance to the Parliament Act 1911, which replaced the Lords’ legislative veto powers with a limited delaying mechanism.

⁴ Dicey, 29. ⁵ Dicey, 30.

Dicey spoke profoundly of the good of union and the ill of secession, but Dicey was no republican; the unity of Empire was vindicated not by democratic equality but by the security it brought its subjects.

One of Dicey's associates and colleagues was James Bryce, a jurist who also worked as a diplomat and politician. Bryce, a scholar of the American constitutional system and erstwhile Ambassador to the United States, linked the American federal model to its rise as a world power, and thought this model could play a role in the evolution of British Dominions with similar aspirations.⁶ Arthur Berriedale Keith was likewise Dicey's Scottish contemporary and counterpart, a lecturer in Sanskrit and constitutional law at the University of Edinburgh. Keith, a prolific writer with broad expertise, also wrote extensively on the constitutional confusions created by the expansion of the British Empire. Whereas the wizened Oxonian Dicey mostly confined himself to study of the white-settled Dominions, Keith added a keen interest in India, and later in 1919 would be appointed to a special committee formed to consider the implementation of responsible government there.⁷

He also shared Dicey's sense of foreboding. Keith warned in his 1909 book *Responsible Government in the Dominions* that British colonies would not uniformly progress from dependency to democracy.⁸ Where there were "large and increasing white population[s]" this might be possible, but in "small islands or tropical colonies where there is a relatively large native population," it was unlikely.⁹ Keith offered two reasons for this discrepancy: some colonies, such as Bermuda, were too important to imperial security to risk to the whims of democracy, while in the others, the Imperial Government had to act in trusteeship for the native population to prevent migrant whites from running roughshod over indigenous peoples.¹⁰ India, for Keith and for most others, did not easily fit either of

⁶ I am grateful to an anonymous reader for highlighting Bryce and his friendship with Dicey, particularly on how Bryce's notions of federalism were distinct from the "imperial federation" concept espoused by the likes of Joseph Chamberlain. This distinction is further explored in the discussion of "federationism" in British colonies in Chapter 1. See James Bryce, *The American Commonwealth* (Macmillan & Co., 1888).

⁷ See: Papers Presented to Parliament at the Command of His Majesty (hereafter Cd.) 207, 1919, "Great Britain. India Office. Committee on Home Administration of Indian Affairs. East India (Home Administration)," UK Parliamentary Papers, Chadwyck Online.

⁸ More specifically, from Crown Colony (rule by a local Governor responsible only to Crown and Colonial Office, e.g. in Fiji) to full responsible government (rule by a local, democratically accountable legislature, e.g. in Canada).

⁹ Arthur Berriedale Keith, *Responsible Government in the Dominions* (London: Stephen & Sons, 1909), 3.

¹⁰ The prevalence of the "trustee" mentality within the Colonial Office points also to the critical fact that metropolitan colonial policy often had much to do with constraining British clients or settlers. This topic has been studied extensively in the literature; two of the most important works are Stephen Constantine, *The Making of British Colonial*

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these categories. It was all of them and none – a fortress manned by the world's largest professional army, a repository of its own legal tradition of considerable antiquity, and a composite of native aristocratic regimes with a small, surprisingly durable British colonial establishment.¹¹ While India did not experience the British Empire's crisis of security and sovereignty in the same way as the self-governing colonies, its strategic importance gave it a central role in the same drama.

The British Empire entered the twentieth century in a state of crisis. Like Dicey and Keith, some in the legal establishment feared the British constitution could no longer cope with the complexity of imperial institutions. Others in the military establishment feared the Empire was becoming impossible to defend from multiplying threats. Wars raged in China and South Africa, new powers from Germany to Japan challenged British dominance, and colonial subjects, spread in ever greater numbers across the British world, chafed under their subordinate status. This book shows how this atmosphere of crisis captured imperial politics, driving Britain and its colonies to militarize. A seductive solution emerged: Britain could reinforce fraying colonial ties through a scheme of mutual defense, guaranteeing peace and preserving imperial unity, while colonial subjects could trade their cooperation in this scheme for greater sovereignty. This solution produced unexpected results.

The twentieth century is usually understood as a violent crucible that buried the age of colonial hierarchy and birthed a liberal international order based on multilateralism and human rights.¹² This book tells a different version of that story, in which colonial hierarchy persisted in new forms, and liberal international order internalized rather than eliminated the violence that produced it. The twentieth century witnessed the creation of many new states, but they came into being based on old concepts of state sovereignty that prized the provision of security to subjects caught in dangerous times. Colonial states militarized rapidly as a pathway to sovereign statehood, and their subjects, increasingly possessed of democratic power, expected and demanded security from

Development Policy 1914–1940, 1st ed. (Routledge, 1984); Ronald Hyam, *Understanding the British Empire* (Cambridge: Cambridge University Press, 2010), chap. 7, “Bureaucracy and Trusteeship in the Colonial Empire.”

¹¹ For a recent investigation of the composite nature of British colonialism in India in the Company period, see Philip J. Stern, *The Company-State: Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* (New York: Oxford University Press, USA, 2011).

¹² Two important perspectives on this periodization are Eric Hobsbawm, *The Age of Extremes: A History of the World, 1914–1991* (New York: Vintage, 1996); Sam Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Harvard University Press, 2010).

their governments. As they shed colonial status and fit into a reimagined liberal international order, these states preserved parts of the old colonial system, namely racial hierarchy. Race played a critical role in rising states' securitizing missions. They sought to pacify interior spaces by controlling indigenous groups and imposing racially selective immigration controls. They also sought to project power externally, which they did through racialized strategic competition with other states and, ultimately, by launching new colonial projects to rule or civilize other peoples. Canada, Australia, New Zealand, South Africa, and India also staked claims to sovereignty by individually signing the Treaty of Versailles and the League of Nations Covenant in 1919. Their individual stakes in that new order secured them colonial powers, in their own rights, to hold League Mandates.¹³ They joined the international community by investing in hierarchy, not by eliminating it, and took up the task of security in colonial spaces.

In a narrative spanning the South African War (1899–1902) to the Statute of Westminster (1931), *The Quest for Security* offers answers to some of British (and modern) history's vexing puzzles. How did colonies with no military or diplomatic institutions in 1900 fund the world's most expensive weapons platforms, deploy hundreds of thousands of expeditionary troops abroad, and independently sign the greatest international agreement of their age less than two decades later at Versailles? Why was rapid colonial militarization at the turn of the century presided over in many cases by liberals nominally opposed to militarism? How could white British subjects believe that the Anglo-Saxon race was destined to spread law and order in the world when British hegemony in Asia was guaranteed by thousands of Indian troops?

This book shows how a quest for security provided liberals from Tasmania to Quebec an alternative social contract for imperial unity that avoided their other taboos like economic protectionism. It allowed colonial governments to justify raising their citizens' taxes, building out their bureaucracies, and amplifying their diplomatic voices in London and beyond. And it promised a path from subordination to sovereignty to nonwhite subjects while simultaneously justifying white colonial governments' efforts to marginalize indigenous groups as threats to the security of their nascent states. Scholars, especially those interested in military and strategic questions, have been tempted to explain the rapid changes in

¹³ Australia administered New Guinea and Nauru (jointly), New Zealand Western Samoa, and South Africa the former German South West Africa. The Government of India already ruled a vast sub-imperium that involved strategic hegemony over the Persian Gulf via a base at Aden and the provision of troops to garrison the Middle East and Britain's Class A Mandates in Palestine and Mesopotamia.

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world order during this period as consequences of World War I. This interpretation, while tidy and befitting of the war's devastating impact, is too convenient. The war accelerated changes that had already borne fruit in South Africa two decades earlier, and had an origin in Britain's gradual withdrawal of garrisons from self-governing colonies after 1857.

Both Dicey and Keith maintained a shred of optimism amidst this constitutional maelstrom: Whereas nineteenth-century assumptions about the future of Empire predicted either wholesale fracture or a grand federal union, they hoped the twentieth century might produce a new synthesis. Growing colonial autonomy would be reconciled through a sense of "family" or "alliance" based on what Dicey called "the political instinct of our race."¹⁴ Here again race was paramount – it created bonds of community in the absence of older hierarchical ties between center and periphery.¹⁵ Anglo-Saxon settlers were a key ingredient in this recipe for institutional success; Dicey even doubted whether Ireland, if granted more autonomy, could be relied on to maintain familial bonds and contribute to collective security. Ideas about race and security were mutually constitutive; colonial governments and their citizens conflated public safety with the dominance of racial in-groups, and conceptualized both domestic and foreign danger as part of racial conflict and competition. Some recent scholarship has explored the way racism was instrumental to the making of modern states, though this relationship is mostly absent in the theoretical literature on sovereignty and state-formation.¹⁶ Exploring how race influenced ideas about security and sovereignty will help place the extensive research on the role of race in colonialism in conversation with new work on race and the state.¹⁷ The experiences of Britain and its biggest colonies are also important because as British hegemony faded, the ideas about sovereignty and security it produced were adopted and tested by subsequent experiments in national

¹⁴ Dicey, *Introduction to the Study of the Law of the Constitution*, 29.

¹⁵ An important recent work that explored how British subjects imagined the future of the Empire and the forces that might reconstitute it is Duncan Bell, *The Idea of Greater Britain: Empire and the Future of World Order, 1860–1900* (Princeton: Princeton University Press, 2009).

¹⁶ Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the International Challenge of Racial Equality* (Cambridge: Cambridge University Press, 2008); David Theo Goldberg, *The Racial State* (Malden, Mass.: Blackwell Publishers, 2002).

¹⁷ Australia has proved a fruitful case for exploring this theme; see also Eric Richards, "Migrations: The Career of British White Australia," in *Australia's Empire*, The Oxford History of the British Empire Companion Series, eds. Stuart Ward and D. M. Schreuder (New York: Oxford University Press, 2008); Luke Trainor, *British Imperialism and Australian Nationalism: Manipulation, Conflict, and Compromise in the Late Nineteenth Century*, Studies in Australian History (New York: Cambridge University Press, 1994), chap. 13, "Federating in a White World."

and international government. The League of Nations, especially its security architecture and its colonial Mandate system, are striking examples of how these colonial legacies resounded through the twentieth century.

Crises of Security and Sovereignty in the British World: A Short History

This section will explain some of the terms and concepts the book uses, and contextualize the environment of crisis in the early twentieth century within the longer history of the British Empire. It will show in brief how constitutional change (and more abstract changes in the way sovereignty was understood) tended to happen at similar moments of security crisis.

“Sovereignty” is an abstract concept. It refers to authority, and its exercise within the context of states. Describing its usage in the British world is rendered more difficult by the fact that Britain lacks a formal, written constitution that carefully sets the parameters of state power. Instead, it is an informal system of precedent and practice, and is periodically augmented in reaction to pressures or problems. Constitutional thinkers like A. V. Dicey or William Blackstone occasionally had their own commentaries on such problems sewn into the constitutional fabric itself. In short, sovereignty’s precise meaning and usage in the British Empire has changed over time. Britain’s kings and queens, more concretely, embodied sovereignty – Thomas Hobbes visualized them as giant figures incorporating the bodies of the whole nation in the frontispiece to his famous 1651 book, *Leviathan*. By the time Blackstone published his *Commentaries* in the eighteenth century, this unitary image had been muddled by the Glorious Revolution in 1688. “The King” (and the sovereignty he embodied) now meant “The King-in-Parliament,” and formed “the great corporation or body-politic of the kingdom,” Blackstone explained.¹⁸ Between Hobbes and Blackstone (and their definitions) lay a half-century of civil war and revolution.

The explosive expansion of Britain’s Empire created a host of new constitutional puzzles. The most intimate were the 1707 and 1800 Acts of Union with Scotland and Ireland, respectively. Each new colonial venture produced a new context in which English (and then British) sovereignty would be mediated, negotiated, and contested. The integration of other legislative assemblies into the imperial system, such as Ireland’s and those of the American colonies, introduced a new dimension to

¹⁸ William Blackstone, *Commentary on the Laws of England*, vol. 1, 1753 (Philadelphia: J.B. Lippincott, 1893), 153.

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“Parliamentary sovereignty,” namely the superiority of the Westminster Parliament to the others in the Empire, and its legislative prerogative to supersede their acts. This authority, too, was mediated and contested. As Edmund Burke argued amidst the crisis of the American Revolution, authority was a matter “not of theory, but of things.” Parliament could not expect to govern Massachusetts as absolutely as it did Middlesex.¹⁹

The Empire also mediated sovereignty through nondemocratic institutions. In India, after the end of Company rule in 1858, the Viceroy represented the British Sovereign just as Governors-General did in self-governing colonies, but the Raj constructed itself as an aristocratic regime that ruled Indians with direct authority.²⁰ It also recognized subsidiary rulers, the native aristocrats of the Princely States who enjoyed partial sovereignty within their own territories, which led to the restyling of Victoria as “Empress” rather than simply “Queen” in 1877. At the core of these differences lay the constitutional notion of “responsibility.” Colonies whose governments, however constituted, were beholden to local legislative assemblies were said to be “responsible” to them (with the consent of the local Governor-General as Crown representative).²¹ Other colonies, meanwhile, were ruled with direct responsibility to the Crown and its local representative, and these carried the designation “Crown Colony.”

Sovereignty, then, was a capacious concept that referred both to formal constitutional relationships between different parts of the British Empire, and more abstractly to the growth of the authority and powers of colonial states. British subjects talked about sovereignty fairly often, even when they did not mention it by name. Liberals in the British world occasionally invoked sovereignty in arguments *against* military spending, asserting (speciously) that only sovereign states needed navies and armies, not their humble colonies. Henry Bournes Higgins of Australia and Wilfrid Laurier of Canada both deployed this argument despite being avid state-builders and seekers of sovereignty.²² Māori invoked sovereignty (and its

¹⁹ Burke, *Conciliation with America*, vol. 3 (ed. 1808), 56–57, in Dicey, *Introduction to the Study of the Law of the Constitution*, 24–25.

²⁰ A useful exploration of the way the Raj constructed its sovereignty in India as a kind of *translatio imperii* from the East India Company and the Mughal Empire is Sudipta Sen, *Distant Sovereignty: National Imperialism and the Origins of British India* (New York: Routledge, 2002).

²¹ It is difficult to speak generally about the offices of Governor and Governor-General in the British Empire with precise terminology; New Zealand, for example, did not have its Governor upgraded to Governor-General until 1917, fully a decade after Joseph Ward and others sought Dominion status for the colony.

²² Higgins’ remarks are discussed in Chapter 1, Laurier’s in Chapter 3.

disputed Māori cognate, *mana*) in their debates over the Treaty of Waitangi, which regulated their relations with white Pākehā New Zealanders, and also in the way they understood their loyalty and military service to the British Crown.²³ Politicians and the press in multiple British colonies invoked sovereignty in their rejection of naval and military subsidies to Britain, which they felt eroded the sovereignty of their nascent states.²⁴ Finally, nationalists extensively used sovereignty to describe their opposition to British rule, especially in Ireland, and often linked these arguments to their opposition to military conscription during World War I.²⁵

While British subjects used the actual term “security” fairly often, probably more often than they invoked “sovereignty,” this book deploys the term for conceptual and theoretical reasons more than for empirical ones. The existing literature usually describes the institutional dimensions of military, naval, and diplomatic affairs using the term “defense” – most commonly “imperial defense” in the context of the British Empire. Meanwhile, recent literature on colonialism (and postcolonialism) favors terms like “violence” and “coercion” to consider how these institutional factors affected colonized subjects. “Security” is favored here because it permits mediation between these conceptual stances. The institutional and policy dimensions of state-formation and militarization are, as the book shows, critical to understanding the experience of the early twentieth century. But they also contributed, in a mutually constitutive way, to a much broader and more abstract set of historical factors including grand strategy, constitutional theory, racialized thought, and affective notions like fear, hope, and anxiety. *The Quest for Security*, then, extends analysis beyond the framework of imperial defense.

British subjects throughout history often thought about sovereignty when their security was threatened. If a sense of crisis animated thinkers like A. V. Dicey and A. B. Keith, the seeds of that crisis had been germinating for at least a century. Recent work on sovereignty has tended to revolve around the issue of territoriality, or the securing of defined spaces.²⁶ From its inception, the British Empire faced related dilemmas

²³ *Mana*, sovereignty, and the Māori are discussed in Chapter 2.

²⁴ The subsidy problem is also discussed in Chapter 2.

²⁵ Conscription and Irish nationalism are discussed in Chapters 5 and 6.

²⁶ Some have argued that territoriality obscures more than it reveals. An excellent overview on competing theories of sovereignty and recent scholarship is available in Lauren A. Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900* (Cambridge; New York: Cambridge University Press, 2010), 279–283; see also Charles Tilly, *Coercion, Capital, and European States, AD 990–1990* (Cambridge, Mass.: B. Blackwell, 1990); Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, N.J.: Princeton University Press, 1999).

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over how to defend the nominal extent of its territory. Failure to settle this question of security begat crises of sovereignty. The first bitter fruits of this problem had been the American Revolution. George III and his government in Great Britain thought his governments in the American colonies should be paying more for the security of British rule. The American colonists, discomfited by imperial troops in their communities and chagrined by the tax rates needed to sustain them, saw tyranny in the Crown's mismanagement of its security responsibilities.²⁷ In the aftermath of the revolution, the Empire was forced to consolidate in North America and rebalance around its presently more profitable colonies in Asia.²⁸ The problem remained: Where coercion and consent were out of balance, crises of sovereignty ensued, and self-government only exacerbated them. Carl Schmitt, the German jurist whose works on sovereignty influenced the rise of Nazism, argued that sovereignty proceeded from the "state of exception," or the ability to impose emergency conditions regardless of their nominal legality.²⁹ In short, Schmitt refers to raw coercive power. Colonial governments used the language of security to legitimize this coercive power.³⁰ Financial extraction, another key measure of state power, has been intimately linked to security imperatives; scholars have also argued that the nexus between them propelled the emergence of centralized, modern states.³¹

Another security crisis emerged in the mid-nineteenth century and fundamentally altered the constitutional and ideological realities of British sovereignty in the world.³² The 1857 Rebellion in India prompted

²⁷ A book that usefully explores how British politics made sense of the American Revolution as a crisis of sovereignty is Eliga H. Gould, *The Persistence of Empire: British Political Culture in the Age of the American Revolution*, Omohundro Institute of Early American History and Culture (Chapel Hill, N.C.: University of North Carolina Press, 2000); Gould has more recently returned to this topic to explore how the American state repackaged some of the same themes and sought to enhance its sovereignty via diplomatic recognition in Eliga H. Gould, *Among the Powers of the Earth: The American Revolution and the Making of a New World Empire* (Cambridge, Mass.: Harvard University Press, 2012).

²⁸ Some helpful recent works on this pivotal moment are Maya Jasanoff, *Liberty's Exiles: The Loss of America and the Remaking of the British Empire* (London: Harper Press, 2011); P. J. Marshall, *The Making and Unmaking of Empires: Britain, India, and America, c.1750–1783* (Oxford; New York: Oxford University Press, 2005).

²⁹ Carl Schmitt, *Dictatorship* (Wiley, 2015).

³⁰ The legal scholar James Whitman has argued for the capacity to wage war as a key determinant of state sovereignty. See James Q. Whitman, *The Verdict of Battle: The Law of Victory and the Making of Modern War* (Cambridge, Mass.: Harvard University Press, 2012).

³¹ The growth of the "fiscal-military state" is usefully explored in an important book by John Brewer. John Brewer, *The Sinews of Power: War, Money, and the English State, 1688–1783*, 1st American ed. (New York: Knopf, 1989).

³² A recent book by Antony Anghie has argued for the "de-centering" of ideas of sovereignty that are essentially Western and imperialistic, arguing that these have mainly been tools of