

Early Modern Imperial Governance and the Origins of Canadian Political Culture*

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For the last 30 years, Gad Horowitz's rendering of Louis Hartz's fragment thesis on the political ideology of colonial societies has influenced profoundly how Canadianists think about the origins of Canadian political culture. What scholars have taken as the core of Horowitz's thesis, and what they have vigorously challenged, is his argument that Canadian liberalism has been qualified and tempered by a Loyalist-derived "tory touch." The Loyalists, he contends, brought a residual "feudal" fragment into British North America when they fled the rebelling colonies, leaving the United States with an almost unalloyed liberal ideology. In Canada, the "feudal" or tory legacy of Loyalist thought explains why Canadians are deferential, why they believe in "peace, order and good government" and why they have been more receptive to a strong state, especially with socialist leanings, than have their US neighbours.¹

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1 Gad Horowitz, "Conservatism, Liberalism, and Socialism in Canada: An Interpretation," *Canadian Journal of Economics and Political Science* 32 (1966), 143-71. Horowitz was taking issue with Kenneth McRae's essay "The Structure of Canadian History," in Louis Hartz, ed., *The Founding of New Societies: Studies in the History of the United States, Latin America, South Africa, Canada, and Australia* (New York: Harcourt, Brace, and World, 1964), 219-74. An abridged version of Horowitz's article appears in Janet Ajzenstat and Peter J. Smith, eds., *Canada's Origins: Liberal, Tory, or Republican?* (Ottawa: Carleton University Press, 1985), 21-44, a compilation of previously published essays that have challenged Horowitz, with an introduction and conclusion by Ajzenstat and

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Numerous scholars have challenged Horowitz's understanding of Canadian political culture, as in the debate over the place of civic humanism in Canada's ideological legacy.² However, they have left his underlying formulation of the problem largely intact, powerful testimony to his continuing influence. Most studies, from Horowitz forward, rest on three interrelated assumptions, even though all three run counter to many features of early Canadian history, and thus are ahistorical. They can be summarized as follows:

Assumption 1: Within the colonies and territories that became the state of Canada, political culture began with the Loyalists.

In Horowitz's words, the Loyalists are the "point of departure" for the divergence in Canadian and American political cultures.³ The Loyalist migrations, the assumption implies, dwarfed the pre-revolutionary British populations and rendered irrelevant their pre-1783 influences. The *Canadien* population, with its pre-revolution French political legacy, is the only consequential pre-1783 contribution to the development of political culture that originated from within the future Canada.⁴ Thus the national political culture commences in 1783, making all pre-Loyalist political legacies, whether in Nova Scotia, Quebec, Prince Edward Island, Newfoundland or Rupert's Land, regionally relevant at most.⁵ Gordon Stewart states unequivocally that "the key to

Smith. See also H. D. Forbes, "Hartz-Horowitz at Twenty: Nationalism, Toryism, and Socialism in Canada and the United States," this JOURNAL 20 (1987), 287-315. In the United States, Seymour Martin Lipset has adopted Horowitz's analysis in *Continental Divide: The Values and Institutions of the United States and Canada* (New York: Routledge, 1990).

- 2 Peter J. Smith, "The Ideological Origins of Canadian Confederation," this JOURNAL 20 (1987), 3-29; Peter J. Smith, "Civic Humanism vs. Liberalism: Fitting the Loyalists In," *Journal of Canadian Studies* 26 (1991), 25-43; Gordon T. Stewart, *The Origins of Canadian Politics: A Comparative Approach* (Vancouver: University of British Columbia Press, 1986); Jeremy Rayner, "The Very Idea of Canadian Political Thought: In Defence of Historicism," *Journal of Canadian Studies* 26 (1991), 7-24; Donald Desserud, "Nova Scotia and the American Revolution: A Study of Neutrality and Moderation in the Eighteenth Century," in Margaret Conrad, ed., *Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800* (Fredericton: Acadiensis Press, 1991); Ian Stewart, "New Myths for Old: The Loyalists and Maritime Political Culture," *Journal of Canadian Studies* 25 (1990), 20-43; and Peter J. Smith and Janet Ajzenstat, "Canada's Origins: The New Debate," *National History: A Canadian Journal of Enquiry and Opinion* 1 (1997), 113-26.

- 3 Horowitz, "Conservatism, Liberalism, and Socialism," 153.

- 4 Nelson Wiseman, "A Note on 'Hartz-Horowitz at Twenty': The Case of French Canada," this JOURNAL 21 (1988), 795-811.

- 5 Ceded to Britain by France in 1713 and renamed, Nova Scotia also comprised what is now New Brunswick until 1784. Nova Scotian political history has traditionally been divided into pre- and post-Loyalist periods, a division that carries the implication that the coming of the Loyalists was one of the most important events in the colony's early political development. See J. Murray Beck, *Nichol-*

Abstract. For the last three decades, scholars of Canadian political culture have favoured ideological explanations for state formation with the starting point being the American Revolution and Loyalist resettlement in British North America. This article challenges both the ideological bias and the late eighteenth-century chronology through a reassessment of early modern developments in the British imperial state. It shows that many of the institutional features associated with the state in British North America and later Canada—strong executives and weak assemblies, Crown control of land and natural resources, parliamentary funding of colonial development and accommodation of non-British subjects—were all institutionalized in the imperial state before the American Revolution and before the arrival of significant numbers of ethnically British settlers to Newfoundland, Nova Scotia and Quebec. Ideological discourses in the British North American colonies that became Canada, unlike those that became the United States, traditionally acknowledged the presence of a strong state in its imperial and colonial manifestations. Rather than challenging its legitimacy, as had Americans, British North Americans, whether liberals, republicans or Tories, debated the function of the state and the distribution of power within it.

Résumé. Au cours de trois dernières décennies, les spécialistes de la culture politique canadienne ont prôné une approche idéologique à propos de la formation de l'État, ayant comme point de départ la Révolution américaine et le peuplement Loyaliste en Amérique du Nord. Suite à une réévaluation des premiers développements modernes de l'État britannique impérial, cet article remet en question et la tendance idéologique et la chronologie de la fin du 18^e siècle. Il démontre que plusieurs des caractéristiques institutionnelles associées à l'État en Amérique du Nord britannique et, plus tard, au Canada—de puissantes administrations et de faibles assemblées, le contrôle des ressources naturelles et foncières par la Couronne, les subventions parlementaires du développement colonial, ainsi que l'accommodation des sujets non-britanniques—étaient toutes institutionnalisées dans l'État impérial avant la Révolution américaine et avant l'arrivée de bon nombre de colons d'origine britannique à Terre-Neuve, en Nouvelle-Écosse et au Québec. Les discours idéologiques dans les colonies de l'Amérique du Nord britannique qui devinrent le Canada, contrairement à celles qui devinrent les États-Unis, confirmaient, traditionnellement, la présence d'un État fort à travers ses manifestations impériales et coloniales. Plutôt que contester sa légitimité, comme l'avaient fait les Américains, les Américains du Nord britannique, qu'ils soient libéraux, républicains ou conservateurs, discutèrent de la fonction de l'État et de la répartition des ses pouvoirs.

understanding the main features of Canadian national political culture after 1867 lies in the political world of Upper and Lower Canada between the 1790s and 1840s.”⁶ This assumption reinforces a prepolitical and political divide in early Canadian history that is analytically problematic and, upon examination, unjustifiable.⁷

Assumption 2: Pre-1783 influences on Canadian political culture were from the British colonies that rebelled, that is, from the former homes of the Loyalists.

Post-1783 British North American political culture becomes, given this assumption, a refraction of developments in the former colo-

son-Fielding, 1710-1896, Vol. 1 of *Politics of Nova Scotia* (Tantallon, N.S.: Four East Publications, 1985), 19-68.

6 Stewart, *The Origins of Canadian Politics*, 5.

7 David E. Smith, “Empire, Crown and Canadian Federalism,” this JOURNAL 24 (1991), 451-73, argues for a greater integration of the imperial, and, hence, pre-1783 legacy into Canadian state development, though he does not develop the point.

nies from New Hampshire to Georgia. Any pre-1783 developments from Britain were filtered through them.⁸ This second assumption rests on the related and unexamined premise that all British colonies had similar enough constitutional and institutional developments that the pre-revolutionary histories of, for instance, Massachusetts, New York or South Carolina are equivalent to, if not more illuminating than, for instance, those of Nova Scotia or Quebec.⁹ Assumption 2 leads scholars to debate what kind of ideology the Loyalists brought to British North America, but not whether Loyalist thought is sufficient to explain all pre-1783 legacies. By making Canadian political culture a fragment of colonial American political culture, this second assumption leaves little interpretive room for significant metropolitan and imperial components. And by emphasizing Loyalist contributions, whether liberal, republican or tory, the imperial legacy becomes little more than a tangent off the Canadian version of the colonial American story.

Assumption 3: Canadian state formation can be best understood as an outgrowth of post-1783 ideology.

In studies of Canadian political culture and state formation, scholars have tended to favour interpretations based on ideological factors rather than institutional ones.¹⁰ This bias follows a general pattern of interpreting modern states, especially post-revolutionary and post-colonial states, as creatures of ideology. While the work of historical sociologists and historians has shown how embedded institutional structures continued to shape state formation even after ideologically driven revolution, as in the cases of France, Russia and China, scholars

8 See, in particular, the works of Peter J. Smith and Gordon T. Stewart cited above.

9 Since the publication of John Bartlett Brebner, *New England's Outpost: Acadia before the Conquest of Canada* (New York: Columbia University Press, 1927) and John Bartlett Brebner, *The Neutral Yankees of Nova Scotia: A Marginal Colony during the Revolutionary Years* (New York: Columbia University Press, 1937), a New England paradigm has overdetermined interpretations of the seventeenth- and eighteenth-century northeast, from Long Island to Newfoundland, even though New Englanders were only one of the influences in the region, and not necessarily the most significant. For moves towards a redefinition, see Ernest Clarke, *An Episode in the American Revolution: The Siege of Fort Cumberland, 1776* (Montreal: McGill-Queen's University Press, 1995); and Elizabeth Mancke, "Two Patterns of New England Transformation: Machias, Maine and Liverpool, Nova Scotia, 1760-1820" (unpublished doctoral dissertation, Johns Hopkins University, 1989).

10 There have been some calls for greater attention to institutional factors in Canadian state development and political culture. See Robert Finbow, "Ideology and Institutions in North America," this JOURNAL 26 (1993), 671-97; Smith, "Empire, Crown and Canadian Federalism"; and many of the essays in Allan Greer and Ian Radforth, eds., *Colonial Leviathan: State Formation in Mid-Nineteenth-Century Canada* (Toronto: University of Toronto Press, 1992). Most of these studies, however, say little about early modern developments, the focus of this article.

of erstwhile colonies continue to emphasize the place of ideologies, whether liberal, Marxist or nationalist, in state formation, rather than the interplay of the two.¹¹ In the Canadian case, this bias has made it possible, indeed necessary, to ignore constitutional and institutional legacies that predate the American Revolution. These legacies include metropolitan policies for stronger executives, the establishment of the Church of England, Crown control of land and natural resources, the Proclamation of 1763 and the *Quebec Act* of 1774. All of these legacies figured in major political battles across nineteenth-century British North America, but none of them can be easily attributed to ideological developments, and certainly not ones that originated in former British American colonies. In the words of Jeremy Rayner, the "relationship between ideas and politics in Canada is still a dark corner."¹² Horowitz's most profound, and stultifying, impact has been to focus scholarship on ideological developments at the expense of institutional developments.

This article challenges the validity and continued utility of these assumptions.¹³ Offering an alternative perspective, it draws attention to the founding influences of metropolitan-determined institutions in defining British North American and then Canadian political cultures and state formation. It argues that over the eighteenth century, the British government, often in reaction to centrifugal developments in the colonies from New Hampshire to South Carolina, established many of the constitutional and institutional structures for a strong state in the colo-

11 Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia, and China* (Cambridge: Cambridge University Press, 1979) made the first sustained case for examining institutional structures in revolutions. On the differences in the approaches to European state formation and post-colonial state formation, compare Thomas Ertman, *Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe* (Cambridge: Cambridge University Press, 1997) and John Brewer, *The Sinews of Power: War, Money, and the English State, 1688-1685* (New York: Alfred A. Knopf, 1989), to Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1969). One of the most profound and widely regarded expressions of the role of ideology in post-colonial societies, if we accept nationalism as a type of ideology, is Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (rev. ed.; London: Verso, 1991). Anderson's interest in nationalism grew out of his puzzlement at the way nationalist ideologies constrained Marxist ideologies in Southeast Asia. For an argument about the importance of constitutional arrangements in British America, see Jack P. Greene, *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States 1607-1788* (Athens: University of Georgia Press, 1986).

12 Rayner, "The Very Idea of Canadian Political Thought," 22.

13 Despite my reservations with the way Horowitz shaped the discussion of Canadian political culture, his formulation did have the salutary utility of invigorating scholarship.

nies and territories that later became Canada. The decisions for most developments originated in Britain, and were implemented by colonial officials before the arrival of significant numbers of British settlers, whether New Englanders in Nova Scotia, Scots to Quebec or even the English and Irish to Newfoundland, and before the American Revolution. Thus, post-1783 developments in British North American ideology found expression within colonial institutional and constitutional frameworks that had been determined in Britain by governments willing to use the state in the interest of empire. The British North American political debates of the late eighteenth and early nineteenth centuries, whether in the Canadas, Nova Scotia, New Brunswick or Newfoundland, centred not on whether there would be a strong state, but how power would be distributed within colonies and how it would be used in developing them.

Over the seventeenth and eighteenth centuries, two distinct patterns of imperial governance developed in British North America.¹⁴ The colonies that formed the United States had been established in the seventeenth century, had begun with considerable political autonomy from the metropole and had reinforced their self-government for up to a century and a half. In contrast, the colonies and territories that became Canada developed under greater state control, either as conquered colonies or as commercial territories controlled by metropolitan-based firms. Over the seventeenth century, the English state gradually enacted laws and executive decisions in an attempt to establish greater control over its far-flung polities.¹⁵ These developments in imperial governance began to emerge as distinct patterns in the early eighteenth century after the British state underwent a consolidation of its power between 1689 and 1713.¹⁶ Thus the divergences in Canadian and American governmental institutions and political cultures began long before the American Revolution. Canadian political culture is not a fragment of American political culture, but a distinct and separate branch off the British trunk.

I base this argument on an assessment of *how* Britain acquired overseas lands and *when* colonies received governments in relationship

14 Elizabeth Mancke, "Another British America: A Canadian Model for the Early Modern British Empire," *Journal of Imperial and Commonwealth History* 25 (1997), 1-36. Most scholarship on the British Empire dates the increased involvement of the state overseas to the period from 1763 to 1783. For a prominent recent argument, see C. A. Bayly, *Imperial Meridian: The British Empire and the World, 1780-1830* (London: Longman, 1989).

15 Michael J. Braddick, "The English Government, War, Trade, and Settlement, 1625-1688," in Nicholas P. Canny, ed., *The Origins of Empire*, Vol. 1 of *The Oxford History of the British Empire* (Oxford: Oxford University Press, 1998), 286-308.

16 Mancke, "Another British America."

to state developments in the metropole. That analysis exposed two striking differences between the colonies and territories that became Canada and those that became the United States. The first difference concerns *how* Britain acquired overseas territories. In the seventeenth and eighteenth centuries, Britain established claims through settlement of English subjects in colonies, through commercial occupation by English interests and through conquest.¹⁷ Claims to all the colonies that rebelled, with the exception of New York and New Jersey, were established through the settlement of English colonists. In contrast, British claims to the North American colonies and territories that remained within the empire after 1783 had been established by metropolitan-based commercial concerns, Newfoundland and Rupert's Land, with the Oregon Territory and the Mackenzie District attached to the latter, or through conquest, Nova Scotia, New Brunswick, Prince Edward Island and the Canadas (see Table 1).

TABLE 1

MODE OF ACQUISITION OF BRITISH TERRITORY IN NORTH AMERICA

Basis of claim	Areas that remained in British North America	Areas that rebelled
Commercial occupation	Newfoundland Rupert's Land Mackenzie District Oregon Territory/New Caledonia	
British settlement		Massachusetts New Hampshire Connecticut Rhode Island Pennsylvania Delaware Maryland Virginia North Carolina South Carolina Georgia
Conquest	Nova Scotia/Acadia peninsular Nova Scotia (1713) mainland NS/New Brunswick (1763) Ile St-Jean/Prince Edward Is. (1763) Ile Royale/Cape Breton Is. (1763) Canada/Quebec (1763) Lower Canada/Canada East/Quebec Upper Canada/Canada West/Ontario	New York (1664) New Jersey (1664)

17 These terms are consistent with constitutional and legal definitions of colonial development. See Greene, *Peripheries and Center*, 9-24.

The means or mechanism whereby the British established control over an overseas territory had an impact on the degree of metropolitan governance, oversight and regulation. The colonies claimed through settlement, with the exception of Georgia, were established under royal, not parliamentary, charters, were privately funded and hence had limited metropolitan financing or administrative direction. In former French colonies claimed through conquest, such as Acadia/Nova Scotia, Ile Royale and Canada, the state was involved first through the military and then with the establishment of civilian governments and the appointment of colonial officials. Governors and councils in these colonies had greater fiscal powers than their counterparts in older colonies, and initially had no assemblies with which they had to contend.¹⁸ In these colonies, the state had to decide how to balance the rights of the French-speaking, Catholic populations with the rights of British settlers. Neither the military presence of a conquering state nor the negotiation of the rights of conquered European peoples had any comparable counterpart in the colonies that rebelled. While New York and New Jersey had been part of the conquered colony of New Netherlands, the Dutch inhabitants were Protestants and were more easily assimilated as English subjects than were Catholic Acadians and Canadians. As well, the Dutch posed no lingering threat to New Netherlands comparable to the prolonged French threat to Acadia/Nova Scotia.¹⁹

While settlement colonies displaced Native peoples, they seldom displaced other Europeans who had to be absorbed into the body politic. The British government angered colonists when it accommodated the property and governance rights of Native peoples with the Proclamation of 1763. As the British Empire became more polyglot over the eighteenth century, the state functioned above particularistic vernacular identities, tolerating differences in lieu of the expense of coercing cultural conformity, in the interest of political stability, and with some attention to the existing property rights of non-British peoples.²⁰ From

18 From 1713 to 1749, the government of Nova Scotia was chronically underfunded. English/British practice had been for colonies to be self-financing through their assemblies. But Nova Scotia had no assembly and Parliament voted virtually no monies for the colony until 1749 and the decision to build Halifax.

19 I am arguing for an increasingly state-controlled empire, but not, in the early modern era, a more militarized one. For work arguing the latter, see Stephen Saunders Webb, *The Governors-General: The English Army and the Definition of the Empire, 1569-1681* (Chapel Hill: University of North Carolina Press, 1979).

20 Mancke, "Another British America"; P. J. Marshall, "Empire and Authority in the Later Eighteenth Century," *Journal of Imperial and Commonwealth History* 15 (1987), 106-114; P. J. Marshall, "Parliament and Property Rights in the Late Eighteenth-Century British Empire," in John Brewer and Susan Staves, eds., *Early Modern Conceptions of Property* (London: Routledge, 1995), 530-44; and J. M. Bumsted, "The Cultural Landscape of Early Canada," in Bernard Bailyn and Philip Morgan, eds., *Strangers within the Realm: The Cultural Margins of the*

the perspective of ethnically British subjects, or Old Subjects as they called themselves in Quebec, the allowances made for the French-Canadian and Native New Subjects resulted in a diminution of traditional English rights.

Territorial claims established through metropolitan-based commercial concerns, such as Newfoundland and Rupert's Land, were also subject to state oversight and regulation. The English-based ownership of the Newfoundland fishery and the Hudson Bay fur trade made it much easier for Parliament to extend its control over their commercial affairs and the North American lands in which they operated. The multinational character of the fishery, its enormous economic and strategic importance and conflicts between West Country fishing interests and colonial promoters forced state regulatory oversight by the mid-seventeenth century. International wars, diplomatic negotiations to open Iberian and Mediterranean markets to British fishing interests and the perceived role of the fishery as a "nursery for seamen," fostered increasing state control, and a state interest in keeping local control weak. Not until the early nineteenth century, when population growth was too great to ignore, did the British establish a year-round government in Newfoundland. As a consequence, Newfoundland has the oldest statist traditions in Canada.²¹ State involvement in Rupert's Land was weaker, but metropolitan officials did negotiate the territorial claims of the Hudson's Bay Company in the Treaty of Utrecht, urged peaceful relations with native peoples and monitored French competition. Parliament's 1749 enquiry into the running of the Hudson's Bay Company helped legitimate its oversight and regulation.²²

The old truism in Canadian history that the state preceded settlement in the West after 1870 was not new but part of a much older pattern that can be traced back to the seventeenth century. In Newfoundland, Rupert's Land, Nova Scotia and Quebec, the British state had a presence before significant British settlement. In all these colonies and territories, new settlers adjusted to that greater state influence and control.²³

First British Empire (Chapel Hill: University of North Carolina Press, 1991), 363-92.

21 Gillian Cell, *English Enterprise in Newfoundland, 1577-1660* (Toronto: University of Toronto Press, 1969), 53-80; and Keith Matthews, *Lectures on the History of Newfoundland, 1550-1830* (St. John's: Breakwater Press, 1988).

22 Glyndwr Williams, "The Hudson's Bay Company and Its Critics in the Eighteenth Century," *Transactions of the Royal Historical Society* 20 (1970), 149-71; Glyndwr Williams, *The British Search for the Northwest Passage in the Eighteenth Century* (London: Longmans, 1962); and E. E. Rich, *1670-1763*, Vol. 1 of *Hudson's Bay Company, 1670-1870* (London: Hudson's Bay Record Society, 1958), 556-86.

23 Mancke, "Another British America," 16-25.

The second major difference between the colonies that rebelled and those that stayed in the empire concerns *when* colonial governments were established. All the colonies that rebelled, with the exception of Georgia, had governments or governmental antecedents that predated the Revolution of 1689 and the development of Crown-in-Parliament. All the British governments in what became Canada post-date 1713, when Britain established a colonial government in Nova Scotia (see Table 2). Thus the governments of the colonies that became Canada were unequivocally subordinate to Parliament, one of the central issues that led to political unrest and then revolution in the colonies with seventeenth-century governmental antecedents.

TABLE 2

ESTABLISHMENT OF BRITISH GOVERNMENTS IN NORTH AMERICA

	Areas that remained in British North America	Areas that rebelled
Pre-1688		New Hampshire Massachusetts Rhode Island Connecticut New York New Jersey Pennsylvania Delaware Maryland Virginia North Carolina South Carolina
Post-1688	Nova Scotia (1713) Canada/Quebec (1763/1791) Prince Edward Island (1769) New Brunswick (1784) Newfoundland (1824) Rupert's Land (1870) Vancouver Island/British Columbia (1849)	Georgia

These differences in how Britain acquired colonies and territories and when they received governments are magnified when changes in metropolitan state developments are considered. In the gap between the founding of Pennsylvania in 1681, the last colony chartered with royal but not parliamentary approval, and the establishment of a government in Nova Scotia in 1713, state centralization accelerated. The English deposed James II and invited William and Mary to ascend the throne, thereby confirming Parliament's right to rule with the monarchy as the Crown-in-Parliament. They fought two successful wars with France,

developed a bureaucratic infrastructure to administer and finance them, and negotiated territorial concessions from the French. The kingdoms of Scotland and England were consolidated, and the Scottish Parliament in Edinburgh was subordinated to the English Parliament in Westminster.²⁴ After 1713, the British state participated more actively in overseas governance and expansion, manifested in greater involvement in the governing of conquered colonies, the funding of colonial projects, such as the building of Halifax, the control of natural resources and the financing of exploration, such as James Cook's voyages to Newfoundland, the South Pacific and the Pacific Northwest.

In Nova Scotia, conquered in 1710 and ceded by the French in 1713 with the Treaty of Utrecht, the government of the colony clearly came under the control of the Crown-in-Parliament. The Board of Trade mandated a stronger executive than other British American colonies had. For the first half of the eighteenth century the governor and executive council governed the colony without an assembly and with few local officials. After the establishment of Halifax in 1749, merchants, many of them from New England, settled in the colony and began demanding an assembly, which the Board of Trade forced Governor Charles Lawrence to call in 1758. That assembly, though, had weaker powers than assemblies in older, neighbouring colonies, because the executive, not the assembly, retained the power of the purse.²⁵ After the conquest of Canada, the governor of Quebec also had greater powers than his counterparts from New Hampshire to South Carolina, and that colony did not have an assembly until after its division by parliamentary statute into Lower and Upper Canada in 1791. In the early eighteenth century the Board of Trade had articulated a policy for enhancing its control in colonies by strengthening executives. It institutionalized the policy in Nova Scotia in 1713, and especially after 1749. By the end of the Seven Years' War, a strong governor had become a setpiece for strengthening and centralizing the imperial state. For New Brunswick and Upper Canada, formed in 1784 and 1791, respectively, a strong executive was *de rigueur*.

With the creation of a government for Nova Scotia, the Board of Trade also tackled the problem of powerful local governments in colonies. It informed the early Nova Scotia governors that when the colony

24 Brewer, *The Sinews of Power*; and Lawrence Stone, ed., *The Imperial State at War: Britain from 1689 to 1815* (London: Routledge, 1994). Essays in the latter volume, while ostensibly about the "imperial state," do not deal with the impact of the state on overseas possessions so much as on the impact of empire on metropolitan developments. Indeed, few studies look at the relationship between state formation and empire-building. See John Brewer, "The Eighteenth-Century British State: Contexts and Issues," in *ibid.*, 52-71.

25 D. C. Harvey, ed., "Governor Lawrence's Case Against an Assembly in Nova Scotia," *Canadian Historical Review* 13 (1932), 184-94.

received enough Protestant settlers to establish local government, it was to be county government with royally appointed officials rather than incorporated town government with locally elected officials, such as New England had.²⁶ Reining in existing corporations that could challenge state power and restricting the chartering of new ones had been a strategy for centralizing European states. In the seventeenth century, the English government began to use the same strategy to strengthen metropolitan control in overseas peripheries, ending the chartering of colonial ventures and, after the South Sea Bubble, the incorporation of companies.²⁷ Restricting the incorporation of municipal governments became standard eighteenth-century colonial policy which could not be applied retroactively, but could be enforced in newly acquired colonies. Before the 1830s, Saint John, New Brunswick, was the only urban centre in British North America with a charter. All other cities, including Halifax, Quebec, Montreal, Kingston and York (Toronto) were run through the county courts.²⁸

In the late seventeenth century the English state also began asserting greater control over colonial resources, particularly timber, coal, fish and land. The 1691 charter of Massachusetts included a clause reserving all trees 24 inches or more in diameter for the Royal Navy, and was subsequently interpreted to include Nova Scotia. Parliament's 1705 *Act for the Encouraging of Importation of Naval Stores* expanded the Crown's timber rights to "Pitch, Pine, or Tar Trees" 12 inches or more in diameter and was applied to colonies from New Jersey to Nova Scotia. Crown claims to North American timber for naval stores were extended pro forma to new colonies, such as Quebec and New Brunswick.²⁹ The Crown also claimed pre-eminent rights to other stra-

26 Brebner, *New England's Outpost*, 73, 136-37, 239; D. C. Harvey, "The Struggle for the New England Form of Township Government in Nova Scotia," *Canadian Historical Association Report* (1933), 15-22; and Elizabeth Mancke, "Corporate Structure and Private Interest: The Mid-Eighteenth Century Expansion of New England," in Margaret Conrad, ed., *They Planted Well: New England Planters in Maritime Canada* (Fredericton, N.B.: Acadiensis Press, 1988), 164-65.

27 Philip S. Haffenden, "The Crown and the Colonial Charters, 1675-1688," *William and Mary Quarterly* 15 (1958), 297-311, 452-66; and Armand Budington DuBois, *The English Business Company after the Bubble Act, 1720-1800* (1931; rpt., New York: Octagon Books, 1971).

28 T. W. Acheson, *Saint John: The Making of a Colonial Urban Community* (Toronto: University of Toronto Press, 1985), 27-30.

29 Joseph J. Malone, *Pine Trees and Politics: The Naval Stores and Forest Policy in Colonial New England* (Seattle: University of Washington Press, 1964), 10-27; Robert Greenhalgh Albion, *Forests and Sea Power: The Timber Problem of the Royal Navy, 1652-1862* (1926; rpt., Hamden, Conn.: Archon Books, 1965), 238-55; and Barbara R. Robertson, "Trees, Treaties and the Timing of Settlement: A Comparison of the Lumber Industry in Nova Scotia and New Brunswick, 1784-1867," *The Nova Scotia Historical Review* 4 (1984), 41-45.

tegic natural resources. When France ceded Cape Breton, the British government restricted the development of coal mining.³⁰ Meanwhile, the fishery remained a state-regulated and negotiated resource.

In the colonies settled in the seventeenth century, the state's ability to control resources was often constrained by the terms under which settlements had been founded and the wide-scale alienation of land into private hands.³¹ In colonies and territories acquired in the eighteenth century, such as Nova Scotia, New Brunswick and Quebec, the Crown retained pre-eminent rights to the land. One of the clearest expressions of this policy was the Proclamation of 1763 which asserted Crown-in-Parliament ownership of the trans-Appalachian land ceded by the French. The colonies of Massachusetts, Connecticut, New York, Virginia, North Carolina, South Carolina and Georgia all had competing claims in the region, and they vigorously opposed the pre-eminence of Britain's claims over theirs. The metropolitan-colonial disputes over western lands became even more tense when in 1774 Parliament, through the *Quebec Act*, put the area from the Great Lakes to the Ohio River within the jurisdiction of Quebec.³²

The Proclamation of 1763 and the *Quebec Act* also shifted the relationship between the British state, ethnically British subjects and ethnically non-British subjects. In the Proclamation of 1763, the British state construed the Natives' right to occupy the land as more beneficial to its interests than the claims of colonial British subjects. A decade later, with the *Quebec Act*, Parliament enhanced the rights of the colony's French-speaking Catholic subjects. In both cases, the metropolitan government acted in opposition to local British interests, asserting its right to adjudicate the interrelations among, and the particularistic rights of, diverse subject populations. But, as noted earlier, many colonial British Americans saw these actions as arbitrary and a threat to the traditional rights of the English.

In the eighteenth century, the British state also increased spending on the expansion and development of overseas possessions. In 1749, it funded the building of Halifax as the new capital of Nova Scotia and

30 Hugh Millward, "Mine Locations and the Sequence of Coal Exploitation on the Sydney Coalfield, 1720-1980," in Kenneth Donovan, ed., *Cape Breton at 200: Historical Essays in Honour of the Island's Bicentennial 1785-1985* (Sydney: University College of Cape Breton Press, 1985), 184.

31 Albion, *Forests and Sea Power*, 255-67.

32 Jack M. Sosin, *Whitehall and Wilderness: The Middle West in British Colonial Policy, 1760-1775* (Lincoln: University of Nebraska Press, 1961); Philip Lawson, *The Imperial Challenge: Quebec and Britain in the Age of the American Revolution* (Montreal: McGill-Queen's University Press, 1989); and David Milobar, "Quebec Reform, the British Constitution and the Atlantic Empire: 1774-1775," in Philip Lawson, ed., *Parliament and the Atlantic Empire* (Edinburgh: Edinburgh University Press, 1995), 65-88.

the northern American harbour for the British Navy. To populate the colony, it subsidized the immigration of "foreign Protestants" from continental Europe. It financed voyages of exploration, including a search for the Northwest Passage along Hudson Bay, the surveying and mapping of the eastern and northwestern Newfoundland coasts by Cook and then his voyage to the Pacific Northwest in the 1770s.³³

All these state activities in North America predate the American Revolution and were becoming institutionalized as normal practices, either directly by the metropole or through metropolitan-controlled colonial governments, first in Nova Scotia and Quebec, and after the American Revolution in New Brunswick, Cape Breton, the Canadas and Newfoundland (Prince Edward Island is a case unto itself). State control of conquered colonies, claims to resources and strong executives and weak assemblies are elements of the statist orientation of British North American development that others have attributed to the post-1783 period and the arrival of the Loyalists, rather than to the British state that formulated and implemented them.

What the Loyalists added to the political equation in Nova Scotia, New Brunswick and Quebec were critical masses of ethnically British subjects who would challenge and temper the strong imperial state that had emerged over the eighteenth century. They made the dialectic between institutions and ideology apparent and contested, challenging the metropolitan thinking that determined a stronger presence for the state in colonies.³⁴ They expressed dismay and frustration at the executive-controlled governments in Nova Scotia and Quebec, and at the weakness of the assembly in Nova Scotia and the absence of one in Quebec. In Nova Scotia, Loyalist members of the legislative assembly allied with outport MLAs to resist the power of the executive and to expand the power of the assembly. In one of the more successful of the post-

33 Steven G. Greiert, "The Earl of Halifax and the Settlement of Nova Scotia, 1749-1753," *The Nova Scotia Historical Review* 1 (1981), 4-23; Winthrop P. Bell, *The "Foreign Protestants" and the Settlement of Nova Scotia* (Toronto: University of Toronto Press, 1961); Barry M. Gough, *The Northwest Coast: British Navigation, Trade, and Discoveries to 1812* (Vancouver: University of British Columbia Press, 1992), 30-63; Daniel A. Baugh, "Maritime Strength and Atlantic Commerce: The Uses of 'a Grand Marine Empire,'" in Stone, ed., *An Imperial State at War*, 185-223; and Jack P. Greene, "'A Posture of Hostility': A Reconsideration of Some Aspects of the Origins of the American Revolution," *Proceedings of the American Antiquarian Society* 87 (1978), 27-68.

34 Part of the difficulty in understanding the growing role of the English/British state in overseas dependencies is that there was no clear agenda, such as those formulated by Richelieu or Colbert in France, but rather an accretion of "decisions" that in their complementarity became "policy." See Braddick, "The English Government, War, Trade, and Settlement," 307; Mancke, "Another British America," 28; and Baugh, "Maritime Strength and Atlantic Commerce," 185-88.

1783 challenges to gubernatorial power, the Nova Scotia assembly gained control over the dispersal of road funds, one of the larger public expenditures in the province, and some Loyalists gained places on the executive council.³⁵ Loyalists in western Nova Scotia succeeded in having the British government establish the colony of New Brunswick, which experienced volatile electioneering in Saint John that taxed the patience and power of the elites.³⁶ In Quebec, Loyalists lobbied the metropolitan government to establish an assembly, and in 1791, Parliament passed the *Constitution Act* dividing Quebec into Upper and Lower Canada, each of which would have its own assembly. But the governors and executive councils retained the power of the purse and controlled appointments and contracts.³⁷

In their refugee baggage, Loyalists carried colonial British-American attitudes about rights of political participation that a half-century later Lord Durham would still find excessive by standards in Britain. As scholars such as Peter Smith, Gordon Stewart and Janet Ajzenstat have shown, Loyalists shared the republican and liberal ideologies of the eighteenth-century Anglo-American world. What set elite Loyalists apart from their American Patriot counterparts was not so much ideology, but a far greater acceptance of a stronger imperial state. In the years leading up to armed revolt and independence, prominent Loyalists had urged Patriots to adjust to the enlarged state presence in the internal affairs of colonies, and to recognize the need for a more administratively and fiscally integrated empire. While Loyalists often expressed a belief in the necessity of a hierarchial world where the underclasses deferred to their social betters, that belief in eighteenth-century America should not be construed as some remnant of a feudal past, at least not as it applied to political institutions and ideologies. Rather, acceptance of the emergence of the modern bureaucratic state was central to elite Loyalist thought and their changing understanding about their place in the empire.³⁸ As they moved into colonies which had the institutional elements of a stronger state presence than they had previously known, they worked to restructure its distribution of power more than to challenge its legitimacy.³⁹

35 Neil MacKinnon, *This Unfriendly Soil: The Loyalist Experience in Nova Scotia, 1783-1791* (Montreal: McGill-Queen's University Press, 1986), 118-36.

36 D. G. Bell, *Early Loyalist Saint John: The Origin of New Brunswick Politics, 1783-1786* (Fredericton: New Ireland Press, 1986); and Ann Condon, *The Envy of the American States: The Loyalist Dream for New Brunswick* (Fredericton: New Ireland Press, 1984).

37 F. Murray Greenwood, *Legacies of Fear: Law and Politics in Quebec in the Era of the French Revolution* (Toronto: University of Toronto Press, 1993), 35-55.

38 Janice Potter, *The Liberty We Seek: Loyalist Ideology in Colonial New York and Massachusetts* (Cambridge: Harvard University Press, 1983), 153-80.

39 Jane Errington, *The Lion, the Eagle, and Upper Canada: A Developing Colonial Ideology* (Montreal: McGill-Queen's University Press, 1987); and David Mills,

The ideological implications of these state-determined institutional changes in the early modern British Empire are considerable. If the development of the bureaucratic state is one of the hallmarks of the modern era, then Canada has always been modern, while the United States has resisted the institutions of political modernity. In the British North American colonies, the strong state was widely accepted as a given, while in the United States it was a highly contested variable.⁴⁰

The existence or non-existence of a strong state in eighteenth-century British America conditioned the emphases and range of ideological discourse. In the United States, which came into being in resistance to the emergence of a strong British imperial state and where the political discourse coalesced around anti-statist themes, the ideological spectrum can only accommodate ideologies that can accommodate both anti-statist and statist positions. The American political discourse has always concerned itself with the question of whether or not there should be a strong state, from the American Revolution, to the ratification of the Constitution, to the conflicts over slavery and the fighting of the Civil War in the nineteenth century, to policies to respond to the Depression of the 1930s and in the late twentieth century with debates on welfare reform and civil rights. It is why liberalism and republicanism have been so attractive to Americans, and why scholars have had to conclude that eighteenth- and nineteenth-century people used both.⁴¹ Republican and liberal ideologies hold open the possibility of creating a civil society without creating the modern bureaucratic state. In American political discourse there is little room for ideologies of the left or the right that posit a strong state as a given, rather than make its legitimacy the core of the debate. Socialism and tory conservatism are not

The Idea of Loyalty in Upper Canada, 1784-1850 (Montreal: McGill-Queen's University Press, 1988).

- 40 What is not well understood are the ideological underpinnings of the British imperial state. There has been considerable work done on the relationship between the possession of an empire and British public sentiment, and the articulation of a British nationalism in the eighteenth century. See Linda Colley, *Britons: Forging the Nation, 1707-1837* (New Haven: Yale University Press, 1993); and Kathleen Wilson, *The Sense of the People: Politics, Culture and Imperialism in England, 1715-1785* (Cambridge: Cambridge University Press, 1995). The difficulty, however, is that state policy in the empire was often at odds with public opinion in Britain. The ideological underpinnings of imperial policy, if there were any, have not been well analyzed.
- 41 Scholars have generated enormous debates over whether early Americans embraced republicanism or liberalism. For overviews, see Daniel T. Rodgers, "Republicanism: The Career of a Concept," *Journal of American History* 79 (1992), 12-38; and Joyce Appleby, *Liberalism and Republicanism in the Historical Imagination* (Cambridge: Harvard University Press, 1992), 1-33. For an argument that posits that early Americans were Protestant communitarians, see Barry Alan Shain, *The Myth of American Individualism: The Protestant Origins of American Political Thought* (Princeton: Princeton University Press, 1994).

even viable political positions, because they do not engage that central question of American political thought: can the nation exist without a strong state? Socialist and tory ideologies are outside the spectrum because they assume a strong state and debate what the state's role should be and how power should be distributed within it.

In Canada, the institutional structures of a strong British state had impressed themselves upon the political landscape before the arrival of sizeable numbers of British settlers, and were not easily eradicable. Instead, British North Americans negotiated the function, control and growth of those institutions, more than contested their legitimacy. That is what the Loyalists and subsequent settlers did. A strong state presence also widened the range of political discourse and ideologies. For example, liberals in nineteenth-century British North America argued that the colonial governments should be used to develop the economic infrastructure to support private interests, and supported enlarging the power of the assemblies. Monarchial republicans argued for an expansion of local power, while anti-monarchial republicans, especially those in Lower Canada, contested the continuation of the imperial tie. And tories supported the status quo, if not the enhanced power of the executive, against the inroads being made by liberal and republican advocates of greater political access.

An argument about the foundations of Canadian political culture that pays heed to the imperial and institutional factors can encompass many "facts" of Canadian history that ideological and American-biased arguments cannot. It restores pre-1783 political histories to Newfoundland, Nova Scotia, Quebec and even Rupert's Land. The eighteenth-century developments of the institutionalization of a strong executive, Crown claims to land and natural resources and parliamentary expenditures to develop and solidify British control become part of the story rather than awkward facts. The eighteenth- and nineteenth-century political histories of the British North American colonies that formed Canada have never provided sympathetic narratives for an organic interpretation of constitutional developments. The imperial state repeatedly played the trump card for maintaining strong state institutions, whether in fortifying the North Atlantic coast during the Napoleonic Wars, controlling the Newfoundland fishery, reacting to political unrest in the 1830s or Confederation in 1867. Indigenous developments in British North American ideologies, more often than not, incorporated the awareness that colonists worked within an imperial state in which their influence was limited and constantly negotiated.

It seems that a core question for students of late-eighteenth- and nineteenth-century British North American political ideologies is how people in Newfoundland, Nova Scotia, New Brunswick, Prince Edward Island and the Canadas understood the meaning of political participation in a body politic, when people outside the colonial polities

had the power to determine many institutional features. Some political scientists question why Canadians are obsessed with seeing their political developments as distinct from Americans.⁴² A simple answer is that they fit the messy empirical evidence that more exclusively ideological approaches too often ignore. There is nothing in American political history, whether in the colonial or national periods, that compares to the determinative participation of outsiders in the political system that characterized British North American and Canadian politics for much of two centuries. It is not a trivial difference that Canadians have never been isolationist, as Americans have been for most of their history. Patriot rejection of greater participation and responsibility in the empire was part of the ideology that drove the Revolution and divided Patriots from Loyalists. It is not just trivial that nineteenth-century British North Americans and later Canadians functioned within a multi-tiered, global-scale, state system: first empire and colonies; then empire, dominion, provinces and colonies; then Commonwealth, dominion and provinces; and, most recently, state and provinces.

By accounting for the imperial and institutional foundations of Canadian political culture, its statist orientation is not a development that can be attributed to the Loyalists or to specific ideologies in British North America. Nor were state developments played out in a single part of British North America, the Canadas, and then extended east and west across the continent after Confederation. Rather, strong state development was an integral part of political cultures, from Newfoundland to British Columbia. Over the nineteenth century, each colony negotiated its own relationship with the imperial state and with the institutional arrangements within each colony. However much John A. Macdonald and the other fathers of Confederation wanted to build a strong centralized government, Ottawa did not replace London, and the Privy Council legitimated the distinctive powers that provinces brought with them into Confederation. The challenge that Canadians inherited from the empire was not how to create a single organic state, but how to domesticate a composite state system.

42 Peter J. Smith and Janet Ajzenstat, "Canada's Political Culture Today: Liberal, Republican, or Third Wave?" in Smith and Ajzenstat, *Canada's Origins*, 265-81.