

Christopher G. Anderson

**Canadian Liberalism and
the Politics of Border Control,
1867-1967**



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Contents

Acknowledgments / vii

Four Notes on the Text / ix

Introduction: Reconsidering the Control/Rights Nexus / 1

- 1** The Study of Liberal-Democratic Control over International Migration / 12
- 2** The Liberal Internationalist Foundations of Canadian Control (1867-87) / 31
- 3** The Expansion of Liberal Nationalism in Canada (1887-1914) / 58
- 4** The Domination of Liberal Nationalism in Canada (1914-45) / 93
- 5** A New Era of Human Rights (1945-52) / 129
- 6** The Return of Liberal Internationalism in Canada (1952-67) / 158
- 7** Contemporary Canadian and Comparative Concerns / 190

Notes / 205

Works Cited / 234

Index / 253

Acknowledgments

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This book is dedicated to the memory of W.M.M. and A.E.H.

Four Notes on the Text

- 1 Parts of the Introduction and Chapter 1 are reproduced from “Restricting Rights, Losing Control: The Politics of Control over Asylum Seekers in Liberal-Democratic States – Lessons from the Canadian Case, 1950-1989,” *Canadian Journal of Political Science* 43, 4 (2010): 937-59. Material in Chapter 2 was previously published in “The Senate and the Fight against the 1885 Chinese Immigration Act,” *Canadian Parliamentary Review* 30, 2 (2008): 21-26.
- 2 For House of Commons and Senate of Canada debates, I have used in-text citations with the date and page or column number as reported in the official printed version (it varies over time). The text itself makes plain where the debate in question took place.
- 3 The following abbreviated forms are used to identify the party affiliation of parliamentarians referred to or quoted in the text:

C	Conservative Party of Canada
CCF	Co-operative Commonwealth Federation
I	Independent
L	Liberal Party of Canada
LCP	Liberal-Conservative Party
NDP	New Democratic Party
P	Progressive Party of Canada
PC	Progressive Conservative Party of Canada
SC	Social Credit Party of Canada
UP	Unionist Party

- 4 Immigration was, in turn, the responsibility of six different government departments during the core period covered in this book. While changes

are noted at appropriate points in the text, a list is provided here for easy reference:

1868-92	Department of Agriculture
1892-1918	Department of the Interior
1918-36	Department of Immigration and Colonization
1936-50	Department of Mines and Resources
1950-66	Department of Citizenship and Immigration
1966-67	Department of Manpower and Immigration

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Introduction: Reconsidering the Control/Rights Nexus

On 17 October 2009, seventy-six Tamil asylum seekers arrived in British Columbia aboard the *MV Ocean Lady* and were promptly detained by Canadian officials. On 30 March 2010, the Canadian government introduced its *Balanced Refugee Reform Act*, which, according to Amnesty International (2010, 1), would “sacrifice a fair process for all [refugee] claimants in the name of speed and efficiency.” On 13 August 2010, the *MV Sun Sea* docked in British Columbia carrying 492 Tamil men, women, and children, who also claimed asylum and were immediately detained. On 21 October 2010, the Canadian government presented its *Preventing Human Smugglers from Abusing Canada’s Immigration System Act*,¹ which the Canadian Civil Liberties Association (2011) concluded contained measures that would “violate both international and Canadian constitutional standards by denying ... individuals their right to liberty, to be free from arbitrary detention, and their due process rights.” In each case, official and public discourse emphasized themes of threats to, and abuse of, Canada and Canadians, and the government sought to increase restrictions on the rights of non-citizens at and within Canada’s borders. In the process, officials argued that such tools were needed to confront new challenges in *controlling borders* – in determining the conditions under which international migrants can enter into and remain within the territory under a state’s authority – and that without them the government would, as Citizenship and Immigration Minister Jason Kenney told the House of Commons, “put at risk the broad public consensus, which has historically existed in Canada in favour of immigration and refugee protection” (27 October 2010, 5417).

These responses form part of a consistent pattern in Canada’s contemporary approach to border control, in which rights-restrictive policies have been used to limit the ability of individuals, interest groups, and the courts to engage in *rights-based politics* – to challenge state control measures through the promotion of the rights of non-citizens (and, in some cases, citizens as well). Thus, when 599 Chinese migrants arrived in British Columbia by boat

in 1999, the government initiated “an enforcement response to human smuggling with a strategy that entailed detention, the control of flows of information, and deportation” (Mountz 2004, 334). In 2000, it unveiled its *Immigration and Refugee Protection Act*, which contained features that in the opinion of the United Nations High Commissioner for Refugees (UNHCR 2001, 13-14) would broadly interfere with a person’s “right to seek and enjoy asylum from persecution” under Article 14 of the 1948 Universal Declaration of Human Rights. In 1986 and 1987, two separate sets of arrivals by boat and the government’s reaction to them helped to produce a “popular image of an assault on Canada’s borders by dishonest and bogus refugees (and ... perhaps even criminals)” (Creese 1992, 130). The government undertook a virtually unprecedented emergency recall of Parliament to speed through restrictive legislation aimed at limiting access to the inland refugee status determination system (even as it increased the system’s fairness by institutionalizing an oral hearing for claimants within the process; see Dirks 1995, Chapter 7).

Although asylum seekers have been a central target of rights-restrictive control policies in recent years, this approach has been employed against other international migrants as well. Since the mid-1990s, Canada has, for example, increased its powers of detention and deportation over non-citizens (Pratt 2005), especially with respect to criminals (Chan 2006) and presumed security cases (Aiken 2007). A rights-restrictive approach can also be seen in efforts to make Canadian citizenship harder to obtain (Galloway 2000) and, for naturalized Canadians, easier to revoke (Anderson 2008). These policies, moreover, have had gendered and racialized discriminatory features (Abu-Laban 1998a; Pratt and Thompson 2008; Razack 2010). Thus, although many significant rights are recognized for non-citizens under Canadian immigration and refugee law (see Galloway 1997; Goslett and Caruso 2010), the government has sought to increase its control over the country’s borders by decreasing both the rights that non-citizens can claim against the state and the efficacy of rights-based politics.

To be sure, Canada is not the only country to adopt such an approach. As border control has become an increasingly controversial and political issue in and among liberal democracies, many states have sought to “simultaneously appease public anxieties over migration, short-circuit judicial constraints on migration control, and still keep open wanted trade, labour, and tourist flows” (Guiraudon and Joppke 2001, 12). Since at least the 1970s, and certainly with the end of the Cold War, a “global migration crisis” is said to have arisen, in which traditional control measures at the border have become less effective, prompting states “to take more rigorous steps to control entry” (Weiner 1995, 207). While privileging the migration of “desirable” (often economic) migration, liberal democracies have erected rights-restrictive barriers to migration within, at, and beyond their territorial borders (Andreas

and Snyder 2000; Brochmann and Hammar 1999; Cornelius et al. 2004; Spencer 2003). With respect to refugees and asylum seekers, the UNHCR (2006, 2) has observed that state responses have seen “a gradual movement away from a rights-based approach towards more discretionary forms of refugee protection” during the past few decades. Furthermore, restrictive policies have been pursued to make it more difficult for the foreign-born to acquire national citizenship and the rights protections that it affords, thus serving as additional instruments of control (Joppke 2010). As in Canada, these trends have intensified since 11 September 2001 (Guild 2009). Such a rights-restrictive approach is often justified on the grounds that domestic politics – including the recent rise of rights-based politics – has been “a cause of weak sovereignty and ineffective immigration policy” (Freeman 1998, 103).

What if, however, this interpretation of how control and rights intersect – the *control/rights nexus* – is inadequate? What if control difficulties stem not simply from rights-based politics but from the rights-restrictive policies pursued by states as well? What if the rights-based claims of non-citizens are not just a distinctive and recent phenomenon but reflect deeply embedded ideas and traditions within liberal-democratic states? These are important questions from any number of perspectives.² In the case of international migrants, for example, a rights-restrictive approach could limit their ability to fulfill their human potential and could even have life-or-death consequences, especially for asylum seekers and refugees. For citizens in liberal democracies, their commitment to uphold principles such as equality and liberty could be seriously compromised. As for decision makers, repeated control policy failures might erode the trust and security of citizens. Finally, policy analysts are unlikely to develop sustainable control policies within liberal-democratic political systems if they do not adequately appreciate how control and rights intersect.

That rights-restrictive control policies in recent years have been only a qualified success in preventing the arrival of “unwanted immigration” (Joppke 1998b) lends initial support to such concerns. For example, as states have made it more difficult for people to enter legally from the 1980s onward, the number of illegal or irregular migrants is understood to have grown (Castles et al. 2003). Of course, the growth in such migration has been produced through a range of interrelated factors, including increasing economic disparity between countries, ineffective systems of sanctions on employers who hire illegal migrants, the development and extension of transnational social networks, technological advances in communications and transportation, and the activities of people smugglers and human traffickers (Ghosh 1998). It can also be connected, however, to the rights-restrictive policies pursued by liberal-democratic states. In this sense, states may have been less successful in preventing non-citizens from entering and remaining within

their borders than in altering the conditions and status under which this can be done, thereby contributing to the production of the illegal and irregular movements that states ostensibly seek to prevent, and fostering “a self-fulfilling cycle of restriction and control” (Squire 2009, 4; see also De Genova 2002).

The idea that limiting rights can contribute to a decrease in control refines one of the central conclusions drawn in the comparative literature on liberal-democratic control policy. The notion that there is an essential link between border control and the rights of non-citizens – that “rights must be considered in any theory of international migration” (Hollifield 2000, 148) – occupies a prominent place in this field of study. In practice, however, an unduly narrow reading of the range of dynamics that can exist – and have existed – between control and rights has prevailed: namely, that the recent rise of rights-based politics has undermined liberal-democratic state control and produced serious control policy failures. This formulation rests on a particular modelling of the relationship between control and rights that emphasizes the relatively novel role that the latter play in constraining the former, mostly through the efforts of special (migration-supporting) interest groups and the courts. It also can lend justification to a rights-restrictive approach by privileging state control over the rights of non-citizens. Such a rendering of the control/rights nexus is insufficient, however, insofar as it masks more than it reveals in its representation of this crucial aspect of the politics of control. In particular, it downplays or limits its conceptualization of how the rights-based choices made by states can affect policy outcomes. As well, it tends to stress the contemporary rather than historical foundations of the relationship between control and rights.

An alternative case can be made that the restriction of non-citizen rights within a liberal democracy can contribute to a decrease in control by creating opportunities for rights-based politics, encouraging circumvention of restrictive measures, and prompting additional decision-making stages that generate administrative inefficiencies. In other words, rights-restrictive policies can increase the risk of control failure when they open up avenues along which state authority and capacity can be challenged effectively. Furthermore, a loss of control may lead to additional restrictive measures, creating a negative feedback loop within the control/rights nexus. Thus, while rights-restrictive policies alone cannot explain problems of control, they merit much more attention than they have received to date. Rights-based politics can also produce an *increase* in control when rights-restrictive policies are sustained, for example, by the courts or by a sufficiently broad coalition of political actors, a common enough occurrence that receives little attention in the literature. Finally, rights-based politics is not simply a recent phenomenon but has deep roots in liberal-democratic institutions and traditions.

This formulation reflects a more comprehensive understanding of the control/rights nexus and offers the possibility of greater conceptual and empirical clarity in the description and explanation of liberal-democratic control. It situates the relationship between control and rights-based politics within a more complex political environment, which provides for the possibility of an improved understanding of control policy outcomes. In the process, it ensures more explicit and substantial recognition of the role of the state in the emergence and perpetuation of perceived failures of control. It suggests that a more extensive and historical analysis of control politics is needed in order to grasp the evolution, and thus the nature, of liberal-democratic control. To explore further these and other dimensions of the control/rights nexus, this book presents a detailed examination of the first century of Canadian border control, from 1867 to 1967.

This choice can be justified on several counts. First, Canada has generally remained on the sidelines of the comparative control literature, which is odd. After all, it is one of the few traditional countries of immigration, and its policies with respect to the admission and integration of immigrants and refugees as well as their exclusion have been studied and adapted in other migrant-receiving countries (Kymlicka 2004; Mountz 2010). Although its marginal position in the literature reflects a general tendency in the field of comparative politics, where “Canada remains somewhat off the beaten track” (Vipond 2008, 14), the possible dividends from increasing its presence are not insignificant. It would add breadth to the attempt to determine what is distinctive about liberal-democratic control, and could add depth by uncovering previously overlooked and testing currently identified dynamics and patterns.

Second, the Canadian literature lacks explorations of the liberal-democratic foundations of the country’s control policies, especially their rights-based aspects. A great strength of the study of immigrants and refugees in Canada lies in its detailed examinations of the migration experiences of a diverse range of groups over time across numerous dimensions (see Magocsi 1999). A significant weakness stems from the limited number of analyses that focus on the politics surrounding the policies that affect such migration. This is reflected in the fact that Canadian political scientists have rarely published in this area over the years. As will be suggested in Chapter 1, it is also seen in the more descriptive than analytical tendencies of much recent writing on Canadian control policy, which often focuses on the abuses and dysfunctions of the system to the virtual exclusion of other policy-oriented considerations. As a result, Canadian and comparative scholars are left with little insight into the evolution of control politics and policies in Canada. For its part, the Canadian literature has all but ignored comparative studies of control.

Third, most comparative and Canadian analyses provide inadequate historical context for their findings, which results in a more limited understanding of how liberalism itself structures the control/rights nexus. At times, this leads to the granting of almost normative status to restrictive approaches in the analysis of recent policy developments (Bonjour 2011). While it is certainly true that “the expansion of immigrant rights marks a significant change in post-war liberal states” (Joppke 2001, 339), this process has noteworthy prewar origins. Indeed, it will be seen in the Canadian case that this postwar shift extended from ideas and traditions that had shaped expansionist approaches to control since the time of Confederation, if not earlier. In certain important respects, then, the rights of non-citizens re-emerged more than emerged during the second half of the twentieth century, although within significantly different policy and political settings. The relationship between control and rights during the contemporary period is thus part of a larger historical narrative that needs to be established.

Finally, as for the choice of Canada’s first centenary, it marked an important turning point not only in the country’s national development (Berton 1997) but also with respect to border control, as the government instituted an official policy of non-discrimination in immigrant selection and reintroduced effective judicial oversight over this policy area. Although the liberal nature of subsequent control policy developments is often highlighted in the literature, their pre-1967 liberal foundations have received very little attention.³ If an examination of the past can be shown to have potential for shedding light on the interpretation of the present in the Canadian case, then the possibility of its doing so for other liberal-democratic states needs to be taken more seriously.

Although the research presented here incorporates much from the substantial secondary Canadian literature, its primary source material is drawn from an extensive investigation of parliamentary debates and published state documents relating to control during Canada’s first century. By exploring how the relationship between control and rights has been discussed and practised over time, considerable insight into the ways in which the *liberalness* of a liberal-democratic state affects control can be gained. Indeed, it offers an essential but underutilized window onto how control policies have long been entwined with debates over the meaning of liberalism (and, indeed, of “being Canadian”). It is not a perfect window, of course, as control politics has often marginalized certain actors and interests – frequently the migrants themselves – and treated them as objects of control rather than as political subjects in their own right (Iacovetta 1998; Sharma 2006b). At one level, then, this was a largely male and elite-dominated political undertaking by those of British and, to a lesser extent, French colonial descent. Some compensation for this bias can be realized, however, through the secondary literature, which enables marginalized political subjects to be heard and

their roles in control politics to be explored, as does a more careful reading of the primary literature. More specifically, a focus on the rights-restrictive policies of states helps to ensure that the responses of Canadian citizens and non-citizens alike remain more constantly and fully in view. This in no way diminishes, however, the continuing need for studies of immigrant communities that overcome the conceptual and empirical limitations of the “white settler society” framework by treating their members as political actors engaged with one another, Canadian citizens, and the state (Stasiulis and Jhappan 1995), and that undertake the requisite empirical research (see, for example, Mar 2010).

To structure the analysis presented in this book, the concept of the universe of political discourse (Jenson 1989) is employed to trace the evolution and interaction of two competing perspectives on liberal-democratic state control that have long defined policy debates and developments. *Liberal Internationalism* posits a strong positive link between the state and the rights of non-citizens, forged by liberal ideas of equality and freedom alongside cognate international norms, whereas *Liberal Nationalism* is rooted in a more insular interpretation of state sovereignty that supports a narrower range of rights that non-citizens can claim against the receiving state. Within this framework, the evolution of the control/rights nexus is traced through the arguments of participants in their efforts to shape policy decisions, the actions of decision makers in their attempts to regulate the conditions under which international migrants can enter and remain within Canada’s borders, and the reactions of international migrants and others with interests in this policy area.

This research reveals that control at Confederation was generally understood in terms of a Liberal Internationalist perspective that challenged restrictions on the rights of non-citizens. Although Liberal Nationalism came to dominate Canadian control debates and policies from the beginning of the twentieth century until well after the Second World War, Liberal Internationalism never disappeared from the universe of political discourse and by 1967 had returned to a prominent position. Although interest groups were an important part of this political shift, the courts were virtually excluded from this policy area for much of the period covered and it was primarily within the parliamentary domain that this contest unfolded. In tracing the evolution of the control/rights nexus, this study details a long-standing discussion over the rights of non-citizens and reveals that rights-restrictive policies have often generated a rights-based politics that has challenged state control. It demonstrates, moreover, how such policies have produced control failure by encouraging both circumvention and administrative inefficiencies. In doing so, it uncovers previously unexplored dimensions of Canadian immigration and refugee history and sheds new light on some familiar aspects. It shows how the success of rights-restrictive policies

has often depended on their extreme nature, which has rendered them subject to more effective contestation over time. It concludes, therefore, that rights-based politics is neither new nor an adequate focal point for attempting to understand the control/rights nexus in Canada. Rather, the rights-based nature of state control policies can provide a better analytical point of departure for examining control outcomes. Although this is not a comparative study, the Canadian case is explored in the context of liberal-democratic control, which renders its findings relevant when considering the experiences of other liberal democracies in the past and present. Indeed, this research demonstrates that when situated within more adequate historical and political contexts, tensions within liberal-democratic states between control and rights – often recognized in the literature – can be better understood.

The empirical and conceptual justifications for this approach are presented in Chapter 1. First, the basic dimensions of liberal-democratic control politics are established through a brief survey of recent liberal-democratic control experiences, which highlights a general turn towards a more rights-restrictive approach. Second, the tendency in the comparative literature to focus on rights-based politics to explain control failure is reviewed critically against this backdrop, and an alternative emphasis on rights-restrictive policies is advanced. In the process, the limited extent to which the Canadian literature has addressed the control/rights nexus is noted. Third, the conceptual and methodological considerations that underpin the analysis in the chapters that follow are presented. Most importantly, the notion of the universe of political discourse is introduced, alongside the Liberal Internationalism/Liberal Nationalism distinction, which provides an analytical framework for tracing how the control/rights nexus has been defined and debated over time and offers possibilities for viewing the Canadian experience through a comparative liberal-democratic lens.

Chapter 2 explores the foundations of Canadian control and identifies commonly overlooked factors that gave shape to a predominantly Liberal Internationalist approach during the first two decades after Confederation (1867-87). While objectives such as populating the land and ensuring access to cheap labour are emphasized in the literature, they neither tell the whole story nor provide an adequate baseline against which to assess subsequent developments. Decision makers did not view border control as a major policy problem at the time, and in any event were not sure that much could be done to increase it. As a reflection of this, the country's first immigration law, the 1869 *Immigration Act*, spoke more of protecting than restricting immigrants to Canada. Such an expansionist approach fit comfortably with a Liberal Internationalist outlook that stemmed from the country's British liberal traditions, which posited a positive link between the state and the rights of non-citizens. This is most clearly seen with the passage and amendment of the 1885 *Chinese Immigration Act*, the first explicit rights-restrictive

feature in Canadian immigration law. Although the law's inherent racism is often highlighted, the Senate's attempt to first defeat and then repeal it on Liberal Internationalist grounds has been inexplicably ignored. This case not only constitutes an important addition to the history of race and racism in Canada but also underscores the idea that the liberal roots of control are more complicated and much deeper than is generally recognized.

Chapter 3 traces the expansion and consolidation of a rights-restrictive approach to Asian and European immigration (1887-1914). Following the 1885 *Chinese Immigration Act*, the government steadily expanded the scope of its race-based approach by creating increasingly extensive regulatory frameworks for Chinese, Japanese, and East Indian arrivals up to the First World War. It did so on the grounds that the equality and due process rights of non-citizens were secondary to the sovereign right of states to control their borders. While struggling to curtail such migration, the state employed an elastic definition of "Asian" that encompassed Jews, Syrians, Armenians, and others, many of whom were refugees seeking an escape from persecution. In the meantime, as European (especially eastern and southern European) immigration grew substantially, the government constructed an approach to control that was rooted in expanded executive discretionary power shielded from effective judicial and parliamentary oversight. These efforts were eventually codified in the 1910 *Immigration Act* and seriously constrained the avenues along which state control policies could be challenged effectively. Such Liberal Nationalism supplanted but never wholly displaced Liberal Internationalism. Even at this early stage in Canadian history, rights-restrictive policies generated rights-based politics, most prominently in the case of the East Indian community. Aside from serving as a reminder that immigrants have long reacted against restrictionist policies, this material shows that they often did so in Liberal Internationalist terms stemming from British liberal traditions. It also reveals why the courts played such a marginal role in control politics until the late 1960s, when the severe limits on judicial oversight instituted in 1910 were removed.

Chapter 4 reviews how a small legislative amendment in response to the 1919 Winnipeg General Strike expanded the scope of Canada's restrictive control policies to British-born immigrants and produced a new wave of rights-based politics (1914-45). During the interwar period, the government consolidated a highly effective system for rejecting and removing immigrants (both European and non-European) from the country. Its success was underwritten by the extreme nature of its rights-restrictive character, with both the due process and equality rights of non-citizens being tightly circumscribed. This led to an expansion of Liberal Internationalist critiques and rights-based politics, which anticipated more effective challenges to the legitimacy of Liberal Nationalism in the post-Second World War period. Control was also undermined by increasing circumvention on the part of

“Asian” migrants. When the government refused admission to Jewish refugees from Europe and instituted a policy of internment and then removals of Japanese Canadians (many of whom were Canadian-born), Liberal Internationalism underwent further renewal. The material presented in this chapter thus shows how the specific rights-based concerns of due process and equality protections that came to prominence after the war – with respect to both non-citizens and increasing calls for a written bill of rights – were firmly embedded in Canadian politics well before that time.

Chapter 5 traces the onset of the slow decline and transformation of Liberal Nationalism soon after the Second World War, alongside the rise of Liberal Internationalism in the debate over Canadian control policies (1945-52). It begins by identifying the emergence of an expanded human rights discourse in Canada, one that drew on the experiences of the recent war and merged with an ongoing debate over the meaning of British liberalism. It would take some time, however, for Liberal Internationalism to have much more than a discursive effect. Indeed, Canada maintained a Liberal Nationalist approach during this period even as it eventually opened its doors to thousands of Europeans displaced by the war. This is exemplified by both the decision not to sign the 1951 United Nations Convention Relating to the Status of Refugees (which codified the rights of asylum seekers vis-à-vis the receiving state) and the passage of the 1952 *Immigration Act* (which maintained the restrictive focus of its 1910 predecessor). Nonetheless, this approach became increasingly difficult to sustain in the face of continued rights-based politics and circumvention, along with administrative inefficiencies stemming from the discretionary nature of control decision making. It is important to trace these developments as their existence and significance are often overlooked in the literature – especially the fact that such rights-based politics occurred largely through non-judicial means anchored in Canada’s parliamentary system. This underlines the need to situate the role of interest groups and the courts within a broader analytical framework than is commonly employed in the comparative control literature.

Chapter 6 traces the further marginalization of Liberal Nationalism and increased institutionalization of Liberal Internationalism in the period leading up to Canada’s centenary year (1952-67). New due process and equality provisions for non-citizens that hearkened back to claims that had been made on behalf of non-citizens since the late nineteenth century provided the foundations for a new era in Canadian control and, as a result, Canadian national development. In particular, the government instituted an official policy of non-discrimination in immigrant selection and vastly expanded judicial oversight within this policy area. This generated a Liberal Internationalist context for the development of subsequent control policies and prompted shifts in the discourse and demands of Liberal Nationalism. These important developments did not simply unfold through interest group

politics or the courts but were more the product of robust parliamentary debate over what it meant to be a liberal democracy. In completing this analysis of the first century of Canadian control politics, Chapter 6 offers a better foundation for exploring the continued tension between control and rights – between Liberal Internationalist and Liberal Nationalist approaches – during Canada’s second century.

Chapter 7 considers the lessons drawn from the preceding analysis in the light of more contemporary developments. The need to undertake a more detailed and contextual approach to the study of liberal-democratic control is underlined through a brief survey of various ways in which due process and equality issues still define Canadian control politics. The continued evolution and resurgence of Liberal Nationalism – especially with respect to asylum seekers – is highlighted through a brief assessment of the control politics surrounding recent Canadian legislation – the 2010 *Balanced Refugee Reform Act* and the 2012 *Protecting Canada’s Immigration System Act*. This is followed by the identification of important future research directions, both in the Canadian and comparative liberal-democratic contexts.

In sum, the research presented in this book shows that rights-based politics has existed ever since Canada first instituted rights-restrictive control policies and highlights the need to pay more attention to the rights-based character of a country’s policies when trying to understand liberal-democratic state control outcomes. Moreover, it reveals the dangers of focusing too exclusively on rights-based politics and perceived control failures, as other important dynamics (such as circumvention and administrative inefficiencies) and outcomes are thereby unjustifiably downplayed or ignored. In the process, it demonstrates how rights-restrictive policies can increase the risks of control failure when they open up avenues along which state authority and capacity can be challenged effectively. As a result, this study not only contributes to how Canadian immigration and refugee history is understood but speaks more generally to research on liberal-democratic control policies and politics. In doing so, it implicates the choices made by states in the production of the control problems that restrictive control policies are supposed to rectify. This, in turn, expands the political parameters within which control debates might unfold by de-centring state rights in the face of the rights of non-citizens, which calls attention to a broader range of policy options in the politics of control.

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