

158 110 227

Mr. Chairman:

I wish to thank the authorities of St. Michael's for giving me the opportunity once more to mingle with men and students engaged in the pursuits of learning. Perhaps it would be more exact to say engaged in the pursuit of truth. For like Lord Halifax, I believe that "the purpose (of a university) never changes, and can never be less than the training of the human mind to search out and know the truth", and that in every department of learning we must pursue truth with single-minded and intense resolve in the belief that truth is the ultimate foundation of all life.

Before I proceed to my text, I wish to state <sup>two</sup> three assumptions and to make a confession.

My first assumption is that [as this is the last public gathering of the students of St. Michael's before the end of the college year,] I am expected to speak to the students, particularly the prospective graduates, and that I may safely disregard the members of the Faculty as being present here only coincidentally.

My second assumption is that in dealing with the practicalities of citizenship, which constitute my theme tonight, I may take as read their philosophical bases and moral connotations. At all events, I shall not

attempt to carry any such coals to this Newcastle of Christian Philosophy, but I shall confine myself to the secular aspects of my subject, leaving it to your minds to bring them into their proper relationship in the frame of ultimate truth, as I go along.

My third assumption is that this occasion does not call for an after-dinner speech of the conventional kind, in which even the modicum of thought permitted to the speaker must be secreted in the interstices of witty remarks.

My confession is that I am a teacher - a professor - who has been without a class of students for two years, and that I am about to grasp this unexpected opportunity to deliver a lecture, and that you must expect me to be tedious and repetitious in the best (or worst) professorial manner.

I shall speak to you then on the political duties of the citizens of a free government. In so doing, I shall not be deterred by the fact that what I say is commonplace; for I believe that it is worthy of being said, even on such an occasion as this.

I take as my immediate text the words spoken by the first Dean of Dalhousie Law School in his inaugural address in 1883: "In our free government we all have political duties, some higher, some humbler, and these duties will be best performed by those who have given them the most thought."

In Canada we live in a free government, in a Parliamentary democracy, wherein a constitutional monarch reigns, but the people rule themselves, by representatives selected by, and ultimately responsible to them. This Canada of ours is a part of the British Empire, or as we now say, a member of the British Commonwealth of Nations. I should like to recall to you the historic spirit of the whole of which we are a part, by quoting to you the tribute of General Smuts, himself a representative of a conquered people, in words spoken to the British Parliament and applicable to Canada:

"All the empires that we have known are founded on the idea of assimilation, of trying to force different human material through one mould so as to form one nation. Your whole idea and basis is different . . . These younger communities, the offspring of the Mother Country - or territories like that of my own people, which have been annexed after various vicissitudes of war - all these you want to develop according to the principles of self-government and freedom and liberty. This is the fundamental fact, that the British Empire, or this British Commonwealth of Nations . . . stands for a fuller, a richer and a more various life among all the nations that compose it. And even nations that have fought against you, like my own, must feel that they and their interests, their language, their religions, and all their cultural interests are as secure . . . as those of the children of your own household and your own blood."

[The relation of the Dominions to Great Britain and one another as defined in the Balfour Report is that "they are autonomous communities within the British Empire, equal in status, in no way subordinate one to another . . . though united by a common allegiance to the Crown." ] We are, then in Canada a

free people governing ourselves without external control. We are a free people, notwithstanding the legal fact that the Constitution, under which we govern ourselves, is a Statute of the British Parliament; for by developing constitutional usages we can secure constitutional change as we desire it. We govern ourselves under a Constitution which itself expresses its purpose as directed to the creation of a federal union; "under the Crown of Great Britain with a constitution similar in principle to that of the United Kingdom." Our Constitution is underlain by the constitutional usages, political principles, and theories and habits of representative and responsible government, whereby the English people have **obtained** to government of the people, by the people and for the people.

For the sake of simplicity I shall speak of our Canadian democracy as a system or form of government. Yet we should remember that this is only one aspect of the concept. For as Woodrow Wilson said: "Democracy is wrongly conceived when treated merely as a body of doctrine or simply as a form of government. It is a stage of development. It is built up by slow habit. The English alone have approached popular institutions through habit. All other nations . . . through mere impatience with habit, have adopted democracy, instead of cultivating it."

Of the long course of evolution whereby the "slow habit" of our ancestors built up the instinct for democracy, which gradually ripened into democracy as we now know it, much could be said. Like so much of our political inheritance, it sprang in part from our rude forefathers in ancient English villages. The late Master of Balliol once described our debt to them in a ~~very~~ remarkable passage:

"Nowhere was the village community so real and so enduring a thing as it was in England for at least twelve centuries of its history. In every parish men met almost daily in humble but very real self-government; to be judged by their fellows or fined by them, or punished as bad characters, to settle the ploughing times and harvest times, the fallowing and the grassing rules for the whole village. To these twelve centuries of discipline we owe the peculiar English capacity for self-government, the enormous English development of the voluntary principle in all manner of institutions, and the aptitude for colonization. Our politics, our commercial enterprise, our Colonial Empire, are all due to the spirit of co-operation, the spirit of fair play, and give and take, the habit of working to a common purpose which tempered the hard and grim individuality of the national character."

Somewhere along the way of English self-government, there grew the attitude of respect for the law which is such an essential of our way of life. Of this Newman spoke when he said: "the Englishman is ever stirring, ~~but~~ yet never treads too hard upon his fellow-countrymen's toes. He looks to himself and can take care of himself, and he has that instinctive veneration for the law, that he can worship it even in the abstract, and thus is fitted to go shares with others all around him in that political sovereignty which other races are obliged to concentrate in one ruler."

With these reservations, we may regard a political democracy as a system wherein government is carried on in accordance with the will of the people as to how, and by whom, they shall be governed. Such a system rests on the assumption of the personal worth of every citizen and his right to a voice in the management of the State; and the belief that thereby we can best secure the twin objectives of the highest degree of Personal Freedom and the most adequate kind of Social Justice. Though these objectives are present in all forms of government in some degree, it appears undeniable to us that they are best secured by a democratic form of government. We seek to secure them on the theory that the people will best know how to fashion and administer the laws, which are necessary to give each individual the maximum liberty of expression and action, consistent with the good of all, and to give assurance that justice will be meted out to all impartially. "The whole purpose of democracy is that we may hold counsel with one another, so as not to depend on the understanding of one man, but to depend upon the common counsel of all." (Woodrow Wilson)

This basic theory involves the right of all to participate in the work of government — the great principle of equality of citizenship. Obviously not all can engage directly in the management of the country, and so has arisen the idea of a representative government. If all are to be governed by a few representatives, then all must be entitled to participate in selecting them; and so has arisen the idea of popular suffrage, gradually extended so as to take in the whole adult population, without regard to race or creed, birth or rank, riches or poverty.

The proper exercise of the franchise requires that voting at public elections be organized and related to concrete matters, as otherwise it <sup>might</sup> result in the expression of a mere chaos of personal views. Hence in every democracy appears the party system as a vital principle, designed to focus public opinion upon public issues, so that the people in the mass may deliver an intelligible verdict as to the policies by which, and the men by whom, they desire to be governed and represented. The dominant Party in the Legislature selects from its members an Executive Committee, or Cabinet, to manage the various departments of Government. The Cabinet remains responsible to the elected representatives of the people - including those of opposing Parties - and if it loses their support will be turned out of office; just as the individual representatives will fail of re-election, if their conduct runs counter to public opinion.

On the other hand, democratic government implies more than the mere right to vote. Elections after all are mere devices for discovering the public will at a given time. That public will is simply, as Dicey said, the aggregate of the present beliefs, sentiments or prejudices of individual citizens. If we are to have government by opinion, each citizen must have the right to express his own opinions, to discuss those of others, to organize with others for the propagation of those opinions he believes to be right, whether they accord with the views commonly held or not. He must be able to think freely, speak freely, dissent from majority views freely, associate freely, and be free to seek to convert the majority. Again we come back to Personal Freedom as the very basis of our system. Thus in a recent judgment, the Chief Justice of Canada, *Sir Lyman Duff* said, with regard to a statute challenged as curtailing the freedom of the Press:-

"The B. N. A. Act contemplates a Parliament working under the influence of public opinion and public discussion. There can be no controversy that such institutions derive their efficacy from the free public discussion of affairs, from criticism and answer and counter criticism, from attack upon policy and administration, and defence and counter-attack; from the freest and fullest analysis and examination from every point of view of political proposals. This is signally true in respect of the discharge by Ministers of the Crown of their responsibility to Parliament, of members of Parliament of their duty to the electors, and by the electors themselves of their responsibilities in the election of their representatives . . . Freedom of discussion means freedom governed by law. Even within its legal limits it is liable to grave abuse; but it is axiomatic that the practice of this right of free public discussion of public affairs, notwithstanding its incidental mischief, is the breath of life for parliamentary institutions."

In Canada, all citizens have freedom of thought, freedom of speech, and freedom of association, in the form of principles of the ordinary law of the land which defines the limits of permissible freedom so generously, as to impose little restraint on the most eager citizen. In addition we have the machinery to make our views effective in directing and controlling our government. These are mere aspects of the principle of personal liberty which is part of the texture of our system of government, a disciplined liberty, resting ultimately on the supremacy of the ordinary law and the impartiality of our legal administration.



Up to now I have stressed Personal Freedom of thought and action and Political Equality, as the basic conditions whereby we have secured government by public opinion. It cannot be said that we have yet secured economic freedom in the sense of full equality of opportunity. Of course, to the extent that economic freedom falls short of political freedom the latter is imperfect, and we must recognize that social justice requires that submerged classes be emancipated from economic inequality, if they are to be as essentially free as their fellows. Indeed, there is a growing recognition throughout the world of the necessity of freedom from want as a sine qua non of healthy citizenship. Concerning this element of economic freedom, a recent Report of the International Labour Office points out, that "the characteristic feature of the discussions of post-war reconstruction, which have been so prominent during the present war, has been the emergence of the social objective; of the recognition that a healthy democracy implies an adequate economic standing for its members; and that, . . . self-preservation dictates that national and international policy must be directed deliberately towards economic security for all citizens, achieved in a manner which respects individual dignity and liberty, of which in modern conditions it is an essential element."

Government by opinion requires a unity of belief in the fundamentals of government, and a toleration of dissenting opinions. As Lord Balfour has said, "Our whole political machinery pre-supposes a people so fundamentally at one that they can safely afford to bicker; and so sure of their ~~own~~ own moderation that they are not dangerously disturbed by the never-ending din of political conflict." A democratic state is one "where criticism of the government is not only permissible but a positive merit, and where parties based on competing policies and interests are not only allowed, but encouraged." (Jennings) "Freedom to criticize carries

with it as a main attribute, toleration of unpalatable opinions; for intolerance is the one thing we cannot tolerate if we are to remain free." (Steed)

Our Parliamentary democracy does secure to the citizens the right to vote, the right to criticize, the right to persuade and convert, others, and otherwise to mould public opinion. But rights are ineffective if they are not exercised intelligently. Bryce truly says, that "among the conditions requisite for the formation of a wise and tolerant public opinion, the intelligence of the people and the amount of interest which the average citizen takes in public affairs, are the most important."

It is just here that Education comes into direct relation with Democracy. The character of the democracy, and its efficiency as a form of government, must vary with the intellectual character of its citizens, and their ~~own~~ capacity for sound moral judgments. To the extent that the electorate possesses that capacity it will be reflected in the government it selects; to the extent that it lacks that capacity, it will have to be content with inefficient government. For it must be admitted, that a people, free to govern itself, gets exactly the kind of government it deserves.

Every right we have discussed involved a correlative duty. The right to vote is a duty to vote; the right to discuss public affairs is a duty to become informed about them; the right to participate in government is a duty to participate in it directly, or, more remotely, in the development of public opinion. The burden of ruling rests no more upon those in office, than upon the individual citizen. As the late Chief Justice of England has said, "the foundation of democracy is the distribution of

of responsibility throughout the whole body of citizens." Never has this idea been better expressed than by Earl Baldwin when, speaking out of long experience in the practice of popular government, he said: "Democracy is indeed a difficult form of government; difficult because it requires for its perfect functioning the participation of all the people in the country. It cannot function well, unless everyone, men and women alike, feel their responsibility to their State, do their own duty, and try to choose the men who will do theirs." And, as a great Canadian has remarked, all our hopes for the future preservation of democracy rest on the maintenance of freedom of discussion and of the franchise, "so hardly won", and "so precariously held." [We must realize therefore that though participation in government is a right and privilege of every citizen, it involves a correlative duty and responsibility.]

To no class in the community should this duty and responsibility appeal more than to university students, who have had years of training to fit them for potential leadership. For such a class to take lightly, or to ignore, their proper role in the political life of their village, town, county, province of country, would simply be to accept the privileges of their heritage, whilst repudiating its responsibilities. To none is denied the right of participation in the business of government on some level of usefulness. Even those who for any reason are unable to engage actively in the forum of public debate or the formation of public opinion, there is still the citizen's duty to attempt to gauge the actions of public men in the light of an intelligent awareness of the problems to be faced in our Canadian life.

At the present moment there are discernible on the horizon of our national life, various great problems which beckon to the earnest citizen for his quota of study and wisdom. Of these I shall mention three as pressing for wise solution immediately, in order that we may put ourselves in gear to make a successful transition from War to Peace.

These are all problems of the new world of transition, of recovery, of reconstruction and <sup>of</sup> reform, which will be born in the hour of Peace.

To me it seems certain, that this new Canadian world will be one in which great social, economic and legal reforms, will be sought by the common man. It is my hope that this movement for reforms will engage the active thought of some, at least, of the student-body of St. Michael's.

First, there is the problem of abandoning, maintaining or modifying the great apparatus of controls of finance, of production, of <sup>wages,</sup> consumption and of manpower, constructed as agencies of war-making. What <sup>parents?</sup> is to be done with the host of Boards, Commissions and Controllers now functioning in many spheres of activities, and endowed with law-making and decision-making powers like unto those normally exercised only by representative legislatures and by Courts?

This problem is often put, with illusory simplicity, as requiring merely the gradual or progressive relaxation of controls, until we attain to our erstwhile condition of relative freedom. Sometimes, it is said, that this system of wartime controls must be scrapped immediately, in favour of a return from Bureaucracy to the more normal and cherished processes of the Rule of Law. Still again it is said, that while most of them must go - and quickly - some of them must be retained as proven agencies of government.

What is forgotten is that such controls were <sup>we</sup> functional parts of a government at war, and may well be functional parts of a government at peace. No decision is required as to such controls per se; what is required is decision as to what type of government we require or desire for the years of Transition and Peace - whether we need or wish to have a controlled, or a free, or a partly-controlled economy.

This again is a matter of our national philosophy of government, and the types and degrees of controls for the future will turn upon the prevailing climate of opinion.

The issue is not so simple as State Control versus Free Enterprise as the basis of our ordinary economy; but solution of the issue must determine the degree to which each concepts should apply. As to the proper solution, I make no comment, other than to express the view that we should not assume too lightly that the techniques developed by the wartime bureaucrats, have no lessons for peacetime affairs. But I do invite all students and citizens, to form and express opinions, as to whether our philosophy of government should incline in favour, or against, a controlled state economy.

Secondly, there is the problem of Mobilization for Peace - of what measures we shall take to convert our economy from one of War to one of Peace. This problem of post-war reconstruction has many aspects; but it is enough for my purpose to mention only one: the organization of employment in the transition period.

The character and importance of this problem, as it affects Canada, is well indicated in the following statement as to the world situation prepared by the International Labour Office:

"The magnitude of the employment adjustment which will have to take place after the war is already apparent. More than 130,000,000 people may be directly affected. .... Recognition of the size and complexity of the re-employment problem, has reinforced the determination of governments, employers and workers throughout the world-that plans must be made now (1) to maintain sufficient employment opportunities, so that jobs are available for the men and women who will be demobilized or discharged as the war economy is dismantled, and (2) to bring together the available workers and the available jobs in an orderly manner, so that the transition from war to peace may be made at as low a cost and as rapidly and efficiently as possible. ....

The demobilization of the armed forces and the return of war prisoners and other expatriates on the one hand, and on the other, the conversion of industry, agriculture and government service from a wartime to a peacetime basis, will create serious discrepancies between the demand for, and the supply of workers in each occupation, in each industry, and in each region of every country.

"Redistributing the human resources of each country will require co-ordinated plans, based on adequate information, for the orderly demobilisation, and reintegration in civil life, of members of the armed forces, and for the re-employment of displaced workers. It will require the transfer of millions of workers from one job, industry, occupation or area to another. It will require the development, reorganisation and co-ordination of facilities, for the training of young and adult workers, and an extension of programmes of vocational guidance for all persons seeking work. It

will require flexible public works programmes, planned in advance, and suitable provision for financial assistance to persons ~~who~~ are forced to undergo short periods of unemployment during the transition. Finally, the whole process of employment readjustment will call for well developed and efficient employment machinery, able to serve as the directive and co-ordinating agent of labour redistribution. ... .."

To this problem also I invite university students to give thought.

Finally, there is the inescapable problem of Constitutional Reform.

Even before the war there was a growing perception of the inadequacies of our Constitution as the basic instrument for the government of our national life, in modern conditions. This ~~lead~~ led to the appointment of the Sirois Commission on Dominion-Provincial Relations, the Report of which confirmed still further, the necessity of revising our Constitution, so as to re-state or re-divide jurisdiction as between the Dominion and the Provinces, in a way more suited to the character, and complexity, of modern problems.

Emergency powers vested in the Dominion by the fact of war, have proved adequate to the demands of war; but with their passing we shall revert to the previous situation. If - as was the fact - constitutional power was so divided as to make it impossible for any government in Canada, or indeed for all of them acting in concert, to deal adequately with important topics of pre-war legislation, then this will be true in increased measure as to the problems inevitable in the post-war period.

Already the call has gone out for a Dominion-Provincial Conference to deal with some of these post-war problems, and it seems obvious that some at least of the decisions to be taken by this Conference, will require constitutional renovation as the pre-requisite to effective post-war legislation, in relation to great measures of social or economic change.

The extent to which, and the means by which, our Constitution shall be changed, will depend largely upon the general opinion of the public as to these great matters. Accordingly, I plead with the youth of this audience - to take pains to inform itself of the issues involved, and to take its part in directing public opinion to the proper conclusions; for the decisions taken on these issues, will determine largely the form and content of our national life, for years or generations to come.

To return from these particular problems to my main thesis, I remind you that all citizens have an inescapable responsibility which can be discharged fittingly, only by educating themselves for effective citizenship, by engaging, however humbly, in the actual practice of government.

Only by such thought and apprenticeship on the part of its citizens, shall Canada be able to summon to the public discussion of public matters, a public opinion educated in and for Democracy.

Granted this thought and this <sup>common</sup> participation, Canada may <sup>well</sup> be able to say in years to come, what George the Fifth said of the British Political System some years ago:



"The system bequeated to us by our aneestors, again modified for the needs of a new age, has been found once more, as of old, the best way to secure government by the people, freedom for the individual, the ordered strength of the State, and the Rule of Law over governors and governed alike."