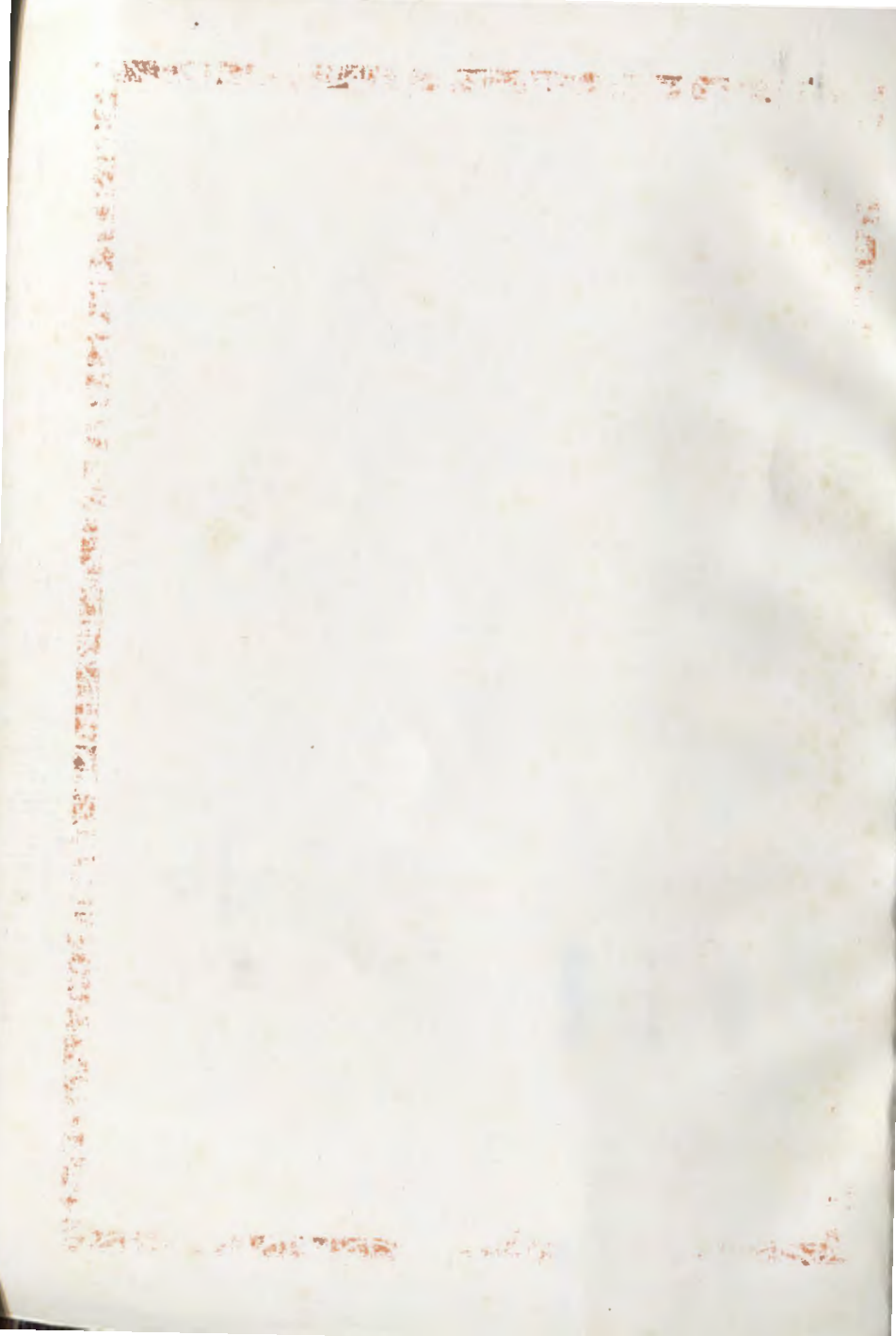




FREEDOM WEARS A CROWN

by John Earthing



\$10 —

FREEDOM WEARS A CROWN

by
JOHN FARTHING

Edited by
JUDITH ROBINSON

Introduction by
HON. SIR JOH BJELKE-PETERSEN,
K.C.M.G., M.L.A.
Premier and Treasurer of Queensland



VERITAS PUBLISHING COMPANY. LTD.
AUSTRALIA

Copyright © Hugh C. Farthing, Q.C.

First Printing, March, 1957

Second Printing, August, 1985

ISBN 0 949667 03 X

Printed and Published by
Veritas Publishing Company Pty. Ltd.,
P.O. Box 20, Bullsbrook,
Western Australia, 6084 AUSTRALIA

In association with:

Veritas Publishing Company,
(A Division of Veritas Holdings Limited)
P.O. Box 67555, Station "O",
Vancouver, B.C.,
CANADA V5W 3V1

Veritas Publishing Company Pty. Ltd.,
Box 4389, Auckland, NEW ZEALAND.

Bloomfield Books,
26 Meadow Lane, Sudbury, Suffolk,
ENGLAND, C010 6TD

Dolphin Press (Pty.) Ltd.,
P.O. Box 18223, Dalbridge, 4014
SOUTH AFRICA

Concord Books.
P.O. Box 2707, Seal Beach CA 90740 U.S.A.

All rights reserved. No part of this book
may be reproduced in any form or by any
means without the permission of the
copyright-holder, excepting brief quotes
used in connection with reviews written
specially for inclusion in a magazine of
newspaper.

Preface

John Colborne Farthing was born at Woodstock, Ontario, on March 18, 1897. He died in Montreal March 9, 1954.

The younger of the two sons of The Right Reverend John Cragg Farthing, for many years Anglican Bishop of Montreal, he grew up in Montreal attending Lower Canada College and McGill University. He was eighteen and in his second year at university when he enlisted and went overseas as a gunner in the McGill Battery, Canadian Field Artillery. He served in France with his battery until the end of the war, returning to re-enter the university.

In 1921 he graduated in arts and the same year went to Oxford where he was entered at New College, of which the famous Dr. Spooner was then Warden. He remained at Oxford for three years, taking his degree in Modern Greats before he returned to Canada.

For five years after his return he was a lecturer in economics and political science at McGill; one of the group of brilliant young associates Stephen Leacock gathered around him in that department. But John Farthing was a hard man to fit into other men's patterns, however brilliant. In 1929, being convinced of the fallacy of the Keynesian economics which had

become the accepted orthodoxy, he resigned his lecturership.

The ten years following he gave to study and research, developing his own economic theories along non-Keynesian lines. In 1940 he returned to teaching but, being still unrepentently heterodox as an economist, chose the comparative scholastic liberty of a secondary school. He remained as a master at Bishop's College School, Lennoxville, Quebec, until 1949. Then he went back to economics, and to preparing for publication the material he had amassed upon his subject. Meantime in a series of incisive letters to his friends he surveyed and diagnosed Canadian politics and politicians, and the increasing ills of both.

The letters were the genesis of this book. Under strong pressure from those of us who had received and read them with delight John Farthing consented at last, and unwillingly, to undertake it. But once he was committed he put everything else aside and worked with an energy and concentration and at a pace which never slackened in spite of increasing ill-health.

It is clear now that knowledge of how little time was left to him for all that must be said drove him on. For none but himself could ever drive him. He had a long habit of saintly, or maddening, indifference to time and opportunity as they might affect himself and his work. Once satisfied that a thought had been well-rooted in another mind he had no concern for a wider dissemination. God willing, it would bear fruit in its season and meantime any friend was welcome to appropriate branches, shoots and cuttings for his own use; with or without acknowledgement.

Many of us did so, knowing that if there had been no deliberate distortion there would be no reproach. John Farthing was the most generous critic of others' attempts to put his thought in words.

Yet on his own writing he had no mercy, as he had none upon himself. A passion for precision rode him, so that he could scarcely be persuaded to call any work finished. It was as if the finality of print repelled him; being an honest thinker he had not much use for finalities. His constant dread was of disserving truth by an imperfect presentation.

This habit of mind made his talk as full of surprise as of illuminations; he was always swooping back to the argument before the last to reinforce it with a swift parallel taken from the day's paper, from a chance talk with a down-and-out in a coffee bar, or from the wisdom of a Father of the Church. But it made his writing slow and full of agonies. He saw too clearly each new aspect of the battle to be waged against glib and accepted dishonesties; and he would scrap a month's work, or a year's, if it seemed to him that it might bar a new and more hopeful approach.

To the last this distrust of the printed word and fear that it might betray remained. Over-riding it, John Farthing wrote against time. When he died, in the spring of 1954, the manuscript of *Freedom Wears a Crown* was complete but not revised. He had refused to have any part in the revision until the work was done. revision could wait.

It has had to be done without him; the angular half-printing more difficult to read than another's shorthand having first to be translated into typescript.

There were, moreover; a thing very typical; as many as four versions of some of the key arguments; each approaching the same subject from a different angle. Decision as to which of the four best carried the argument forward being left, with devastating detachment to those of us who had insisted that the book be written.

It has been my good fortune to work with Margaret Blackstock, John Farthing's literary executor, in preparing *Freedom Wears a Crown* for publication. Our main problem, as has been indicated, was one of selection. So much more than a book was in the manuscript as John left it. We have done our best; omitting, I hope, nothing which could strengthen or illumine a strong and original design.

Lesser difficulties included those of interpretation. When the argument got away to a gallop the writing would gallop too, taking the final leap in a magnificent lack of resemblance to any known sequence of letters. A dozen clues might have to be tried before the solution would emerge; but it never failed to be worth the struggle.

So the book is ready at last. We who have lived and grown, with it are perhaps too close to judge its value for others; but a parallel with the work of Simone Weil should not go unremarked.

The young French mystic and the mature Canadian scholar are both now dead. But each left a gift of great price sought and found in an urgent consciousness of his country's need. Each, standing resolutely against the tide of accepted dishonesties, reached and held the unchanging truth all seek, knowingly or unknowingly.

For each it was the same truth; so completely the same that a paragraph from Simone Weil's *The Need for Roots* serves, as though written for the purpose, to epitomize John Fathing's theme:

'The opposition of future to past or past to future is absurd. The future brings us nothing, gives us nothing; it is we who in order to build it have to give everything, our very life. But to be able to give one has to possess; and we possess no other life, no other living sap, than the treasures stored up from the past and digested, assimilated and created afresh by us. Of all the human soul's needs, none is more vital. . . '

Judith Robinson

ACKNOWLEDGEMENTS

Thanks are due to Jean and Hugh Farthing of Calgary and Joy R. Miller and Margaret E. McKelvey of Toronto for the generosity of their help in preparing the manuscript for publication; and to Dr Eugene Forsey of Ottawa, among others, for permission to use letters.

Thanks are also due to Routledge & Kegan Paul Ltd., London, for permission to use quotations from Simone Weil's *The Need for Roots*; to Penguin Books Ltd., Harmondsworth, Middlesex, for permission to quote from Sir Ivor Jennings's *The Queen's Government*; to T.E. Utlery for permission to quote from *Modern Political Thought*; to the Cambridge University Press and Macmillan Company of Canada Limited for permission to quote from *The Nature of the Physical World*, and to Gordon V. Thompson Ltd., Toronto, for permission to quote two verses of *O Canada* by R. Stanley Weir.

ACKNOWLEDGEMENTS

Thanks are due to Jean and Hugh Fleming of Calgary and to E. Miller and Margaret E. McIlroy of Toronto for the generosity of their help in preparing the manuscript for publication, and to Dr. Eugene Foray of Ottawa, among others, for permission to use letters.

Thanks are also due to Routledge & Kegan Paul Ltd., London, for permission to use quotations from Simone Weil's *The Axiom of Love*; to Porcupine Books Ltd., Hammondsworth, Middlesex, for permission to quote from Sir Ivor Jennings's *The Queen's Government*; to T.E. Utter for permission to quote from *Modern Political Thought*; to the Cambridge University Press and Macmillan Company of Canada Limited for permission to quote from *The History of the Peace Movement*; and to Gordon V. Thompson Ltd., Toronto, for permission to quote two verses of O Canada by K. Stanley Hayter.

CONTENTS

Preface	v
Acknowledgement	xi
Introduction	xiii
1. Kingdom of Canada	1
2. The Alternatives	5
3. The Usurping Fallacy	11
4. Throne Versus Cult	23
5. Monarchy, Marx and the P. of H.	35
6. Governemnt by Arithmetic	51
7. First Things Last	65
8. Misguided Missiles	83
9. Demagoguery into Dictatorship	99
10. The Agronomic Anthem	109
11. Freedom and Necessity	117
12. Lies or Order?	133
13. The Real Issue	145
14. Context of Freedom	155
15. Out of His Treasure	171
Appendix	177
Bibliography	215
Index	221



Hon. Sir Joh Bjelke-Petersen, K.C.M.G., M.L.A.

INTRODUCTION

At a time when even our most cherished institutions are being subverted, it is not surprising that hereditary Monarchy is being increasingly denigrated, the general theme of the anti-Royalists being that Monarchy is undemocratic, archaic, and an out-of-place institution in modern societies.

As John Farthing demonstrates in his scholarly work, the concept of kingship is as old as man. But it was in the British Isles that it was developed as a major bulwark in building a type of constitutional government which has been the envy of many observers from non-British countries.

Even our American friends, whose nation grew out of a revolt against the British Crown not so much because of dislike of King George III but because of the unjust tax and other policies of his Ministers, always display great interest in and respect for the royal Family, and perhaps indicating a slight touch of envy.

It is important to recall that the basic cause of the American War of Independence was a revolt against a British Government which had turned its back on the traditional British system of constitutional government.

Visitors to Runnymede on the Thames River, near London, England, will see a sign erected by the

American Bar Association drawing attention to the fact that the roots of American constitutional development, based upon English Common Law, can be traced back to the historic signing of Magna Carta in 1215. It is often overlooked that although the American constitutional system is Republican rather than Monarchical, it is derived from the same constitutional root as the Monarchical. The American Founding Fathers spoke of including "the genius of the British Constitution" in their written Constitution. Queen Elizabeth II, speaking in the U.S.A. on the occasion of the American bicentennial celebrations, pointed out that the revolt of the American colonists was responsible for the development of the modern British Commonwealth, with a progressive decentralisation of power and self-government wherever British colonisation had taken place. Whether we live in Australia, Canada or New Zealand, we are all heirs to a unique heritage of constitutional and limited government of which the Crown is the focal point. The British Empire, which had such a stabilising influence in international affairs, was the first in history developed on the principles of encouraging people to be responsible for their own affairs. It was a striking example of true internationalism and, therefore, has always been seen as a barrier to the Marxist program. Like all successful associations, it attracted the envy of those who resent the achievements of others.

Although John Farthing wrote as a Canadian primarily concerned with the role of the Crown in Canadian affairs, what he has to say is of value to

every member of the Crown Commonwealth and is an invaluable work at the present critical time. Since John Farthing wrote *Freedom Wears a Crown*, the role of the Monarchy in constitutional government was vividly highlighted in the dramatic events in Australia late in 1975. This concluded with the Crown's representative at Canberra, Sir John Kerr, withdrawing the commission of Prime Minister Gough Whitlam on November 11 because of a stalemate between the Whitlam government and a Senate which used its constitutional powers to deny Supply to a Government it deemed to have lost the support of the electorate.

The decision by Sir John Kerr sent shock waves throughout the Crown Commonwealth, with anti-Monarchists forced to face the reality that in a great national crisis, the seldom used reserve powers of the Crown are available to help end the crisis. It was the influential Marxist theoretician, Dr Harold Laski who, in his *The New Statesman* article of September 10, 1932, said: "There is no reason to doubt that the prerogative of the King seems to men of eminence and experience in politics above all the means of delaying the coming of Socialism." Laski was writing on "Labour and the Constitution", and clearly expressed the Marxist philosophy of monopoly with his statement that "the necessity and value of delegated legislation. . . and its extension is inevitable in the process if socialisation is not to be wrecked by the normal methods of obstruction which existing parliamentary procedure sanctions."

The Crown is a check on any complete monopoly

of political power, and a latent bulwark to the citizen in his defence of freedoms. The fact that the reserve powers of the Crown have been used on very rare occasions demonstrates the value of what, in essence, is the custodian of the very soul of a nation. The intangible values which undergird a nation must be above and beyond political controversies, and the knowledge that the reserve powers of the Crown do exist, must always act as deterrent to political extremists.

Unlike the election of a President, which by its very nature must divide a people, the Monarch is automatically selected by the hereditary principle, uniting a people rather than dividing them. There can be no power struggle to become the Monarch. Writing on the occasion of Queen Elizabeth's Silver Jubilee, the distinguished British historian, the late Sir Arthur Bryant, pointed out that "although as sovereign she has no part in governing, by wearing the Crown and reigning, she speaks for us all. The Queen is the ultimate representative of the whole nation." And Disraeli wrote: "The wisdom of our forefathers placed the prize of supreme power without the sphere of human passions. Whatever the struggle of parties, whatever the strife of factions. . . there has always been something in this country round which all classes and parties could rally."

"Others are elected to represent our different and conflicting interests and opinions, but the Queen belongs to no class and no party, and her interest is that of the nation as a whole. She is the sole common denominator of our democracy, and the

representative not of a party of the people but of the people themselves. The hereditary throne links the whole nation in a timeless union, the component parts with one another, and the living with the dead."

At the Queen's Coronation Service she was asked: "Will you to the utmost of your power maintain the laws of God and the true profession of the Gospel?"

The Coronation Service reflects the traditional Christian view that the Crown, as an indivisible part of the Constitution, must also, in order to escape nihilist chaos, be subordinate to an ultimate order, namely the Law of God. The question of whether there is a higher law, which governments as well as individuals must obey, is the basic one facing what appears to many as a disintegrating civilisation. William Penn said that if men will not be governed by God, they will be governed by tyrants.

Truth is not established by counting heads. The political vote of itself does not protect the individual against tyranny — it is often overlooked that the socialist, Adolf Hitler, came to office legally. desperate German electors provided Hitler with sufficient "National Socialist" members in the Reichstag to enable the President to commission him to form a government. This was strictly constitutional, but having obtained office, Hitler then proceeded to centralise all power in his person, eventually abolishing parliament itself. Hitler rejected any concept of a higher divine law. Hitler elevated the "Leader principle" into an unchallengeable institution where in he became the determinant of ultimate "truth", and situation ethics provided the fabric and environment

environment in which "truth" was enunciated. Hitler wielded unlimited power, and unlimited abuse followed in his wake. A Monarchy pledged to accept the authority of God tends to remind government that there are limits to the power it can exercised over individuals.

George Orwell observed that those who control the writing of history control the future. It is a matter of record that one of the results of what has been called the "New Education", has not only been progressive decline in mastering the basic tools of learning, but the actual replacement of history in which impressionable young people are conditioned with a steady diet of pro-Marxist ideas. The achievements of their forbears are denigrated and tradition is derided, which tends to divorce the young from any real understanding of the experience and significance of the past. The Monarchy is dismissed as irrelevant, or even worse, and thereby the young are denied understanding of their own roots and history. It is not surprising that those who do not know the past have no understanding of where they are going. They are rootless and lost, and so it is not surprising that so many young people everywhere have become pessimistic about the future.

One of the most relevant chapters in *Freedom wears a Crown* is that dealing with the Monarchy and Marx. John Farthing points out that the Marxist borrows history, claiming that the development of Marxism is historically inevitable. Only the supporter of the traditional British concept of Monarchy can offer a rock-solid alternative view of history, stressing

that the Western idea of personal freedom is rooted in the Christian tradition that emphasises the value and uniqueness of every individual, and that government exists to serve man, not man to serve government. The ideal of the British Monarch has been to link personal freedom and personal responsibility. There is nothing historically inevitable about marxism in its pursuit of monopoly powers, or is it innovative in the long march of history.

Few appreciate or understand today the impact of Christianity on the development of British Constitutionalism and the priceless heritage of the Common Law.

How many have remembered the great Magna Carta forced in 1215 upon that Caesar of the day, King John, by a people who were finding that Caesar was taking so much that there was little left to render unto god. The rights and freedoms of individuals were being trampled underfoot.

The most important group attending that confrontation at Runnymede was the Christian Church, headed by the great Archbishop Stephen Langton. The Church leaders claimed to speak with authority concerning God's laws. Magna Carta, with its stress upon the God-given rights of all individuals, was basically a Christian document.

An essential aspect of Magna Carta was preventing unjust taxation and levies against the individual's income, his capital and his property. Magna Carta was one of the great advances in the development of English Common Law, this insisting that law must serve the individual. An individual

was assumed to be innocent until he was proved guilty. The *spirit* of the law was more important than the *letter* of the law. Shakespeare's *Merchant of Venice* dramatises the conflict between rigid legalistic law and Common Law. Shylock could appeal to the letter of the law, which clearly stated that he was entitled to take his pound of flesh, even though this killed Bassanio. But Portia in her famous mercy speech, presented the Christian concept of law, with stress on the spirit of the law, and compassion because of the circumstances.

Common Law is being threatened today by our creation of such bodies as human rights commissions, based upon United Nations Conventions which were framed in the main by those who reject the Christian basis of individual rights. Freedom is turned on its head by a systems mix. The noted Professor Lauchlan Chapman has justly observed that such commissions can make conclusions without being bound by the rules of evidence and may inform themselves on any matter as they think fit and the onus of proof is reversed. King John could not have planned better!

Bills of Rights are promoted to enhance freedoms, but too often today when the masks removed, they are seen as devious mechanisms to erode the principles of limited government and to make acceptable those perversions which are now unacceptable. Not even King John would have gone that far!

In a world of deepening crisis man craves for an order and stability in which the individual can have confidence in an enduring future linked with a heritage he understands. The essence of John

Farthing's work is that the British tradition, rooted in and centred upon the concept of kingship, offers the only hope for a stable and secured future for all individuals. The truths outlined by John Farthing are even more pertinent today than they were 30 years ago when Farthing died. Monarchists everywhere will find a new edition of *Freedom wears a Crown* most opportune as the question of Monarchy continues to be debated. It is not too much to say that the future of Western Civilisation may be decided by the outcome of this debate.

*By Hon. Sir Joh Bjelke-Petersen, K.C.M.G., M.L.A.
Premier and Treasurer of Queensland.*

1

KINGDOM OF CANADA

The word "Parliament" shall mean the Legislature or Parliament of the Kingdom of Canada.

The words "Kingdom" shall mean and comprehend the United Provinces of Ontario, Quebec, Nova Scotia and New Brunswick.

The word "Privy Council" shall mean such persons as may from time to time be chosen, summoned by the Governor-General, and sworn to aid and advise in the Government of the Kingdom.

From the fourth Canadian draft
of the British North America Act.

'A great opportunity was lost in 1867, when the Dominion was formed out of the several provinces... had United Canada been declared to be an auxiliary kingdom, as it was in the Canadian draft of the bill, I feel sure (almost) that the Australian colonies would, ere this, have been applying to be placed in the same ranks as "The Kingdom of Canada".'

'P.S.

'On reading the above over, I see that it will convey the impression that the change of title from Kingdom to Dominion was caused by the Duke of Buckingham. This is not so. It was made at the instance of Lord Derby, then foreign minister, who feared the name would wound the sensibilities of the Yankees.'

Sir John A. Macdonald
to Lord Knutsford, 1889.

POLITICS is simply the meeting ground between basic belief and economic circumstance. The background of my political thinking is the King-in-Parliament. The words king and kingdom are not words of political significance only, but of personal also. If they were not, they could not express the ideal of social life so well.

The British tradition has these two characteristics: a king and an organic order. Nor is it surprising that they should go together, for a kingdom is essentially an organic order of growth. Thus the illogical character of British institutions and their tendency to take the middle course can be seen to be perfectly logical, but it is the logic of a changing organic order and not that of a fixed system. The middle position is not a mere compromise; it is essentially a third position.

I have sought to follow the tradition from the English Reformation; from Hooker on to Coleridge, the great germinal mind of the nineteenth century in England. Then I rediscovered Shakespeare who, read against his own Elizabethan background of thought, becomes the highest expression of Christianity outside the New Testament itself. I found after prolonged

dosage of the aridities of the Locks and the Humes and the Mills that, going back to the sixteenth and early seventeenth centuries, one entered a new and still living world. The Reformation period explains the modern world to a degree that the modern political theorists simply do not begin to achieve; for there is no political principle or problem current now that was not fully threshed out then. Indeed that, in essence, is precisely what the Reformation was all about.

2

THE ALTERNATIVES

My son fear thou the Lord and the king:
And meddle not with them that are given to change:
For their calamity shall rise suddenly:
And who knoweth the ruin of them. . . .?

Proverbs: xxiv, 21

Everything can be done and must be done. It has nothing to do with any of us as individuals; it has everything to do with every one of us as Canadians and as human beings. . . We need more bad temper, for it is precisely the good temper of the country that is eating away at its very heart. For truth happens to relate to the heart as well as the mind and to suppose that it doesn't is to set up a rotting within it. For nonsense is rot — and in a very real sense.

J.F. — Letters

'It is the merit, or the good fortune, of Great Britain to be the last democracy. It is not really the fault of the others if the effort necessary for self-preservation is forcing them to change their very nature. We cannot judge America on the wave of morality and the spirit of ideological crusade which, unfortunately, accompany her will to resist. . .

'We see in the west only Britain to free the atomic spy, Nunn May; to accept without reservation the system of direct single-member voting; to forbid the police to bear arms. The British are the repositories of the treasure which all of our efforts are intended to safeguard — confidence in man.'

Jean-Jacques Servan-Schrieber,
in a radio broadcast, March, 1953

EVERYONE who thinks is aware that we are living in an overlap of history. We have come to the end of one age and are entering another. But people are bemuddled as to what it is that is ending and what beginning. Capitalism and individual liberty, say the Russians, are ending. In a sense they are right; economic man, the product of Newtonian law is done, and rightly so. But that does not affect the principle of personal freedom in economic life. Individual liberty is not the same thing as personal freedom.

Canadians of the shallower sort are more and more heard to say that we have come to the end of everything we have known of good and we must now have faith simply in Canada's future. This is the most sap-headed view of any. It is even worse than that which sees us as having come to the end of the modern world with no hope but in a return to the middle ages.

What is actually coming to an end is not the modern world that began with the Renaissance and the Reformation but the modern world that came in with Sir Isaac Newton and his inexorable law of gravitation.

The question for us is where do we go now? Apart from the Marxist's and the mediavalist's what paths into the new age are offered to our choice?

The eternal unchange of the American Constitution with its liberty forever involved in an everlasting pursuit of happiness? It is all right in its way and place, but do we want the world to be reduced to a lot of little copies of the great U.S.A., all pursuing the current year's American model of happiness? Or must we accept as substitute the unpleasantly draughty-headed faith in the future offered us as all-sufficient by our nationalistic Canadians — a faith without any conscious reference to the past to give it substance or guidance.

There is an alternative for Canadians: to make the reign of Elizabeth II another Elizabethan age; claiming from the first Elizabethans an inheritance already ours by right and drawing from the past the essential elements of greatness in the present; a process of evolution in the true sense. We are the fortunate heirs of the greatest and richest tradition in the life of man; we need only to claim our heritage.

Since the reign of Elizabeth I was precisely the time both of the Reformation and of the Renaissance in England, the realization of any new Elizabethan age must consist in our coming to see the meaning of the other, and in our carrying its work forward.

Our ideal, by right of inheritance, is the ideal of the King-in-Parliament. It requires for its fulfilment the acceptance of initial loyalty to a sovereign as opposed to allegiance simply to a system of law. Anyone who does not find the first preferable to the second is out of place in Canada. He should be an American citizen, not a British subject.

The three principles of king, law and people are fully

resolved in the ideal of the King-in-Parliament, quite as the American Constitution resolves the ideal of law and people; with the Republican and Democratic parties keeping watch over one another's principles across it.

These two Constitutions represent the realization, in two contrasting forms, of the Reformation ideal of a Christian social order in so far as the life of the State and the general political aspects of social life are concerned. They are fruits of the Reformation.

The remarkable thing about the British achievement is not the Constitution itself; not simply that in it the idea of the State is given a Christian form; but that the political life of the country should have achieved a level of integrity, distinction and humanity that has never been approached in any other land — bar Scandinavia, which has a closely allied tradition.

There was a time when we Canadians recognized and accepted this political ideal, and because as a people we were loyal to it the Canadian people did possess certain characteristics which might well be taken as an expression of wisdom. But it is precisely such an ideal that we now insist on denying and rejecting from our national life as quite incompatible with our new-found status as a nation. As a people we are now living only on our capital; proclaiming that we renounce our traditions and yet continuing to pride ourselves on the lingering and fast-being-dissipated fruits of these same traditions.

It is not by such means that an intelligent people finds its feet among the nations of the world, nor is it by such means that it comes to understand itself. For

when we deny that our national character owes its primary debt to the creative power of the British tradition in this country, and proceed to affirm that we owe it all to the great Laurentian Shield and the ice of the polar seas, we are simply denying what has hitherto been the essential genius of this country; that of expressing a great tradition in a new and great environment.

3

THE USURPING FALLACY

For myself, I was never so much enticed with the glorious name of a King, or royal authority of a Queen, as delighted that God hath made me this instrument to maintain. His truth and glory, and to defend this kingdom from peril, dishonour, tyranny and oppression.

There will never Queen sit in my seat with more zeal to my country, care to my subjects, and that will sooner with willingness yield and venture her life for your good and safety than myself.

QUEEN ELIZABETH I:
on dissolving Parliament in 1601.

We must not forget the people who say that we have come to the end of the British tradition, which statement they seek to support by reference to Britannia. They are a little late in the day in recognizing its significance. Who wrote Rule Britannia? A despised English Tory? A ranting imperialist? No. It was written by a Scottish Whig and the whole thing is of the very essence of Whiggery — the same Whiggery that had already amassed and was still amassing its fortunes from the East India Company. Rule Britannia was a lyric postscript, as it were, of a five-book poem entitled Liberty; the most illuminating political treatise I have ever read in my life; written by Thomson who wrote The Seasons. The poem gives, verse after verse, the whole eighteenth-century Newtonian Whig philosophy of law, liberty and empire. Liberty was universal; it had to be imperial and world-wide and the British mission was to take liberty to the world and thereby form a world-wide empire, but not a nasty militaristic empire like the Romans' Liberty must be given to man through the blessings of trade; the blessing, particularly, of course, of trading with Britain.

J.F. — Letters

THE difficulty of all who support the traditional principle of the King-in-Parliament lies not, I suggest, in the oldness of the idea but rather in its present newness. Our claim in respect of the King is valid within our Constitutional tradition and in that sense is old, but we also have to do with a later political doctrine which affirms that the democratic movement must inevitably whittle away the powers of the Crown; so if it now be found that one of such powers still lingers on, it is fated in its turn to succumb to the same inevitable process.

It is there that our difficulty lies. The argument that we ought not to cut ourselves off from our past, though surely at most times valid, has lately been all but helpless in the face of this widespread belief in a supposedly inevitable democratic movement; a belief further strengthened by the pure-Canada cult whose peculiar object of worship is the future and whose substantiating doctrine conceives all history as but a sequence of change as such; without a suggestion either of growth or of development.

A very real distinction exists between our present pure-Canada nationalism and a true Canadian nation-

hood. At the root of the distinction lies our attitude to what has been known in Canada as the British tradition. According to our new nationalists this tradition is something that belongs only to the British Isles and is therefore an alien influence in the life of a people who should have their own traditions and should admit nothing in their national life that is not wholly and purely of Canada.

Many Canadians have been ready to accept this contention as a truth so obvious as to admit of no further question. So the attempt is made to build our national life on that basis; which absolves us of all further thought.

But consider that the word Canada is a name given to a certain stretch of territory on the North American continent and it ceases to be obvious that the lives of Canadians should be influenced only by forces that derive direct from Canada. We are not simply so many bipeds living within a given habitat which colours and determines all else in our lives. Man is a being who lives in time as well as in space; and the life of a people is rooted in time as well as environment by geography.

The whole process of change, begun thirty years ago,¹ has now reached its critical stage. No longer can it be said that this or that further step is intended only to bring us to a state of full autonomy within an historic community of free nations. Further steps are not required to that end. We are there.

A basic question now faces the Canadian people. According to the pure-Canada cult our history as a

¹Footnote references will be found on the last page of each chapter.

people is something we must now forswear. From the time of the first English settlement, this country's history has been of a distinctly British characters, and that is what it must now cease to be. The very word must be erased from among us, and with it all that it means. For according to our Canada-cultists it means, and can mean, only something that is alien to Canada and must be cast out of our lives as we begin an entirely new epoch to which, it is said, all our past history has been inevitably leading.² What has that history been, they ask, but the long story of Canada's increasing freedom from the control of an outside power; the increase of things Canadian, the decrease of things British?

Though this description of the situation would at first sight seem to refute the idea that our nationalists now seek to destroy our history as a people — for do they not regard their claims as the very epitome of our history? — it requires but a further moment's reflection to see that their position is still based on a purely geographical conception of the word Canadian. For it is only by considering that Canadian and British are terms relating solely to two contrasting pieces of geography that it is possible to interpret our history in terms only of an unrelenting conflict as between those two pieces of geography, or as between the two governmental powers directly related to those two lands. In other words, if one assumes that the words Canadian and British have no meaning beyond a reference first to geography and second to governmental powers, then it is not only possible but quite inevitable that one should interpret our past and

present as our nationalists now do; but note that in depriving the word British of any further meaning we are exerting a like effect on the meaning of the word Canadian also. We are assuming that it not only has, but can have, no further meaning than that which identifies inhabitants of a certain terrain who have now full control of their own government.

It is not to be supposed that Canadians who are still proud to call themselves British — and to do so precisely because they are Canadians — in any way deny either that Canada and Britain are two different countries or that the governmental power that is exercised in Canada should no longer be under the control of the governmental power that exists in Britain. When we were but a relative handful of people claiming possession of a vast tract of territory — which we ourselves could not possibly have defended from attack — it was in no way detrimental to our true interest as a people that we should allow a stronger and a friendly people to exercise certain of the powers of government for us. But as we have gained in numbers and strength it has become both right and fitting that we should take to ourselves the full exercise of our governmental power. There is no quarrel here with those who now exult in the full power we possess as a nation. It is not in what they affirm, but in what they deny, that issue must be joined with the present nationalistic cult in Canada; for in becoming obsessed with a new nationalism they are denying all that contributes to true nationhood.

Instead of guiding Canadians to find their unity in

a true ideal of democracy, in the fuller realization of which peoples of all racial origins and cultures could join; instead of rooting our national life in the ideals of freedom and justice and truth enshrined in our Constitution; our leaders, while paying lip service to such ideals, have proceeded to replace that Constitution with a governmental set-up which denies them.

In order to justify this new governmental set-up, especially to English-speaking Canadians, appeal is made to a basic absolute, which is pure Canada. All is now to be done in the name of a pure Canada which is initially identified with French Canada equals pure Canada. But such a primary reference can be avoided if it is further assumed — and as something not to be questioned — that French Canada equals pure Canada. In other words the French Canadian is wholly the product of his geographical environment and the one sure road to Canadian unity is therefore that which requires all English Canadians to become the perfect reflection of Canadian geography.

This is the assumption which our cultists are obliged to lay down in order to justify their position to themselves: that the people of French Canada are merely the reflection of a certain geography³ — than which a greater insult to them it would be impossible to conceive. But the entire position is an insult to the native reason of every adult Canadian.

The method by which English-speaking Canadians are now to seek national unity is to scrap their traditions entirely and submit to what others assert to be compatible with that unity — a method already

widely acclaimed by our national pediatricians as one involving the least possible strain on the mind of a new-born nation. We expose the infant nation to its physical environment and then as one of the cultists claims, the land will do its work⁴; the land will make its distinctive imprint upon us. Indeed, it has been found that infants so exposed to the Rocky Mountains, on the one hand, and the prairies, on the other, are soon as indistinguishable as any two rocks in the Laurentian Shield. The land so quickly impresses its own true unity upon them.

Unhappily, our expert pediatricians are not in full agreement. For at an even higher level of cult activity where the pure-Canada atmosphere is still more rarified, our distinctiveness as a people is found, we are told, in our northern climate, our violent contrasts and immense distances.⁵ But this higher and more critical authority — to whom the simple ‘land’ has become our ‘immense distances’ — goes on to issue a warning against the practice of exposing the minds of infant nations to what may prove to be the too powerful forces of their geographical habitat. For it has been found that such a treatment may result in dwarfing the minds subjected to it. In fact we are told that the mind of the infant Canadian nation has already been dwarfed by geography; though we are assured that such a dwarfing is but another name for a sublime sense of humility.

When time and the fruits of time are denied, nothing remains but space — the wide open spaces, from sea to sea and from ear to ear, of that pure, pure Canada

is now the cult-object of our nationalistic worship. How seldom we now hear our leaders speak of the Canadian people — the term has almost lapsed into desuetude — but only and always of Canada. . . Canada, Canada, which is every day shedding more of its essentially human qualities to become the ever more pure abstraction of a physical environment.

If Canadians wish to understand more fully what it means to be a Canadian in the old sense let them consider carefully the basic ideas embodied in the very fabric of our corporate life as a people. We are not Canadians simply because we chance to live in a given terrain which goes by the name of Canada. It is not only the terrain that determines a people, and it is not geographical boundaries that have determined the Canadian people. It is the Canadian people that have determined the geographical boundaries of their native environment.

It was no inexorable fact of geography that recently made possible the extension of our boundaries to include the island of Newfoundland. It was an inherited community of ideas and ideals that led to the confederating of two peoples and so to a consequent extension of our geographical borders, as it was, too, in the very beginning of that confederation whereby we became 'One Dominion, under the name of Canada'. Several hitherto separate peoples then came to form a single Canadian people, because they held certain basic ideas and ideals in common: ideas which the people of Quebec were also able to accept as their own without relinquishing a single iota of their national heritage.

In constituting ourselves a single nation we set up a certain form of government that we might express in all our corporate affairs the basic ideas which made us a nation. That Constitution not only proclaimed us a single people, but affirmed in an equally clear voice precisely what kind of people we were and what kind we proposed to become: Being a people whose life is deep-rooted in the past we, for that very reason, do not believe that we have as yet attained to all that we would or all that we have it in us to become; we look to the future in the light of the same creative tradition which has still the inherent power of making us something better than we have been.

The usurping fallacy is the fallacy of mere geography. To accept it is to regard things geographical and things historical as two opposing and incompatible powers in our life. According to the nationalist interpretation of our history the traditionally British character of Canada never meant anything other than the imposition of an alien power and the consequent effort of Canadians to rid themselves of such a rule.

We are not at the moment concerned with the reversal of historical fact that such a position involves, but it is well to make the true order clear. First, British rule was never imposed on the English-speaking people of Canada who first settled here precisely because it was a British country and they desired to live in such a country. Second, so far from seeking to free ourselves from an alien power imposed upon us, Canadians of both French and English tradition fought to the limit of their strength against those who

offered to give them such a freedom.

It has ever been the distinctive character of the Canadian nation that being North American we are also, essentially, British North American. But we are not now concerned with the past and I refer to it only to show that the word British has had a further meaning in the history of Canada than our present nationalists would have us believe — a positive and no merely negative meaning. That positive meaning was something which we were proud to hold as our own. We had no desire to be independent like the United States if that were also to mean the loss of our character as a people, for we preferred the British to the American idea, and we found our distinctive character as a people precisely in that preference.

It is the purpose of this book to seek the definite meaning of the British tradition in Canada and the essentially British character of the Canadian people. Wherein do we differ from the Americans and what is the significance of that difference in the life of the world at large?

Notes to Chapter 3

- ¹ p.14 The Constitutional crisis, 1926. *Canada: House of Commons Debates*, 1926: pp. 4817 et seq.; 5014-5097; 5217 et seq.; 5310-12.
 Forsey, Eugene A.: *The Royal Power of Dissolution of Parliament in the British Commonwealth*, Toronto, 1943.
 Keith, A. B.: *Speeches and Documents on the British Dominions, 1918-1931*. Oxford, 1938. pp. 151 et seq.
 Dawson, R. MacGregor: *Constitutional Issues in Canada: 1900-1931*. London, Oxford, 1933. pp. 73 et seq.
 Hutchison, Bruce: *The Incredible Canadian*, Toronto, Longmans, Green, 1953. pp. 139-145.
- ² p.15 Ferguson, G.V.: 'Old, New Strides in Nationalism', *Saturday Night*, March 8, 1952.
- ³ p.17 Lower, Arthur R.M.: 'Are There Canadians?' *Saturday Night*, June 28, 1952. 'Seeing the Pacific From Winnipeg,' *Saturday Night*, July 5, 1952. 'No Class in Canada,' *Saturday Night*, July 12, 1952.
- ⁴ p.18 Lower, Arthur R.M.: *Colony to Nation*; p. 560. Toronto. Longmans, Green, 1946.
- ⁵ p.18 Hutchison, Bruce: 'What is this Creature, the Canadian?' *Saturday Night*, March 21, 1953.

4

THRONE VERSUS CULT

This is the heresy; that majorities can do no wrong, that there is no higher truth than the transient opinions of contemporary majorities, and that there is no higher law than the ambitions and the manoeuvres of the persons they are persuaded to elect.

Since the centre of men's worldly allegiance must be beyond the reach of their worldly passions it must be founded on, it must be consecrated to, the realm of the spirit. It must be bound to the truths that are more than the private and passing opinions of persons and crowds and to the laws that are above their wishes and their impulses.

This is the universal essence which Queen Elizabeth II represents for all mankind when she is recognized, is sworn, is anointed and is crowned.

Walter Lippman, *New York Herald Tribune*
On the Coronation of Elizabeth II, June 2, 1953.

My criticism is not of French Canada but of a fully bogus Canadian nationalism; a something which, the further you examine it, turns to nothingness in your hands. The primary critical purpose — indeed the primary purpose — must be an examination of this new-found Canadianism, this unity which means the French tradition plus an utter vacuum; utter save for a disastrous concentration of mind on purely economic development plus certain self-conscious strivings to achieve a culture of which we are assumed to be otherwise void.

J.F. — Letters

‘Our country is Canada, it is all that is covered by the British flag on the American continent. Our fellow-countrymen. . . are all those, whatever their race or whatever their language, whom the fortunes of war, the chances of fate or their own choice have brought among us and who acknowledge the sovereignty of the British Crown. . . an equal share of justice, of liberty, that share we have; we have it amply and what we claim for ourselves we are anxious to grant to others.’

Wilfrid Laurier, Quebec, 1889.

THE character of a people or the distinctive form that is given to their national life is enshrined in their established Constitution. A political Constitution is no mere list of rules designed to ensure that the daily business of government be carried on with convenience. A true democratic Constitution, such as are both the American and the British, is concerned with ensuring that the life of a people shall be governed, not simply with convenience, but also in accordance with an ideal.

The life of a people in order to be as harmonious as possible and to provide a social milieu congenial to the true development of the individual life, must always be the expression of some kind of social order or system. The idea of order or system is the distinctive mark of man's use of reason, which initially tells us that you cannot reason at all unless you assume the existence of some kind of system or order.

When the human mind concerns itself with such questions, though it finds the number of different forms of social structure surprisingly limited, it is confronted with more than one possible form of social order or system; with a few different basic ideas or

ideals of what a true order or system of social life should be.

It is here, I suggest, that we are faced with the problem underlying the present world situation. For although the differences between the American and the British Constitutions present us with two basic ideas or ideals of social life, such a contrast forms but part of a further world situation in which it is necessary to take account of the Marxian idea or ideal. And so we come to see the question now facing the Canadian people — whether we are to retain or renounce our essentially British character — as a question of very much more than merely local significance. It has to do, to be sure, with the understanding of ourselves as a people, but it has also to do with seeing where we take our place within that universal order which is the life of man.

Underlying the present nationalist cult in Canada is the supposition that because the power of the Canadian government is now in no way subordinate to the power of the British Government, we have therefore ceased as a nation to be in any sense British. The fallacy of such a position consists in supposing that government has only to do with power and knows nothing of any further sense of authority, right, or truth in the light of which such power is exercised.

It is in fact true that we in Canada now possess but the empty shell of a constitutional democracy bereft of all sense of governmental authority and reducing all to the level of mere power-politics. But such a denial of true unity among us is not the result of our having attained a position of complete governmental power in

no way subordinate to the power of any other government.

It is solely and directly the result of our having ourselves denied that our social life should seek to express any idea or ideal of life whatever. According to one¹ of the high priests of our new pure-Canada cult we are now a people who no longer understand ourselves; a people who in becoming obsessed with their land have thereby denied themselves all possibility of ever understanding themselves or anything else.

I suggest that the present denial of constitutional democracy among us, and with it of all real parliamentary government, is the result of our having failed to see that the Crown is not merely a far-off institution, having vaguely to do with the Commonwealth of which we are a member, but holds a place of primary significance in our own established order of democratic government. In other words, when we speak of the Queen as the Queen of Canada it is no mere empty formality but a simple affirmation of the fact that we have a royal and not a republican form of democratic government. And that is no idle distinction but one which relates directly to every aspect of our social life. For it represents at bottom a different idea of social order or system.

It is not a new idea. It is as old as human civilization itself, and for that very reason provides the surest available means of preserving, not only our civilization as such, but all true humanity as well. Being British or being loyal to the throne is no mere matter of sentiment; it has to do with a basic ideal of social life,

and with a fully enlightened attachment to the highest ideal of democracy that the life of man has ever known. Nor has that ideal essentially to do with any single land or language or class. It is an ideal of universal significance relating to man as such. That we and others should find it enshrined in the British monarchy we share is due, not to any claim that the ideal of itself is the monopoly of the British, but to the historical fact that it is the British monarchical order that a certain universal ideal has been preserved and most highly developed.

The question facing the Canadian people is twofold: whether we shall know and develop a true idea of social order in Canada, and whether as a people we shall then take our true place in the life of the world. These two questions are indivisible.

One of the manifest faults of our present pure-Canada cult is that its whole idea of nationalistic independence belongs to an age that is now, and very rightly, in its death throes. It is not new; it belongs to the eighteenth century, and was appropriate enough for the United States when they declared their independence, but it has no place in the world on which we are entering. For we cannot exist and chart our course through history as if Karl Marx had never lived and led the world in revolt against all such ideas of independence. It is not enough that we affirm an independence based on geography and then agitate ourselves with our desire to be of importance in the world.

If we as a people are obsessed with our land, how are

we to know any true harmony of life with others who, ideally, are as completely obsessed with some quite different land? And how are we to find any true unity of life among those who are so obsessed whether in the Rocky Mountains, the prairies or the Atlantic seaboard? It is not by any such psychopathic obsession that we can develop either a true conception of ourselves or a proper love of our native land.

That we have abandoned the political ideals and traditions to which we were heirs is not the result of our having attained full maturity as a nation. To affirm that we had to renounce the British tradition because it was incompatible with our adult nationhood is too idiotic to be described as an ideology.

No sane adult ever abandons tradition merely because he has come of age, yet that is what we are asked to do. For it cannot for a moment be contended that we abandon the ideas and ideals of our rightful heritage because we have come to see that they were not good enough for us. Had that been the case their rejection would have stirred a great ferment of thought among us to replace them with others superior to them. But in point of fact there has been no such ferment nor so much as a single languid movement of the most sluggish cerebral tissue. Our one act of political thinking, if such it can be called, was to assert the simple idea the the majority will is supreme and absolute.²

Having once emitted that thought we stood in no need of further thought. That is the thought to end all thought. Nor had we need to think it for ourselves or even to import it from the French Revolution. It is merely the rubble that remains when all else has been

destroyed; for that is the way to make the city flat.

We all remember from our school days what Sir Walter Scott very rightly felt of the man who had no love of 'my own, my native land', but according to the strange mode of thought that now claims exclusive title to the name of Canadian it is seemingly impossible to love one's native land unless that love is directed so wholly upon it as to exclude completely all else in life. To take this strange new Canadianism seriously, when it boasts of the freedom of one of the finest countries in the world, is to be brought at once to the heart of the mental confusion that now speaks throughout Canadian life; for if one assumes that the fineness of Canada has at least in part to do with the freedom here enjoyed, then one sees that a true Canadian will clearly owe his loyalty to a land which gives him freedom as well as existence.

It is clear that we Canadians owe our continued existence to the soil and resources of our country, but it is equally clear that freedom does not grow on the bushes of this country; as Father Brebeuf and the Hurons both learned in so tragic a manner so many years ago. Freedom, like many other things which make life more than existence, is not the product of Canadian geography but directly the fruit of Canadian history and tradition. If a true Canadian values his freedom as well as his existence, he will value the history and traditions of the country as well as its physical geography.

It is the primary characteristic of Canada as a nation that it has long been the home of two great streams of tradition, both of which derive from sources lying

beyond the shores of the country that gives us our existence and neither of which is therefore purely Canadian, or simply Canadian, in the sense in which the pure-Canada cultists use the word. Although it is true that there was at one time a purely Canadian culture and tradition in this country — one that centred upon and derived from the Spirit Manitou — both French and English failed to imbibe, and even sought to destroy, that native culture precisely because it was purely Canadian in the geographical sense, and because, as a native culture, it was therefore alien to them. Indeed within seven years of Champlain's founding of Quebec, the French were sending missionaries among the Indians in an effort to uproot the purely Canadian traditions prevailing among them; an anti-Canadian activity, be it noted, which preceded the advent of the British by some years.

According to the pure-Canada doctrine the traditional aspect of Canada's national life creates a feeling of uncertainty which places Canadians at a disadvantage as compared with citizens of the United States who definitely know where their loyalties should be placed.

The logical answer to this complaint would seem to be that we in Canada should now have done with all our nonsense about traditions and join up at once with the United States; for we should then have no more British traditions to offend the purity of our North American existence and no one would any longer concern himself — or even indeed be allowed to do so — with the things that now go to make up the traditions of French Canada.

But according to the peculiar logic of the new pure-Canada cult it is only British tradition which are in any sense un-Canadian, whereas a tradition coming to us from another part or parts of Europe is a tradition affirmed to be not only 100 per cent Canadian, but even to be the only tradition not distinctively un-Canadian. The one tradition that must be jettisoned, as something quite distinct from the country that gives us our existence, turns out to be the British tradition.

References to the United States have become commonplace in letters written to the press by our pure-Canada cultists. Indeed one scarcely ever reads a letter from such a source that does not explicitly base itself on some appeal to the United States as an example of pure geographical loyalty. But like other assumptions of the same cultists, it is based on ignorance. The American citizen does not swear loyalty to the land that gives him his existence.

If our self-appointed champions of American democracy and American nationhood will take the trouble to read the simple words in which the American citizen expresses his loyalty to his country, they will find that he makes no single reference either to the soil or to the map of the United States. On the contrary he takes his solemn oath to support and defend — and even to death — against all enemies that very thing in his country which we in ours now take our keenest delight in tearing to shreds. And that thing to which the American's oath of allegiance is directed is the Constitution and the laws of the United States: the Constitution that makes them a single people because enshrining the ideal of liberty to which

the will of each is sworn.

Because Americans so venerate their Constitution they have no need, as we have, of finding unity as a people by setting out on an endless, chattering search for those roots of unity which have been deliberately destroyed. Unlike Canadians they stand in no need of Commissions¹ to point up a national inventory of the massive confusion of their mind as a people. This brings us to what has become the basis on which our new Canadian nationalists are continually appealing to the superior democracy of the United States. A monarchy, they hold, is an undemocratic institution, and since democracy is defined by them in terms of the absolute will of the people — that is of any majority vote in any single election — their appeal is to the United States as the home of such a democracy. This, to be sure, is the same appeal as before, but presented in a form which is equally ignorant and even more fanatistic. For if there is one thing the United States is not, it is not that kind of democracy.

The United States is a constitutional democracy. The American Constitution was not designed merely to reflect the will of the people, whatever that will might at any time be. It was designed as a framework to enshrine and protect a supreme ideal of national life to which the will of the people would always be subject.

Democracy is not the doctrine that affirms the supremacy of the people's will. It is the doctrine that roots the life of a people whether *in the liberty of each*, as in the American, or *in the freedom of each*, as in the British Constitution. Prate as you please of the will of the people — or of any bare majority of people — and

seek, if you will, to justify all by winning an election, but do not suppose that a true democracy can ever continue to exist apart from a clear and conscientious observance of the spirit and principles of public conduct enshrined in a recognized Constitution.

When a people have so far lost the sense of constitutional government as to be wholly unconcerned whether their national life is or is not established on such a basis, they should retain sufficient sense of humour to be amused at the ridiculous picture they make as they search for their national unity.

For the last thirty years this country has been in process of tearing up its constitutional government, a process which has gone hand in hand with the erasing of the history of the country from the beginning of British rule and the initial Loyalist settlements. All the distinctive traditions which have made up what we still essentially remain are now to be uprooted that we may become pure Canada; a people whose historic memory must be erased so that its mind may come ever more fully to reflect the wide open spaces of the true north, strong and free. Yet we began our life as a people from roots worth nourishing.

- p.27 *Hutchison, Bruce: The Incredible Canadian, Toronto, Longmans, Green, 1953. p. 1.*
 The Unknown Country, Toronto, Longmans, Green, 1943. p. 4 et seq. See also note 5, p. 22.
- ∴ p.29 *See note 4, p. 63.*
- ∴ p.33 *Report of the Royal Commission on National Development in the Arts, Letters and Sciences, 1949-1951, Ottawa, 1951: The Massey Report.*

5

MONARCHY, MARX AND THE P. OF H.

Of all the human soul's needs, none is more vital than this one of the past. . . Marx felt this so strongly that he was determined to make this tradition go back to the remotest times by making class war the one and only principle by which to explain history.

Simone Weil: *The Need For Roots*
London: Routledge and Kegan Paul Limited, 1952.

Part at least of my point re the British tradition vis a vis the Marxian — the British tradition is the only effective alternative in that it is the only one whose underlying or implicit interpretation of history is capable of dealing adequately with the Marxians who now have a jump on the rest of the world precisely because they have a clear conception of history and realize to the full its importance.

J.F. — Letters

GOVERNMENT, according to the Declaration of Independence, has only one function; that of maintaining the individual in his natural right to life, liberty and the pursuit of happiness.

I do not at the moment question the suggestion that the true aim of life consists in the pursuit of happiness. My concern is rather to point out the essentially individualistic character of such a conception of government and to contrast that conception with the idea expressed in the British North America Act where it speaks of the federal government having to do with all matters pertaining to the peace, order and good government of the Canadian people. This latter phrase can be seen to correspond in form to the famous phrase in the Declaration have with us been translated into terms essentially social. The life of each is referred to the maintenance of civil peace, or is to be preserved by the maintenance of civil peace, and the liberty of each is ensured within a further order of life made up of essentially free individuals; and where the American phrase then drops all further reference to government to leave each with his liberty to pursue his happiness

as he will, the Canadian phrase goes on to suggest the possibility of governmental action ensuring a free and peaceful order of life. The mere liberty of the individual is not taken as the final and absolute end of the governmental story; nor is the further story told only in terms of happiness; it has rather to do with good government, whatever those words may involve.

It does not suggest, or in any way imply that government is to compel people to be good beyond the minimum requirements of the criminal code; but it does implicitly recognize that whereas a good social order is rooted in the essential freedom of each person, the individual is not a completely independent unit in such an order, nor is it even the sole and supreme aim of government to treat him as if he were. The social good is not regarded as the simple result of merely adding together the differing amounts of happiness acquired by a mass of individuals each pursuing the greatest amount of happiness for himself in a basic independence of his fellows. It is rather, if implicitly, recognised that a government is able to make its own distinctive contribution to the good life of its people by ensuring the maintenance of general social conditions conducive rather than detrimental to the realization of that life.

Thus in the traditional Canadian or British view society is not a number of basically independent individuals. It is rather a community of persons bound together by a common spirit of loyalty in an essentially unitary society. The role of government is not conceived in terms only of a law to ensure the natural liberty or basic independence of each citizen.

Herein lies the essential difference between the British ideal of personal freedom and the American ideal of individual liberty.

In contrast to the static perfectionism which underlies the American, both the British and the Marxian ideals of society, being essentially historical, do not suppose that a perfect fabric of politics and social life has already been achieved. They are fully aware of historical change and cognizant, too, of social development, of dialectic. It is here, however, that the positions cease to be similar; for although both are assuming that a time will come when the compulsive power of law will not longer be a necessary constituent in the social life of man, the intervening paths to that good are not only different but of opposite character.

The Marxian looks forward to the culmination of the historical process in a society of perfect Communism, or one in which the state will have withered away as the compulsive power of law is no longer required. It is the primary point of the Marxian dialectic to insist that such a goal can only be realized by first dealing through a spirit of hatred, destruction, revolution and dictatorship.

The western world contends that Communism is simply a widespread movement of social discontent or one in which that discontent is so extreme that it seeks to overthrow the entire capitalist system. This, of course, is quite true, but it misses the essential point and significance of the Marxian movement. For

Marxism is not merely a more extreme form of socialist discontent with capitalism. The essential point in Marx's position is that he claimed to present a socialism that involved a scientific critique of the capitalist system. In other words it was no mere affirmation that the capitalist system ought to be replaced by something other; it was a demonstration that such a change must of necessity happen.

Marx's primary claim was that he had put the entire anti-capitalist position on a properly scientific basis, having to do with demonstrable social necessities. When we seek the further significance of this contention it will be found in what, on such a view, becomes the basis of the Marxian position. Presented as a scientific critique, Marx stated the theory of the capitalist system as found in the economic theories of David Ricardo. There our present economic order was explained in terms of a simple machine in which all was determined by certain fixed laws. In other words a scientific system in which all was explained in exactly the same way that Newton had already explained the solar system. It was a system in which the never-changing laws of nature were supreme and absolute.

In order to see the significance of Marx's critique of this system it is quite unnecessary to belabour ourselves with Marx's actual argument, for his basic position was here quite simple. According to Adam Smith and Ricardo the all-determining laws that governed the operations of this simple economic machine of necessity ensured not only an efficient regulation of production but also an essentially just

distribution of wealth. It was all like an enormous slot machine from which the returns were always demonstrably just. But Marx, by appealing to precisely the same law which Ricardo had established, proceeded to demonstrate that so far as the wage-earning class is concerned such laws of necessity result not in a just, but in an unjust return. The scientific slot machine was one that turned out injustice and not justice.

What in such circumstances is a lover of social justice to do? There was for Marx only one possible answer and it is here that we come to the essential point of the entire position. If injustice is the result of the inexorable laws of a quite inexorable machine, there can be no possibility of justice save by destroying the machine. Since law as enforced by the bourgeois-democratic State was designed to uphold the same basic independence of individual action which underlay the unjust laws of the economic system, the entire democratic State must be destroyed if justice is ever to prevail.

The two most significant points of this position as follows: first, the point expressed by Lenin when he said, 'There can be no revolutionary movement, without a revolutionary theory', which is to say that large numbers of men will not destroy their existing fabric of life unless they can first be convinced by an inescapable argument that this is the only way in which the ends of justice can be realized. The second point is that Marx was able to arrive at such a conclusion — and was also able to claim scientific justification for it — not by reference to the capitalist system itself, but

to the explanation of that system as contained in the accepted science of economics. In other words Marx assumed complete identity between our present economic order and the simple machine of the Ricardian economic science. If that identification is valid, then it follows of necessity that if there is any injustice to be found in the present order — and if that order is a machine in which all is determined by inexorable law — then the only possible way of correcting injustice is to destroy the machine.

Thus the revolutionary fury of the Marxian movement is at bottom directed, not against the capitalist system of itself, but against the bourgeois mechanistic mode of thought. The essence of the Marxian position consists entirely in saying that man can never advance to a properly just and harmonious order until the system of life based on Ricardo's law has been overthrown and the Ricardian system of thought completely eradicated. It is the task of the revolution to do the first and the task of the dictatorship to do the second.

The Marxian opposition to capitalism does not explain its implacably revolutionary form nor does it provide an accurate description of that which the Marxian opposes. Marx was not opposed to capitalism because it was the expression of a free economy; for the communist society to be achieved eventually is a free, as opposed to a dictatorial, economy. What Marx was at bottom opposed to was the Newtonian idea of law as given social expression in the Smith and Ricardian economics and the Whig philosophy of society. His basic objection to such a philosophy was

twofold: it regarded the individual as naturally independent of his fellows, and it was an essentially fixed and unchanging system.

What we are now witnessing is a world-wide revolt — and on both sides of the Iron Curtain — against the Newtonian idea of the basically independent individual who possesses certain inalienable rights deriving from a state of nature and so is wholly unaffected by any social claims arising from conditions brought about by historical change. If the Marxian movement itself was not sufficient to make the world aware of the untruth and inadequacy of such a conception, the great depression compelled us all to face the issue, or rather to face the immediately practical problem arising from it. It was then seen that governments had to recognize socio-historical claims that trespassed upon the supposedly inalienable rights that derived from a state of nature. The American Constitution, built throughout on the basis of such rights, was able to survive only by means of a judicial re-interpretation of the very idea of inalienable rights. And so throughout the world men have been required to learn that man is a more social being than he was affirmed to be by the eighteenth century view of the natural man.

Thus far, however — apart from the Marxian position — the revolt against the bourgeois doctrine of the independent individual has taken only a social form. Men have rebelled against the a-social idea of the individual but have not as yet considered what is in fact the basic fallacy of the mode of thought derived

directly from the Newtonian scientific tradition: the fallacy, that is, of regarding the life of man in complete abstraction from the course of human history. The Marxians derive their greatest strength precisely from the historical character of their social thinking, while our social thinking still remains essentially a-historical.

The Whigs and Americans who appealed to man's inalienable rights were able to justify such an appeal by citing the past heroes of revolutionary thought and action who had fought against tyranny. But we Canadians are advised that we must now look to the past for nothing. Indeed it is even assumed that the attainment of a purely or wholly social point of view — such as finds its political expression in the idea of the absolute supremacy of the majority will — marks of itself the elimination of the historical process; the people's will is now supreme as it has never been before in the entire course of history. We have achieved the intended culmination and have therefore no need of referring to a so-much-less perfect past. It is the future alone that counts and what the people do to assure to themselves an ever higher standard of life in the future.

There are many threatening shadows in such a view of the millenium upon which we have now entered. In the first place it leaves out human freedom. That ideal, it seems, is something which we can continue to express in our social life only by a confused amalgam of ignoring it completely and taking it for granted. We may assume that freedom is at the root of all our social ideals; but in actual political theory it finds no place.

The will of the people is now supreme.

But there are even more immediately serious consequences in such a position. If we are to build our future by reference only to the prevailing will of the people, whatever it be, what kind of a future are we to build? Individuals do not usually begin to build without some clear idea in mind of what they wish their finished building to look like and to be, but what corresponding idea of the future is locked up in the will of the people? Each one can only guess, and in whatever way his personal hopes or fears may lead him, and since no one willingly faces disaster unless compelled to do so, our entire out-look on the future comes to be built upon a self-induced optimism, itself built upon a basic denial of all attempt to achieve an adequate understanding of our situation. The real default underlying the appeal to the will of the people is not that appeal is made to the whole of the people as opposed to any privileged individual or group, but that it is made only to will, ignoring reason. It ignores the need of any real constitution in the life of the people, since it is precisely on reason that a true Constitution depends. It is now sufficient to appeal to the will of all in the firm assurance that whatever else it may or may not involve the will of all will always favour a two-dollar bill as opposed to a one.

But the confusion of will thus imposed on our national life is far from being the most immediate danger. For the tearing up of our history, the denial of all need of seeking guidance from the past, can lead only to an ever-increasing concentration on material things and beyond that an ever-increasing sense of

vagueness, confusion and uncertainty in all that concerns our life and our role as a nation in the life of the world.

The present situation presents a most striking contrast. On the one hand we have a nation — Russia — or two nations — Russia and China — or a group of nations, including the satellites — who, however wrong their ideas may be, have at least a very clear conception of the world historical process and of the role which they must play in the furtherance of that process along lines which they consider to be largely predetermined in their favour.

When Marx revolted against the a-historical atomism of Sir Isaac Newton and the corresponding individualism of his Whig-Ricardian *confreres*, he did not merely react against it in a pragmatic and emotional manner. He revolted against it as a system of thought and proceeded to supply another and contrasting system as fully social *and* historical as the other had been individualistic and a-historical. Thus long before the time of Einstein, Marx had revolted against Newton and had enabled his followers to think of man as within a space-time framework or an essentially socio-historical process. Because the Marxian thinks of himself thus, as an active and integral part of the universal process, an active co-worker with the purposes of human life, he gains an assured power and stands ready to make any personal sacrifice in order to further the purposes of life of which he has so clear an idea.

This is the position of those who have willingly accepted the Marxian philosophy. What do we find on the other side of the present situation? A group of people who are still inspired by a lingering idea of freedom and by a willingness to defend it against dictatorial attack, but beyond that single and basic idea all is confusion, hesitation, fear and contradiction. For the idea of freedom is implicitly denied not only by mathematical economic science, but by an equally scientific psychology which we have accepted.

In political life, which has hitherto been the social counterpart of the moral life, freedom is no longer given recognition by the demagogic theories that are now supreme. With our new social point of view we have no need of history, as we have no need of reason. The modern scientific revolution has reached its culmination. Where the Newtonian appeal to a state of nature implicitly denied all history it did so in the name of reason, of which it considered it had a monopoly. These views also expressed a definite idea of system deriving from reason; but with our supposed advances beyond these ideas we now renounce all need of any appeal to reason and to the ideas of system and order with which reason has to do. For whatever the reason involved in Einstein's equation it fails to provide a scientific model of any social or political significance.

So far as science has become the one indisputable guide to truth, we find that instead of the deafening voice of authority with which Newton spoke to the eighteenth and nineteenth centuries, all is now as silent as the grave; instead of assurances that science has at

last revealed the one true natural and universal system underlying human affairs we have the claim that technology can either build a brave new world of fantastic conveniences, or destroy both it and them with equal readiness. But this is not the basic fallacy. We deny reason because we deny history, and we continue to deny history because that is what science has bid us do. The world of human history — the real world of man — is, we are told, but an idiot's maze of ignorance, superstition, tyranny and wrong where reason could find no abiding-place. The only history that could concern an enlightened person is to be found in the glorious epochs of revolution which restored the simplicities of a purely natural life. But now even this view is considered false; now we need refer to no history, whether revolutionary or otherwise. Indeed, is it not the wicked revolutionaries, the Marxians, who insist on appealing to history? And is not their dialectic most unscientific?

All human life forms part of a single historical process and no people can declare itself to be independent of that process. The power that underlies the historical life of man is one that a people can oppose or ignore only at the cost of eventual destruction, for history has its own ways of dealing with people who claim to be the masters of their fate. No people can cut themselves off from the drama of human life. Each people, as each person, has always to choose between the freely accepted service of freedom and a progressive subjection to inexorable fate.

No people can affirm and preserve a life of freedom

in independence of the rest of the world. If the Constitution of a people enshrines the ideal of personal freedom; if a people so affirm and proclaim that they stand together in the name of freedom, they are affirming their essential relatedness to other peoples and the responsibilities which the life of freedom involves. As Reinhold Niebuhr has said it is one of the great ironies of American history that a people who in the name of liberty — or of individual independence — declared their independence of all mankind, have now become completely involved in the life of the world. The forces of history have overthrown a proud affirmation of independence, as they have forced Americans to abandon the supposedly basic idea of liberty.

Liberty is not the true meaning of western civilization, which is rooted in the ideal of freedom, an ideal essentially different from that of individualistic independence. Our western ideal of personal freedom is the basic idea underlying the Christian tradition, which is still its source and substance. The ideal of personal freedom derives not from nature but from the living fabric of a history that is deep-rooted in a central fact of all history.

In contrast to the static perfectionism of the Whig-Republican system of individual liberty, the monarchical ideal of society is that of a free and essentially historical order of life. And because it is an historical order it does not suppose that a perfect fabric of political-social-economic life has already been achieved. Like the Marxians, it is fully aware of the important role that historical change must play in

the life of a people, and it is unwilling to suppose that all such change is part of a meaningless procedure. Marx seeks to explain all historical change by fitting it into a predetermined framework of dialectic necessity; the monarchical idea of a personal order carries with it the further idea of an essentially free development of life.

Because the monarchical idea involves recognition of order within historical change, it is impossible for it to accept the Newtonian idea of a natural law, supreme and unchanging. In this there is some similarity to the Marxian position, though at that point all similarity ceases. The Marxian means of dealing with what seems to be an inadequate system both of life and of thought are not only quite different but of an opposite character. Whereas the Marxian views the historical process as a space-time system based on necessity, the monarchist sees the historical drama as rooted throughout in freedom and in the sense of responsibility that freedom always involves.

Where the Marxian affirms the impossibility of advancing to a new and better order of life than that prescribed by the laws of nature, save by appeal to hatred and conflict, revolution, destruction and dictatorship, the British ideal is that of an essentially evolutionary advance, appealing throughout to a spirit of unity centring in the throne and in the creative freedom enshrined in British traditions. The one aims to destroy, the other seeks to fulfil, the law.

6

GOVERNMENT BY ARITHMETIC

Have a care over my people. You have my people — do you that which I ought to do. They are *my* people. Every man oppresseth and spoileth them without mercy. They cannot revenge their quarrel, nor help themselves. See unto them — see unto them, for they are my charge. I charge you, even as God hath charged me. I care not for myself; my life is not dear to me. My care is for my people. I pray God, whoever succeedeth me, be as careful of them as I am.

QUEEN ELIZABETH I:
to her judges upon their assumption of office, 1599.

Apparently Quebec's rights are in future to be safeguarded, not by any national Constitution, but simply by the position which Quebec holds within the unity of the Liberal party — the clandestine constitution which King set up. Does Quebec consider the Liberal party a surer safe-guard — and in perpetuity — than a Constitution? They are nitwits if they do. This might become a real issue in Quebec itself and knock the bottom out of the whole Liberal set-up.

But the general inertia which is part of the set-up is still so strong in this country that unless something further is injected into the situation we will continue to be submerged under horn-rimmed glasses and bow ties.

J.F. — Letters
May 26, 1953.

The characteristic of the British Constitution — it was invented in Britain — is that the Government is in Parliament . . . The basic assumption is that in matters of politics — and politics may extend even to religion — opinions may properly differ. It is rarely possible to say that one line of development is right and the other wrong. There is a choice of alternatives, and no honest man can guarantee that he will choose the better. What he can do is to marshal the arguments, reach a conclusion, and ask others if they do not agree with him.

Sir Ivor Jennings: *The Queen's Government*
London: Penguin Books, 1954.

ACCORDING to the now-despised British tradition of this country, as enshrined in the Canadian Constitution, a government is held to be directly and at all times responsible to the elected representatives of the people, and Members of Parliament, in turn, responsible to those who have sent them to Parliament. And just as Members of Parliament are at once both representative of and responsible to their constituents so Members of a Cabinet are at once both representative of and responsible to the Parliament from which they are chosen.

Such, in brief and in part, is the idea of democracy embodied for Canadians in what is still their Constitution.

Yet it is now the openly affirmed and fully accepted principle of government in this country that the Cabinet does not owe any direct responsibility to Parliament in any sense whatever. Responsibility was expressly denied by two chosen spokesmen¹ of the then government of Canada during the Dominion election campaign of 1940 and if one desires evidence that the denial of 1940 still stands, it is to be found in the definitive utterance of Rt. Hon. C.D. Howe, Mr. St. Laurent's deputy Prime Minister, who has affirmed

the new principle of Canadian government in the classic words — dismissing Parliament as taking itself too seriously — ‘If we wanted to get away with it, who would stop us?’²

This ministerial statement has not been repudiated by any other member of the present government of Canada nor could it have been without denying the basis of the entire government set-up.

The last time elected representatives of the Canadian people dared to baulk the will of a Canadian Prime Minister and his Cabinet was in 1926. On that occasion it may be remembered the Prime Minister, the late Rt. Hon. W.L. Mackenzie King cried out, like the Red Queen, ‘Off with their heads!’ A majority in the newly elected Parliament of that day having voted against him the Prime Minister decreed that the offending Parliament’s life must end at once.

The then Governor-General, Viscount Byng of Vimy, as the Crown’s representative and therefore the guardian of responsible government dared to cross the prime-ministerial will, taking the position that in a British democracy no man has the right to act the Red Queen against the people’s elected representatives.

Thereupon, after asking the Governor-General to seek advice from London — an unconstitutional action Lord Byng stoutly and very properly refused to take — the Prime Minister of the day, by presenting a false issue,³ moved to ensure that his will should not again be thwarted. In the election which followed he travelled from coast to coast representing to the people of Canada that Lord Byng had acted not as the defender of their Constitutional freedom but as the

puppet of Downing Street.

Because the election was won by this means, it has ever since been maintained by the winner's political heirs that the vote then taken settled once and for all the part which the Crown should play in the government and life of the Canadian people — none. They maintain further that an election can settle as completely and finally any and every question which a government may wish to consider as having been thus settled.

Thus, fourteen years before the wartime election in which a Canadian Cabinet Minister gave classic expression to Canada's new demagoguery,⁴ the Crown's representative had already been reduced to the mere rubber stamp of a successful party leader and his Cabinet. That single stroke of power politics having succeeded, it became possible to reduce at will Commons and Senate to a like impotence. It was done in 1940. Parliament having been called for its annual session, the Prime Minister brought its life to an end after only five hours.

That act of irresponsible power was possible precisely because the Governor-General's position had already been reduced to one of complete subservience. From 1926 on, if at any time or for any reason the majority leader in office desired to end the life of the people's Parliament, he had only to send an office boy to carry his demand to the Crown's representative who then must oblige, giving royal sanction to the death of all constitutional and truly representative government in democracy.

If that consummation was the will of the people, it

was the will of a people so fully fed on a diet of deception as to have been already unfitted to function as a democracy capable of supporting and defending this country's Constitution and laws.

But Canadian political institutions are only one part of the heritage which this dictum of 1940 would dissolve into nothingness. If all authority is now to be derived solely from the contemporary will of the people, what is to be said of the authority which Canadian Courts of Law have ever been acknowledged to possess? What becomes of the authority of the judges who sit in those courts; men who possess authority, not because they parrot a contemporary will of the people, but because they express the wisdom accumulated in that body of law which they, as judges, are authorized to interpret?

What need remains for judges possessing authority among us solely because they are so utterly un-Canadian as to be learned in things that developed prior to the last election?

If Governors-General and Members of Parliament are so much obsolete British luggage cluttering a public mind that should be purely of Canada, then what can be said in defence of our laws, our courts, our judges? The Indians did not give us the Common Law; we did not find it on the banks of the Ottawa, nor did we fashion it for ourselves from the rocks of Georgian Bay. It is something we inherited from the past — from which few people have ever inherited so great or so rich a tradition. So it is with the procedure of our courts and the sovereign spirit of justice that inspires it. Neither can live of itself, nor survive, derided, disparaged and disowned as a foreign importation.

Each is something that cannot be severed from the institutions and traditions through which we have received it.

If those who make the laws are to be puppets of an all-powerful first minister and his cabinet, why should those who interpret the laws stand outside the circle of this new-found unity? It may require more time to bring the courts within that magic ring at whose centre the hierarchy of a party is forever to sit enthroned, but an excellent beginning has been made by ensuring that each new judge appointed shall be one who has stood in closest affiliation with the inner circle of the party. And though it remains true that the authority of our judges still stands in right of a law we inherit from the past, it too frequently appears that the past which will soon be of primary importance for a judge in this country is the past which most closely relates him to the hierarchy of the Liberal party.

The primary question for every democracy is: what is it that a people at bottom respects? Is it mere power, or the power required to enforce its will whatever it may be? Or is it an idea of some true or good kind which all wish to realize in their life together as a nation?

Political authority is something quite distinct from political power. As the idea of man involves much more than the will of man, so the idea of authority involves much more than power. If political power may be said to have its source in the will of the people, political authority can be seen to have its source in

those aspects of life which are not in fact included in will as such, and still less in the will of any mere majority of people.

To suggest that political authority has its sole ultimate source in the will of the people is to say that because that will is able to tear down and set up what governmental power it pleases — an assumption open to question — it can also tear down and set up whatever authority it pleases. But whatever the power of the popular will to tear down an existing government it is by no means true that any such act of will can create or establish a social authority.

The will of the people can often wreck a social authority, just as a bull can wreck a china shop, but no mere will can be the source of authority, any more than a bull can supply us with china. Those who prostrate themselves in worship of the will of the people may thereby gain power to tear down and destroy, but they can never by any such means create an enduring substitute for what they have destroyed. The power they have sought to establish is doomed by the corruption of mind that begot it.

The pure-power machine which this country now has fastened upon it as a bequest from William Lyon Mackenzie King often seeks to dignify itself by an appeal to public opinion. But opinion, good or bad, is not the dominant factor in our present government set-up; for when the opinion which is to govern need only possess the numerical justification of a majority opinion loses its essential life. Opinions or ideas cut off from reference to any ideal of truth cease to be an

expression of mind. They become merely so many counters: red, blue or pink.

This distinction between a living and a dead opinion is not simply another way of saying that the majority opinion is always dead while a minority opinion is always living; majority opinion may have more life than the other. Wrong lies not in appealing to the majority, but in making majority the law in respect of opinion. The appeal to quantity, made absolute, excludes all other considerations, including the most important: that opinion should always bear reference to some ideal of truth. It is the cart and the horse again. Put truth first and all things can then take their proper place, each making its contribution to the whole. But put quantity first and it denies and excludes all other considerations. Usurping the throne of truth it becomes a dictator. This is precisely what has happened to parliamentary government in this country.

The idea which we as a British people inherited was that the opinion governing a nation should be not only as fully informed as the High Court of Parliament is able to ensure, but as near to a right and true opinion as the reasoned deliberations of all the representatives of the people are able to make it. The opinion that finally prevails must primarily bear a reasoned reference to truth, or the most adequate expression of truth of which a given people is capable.

But we in the name of a pure Canada are to destroy

our traditional Constitution and affirm the majority will as law. This abolishes parliamentary government, since the governing opinion need, and can, only be counted. The House of Commons becomes but a place where they count the majority, that is the number of puppets that hang on the strings of an all-determining dictatorial Cabinet.

In this political philosophy, questions of right or wrong are irrelevant. All is determined by the winning of elections. A government once elected, all that it does is justified by 'we won the election'. Make the greatest number the law of our national life and it follows of necessity that the appeal to number justifies not only all that follows, but all that precedes an election. It matters not a whit how an election is won, since the end will retroactively justify the means. This is the high heritage bequeathed in this country and to his own party by the late William Lyon Mackenzie King.

A Canadian Liberal is now a person who scorns to engage in any political thinking or discussion as a means of arriving at the opinion which ought to govern. His concern with opinions is first to accept them as they are; then to label them red or blue or pink; and then to count them. And since it is only the largest number among labelled opinions that can be said to count, number becomes the sole consideration in all that relates to opinion. So it is possible to say that Canadian government is now based on three principles:

That a Prime Minister; has the absolute right to

effect the death of a Parliament as soon as it threatens to oppose his will; or, in other words, that the will of a Prime Minister is absolute as against the will of all other representatives elected by the people.

That any and every question can be for all time answered and settled by the majority vote in any single election; or, in other words, the majority will in any election completely determines without further question, right and wrong, truth and error.

That on one day in every four or five years the government presents a four-or five-year accumulation of all such questions and issues to the people, and in doing so asks them to decide whether they do or do not wish to receive any further monthly cheques from a bountiful Cabinet.

Our national affairs are now in fact determined by the secret deliberations of ministers who present to parliament and people only a tiresome succession of *faits accomplis*, all to be justified by counting votes on a single day in every 1,825.

Such are the ideas on which our national life is now based and from which we are henceforth to derive our distinctive character as a people: ideas which are but progressive expressions of the idea of absolute power. Having been bilked of our Constitution as a democratic people, and being now far gone in the

process which is uprooting all sense of authority in our national life, we are left with only the bare and arid fact of power based on absolute will. A majority vote: that is what we have the moronic audacity to call democracy. Deny the ideal of democracy and with it goes the sense of loyalty; the sense of constitutional authority enshrining an ideal; the sense of tradition and of history which nourishes respect for such an authority. Thus having so destroyed our Constitution, we destroy all truth and principle belonging to the fabric of our corporate life. We are left nothing to revere but the idol of power based on appeal to mere opinion or will. So long as it is the will or opinion of the greatest number, it is sacred, no matter what it may be.

Power is freed from respect for authority; opinion from concern for truth; will from principle; and the life of a people in the present from all that comes from the past to inspire and to guide it to the future. Propaganda in the service of power leads all opinion to a national worship of the new golden calf; the greatest possible number.

At first, the merely bigger quantity or majority number was made the absolute for us, and then — hard on its heels — the biggest. That is now to be the ruling idea to inspire the youth of this land and to give us our distinctive character as a people; as it has already become the distinctive trait of our pure-Canada cultists. Endless boasting of our mounting wealth and increasing power and importance in the world is fast becoming the theme and substance of our national story.

The inner idol is the idol of number, but the cult is the cult of importance; the cult of national bombast. It replaces the old traditional patriotism of the Canadian people rooted in a deep-felt sense of the meaning of our corporate life.

¹ p. 53 Hon Norman Rogers and
Hon. James Layton Ralston.

² p. 54 Rt. Hon. C.D. Howe, Minister of Trade and Commerce, interrupting the Member (P.C.) for Vancouver-Quadra, Howard Green, who was charging the government with 'whittling down' the Commonwealth Trade Agreements and sacrificing British preference to the advantage of United States producers without reference to Parliament or the public:
'Who would stop us? Don't take yourself too seriously. If we wanted to get away with it who would stop us?' *Canada: House of Commons Debates*, p. 3253, May 21, 1951.

³ p. 54 Hutchison, Bruce: *The Incredible Canadian*, pp. 139-145.

⁴ p. 55 'The will of the people is the sole and ultimate source of all political power and authority.'
Hon. Norman Rogers at Kingston, March 8, 1940, defending W.L.M. King against the charge of having 'scuttled' Parliament less than five hours after the opening session on January 25, 1940. Reported in the Kingston *Whig-Standard*, March 9, 1940.

7

FIRST THINGS LAST

For regarding not wisdom
They gat not only this hurt, that they
 knew not the things which were good;
But also left behind them to the world
 a memorial of their foolishness.

The Wisdom of Solomon, Chapter 10

I would also ask you to forget anything I said about hope for the elections. . . no one in Canada is in the least interested in anything except the almighty dollar so long as we have good times, which is, of course, a proof of good government. It doesn't matter in the least what happens to democracy, freedom or anything else. We are simply not concerned about the spread of Communism in Asia — nor with any question of principle whether in Asia or on Yonge Street. We are not only a dull people, we have become a half-witted people — among whom Mr. St. Laurent is taken as the very epitome of sincerity!. . .

The government really owes its strength with the people to its economic policies which far override in the public mind all possible considerations of a purely political character. And so it would still be — though both the British and the United States elections show that people are not completely sold on the welfare state idea.

*J.F. — Letters
May, 26, 1953*

THE question of parliamentary government is all-important to the national life of Canada today. Is the Cabinet to be responsible to Parliament or is Parliament to remain the puppet of the Cabinet? Is Parliament to regain its rightful power of bringing the life of a Cabinet to an end or is a Cabinet to be able to forestall such action by dissolving or destroying Parliament whenever it threatens to vote against it?

Put it another way; using the historic context of 1926: If a Prime Minister either receives or is threatened with an adverse vote in Parliament has he the right to demand of the king the immediate dissolution of the Parliament? Must the Sovereign or the Governor-General accede to any and every such request on the part of a Prime Minister? If so, then it follows by the same logic that Parliament itself also becomes a puppet of that same Prime Minister. Nor does the degradation of our political life end at that point; for the head of the Cabinet has set himself up as an absolute Number One on the pure demagogic formula: *Vox populi, Vox Dei (est); Vox populi sum; ergo*. . . the whole inexorable logic of power politics.

The logic of a true democracy is not so simple. It is not a logic of necessity and power, but a logic of freedom and that authority in the recognition of which

man is liberated from the claims of systems of necessity, whether of thought or of life. It is enshrined in a constitution which puts first things first.

I suggest that only when its true and rightful priorities are restored to the Canadian Constitution — when the King is recognized as of prior significance even to the Prime Minister — will the Cabinet take its true place in our national government and fulfil its democratic function. When the Prime Minister and Cabinet claim a position of primary significance we are presented with a situation in which both King and Parliament become puppets. A Cabinet which usurps the true sovereignty of the King-in-Parliament does more than take control in what still continues to be a democratic order. It denies democracy and changes the entire form of government, and sets in motion forces tending to make power dominant in every aspect of our national life.

The constitutional meaning of cabinet government is in the simple meaning of the words: that of a group of ministers meeting in secret session. Since cabinet meetings should be secret, it is for that reason imperative to responsible government that a Cabinet be accountable to Parliament and that its sense of responsibility should not exhaust itself in appeals to the people at five-year intervals; or at such intervening times as it deems most propitious for its own re-election to power.

Of equal if not greater significance is the distinction between the public sessions of a Parliament and the secret meetings of a Cabinet; between the idea of men who in open session parley together in an effort to

attain to that right and good opinion which ought to govern a people's life, and the idea of men who in secret or in cabinet session determine how best to employ tax revenues in the service of the nation. It is right that the day-to-day exercise of the money power should be delegated to a government meeting in secret to determine its best use, but it follows precisely because of the great importance of that power that a government must be kept under the closest and most constant scrutiny by Parliament in all that it does with the people's money.

The full significance of cabinet government as now established in Ottawa has still to be suggested; for in giving to a Cabinet an absolute power of life and death over Parliament, the constitutional parley-house of the nation, we are proclaiming to the world that we have become a country in which only money talks. By denying the sovereignty of the King-in-Parliament we deny authority to the ideal in which the throne and Parliament alike are rooted, and set up in its place the mere power of those who control the money bags of the nation. Thus we declare ourselves to be a people who will have, not laws, and not men, but money to govern us; a sort of debased disciples of the Marxians who also deny all primary significance to man as a person and affirm the all-governing power in life to be, not money, to be sure, but the productive machine.

It is our democratic practice to hold elections which have the power of changing the persons who govern

us. Such a power, belonging to the people and bestowing the right to govern, must be clearly distinguished from the power that a government requires to carry out its duties and functions. It must have power to enforce its will as a government and such power is not to be found in ballots. It must also be able to bring physical force to bear.

But governments need to possess economic power in the form of money as a means of fulfilling their proper functions; and since governments are seldom able to provide themselves with sufficient money for their needs they are obliged to acquire such power by taxing the people. And here we should note that though a government has every right to tax — as the price that the governed must pay for the benefits provided by government — it is at bottom able to enforce that right only by the use of the physical forces which it has at its disposal.

In the light of these simple ideas we can translate the reference to abstract power into two statements. First, the money power of the people; its power is based on the power of taxation, to which the will of the people consents. Second, the physical force possessed by a government has its source in the physical force residing in the total mass of the people.

It is important not to confuse ideas appropriate to the use of one kind of power with ideas appropriate only to the use of the other. Is democratic power to be thought of in terms of economic, or in terms of physical force? Which is the form appropriate to the use of democratic governments?

One has only to put the question to be given its

answer. Democratic government does not deny itself the use of physical force. It very rightly insists on making itself the sole repository of force within a given society. But it is one of the principles of democracy that such force should be used only in accord with a clearly promulgated law delimiting the occasions on which the State may employ it.

The basic idea is that force should be used only against the evil doer as opposed to the innocent or just. A democratic government does not employ force as the normal means of fulfilling its functions, and it is here that we find the distinction between a free and a tyrannical form of government. The power of a democratic government has primarily to do with the power that money possesses. Though physical force is still the basic power, it is not the power that is of primary significance in the functioning of democratic government.

The truth of that statement is confirmed by reference to the early rise of the institution of Parliament in the mother country of free institutions. Since the aim is an understanding of our own free institutions — which we do not derive from the Rockefeller Institute — we may perhaps be forgiven the very un-Canadian activity of referring to something that antedates the last election and took place in a part of the world other than that which lies above the 49th parallel of latitude on the landmass known as the North American Continent.

When we dare so far we find that the Commons were initially called into political existence because the English government of the time was short of money-

power. The needs of defence could not be met from the resources provided by the feudal-agricultural economy upon which government then was based, and in order to make good the deficiency the King called the Commons to his council that he might be able to draw on the resources of economic power which the rise of a money-economy was creating in cities and towns. But in order to tap that new form of wealth it was necessary to give it a voice in the governing council of the realm; for already the principle was fully implicit, and even explicit, that there should be not taxation without representation. People's money was not to be taken from them by force — or by the superior power which a government possesses — but taken only with their consent after the full and reasonable need of such action had been made quite clear to them. That such historical considerations are not irrelevant to the present situation in this country should be quite clear. If there is to be an ever-increasing weight of taxation the people must have a full voice and a true representation of themselves other than through the channels of a single political party.

It cannot be otherwise with safety, for if in the name of a new and fictitious Canadian unity we are to be governed in perpetuity by a single party, there remains no means of ensuing that the money of the people will be used for the purpose for which it is collected and not also as a means of infusing a requisite temper into the inner discipline of the party possessing the power. A party can only achieve permanence through discipline maintained by fear of a purge of the recalcitrant; not by taking their lives, as in dictatorial

States, but by taking the means whereby the disobedient live; or the means by which they could have hoped to prosper in faithful adherence to the party line.

We are no longer living in the age of the pitchfork and the musket and it is time that our democratic theory began to be aware of the new age and to take account of facts relevant to it, instead of bemusing itself with appeals to a power which no longer exists. In place of a world in which the people has power to tear down a government at will, we are living in a world in which the government has power to tear down the people at will.

We stand aghast at the barbarity that strips sentimental veneer from a basic appeal to force. But sentimentality will not stand against the strength of those who have dared to cut through our verbal sham to carry the logic of power to its ultimate conclusion.

The more one examines the ideology on which our national life is now based, the more clear it becomes that there is neither meaning nor substance in it. It is a state of all-but-complete mental confusion in process of transition between a true democracy and a form of dictatorship.

The Russians are quite right in taking to themselves the name of the people's democracy. The term involves no contradiction whatever if democracy is that which merely affirms the supremacy of the people. How is any existing supremacy to be governed save by a government imposed upon it? If a person's or a people's will is supreme, then any government must be imposed upon it whether by force, deception or

corruption, or a grand amalgam of all.

So government becomes an activity to enslave the will, deceive the mind and corrupt the heart of the people; a gradual but none the less inevitable movement from a realm of true democracy to the grave of all that is man. Though the Communist has made his political thinking one hundred per cent realistic by appealing beyond the power of the ballot to the basic force it is said to veil — for that is the theory we are now considering — he has not been able to gain his many successes merely by making more ruthless appeal to force than we on our part are ready to do. More is involved in his quite sublime indifference to democratic majorities.

That something more is found, I suggest, in Lenin's belief that a single man inspired by what he believes to be true is worth a score or more believing in their own importance and omnipotence as democratic voters. As Lenin saw it, talk of the all-power of the people is empty jargon destroying all critical sense within them and making them helpless in the face of actual power. By nursing in each a self-complacent sense of importance a government lulls to sleep the one dangerous power in man, the critical power of mind, of reason or of thought. And with that the people become dupes of astute politicians.

The dictum affirming the supremacy of the will of the people is not an answer to those who carry a philosophy of power to its logical conclusion. Neither can it unite a democratic people in resistance to the claims of power. So long as we continue to think of ourselves not as democratic people but simply as *the*

people, possessing omnipotent power to dictate our will to government, we shall have nothing within us to oppose the Communists save a dislike of being pushed around.

But democratic theory is by no means exhausted in this single idea — the will of the people — nor is the democratic fabric of a people's life comprised within a single institution — the democratic election. Democracy does not begin and end with the marking of a cross on a piece of paper. To suppose that it does is to make a travesty of the ballot. For the act of marking a ballot does not of itself imply either consent or dissent to or from anything beyond self-interest. It is quite possible for me as a voter to regard my vote as a means of imposing my will on the rest of the community; as a means, that is, of promoting what I myself want or what will best further my own material interest, regardless of any idea of the good or bad government of the nation, or of any personal obligation to vote honourably.

This, it may be said, is an extremely nice distinction and one that would render it difficult, if not impossible, for any particular voter to say that he was using his ballot well or ill. But it is precisely because of that difficulty that a true democracy does not, and cannot possibly, limit its concern to the casting of votes. Democracy does not consist in the mere holding and winning of elections; democracy is essentially a form of government. Its real meaning only begins to be seen when a government has come into existence, elected by the people. What then happens is as much the concern of every true democrat as what happens on

election day.

An ideal as well as a ballot is involved. To say that democracy exists wherever the government is elected by the majority will of the people is to forget the distinction between true democracy and demagoguery. In a true democracy it is not affirmed that the will of the people is supreme and absolute. Rather, that will must be expressed and translated into political act within an established constitution enshrining a social ideal and embodying the principle of action by which the ideal is made effective.

In the modern world all democratic government has been carried on, not directly by the people themselves, but by their representatives, elected by them for the purpose. If a people is thus to entrust its government to elected representatives, two courses of action are open to it. It can either say to its representatives: 'proceed to govern as you will for the next four or five years and we shall let you know at the end of that time whether we wish you to continue or not;' or it can say to its representatives 'we have chosen you to govern for the next four or five years, but during that time we shall expect; you to observe certain rules and principles of conduct already laid down for your guidance in the Constitution of this country; we have found by past experience that the mere holding of elections every four or five years is not of itself sufficient to ensure the continuance of good government.'

The second alternative assumes that governments need to be kept under much more constant check and scrutiny than is provided for, or can possibly be provided for, in the holding of infrequent elections.

Since governments may do no little harm between elections, the first — locking the stable door after the horse has been stolen — is not a course that should commend itself to any intelligent people.

But the case for constitutional government does not rest solely on the desirability of providing continuous opportunity of scrutinizing a government's actions. It is based further on the truth that election campaigns do not provide an adequate means of scrutiny. It is too easy to ensure that the people in voting shall know nothing more of the conduct of their government than the government is willing to reveal, or than the electors as a whole are able to observe.

A government may become markedly wasteful, corrupt, or unjust in its treatment of individuals scattered through out a community long before the public at large has any means of knowing what is going on. Unseen and unchecked evils may reach proportions they never should or could have reached in a properly functioning constitutional democracy.

There is another consideration; that elections have not simply to do with a people acting upon its government. The actual marking and counting of ballots is only a part of what is involved and serious weaknesses can be seen in the claim that they represent the full meaning of democracy.

The first is in the assumption that voters always conscientiously act as the vigilant judges of the government in power and that an election must always therefore result either in maintaining a present good or effecting something better. In other words it is to be

accepted as axiomatic that the marking of a ballot is an act possessing therapeutic power and that an election can never carry things to a point less good than before but must always result in inevitable progress towards the better and the best. This, I suggest, is the idea underlying the mythology cherished by our pure-Canada demagogues; a mythology that is no part of a true democracy. To abstract the ballot from the fabric of democratic life and set it up as supreme and absolute can never give assurance of effecting any good whatever. It is the spirit of a democratic people that counts, the spirit expressing itself in the Constitution that gives unity and harmony to its life. The ballot of itself is not an instrument of infallibility, and to suppose that counting ballots will always of necessity ensure the best of all possible worlds is to surrender to mythology.

The second weakness of the demagogic position consists in viewing the relationship of people and government as a one-way street in which the people, voting in an election, act in such and such a way on their government. It ignores the fact that in an election a government also acts on the people.

A cross on a ballot can as readily express a diseased as a healthy mind and the appeal a government makes to electors may strike any note in the moral register from the loftiest demand for heroic self-sacrifice to the lowest pandering to material self-interest. The appeal to which an electorate responds may too often be designed to destroy any lingering sense that an elector's democratic role and duty is to act as a vigilant judge upon the actions of his governors. A democratic

election, so far from providing assurance that a government will never become either tyrannical or corrupted, may provide the means whereby a government corrupts the people.

Democracy can neither be truly expressed in terms only of the will of the people, nor preserved by appeal to the ballot through which that will is expressed. Democracy has also to do with the spirit that inspires the will and the truth that informs it. And these become real only when the ballot is placed in its proper setting within the constitutional fabric of a true democracy; of a democracy, that is, viewed not as a children's party complete with Santa Claus, but as a form of government. Grant the premise that democracy is a form of government, its Constitution will be seen to have much more to do with those who govern than with those who are governed. Indeed it may then be possible to suggest boldly that in a true democracy there are certain rules and standards of conduct which even the all-powerful governors of the people are themselves obliged to observe.

The idea inherited from the late Mr King is that democracy is not a form of government but has solely to do with the people and what the people wish or want. Those elected to govern are all intent on concentrating attention on this single point on the democratic stage. Their efforts suggest too much the ancient conjuring device by which the eyes of all are directed away from precisely the point to which eyes ought to be turned.

Democracy, once more according to the political gospel inherited from Mr King, is the will of the people as expressed by majority vote in any given election. In this view elections are not primarily concerned with electing representatives to Parliament but rather with electing a Prime Minister to carry on the government. Thus the voters repeatedly elected Mr King, who was then responsible for governing the country until such time — always a carefully chosen time — as he would again ask the people to make him responsible for governing the country. In such a simple framework of democracy Members of Parliament have the same function; as a fifth wheel. They can all be accounted for within two classes: those who are sworn to support the Prime Minister on every occasion and those who can be ignored or derided because of their party's failure to win an election.

In the end Mr King acknowledged as Prime Minister no responsibility to Parliament or to the elected representatives of the people in Parliament. The same constitutional irresponsibility has been implicitly affirmed by his heirs. Each holds himself responsible only and directly to the people who are allowed to express themselves at the end of carefully prepared election campaigns held at intervals of four or five years. In the periods between elections the party leader alone is answerable for the government of the country. His responsibility to anyone beyond himself consists in his recognition of the single idea that to justify his conduct he must at all costs win the next election. I am not implying a low sense of morality; I am merely making explicit the moral implications of the position.

It is not necessary to accuse the party leader who made it his own of moral astigmatism; his case can be explained by a certain inbred banality of mind. The moral astigmatism is in his successors.

Though democracy may appear to be as simple a matter as the late Mr King affirmed it to be — and as his successors still continue to assume — the fatal defect in such a simplification is that it makes it impossible to distinguish between a true and a spurious democracy; between a people whose life is rooted in freedom and whose will is sworn to its preservation, and the merely demagogic, who may as readily respond to the appeal of a Hitler as to that of a Mackenzie King. It recognizes no distinction, that is, between a democracy possessing the inherent strength which freedom and truth can give, and a democracy submerged in a sentimental confusion of mind in which mere will or wish or want or desire is accepted as supreme. Surely if such a democracy means anything we should not be content with a mere 1/1825 part of an ideal government. If it is the ideal that government should always exactly reflect the existing will or wish or opinion of the people in its every action, then what possible justification can there be for holding the mirror up to the people on one day only in every five years? The mirror should be used every day — as could now be done by means of the scientific testing methods available to us in the Gallup Polls. Why do we any longer need a Prime Minister and Cabinet in order to be democratic, as well as scientific? All could be much more economically effected by an efficient civil service on the one hand, and a scientific

poll of public opinion on the other, with an office boy to carry the results of the latest poll to the head official of the civil service.

8

MISGUIDED MISSILES

For here lay the excellent wisdom of him that built Mansoul, that the walls could never be broken down nor hurt by the most mighty adverse potentate unless the townsmen gave consent thereto.

John Bunyan: *The Holy War*, 1682

Our biggest enemy is the present contentment of the people with material progress. The American press is now telling us how wonderful we are — all in material terms — and we lap it up with fervour. To suggest any criticism of a government, or a government set-up, producing such prosperity appears to many people as the last word in perversity . . . Make this clear; that we are concerned with our nationhood, with our character as a people and with a critique of ideas now too much accepted without examination; and there emerges even more clearly the real meaning of the essentially British character of the country not as antagonistic to the French tradition but as the only means of preserving both traditions and of maintaining a proper equipoise between them . . .

No need to put it as bluntly as that for it could be very misleading, but that is the essential truth; the British tradition is Canada. This is equally true in respect to the character of English-Canadians and in respect to the constitutional fabric which preserves the French-Canadian tradition.

J.F. — Letters

WHEN considering the question of Canadian unity it is well to note that in every treatment of the subject it is always initially assumed that a certain ideal unity already exists. In other words, the search for unity has never to do with producing something not now existing, but always with bringing a unity already ideally existing to its full and appropriate realization.

Let us see how this idea finds expression in our national life. The assumption underlying the present search for unity is that a basis of unity exists, and that such a basis is found only in the traditions of French Canada. The continuing point of reference in all current consideration of Canadian unity is that French Canada equals pure Canada¹. But the primary significance of such a reference lies in its assumption that a perfect unity exists wherever absolute sameness exists.

It is important to see what is now required of English Canadians in bringing this idea of unity to its full realization in our national life.

Since all current talk of unity is built on the assumption noted above, then to bring such an idea of pure-Canada unity to its true realization every English-

speaking Canadian must seek to make himself identical with pure Canada, and therefore with French Canada. But since the pure Canadianism of French Canada consists precisely in traditions that have come to the French Canadian from France and from Rome — and no people is more zealous in preserving its own traditions — we can never realize a pure-Canada unity until all English-speaking Canadians have accepted, as have the French, these traditions. This is no fantasy but the only logical conclusion of the fallacious idea of unity on which we are now seeking to build our national life.

It is in no sense distorting to affirm that the initial identification of French Canada with pure Canada carries the definite implications that the traditions of French Canada are alone compatible with the purity of a pure Canada. It follows that Canadian unity required the eradication of all British tradition from among the English-speaking people in this country. If that is not the argument it has then to be explained why the very word British has become a target for derisive jeers among those who sit on the government benches in what was at one time the Parliament of this country.

One stubborn obstacle to unity remains: it is quite impossible for English-speaking Canadians to attain to a perfect identity with pure — alias French — Canada. Our pure-Canada cultists are therefore obliged to insist that we all set out on an idiot's quest; seeking to approximate as nearly as possible to a non-existent possibility. It is assumed that we shall be allowed to retain our English language, but what of ourselves we shall be allowed to preserve is concealed

in nebulous verbiage. On one thing only are they definite and emphatic: that because our traditions have the misfortune to derive from a part of Europe which is not pure, pure Canada, they must all be completely eradicated.

Why? Because the French do not like the word British — as we are assured by the cultists? Or because the present search for pure-Canadian unity is based on an initially fallacious idea?

It is of the essence of the Kingsian conception of Canadian unity, not that such unity is to involve an harmonious relationship between the French and the English communities in this country, but that harmony is possible only by destroying all real sense of community among the English-speaking people of Canada. They must find themselves as a people by ceasing to mean or to stand for anything in and of themselves, save what is compatible with a unit the terms of which are dictated by others. The English-speaking people of Canada are to find unity and hence their soul by standing ready to relinquish every shred of their heritage and tradition, and to abandon everything that has hitherto given them a distinctive character and made them the not wholly contemptible people that they are.

We must jettison our heritage and seek to become an ever-more perfect reflection of the rocks of the Laurentian Shield. The reward the Kingsians offer is twofold: a most exhilarating new-found freedom to exult in our own self-will, whatever it be so long as it be the majority will, and submission in all that concerns our identity and meaning as a people to the

dictates of those who have assumed without warrant the authority to tell us what is and what is not compatible with unity.

Thus we have a completely amoral, so-called freedom on the one hand, and an equally amoral subjection to dictation on the other. The two may at first sight appear to be quite contradictory but they are in their practical effect fully complementary; we are not the first people or person in history to have sold a birthright for a mess of pottage! By being ready to surrender all we have ever stood for as a people and to let others dictate what is or is not to be the true meaning of our national life we may acquire a new-found freedom to increase our wealth and power. So let French Canada supply the meaning of our corporate existence while we English-speaking Canadians absorb ourselves completely in industrial expansion.

Of any positive ideal of national life the Kingsians offer no inkling. French-speaking Canadians are to retain their cultural heritage intact — and very rightly so. The rest of us are to realize ourselves as Canadians by adjusting ourselves to whatever demands are made upon us in the name of unity. Behind this adjustable attitude lies nothing but a mental vacuum which we must hasten to fill up with the only ideas left us; to give ourselves up to reflecting our habitat and in more active guise, to immerse ourselves completely in the vast physical resources with which this land is blessed.

Having erased our past, as a dark period of serfdom under an imperialist yoke; and something therefore to be forgotten and destroyed; having denied the

historical tradition in which our life as a people is rooted, we have nothing remaining but the future to which we can appeal: the dream of an ever-increasing forest of smoke-stacks.

By cutting ourselves off from our roots we have left ourselves nothing better to do than boast *ad nauseum* of how increasingly important we are to be.

One of the basic myths of our new one-party State is that anyone who in principle dissents from a political fallacy unworthy of intelligent and self-respecting people — and hence just as unworthy of the people of French-speaking as of English-speaking Canada — is insulting and attacking the people of French Canada and so destroying the true harmony that should exist between the French- and English-speaking peoples of the country. I purpose to show that the people of French Canada are not responsible for the nonsensical argument that an ideal unity already exists in the complete identity of French Canada and pure Canada.

Follow this argument to its logical conclusion and Quebec is shown as holding the balance of power in Canada and dictating its will to the rest of the country. This is the claim invariably made by English-speaking members of the Liberal party when required to make an attempt to justify their political sins.

In actual fact Quebec is not in a position to dictate its will to the rest of Canada or to demand the destruction of any heritage the English-speaking people of Canada value. The people of French Canada have no such power, and if they had, they neither would nor have they any valid reason to seek to, use it in that way. To suggest that any such desire speaks

with the voice of Quebec is to make a most damaging indictment of the people of that province and a holocaust of cynicism of the whole idea of Canadian unity. If there is any possibility of any true unity and harmony in this country, no party to the confederation contract would seek to destroy the traditions or rights of another. The claim that English Canadians must renounce and abandon, because French Canadians demand it, a heritage of tradition as sacred and precious to us as theirs is to them is a vicious by-product of the mythology in which the life of this country is now entangled.

The real abusers of power in Canada are those English-speaking Canadians who, by destroying our established Constitution, turned our national life into a power machine and an arena of power politics. That is the basic fact in the situation. It was not the French Canadians who destroyed our Constitution, nor was it they who then fashioned the framework of power politics on which government in this country depends. All that the French have done is to accept that situation, as others have, and then to use it as far as possible to their own advantage, as others have been quite ready to do.

To say this involves no slur upon French Canadians. It is simply to say — and it is said by many French Canadians — that the electorate in French Canada has suffered just as much from the demagogic character of our political life as has the electorate in English Canada. If we renounce any national ideal and so reduce politics to the lowest possible level both in English and in French Canada, then we must expect to

garner political fruits appropriate to that level. Such a renunciation will in the long run — and not so long either — prove just as suicidal for the French as for the English Canadian.

I have spoken of the Liberal party in this country, but it is of first importance to distinguish clearly between the traditional Liberal party and the present party. The first was a true political party within a democratic State; the second has become the permanent one-party instrument of power within a demagogic State. Just as there is an essential and all-important difference between a constitutional democracy and a pure-power demagoguery, so there is a corresponding and all-important difference between the Liberal party as it was before and is after that change. The difference embraces the party membership.,

The change from a single party among others functioning in a democratic order of government to the one absolute party in permanent occupation of the seats of government must involve an effective increase in party membership or in its voting strength. In other words, while the later party has continued to receive the support of those traditionally Liberal in their political affiliations — and no other party membership in Canada has contained so large a percentage of 'my party, right or wrong' adherents — the traditional following has been augmented by certain distinctively new elements both in the English-speaking and in the French-speaking sections of the party. Two observations will help to show the situation in its true perspective. The first we take as relating more

especially to the English population, the second to the French.

The first concerns the increased voting strength of the Liberal party and is based on the assumption that the expert party strategists are by intention as smart as their actions would lead an impartial observer to suppose. When the distribution of government cheques, involving large sums of money, is so timed that the voters will receive them on the eve of an election, one finds it difficult to avoid the conclusion that the Liberal high command are acting on the assumption that the increase in voting strength needed for permanence of power can thus be made quite certain. This may be a very cynical point of view but I would suggest that any other interpretation of a course now long followed would require not merely life in an ivory tower but in one without windows on the world.

From available evidence it would seem that the French-Canadian voter has been as responsive to such appeals as has his English-speaking compatriot; but this is not my concern at the moment. There is a further factor which claims first attention: the Liberal party has augmented its strength in Quebec — making certain of a solid block of support from that province — by adding to its traditional voting power the support of what is usually termed the extreme nationalist element. In other words, the Liberals' boast of having destroyed all other parties in the state is relevant to the present non-existence of any nationalist party in Quebec.

Here we are faced with a further fable, one of the

most important in the mythology that has taken the place of political thinking among intellectual leaders of our new pure-Canada cult. According to this myth, propagated with zeal throughout English-speaking Canada, all the evil extreme nationalism in the history of Quebec are now embodied in concentrated form in the person of Maurice Duplessis. He is the great evil genius in the Canadian political scene and it is precisely against him that the Kingsian apostles of sweetness and light stand unflinchingly opposed.

Yet an observer possessing no deep knowledge of political currents in the province can note that the same voters support Mr Pulesis in Quebec and Mr St. Laurent in Ottawa. Having noted, he may find it difficult to see on what valid grounds it can be claimed that one is Old Nick himself and the other St. Michael in heavenly armour. This is not to assess the relative claims to virtue of these two leading representatives of the French (and English) speaking people of this country. It is merely to suggest that to present the Liberal leader in such a context as being all light, and Mr Duplessis as all darkness, is a piece of mythology. The real situation is that if the extreme nationalist element is sufficiently strong in Quebec to elect Mr Duplessis with not inconsiderable majorities it is strong enough to have its own distinctive representation at Ottawa if it could not get what it wants for itself through the channels of the Liberal party. The Duplessis bogey, like other parts of the Liberal mythology, does not stand up in the face of current political facts.

I suggest that two statements are not open to

dispute: the first is that there is a body of opinion in Quebec — of what volume or weight I do not attempt to judge — which desires and even insistently demands that this country shall become an American republic; the second is that, whatever the voting strength of that body of opinion may be, it by no means represents the only opinion of the people of Quebec, many of whom are ready to co-operate to the full with their English-speaking compatriots within the fabric of our British political institutions. That, as I understand it, was the idea of Sir Wilfrid Laurier. And, even in spite of all that the subsequent occupant of Laurier House has wrought in this country, the idea is not extinct in Quebec.

From these two statements of fact it follows that the people of French Canada are faced with the same basic issue as are their English-speaking compatriots. We have to decide whether we are to become again a democracy functioning according to our constitutional idea and ideal of government, or whether we are to become a dependent republic. That is the basic issue of Canadian unity and those are the terms in which the question has valid meaning. It is also the first and all-important question facing Canada, since the answer to almost every other question will depend upon the answer we give to it. The question belongs outside partisan power-plays. It is a matter far too serious to be subjected to appeals to popular prejudice on either side. It ought to be treated in a manner befitting an adult people mature in their political thinking.

The time has come to end the search for a fictitious unity based on the attempt to reconcile two

irreconcilable positions. Of the virtues of the north of which we sing freedom is of first significance. We are not so many behaviouristic machines, nor are we merely intelligent animals possessing sufficient power of mind to adjust ourselves to a given environment. We are human beings essentially free and with an inherent power of living our lives as an expression of the freedom of man's spirit. Nor is such an idea irrelevant, whether to the situation now facing man in the world at large, or to the equally critical situation facing the people of this country. For the two are at bottom one.

We are still, thank God, on this side of the Iron Curtain rather than the other: but one doesn't need to go to Russia to deny the freedom in which our civilisation is rooted. Freud and others have done that with no less emphatic completeness — or even more — than has Marx. We can assume, if we wish, that our national destiny required merely progressive adjustment to an already ideal social environment (an assumption which Marx at least had sufficient sense not to make); and we can, if we will, accept the buzz-bomb idea; that the nationalistic forces that now dominate Canadian life are forces as truly inexorable as is the trajectory of a guided missile. But the prospect of an inexorable movement toward the destruction of freedom is not tempting. We have known better hopes.

One that is rooted in freedom, and so rooted that it will not easily be uprooted in this country or find its true semblance in the image of a glorified buzz-bomb, still remains. The question is why any Canadians are ready to reject the hope inherent in their own tradition

to glory and exult in worship of inexorable force.

The answer which the buzz-bomb Liberals give us is that the traditions of English-speaking Canadians are wholly incompatible with Canadian unity; which in less veiled language, of course, is simply to say that because of French Canada, English Canadians must abandon the tradition of freedom which is their heritage and submit to the dictates of inexorable force. Thus the Liberal party again would blame its moral predicament on Quebec. Quebec holds the balance of power and all others must submit to its dictation. This is the familiar Liberal plea. What are the actual facts?

The balance of power in this country is held by English-speaking Canadians who are ready to sacrifice their own heritage, and with it every right principle of political conduct, to the permanence of political power. Permanence of power can only be made a certainty, they hold, by adding to their traditional voting strength the support of those who respond to appeals of wholesale political bribery and the support of the extreme nationalist-republican element in Quebec.

This is not to say that all Quebec Liberals, or the majority, or even any large percentage of them, can be so described, any more than that all English-speaking Liberals vote as they do only in response to a corrupt and corrupting appeal. But it does mean that if the Liberal party is to make quite certain of retaining the solid support of Quebec it must from time to time be ready to yield to the demands of the extremist anti-British body of opinion in that province. And so we are told that we must progressively abandon first this

and then that part of the British tradition because Quebec demands it. Quebec, as such, does not demand it, and the only must in the situation derives not from the demands of Quebec, but from the partisan necessities of those who have set up a one-party system of government.

It is quite irrelevant to ask who holds the balance of power until one has first asked who it was who initially reduced our political life to the level of power politics; and what is the motive of those who seek to make such a condition its permanent state. Those who seek to explain, and even to justify, the present unprincipled character of our public life as a necessity imposed upon us by Quebec are not only insulting the French-speaking population of Canada, but are doing so to hide their own deformity. It was not the French who destroyed the fabric of responsible government in this country. It was not they who concocted the idea of a one-party demagogic state.

¹ p. 85 See note 3, p. 22.

9

DEMAGOGUERY INTO DICTATORSHIP

Rousseau and Burke both believed that the State existed to promote the good life and to defend a moral order; but Rousseau was always looking for an infallible authority to invest with omnipotence, and Burke, the Christian and Conservative, was making the best of a bad job. The essential difference between them is that Burke believed in original sin.

T.E. Utley: *Modern Political Thought*
London, 1952

The only people in Canada that I've heard of who have seen the dangers of the Massey Report on University grants are those French Canadian students who are not selling their academic freedom for a mess of pottage. But English Canada has ceased to care a hoot about any such freedom and seems quite content to have all its institutions directly dependent on the State. Yet it is in free social institutions that the individual is able to realize and express his own personal freedom. But so long as everyone is increasing his material standard of life no one in English Canada any longer will give thought to the maintenance of our free institutions. Let them all become mere adjuncts of the Liberal party — or of the One-Party State.

J.F. — Letters

THE true antithesis to dictatorial government is not merely democratic government but constitutional government.

Where no Constitution exists government is reduced to a mere affirmation of will: this is true both of demagogueries and dictatorships. But it is said to be precisely in respect of the will affirmed that these two kinds of government can be seen to be of an exactly opposite character; one affirming the will of the people and the other the will of a single dictator. I suggest that this boasted difference is by no means so completely anti-thetical as the foregoing contrast would indicate; but on the contrary a single aspect of the two positions. In a further range of facts it is possible to see an all but complete correspondence between them.

A dictator is not entirely analogous to the tyrannical monarchs of history who, possessors of power simply by reason of birth, were able to give vent to every whim of individualistic will. The dictators of history belong to a different picture of things. Indeed from Julius Caesar down — and beyond him too, to the tyrants of Greece — the dictator has always based his rule on the claim that he embodies and gives effect to

will of the people in a way impossible when the reins of government are in the hands of a socially privileged group. Moreover the dictator can confirm this claim by instituting measures directly designed to give expression to popular will.

A dictator may be just as fully and sincerely intent on promoting the good of the people as is any democratic statesman. I say this not to convert the reader to dictatorship but because it is quite impossible to understand democracy by doing less than justice to its enemies. And we do that in supposing dictators to express only their own wills as distinct from, and even antithetical to, the will of the people. Whatever the relationship between them the two wills do not stand simply as opposites. Hitler, to be sure, was pure dictator, but he was pure demagogue as well, and the two were by no means incompatible.

A further aspect too conveniently overlooked is that the demagogic-democratic leader possesses just as much governmental power as does the demagogic-dictator. To go no further afield than our own Canadian scene: the disembowelling of our Constitution has concentrated the power of government, not any longer in the King-in-Parliament or in the entire body of the people's representatives, but exclusively the Prime Minister and his chosen Cabinet.

In our present governmental set-up all power is in the man who is no longer simply a Prime Minister but an absolute master. Governor-General, Senate and Commons are puppets of his will, and the Cabinet is but a group of his own selection. He possesses such

power in virtue of the claim that he, more than anyone else, embodies the will of the people. Here, as in recognized dictatorships, government rests on the relationship between one man and the people.

It is important to note that in both cases the one man and the people are linked to each other by a single party organization identifying itself with the state. In both cases, too, the identity is assumed to be quite permanent; Hitler spoke of his new order lasting a thousand years; the governing party in Canada proclaims that the Mackenzie King order will last even longer: 'There is no alternative to us'

What then is the difference between demagoguery and dictatorship? Ideologically, the one difference lies in the use and non-use of the democratic election. That, to be sure, is no small difference, but its real extent depends on the extent to which the election remains a political reality in the demagogic state. It is difficult to attach great significance to an election when its result is a foregone conclusion. Elections in dictatorial countries are also of that character.

Here it may be said that even in wartime the Canadian government would never for a moment have thought of doing things which characterized the dictatorial government of Nazi Germany. Very true. But that all-important difference was not in fact a consequence of the governing party's newly adopted ideology, but derived from a past to which that ideology was inimical. For though the then Prime Minister spoke much of Canada's fight for freedom, justice and truth, his own political career was built on implicit denials of all three. That he himself was

unconscious of such a denial is in one sense, perhaps, our good fortune; but it is not our good fortune to inherit the same confusion of mind and so attempt to build a national life on the moral debilitation engendered by mental confusion. Even within a few years of his death we are told by Mr Mackenzie King's biographer that the political life of Canada has no place for such things as 'principles' and has therefore ceased to have any slightest concern whether for freedom, justice or truth, abstractions with which principles, now out of place among us, have to do.

Though some ideals may still linger from a past which we are required to disparage and renounce, it is not in fact by appeal to them that we find the real point of distinction between the political ideology now supreme in Canada and that of Adolf Hitler. Both alike are concerned with power and with power alone; but each employs a different form of power. The Nazi party was quite unashamed in its use of physical force, the last thing anyone would associate with the Kingsian approach.

But physical force is not the only form of power on which to base the rigid discipline involved in the functioning of a one-party system of government; nor is it the most efficient for the purpose. Thus where the Nazi party was unashamed in its use of physical force, the new Liberal party has been equally cynical, but far more efficient, in its use of economic power. In the all-important party activity of 'spreading the gravy,' an activity always, no doubt, perfectly legal, experts have been employed consolidating and making permanent the party power.

Where economic pressures can be so effective there is no need of physical force even were there any desire to use it. Herein lies the great difference between our present governmental set-up and an avowed dictatorship; in the use of economic instead of physical power. Although the attitude of government becomes increasingly dictatorial, its apologists can always affirm with validity that it is far from being a dictatorship in the accepted meaning of the word. It is wholly opposed to the use of physical force as the Nazis used it and in that stands clear within the Christian tradition of the western democracies. Yet here again we find a basic confusion of thought.

I have suggested already what is the primary role of our democratic institutions. Democracy may be said to reverse the old relationship between military force and economic power. When land was the dominant form of wealth the military power that captured the land thereby made itself master of economic power; but where money is the dominant form of wealth it has power to command the essentials of war. And so in modern democracies the soldier is the servant of the civil authority and not the master of all. Economic power is of primary significance: and that brings us back to Parliament.

The role of Parliament as a check on the governmental use of economic power was historically prior to its role as a law-making body. Precisely because democratic government has primarily to do with economic, as opposed to military power, the role of the Commons as the High Court of Parliament is even of prior significance to its role as the supreme

law-making body of the land. In that order the powers of Parliament were initially acquired, and it is still, I suggest, their true order. For a court is something more than the law it applies and is of prior significance to it.

A court of law is a place where men have first of all to see as clearly as possible the realities of a given situation and then to see what law is relevant to that situation, to what extent it is relevant and to what extent it is wise or good that such law should be applied. The real truth of the situation may be that it is neither wise nor good that law should be enforced upon it. The law is not supreme; the wisdom of the court is. This is of necessity true unless the law itself be viewed as a fixed, already perfect, unchanging system of truth to which life in all its parts and aspects is subject.

The further significance of the distinction is in immediate reference to Parliament: in Parliament as a law-making body it is the majority vote that counts; in the High Court of Parliament, seeking to get at the truth of a governmental situation, each individual representative of the people is vested with his share of responsibility and authority. As a representative of the people, sitting in the King's High Court, it is his sovereign right to know the facts requisite to a proper judgement of the way in which government is being conducted. If, having initially denied the sovereign authority of the King-in-Parliament — and with it the proper right of each representative of the people — a government refuses or shows a marked reluctance to give honest answers to questions asked by Members of

Parliament, then one has very valid ground for supposing that government to be not in fact governing as it should in a parliamentary democracy.

Such a situation has in fact developed in Canada; the attitude of our government is ceasing to be democratic and becoming increasingly dictatorial. This is the direct consequence of the governing party belief that the power of government is physical, having its source in the will of the people, numerically expressed. In other words the will of the people is not recognized as a will which, having accepted the rightful authority of government, then adopts a properly vigilant attitude to the way in which that authority uses the economic power entrusted to it. It is interpreted rather in the sense that the ballots of the people are always at bottom but a substitute for the bullets they might use. Just as the power that is greater in battle thereby wins all; so the majority power by arithmetic established must be supreme. Thus, under cover of law and all but unrecognized, the appeal to physical force on which all dictatorship is based has crept into Canadian democracy.,

Political power has three constituents; authority, economic power and physical force; which in a true democracy stand in that order of significance. The Kingsians, basing the government of Canada on the single idea of the majority will, have set up a form of government in which the idea of physical force — convertly intruding itself in the disguise of a substitutue for force — has become a disrupting and corrupting influence. Instead of a government upsurping authority in an unashamed appeal to force,

we have a government usurping authority by manipulation; using its control of economic power with all the effect of an appeal to force.

If the will of the people justifies all, then it justifies every extension and abuse of economic power. When men initially deny all appeal to principle in politics they may still remain fully honest in their personal dealing; but they will soon find it possible to countenance in the conduct of our national affairs practices which, though technically legal, are void of honour. Such an attitude of mind, with all its spawnings of smart practice, can in time have just as corrosive an effect on the fabric of a people's life as the deliberate cruelties of the dictatorial state. Indeed an enforced subjection to a power discipline may have less injurious effects on a people's morale than a freedom corrupted by economic power, a condition which has all too often proved but a prelude to dictatorship.

It need not prove so with us. We need only halt the practice of tearing our past into shreds to restore ourselves to sanity within our own Constitution as a free people.

¹ p. 103 National Liberal election publicity, 1953.

10

THE AGRONOMIC ANTHEM

O Canada! Our home and native land,
True patriot love in all thy sons command!
With glowing hearts we see thee rise,
The true North strong and free;
And stand on guard, O Canada
We stand on guard for thee.

O Canada! Where pines and maples grow;
Great prairies spread, and lordly rivers flow;
How dear to us thy broad domain,
From east to western sea,
Thou land of hope for all who toil,
Our true North strong and free!

R. Stanley Weir

One of my heroes is Elmer Lach whom I have seen play only once or twice; but to me he is the embodiment of the essential genius of hockey which, again to me, is one of the chief ingredients in our Canadian tradition. Whenever I see a bunch of kids scrambling about in a cold winter night on an outdoor rink when it's already too dark to see the puck I say to myself "That's Canada".

The tradition's true worth lies in embodying itself in every ten-year-old Canadian instead of being merely yapped about with musical accompaniment. And the genius of hockey, that essentially Canadian possession, is now handed over, without question, into the safekeeping of American box-offices and the hands of those who have never played the game and know and can know nothing of its spirit and quality and character. So would we cherish all traditions if they were only, purely, and one hundred per cent geographically, Canadian.

J.F.—Letters

'If one examines the official curriculum for French-speaking Quebec, one notes that it does not go beyond Canada, hardly beyond Quebec. There is no longer any history of France taught, as there used to be. There is nothing of general or human history. I do not know why the horizons have been thus closed in. . .

'We will not arrive at understanding one another, we Canadians, except by going back into the past, into an epoch when the two countries, France and England, had exactly the same culture.'

Abbe Maheux, 1953

THE story of Canadian unity as we have come to understand the term, not as a present reality, but as a problem still to be resolved, is the story of the several successive steps by which we have demolished the democratic Constitution of our country. Where there is no ideal such as every true Constitution enshrines, however successful the manipulation and corruption of the will of an electorate, there can never be any true unity, only a progressively disintegrating mass of self-seeking individuals. Where, in the interest of power politics, the people are constantly told that there is and can be nothing above the absolute will of any contrived majority of votes; where they are ceaselessly urged to believe that there is nothing else in their corporate life worthy of honour or respect, where their political reflexes are conditioned by a single and persistent appeal to the material self-interest of each voter, it is as idle to talk of national unity as of the meaning of Canadian nationhood. Nations are not formed by any such process of disintegration and if the end product of such a procedure has any right to call itself Canadian, Canada is poor indeed.

I sometimes wonder if any other people has ever taken seriously a national song or anthem which says

so little as *O Canada*, and that little all but completely amoral. While thousands of young Canadians were giving their lives in a war to save us and the world from a philosophy of 'blood and soil', those Canadians who remained at home were solemnly singing in honour and well-nigh worship of the Canadian soil — without the humanity of any blood.

The only non-agronomic reference in what we are invited to regard as our national anthem is that to 'the true North strong and free', which in its appropriate physiographical context would seem to refer to the north magnetic pole which is situated solely in Canada. Evidently it is precisely that which gives us the right, exclusive of all Norwegians, Swedes, Siberians, Lapps and other northern peoples, to sing of ourselves as the 'true' north.

This is one interpretation. It is equally possible to suppose that when we sing of 'the true North strong and free' and 'we stand on guard for thee' we are thinking of the winds, so strong and free that blow in upon us from the north and make us the rugged, hardy people we are, who at the first suggestion that the true north is in danger instantly leap to arms to 'stand on guard for thee'. Provided, of course, that we are given sufficient time to recruit an army on the principle that for every four men who leap there are always three others who have decided that they will have no part of such activity.

The words of a song should not be taken too seriously? The trouble is that so many Canadians do take them seriously and there are few things which illustrate better our unhappy dilemma. According to

the fathers of our nation, we are essentially a British North American people. We are now to be British no longer; but if we are to be 100 per cent pure Canada we cannot be American either, so we have no choice but to be just plain 'north'. It is here that *O Canada* carries its implicit amorality as a national anthem to a point where it ceases to be a matter of little importance. When by means of a song a country's leaders seek to inspire its youth with love of freedom, truth and strength, it is not of little importance that these three essential ingredients of a healthy national life should be sung of only in terms of a geographical direction and completely identified with it. Not by such means are national virtues nurtured in the hearts and minds of a people.

National strength can only come from true freedom; and true freedom only from a true sense of the order which the life of freedom itself requires. A freedom unrelated to order becomes in time licence, in which all that was hitherto strong and free has declined into what George Washington called a mere 'love of power, and proneness to abuse it'.¹

A 'true North strong and free' can too readily become a mere north continent with a love of power-by a sense of expediency only. For when a people is losing touch with truth, when there is in fact no vision remaining, its leaders, conscious of disintegration, give themselves up to a chattering futile search for the national unity which they have themselves denied and implicitly rejected.

Canada's problem is not primarily or essentially a matter of finding unity as between two differing

cultures, and still less as between two conflicting cultures. The conflict requiring to be resolved in this country is the conflict between the royalist and republican forms of democratic government. This is a question having to do with 'man' as such, or with 'democratic man', if you will. It involves neither differences nor conflict as between the French and the English cultures in this country.

Indeed, the French-speaking people of Canada — as is true also of the English — have never at any time in their history lived under any other than a royalist form of government. I suggest that a true understanding of such a form of government will show the very things which unworthy appeals to prejudice now seek to present to Canadians as inevitable sources of conflict to be the only possible sources of enduring unity.

The essential condition of our national unity is a form of government that will be worthy of the best in the traditions of both peoples and provide a fabric of political life within which the differing cultures of the two may live in concord, neither doing injury to the other and neither being placed — as is now the case — in an invidious position contrived by others.

By no desire or intent of either, differences have been used as a political lever with which to uproot or distort the essential traditions of the contrasting cultures, not in the interest of unity, but for the purpose of ensuring the perpetuity of power to one political group. Such a design may be the work of some kind of genius, but it is not a work that commends itself to honourable men of any race or tongue under heaven, or to any who have the slightest

real desire for unity.

We have not primarily to do with land, but with people; and with French and English alike we have to do with a democratic people. We must find, as we can only find, the unity of such people in a true ideal of democratic government.

Let us abandon democracy, if we wish; but do not let us be so blind or so stupid as to suppose that democracy can long survive, whether among us or among other peoples where there is no ideal of social life to inspire and to guide its action. 'Where there is no vision the people perish'. They actually perish and are cast aside; for they become the puppets of inexorable forces that forever progress to disintegration.

The true unity of a nation can never be built on a basic assumption of disunity, and still less on the perpetuation of a situation marked by irreconcilable conflict. Yet that is precisely the basis on which the founder of the Kingsian school fabricated his false structure of Canadian unity; that is the basis of what still persists as the problem of Canadian unity, the continuing search for which has been likened to the search for the Holy Grail². But a problem is never to be resolved on the assumption of insolubility, and the Holy Grail of unity will not be found by those who conceive of unity as but a means of attaining to power through a persisting threat of disunity. The Holy Grail is not attainable by any such species of blackmail.

The concrete example illustrating my meaning is the perennial conscription issue in this country and the efforts to make either one or other of the settlements

of that issue — whether that of 1917 or that of 1940 — the touchstone of unity. All such efforts assume first that the relationship of French and English in Canada finds its symbol in an abstract irreconcilability; and second, that since the future is to be built on the assumption of such a basic conflict the realization of unity must of necessity involve the complete victory and supremacy of one and the complete defeat, subjection and destruction of the other of the two incompatibles.

It is quite impossible to be at once both for and against anything so concrete as conscription. Therefore, if our national life is to centre on such an issue — and if the pro and con are constantly to be identified with the British and the anti-British forces in this country — then the victory of one or other at once and automatically prevents unity. Unity cannot be based on conflict, still less on an absolute conflict. The truth, and the only true thing in the whole position, is that the British tradition in this country is wholly incompatible with any such idea of basic conflict, as with any idea of demanding the eradication of an opponent in a conflict.

¹ p. 113 *Farewell Address* of George Washington, President, to the People of the United States, September 17, 1796. *See Report. See note 3, p. 34.*

11

FREEDOM AND NECESSITY

I do assure you, I do not desire to live to distrust my faithful and loving people. Let tyrants fear; I have always^e so behaved myself that, under God, I have placed my chiefest strength and safeguard in the loyal hearts and good will of my subjects; and, therefore, I am come amongst you as you see at this time. . . I know I have the body of a weak, feeble woman; but I have the heart and stomach of a king — and of a King of England, too, and think foul scorn that Parma or Spain, or any prince of Europe, should dare to invade the borders of my realm; to which, rather than any dishonour should grow by me, I myself will take up arms — I myself will be your general, judge, and rewarder.

QUEEN ELIZABETH I:
to her army at Tilbury, 1588.

I have further worked out the contrasting ideas of law in a kingdom and a republic. The former expresses the rules of conduct obligatory in a unitary and developing social order; the latter bases all on the law of self-preservation — as in a state of nature. The former is historical and involves an essentially religious interpretation of history; the latter is a-historical, 'natural and modern', 'scientific'.

The transition from law to kingdom is well illustrated I think in Kant's three successive formulations of the categorical imperative:

Act always on a principle.

Treat no man as a means, but each man always as an end.

Act always as within a kingdom of persons (ends).

The last will include the other two — at least when the universal principles of moral action are seen to be principles inherent in a developing space-time universe; as opposed to the laws of a fixed universe.

J.F. — Letters

IF we wish to have a Constitution in which law is supreme then there is certainly no better model than that provided by the Constitution of the United States. On such a basis it would be difficult, if not impossible, to devise a more perfect system of government. And yet, however greatly one admires the seeming perfection of that amazing and admirable governmental structure, one who is also familiar with the virtues inherent in the British order of government is unable to subscribe to the supposition that the British order is merely a less perfect embodiment of the supremacy of law.

It is important to note that the republican dictum, 'we will have laws and not men to govern us', is not merely affirming the authority of law and hence that, as man is obliged to respect it, the law is of first and man only of second account. Though that was the positive good it was seeking to express, it in fact expresses much more, in that it makes its profession of faith in the law the occasion, and even the reason, for expressing a mistrust of man. Thus we will not have men to govern us because men are not to be trusted, or at least not sufficiently so to ensure the maintenance of liberty. One can have faith only in the written

law, and so fashion the fabric of government that all are compelled to obey it.

In such a view the danger of tryanny is so exclusive a concern, far over-riding all other considerations of government, that fear of the tyrant ends in destroying faith in man himself. Washington expressed it thus: 'That love of power, and proneness to abuse it which predominates in the human heart'. The position can be seen to be based on the idea, not simply that the heart of man is prone to evil — which it is — but that such proneness to evil is ineradicable and so fully so that good can be effected in the government of life only by compelling the evil heart of man to a complete obedience to law.

In contrasting such an idea with that which underlies the British order, it is not to be supposed that because the British Constitution places an undivided power in the hands of Parliament it is thereby assuming the non-corruptibility of man and affirming that as man is quite naturally wise and good the majority will can therefore be taken as the sole and supreme authority in matters of government. It is not on any such grounds that the basic British belief differs from that of George Washington. On the contrary, it believes with him in the corruptibility of man, and that man's love of power can readily become the predominating motive in his heart; but it does not believe that such proneness to evil is always and of necessity his predominating motive. Man is weak and may fail but he is not wholly weak and need not always fail and he can be strengthened by means other than those which the law affords.

Because the British position differs from the American in respect to man's proneness to evil, it also differs as regards the means of preserving society from the danger of its own corruption. In a British order of democracy the first thing needed for a healthy corporate life is a basic faith in the possibility of surmounting the corruptible tendencies of man in public office, rather than a cynical mistrust of man which sees but one recourse against corruption; the compulsive power of law.

In the light of Washington's dictum about the predominating motive in the human heart, it is surely clear that the basic problem of democracy is the basic problem of man himself. How is the individual to attain to the good and the true in life? How is a democratic people to realize the same goodness and truth in its corporate life?

In the eyes both of American and British democracy life involves a conflict between good and evil and since man, though desiring the good, is also prone to evil, neither men nor peoples can have any assurance that the good will prevail in their lives unless they make a deliberate and clear-sighted effort to realize that goal. Here we see the significance of a people's Constitution. A Constitution is a moral instrument in affirming and seeking to establish in the social life of a people that condition of personal freedom which is that root of all morality and all sense of moral responsibility. This is equally true of both persons and peoples. Deny that basic freedom in the life of man and there remains no valid reason why we should complain of dictatorship or why we should seek to

resist its march throughout the world; for the comforting dislike of being pushed around and the boast that they can't do that to me do not provide sufficient inner strength to withstand and overcome the doctrine of social necessity against which we are not fully committed.

But if the British Constitution imposes no check upon the legislators; and if a bare majority vote in Parliament would be sufficient to set up a dictatorship tomorrow, in what sense can it be said that such a Constitution enshrines an ideal of freedom?

The answer to this question is found in the supposed defect to which it points. The mere existence of a Parliament, or rather the mere existence of a popular assembly, provides no assurance of the preservation of freedom. Such an assurance is and can be provided only by the tradition of freedom inherent in a British Parliament. That is the essential difference between a Parliament, acting always in the name of the King — and in loyalty to sovereignty of person — and a popular assembly which honours no sovereign in whose name it acts and owns nothing above itself to which it need be loyal. A popular assembly need only express the prevailing wishes or desires of the people, whatever they may be, and need be no more concerned with freedom than is the Politburo which, as we need to remind ourselves, may be just as sincerely concerned with furthering the public good as is any popular assembly.

But governments must be true and right, as well as good, for it matters all to the very idea of the good whether that good be rooted in freedom or based on

on necessity. Although the truth with which science deals is one that is always based on necessity, I dare so far to depart from the modern assumption that science is an infallible guide as to affirm that the true government is one that is always rooted in freedom.

The task of government is not merely to draw up an intelligent plan to be imposed by force, but is that of discerning what may be the right principles required to ensure the unity and harmony of a free order of life.

According to the republican ideology of Locke and Rousseau still dominant in American government, law was initially set up for the sole purpose of preserving the liberty of each individual. In other words, social life is not a natural thing for man — he is not by nature a social being — it is something rather that man has accepted because of certain manifest advantages, but *only* on the condition that his natural independence would always be preserved. He agrees to obey the law if it preserves his independence; if it does not do so, he is at liberty not only to disobey the law, but to take up arms against it. The contract has been broken.

It is too seldom recognized that in such a view of society the law is deprived of all real authority since all it can say to us is:

‘If you desire to lead a social life and not revert to a state of nature, you must obey the rules devised to give you the advantages of both.’

If the Chicago gangster retorts:

‘But I really prefer the glorious liberty of the state of nature which I find more than offsets the advantages of living a law-abiding life,’ the only

answer which the law can give is to say:

‘But you are breaking your contract with the American people and you will find it does not pay to break your contract with them. Crime doesn’t pay.’ In other words, some of you will find you have miscalculated your own self-interest.

To which the gangster, perhaps, may still reply. ‘But I still prefer to exercise my natural liberty of choosing as to my own self-interest, for by using my natural intelligence, I can enjoy the best of both worlds to a greater extent than you like to admit. If law is designed solely to protect my independence from all outside interference then I shall devote my intelligence to seeing that it fulfils that end as far as possible on my behalf; and as for my initial agreement or contract with the American people, that can be modified by further agreements with those who represent them.’

In the British order law is viewed in quite a different light. For it is a basic assumption of the institution of kingship that man is by nature a social being; that he is born into an already existing order of life and that his life itself cannot be divorced from the social relationships into which he entered at birth, or from the social obligations which these relationships imply. That fact is always recognized in normal social life and equally recognized, and for precisely the same reason, by the British political order. The law of the State is something that each one is under an immediate obligation to obey; an obligation as moral and as benign as are the obligations to ‘honour thy father and they mother’ and to ‘do good to thy neighbour’. This is bound up with the very institution of kingship

which not only assumes the social nature of man — in respect of communities as well as of the natural family — but can be seen to go back in unbroken historical continuity to the rise of civilization. There we find the idea of the unity of the social order expressed in the kingly office; an idea of the same nature as we find in earlier forms of society, preceding what we now call civilized life.

It was the aim of those who framed the American Constitution that the liberty of each should be protected from possible tyrannical aberrations. Hence governmental power was strictly divided as between the executive and the legislature in order that neither might gain all power and that both should be subject to a defined and clearly enforceable law.

The principle involved in the British order is quite unlike such a two-fold appeal to division and to law. The executive in a British government is given undivided power and though it is fully subject to laws passed by Parliament, there is no constitutional law which strictly limits its range of power. How can a people retain any assurance that such a government will not gradually and progressively become tyrannical?

The answer lies not in the idea of law but in the prior idea of personal responsibility. The members of a Cabinet are answerable to Parliament for the honesty and efficiency of their administration of government. Members of a Cabinet are men entrusted with specific tasks, not directly by the people but by the representatives of the people. Each is personally responsible for doing his task in an honest, just and

efficient manner. Further to ensure that each Cabinet Minister fulfils his high responsibility, each is made accountable to Parliament which has the power to investigate his administration to see that all is justly, honestly and efficiently carried on. There is no special law to which the Minister is subject; nor need there be, for no body of law could fully cover all that is involved in his responsibility to Parliament and all the particular situations which arise in dealing with particular cases. The administration is not required to consult a rule book as each situation arises. What is expected of a Minister, rather, is that he will act always in a just and honourable manner. His relationship to Parliament requires of him only that he and those to whom he is accountable be guided by an essentially personal ideal of life and ruled not by a list of laws, but by the high code of personal honour.

‘And those about her, from her shall read the perfect way of honour’ — so wrote of the first Queen Elizabeth, the great seer¹ of the English order. He saw clearly that person is of prior significance to law.

The spirit of loyalty to the throne is a spirit involving just such an ideal of personal honour as is essential in the conduct of our public affairs. The governing rules are often rules established by precedent. An earlier statesman, faced with such and such a situation, acted in such and such an honourable manner. And because such action was essentially right in such a situation, future statesmen can be guided by the precedent, or by the tradition. It is fully recognized that situations do not always exactly repeat themselves and that traditions are therefore often in need of

revising. But the British order ensures that mere newness shall not be made the cloak to cover unworthy or irresponsible action.

A British order of government is as fully democratic as any form of representative government can be, and at the same time always and everywhere essentially personal. The life of its institutions derives from the personal traditions which give them force. A social order rooted in the person of man; in the sanctity of each individual person and in the personal ideal of freedom; is of one piece. In it there is no gulf between personal and social-political integrity. Still less is there any basic opposition or antithesis between them such as in the Marxian gospel which has still to work itself out through hatred, revolution and dictatorship to some far-off realization of an ultimate good in the life of man. In the British order the ideal is a single, coherent inter-relationship, to be brought to its true perfection, not by revolutionary destruction, but by further development in accord with the principles already inherent.

With such an order the relationships obtaining are established everywhere on reason and morality, as are the relationships of person to person in social life. All governmental power is vested in the representatives of the people. But a reference to the power of the people's assembly does not reveal the primary idea or ideal of the British Constitution; for, as we have learned, the power of the people's assembly can come to mean little or nothing without reference to the person of the Sovereign. Recognition of this primary authority is necessary or the entire fabric of parliamentary

government collapses. The British order of life finds its true roots and its unitary centre alike in the annointed person of the Monarch. And only when due recognition is given to the sovereignty of the King-in-Parliament does the individual Member of Parliament cease to be merely one in a given majority or minority of Members, and become in himself a fully autonomous representative of the people. His power to bring the power of government itself to account for its actions within and before the High Court of the people depends upon this.

In a purely legislative body the majority will determines the passing or defeat of bills; in a court it is not the principle of the majority will that is of essential significance. A court has to do with truth and justice, in whose light each individual is of equal concern. Moreover whenever the situation relates to him, any individual may carry in a court weight out of all proportion to his voting power. Here again the primacy of person affirmed by the Constitution is no mere copybook maxim within a British order of life. The order is rooted in the Coronation Service; in the sacramental anointing of a person; and that basic principle, the sanctity of person, is the guiding principle of the entire order. It is quite inadequate to speak of the idea of a king or of a kingdom; neither is a single idea. Each is a word as pregnant with meaning as any in human speech. Indeed, the supremest wisdom that was ever spoken could find no higher means of expression than to say: 'the kingdom. . . is. . . like unto. . .' The word itself is like a seed, a single word in which all is involved, from which all

may therefore be evolved until there grows a tree with branches sheltering the life of man. The ideal of the king and the kingly, the queen and the queenly, is inherent and ineradicable in the human heart. In it may be found all that is truly innate in the moral life of man.

Modern republicanism builds on the independence of each individual, back to Rousseau and his state of nature. The monarchical order is rooted in the unity of social life. In a republic the supremacy of law is designed to maintain the natural independence of each citizen. The social unity of a realm or kingdom ideally finds its centre in the person of a king, the representative person of a unitary order of persons. Thus the members of the kingdom are united in their common respect for the sovereign person, and the social unity of a kingdom is not only compatible with, but in itself the expression of, the spirit of freedom.

The Marxian view of history is essentially revolutionary, and stands in specific revolt against the republican-bourgeois idea of a supreme law designed to secure the natural independence of each individual. The Marxian answer to the social injustice that results from such a divisive idea of society is to destroy the entire fabric of the law and set up in its place a dictatorship. According to Marx this is the only way in which man can advance from an unjust libertarian society to a truly free and just community.

The British view, like the Marxian, rejects appeals to an imaginary state of nature in favour of an historical

past. But instead of viewing history as a process in which successive conflicts lead through revolution to a final consummation in which man will enjoy a life essentially free and essentially just, the British position sees the historical process as rooted in freedom, not in necessity. In this view man does not need to wait for the millenium in order to know a life that is in essence free and just even if not yet perfectly so. Thus it need not and does not involve itself in the Marxian contradiction of supposing that freedom can be the final fruit of a process fashioned of necessity. Freedom can never issue from necessity, nor can we ever arrive at freedom other than by beginning by making it the basic assumption of all our social thinking.

Granted such a view, revolt is not the only cure for injustice. For when we appeal to historical evidence which Marx ignored, partly because much of it was unavailable when he wrote, we find that neither freedom nor law can rightly be viewed as the civilized expression of the basic independence of man. Both are rather the expression of man's inherent feeling of the essential sanctity of each person. Such an idea enters into a realm beyond the bounds of a life in which law is supreme. The British monarchical position resolves the paradox lying at the root of republican democracies, the claim that the primary consideration in government is the individual man in his liberty made in conjunction with the quite contradictory contention that the primary and supreme consideration in government is not in fact man, but law.

That contradiction the British idea surmounts by declaring the sovereignty of person; that primarily we

will have men to govern us, men imbued with a due respect for the person of man and so with a due respect for the law that maintains or confirms the essential freedom of his person.

Thus a British order of democratic life is not one in which the individual citizen sits back and lets his elected representatives run the machine of state with so much skill as we expect to find among efficient mechanics. It is an order of life in which each individual is as fully responsible as every other for preserving our free institutions. For only when each individual plays his part in maintaining them throughout the entire community can we have any assurance that our elected representatives will preserve the true spirit, meaning and purpose of our free institutions. Freedom is not something delivered to us in a neat little package by an all-benevolent government.

I contend that the sovereignty of person expressed in the throne is a principle which so far from denying or supplanting the rightful authority of law seeks only to achieve an ever more perfect realization of that which law is aiming to effect. That this is no empty claim is confirmed by the common observation that the British peoples who do not affirm the supremacy of law have a greater respect for law than have the American people, who do. That observation is valid not only in regard to the people of Great Britain. It has been equally true of the Canadian people and, indeed, has always hitherto presented one of the most marked points of difference between Canada and the United States. For the American, in apparent revolt against

the prosaic character of law, has sought emotional release by creating a world of glory and self-exaltation in the life of the Wild West; that land beyond the frontiers of established law where man could once again enjoy the natural liberty of the idyllic state in which he lives longest who draws quickest from the hip.

Canadians, who opened up comparably as great stretches of land to human settlement, have never known such conditions and still less the desire to find in them the romantic fulfilment of a national dream. When our west was opened to settlement the Mounties were already there before the settlers arrived. That, if you will, is our national romance and on that basis alone we should be ready to pit a single red-coated Mountie against all the Jesse Jameses of Wyoming. Nor is there anything more distinctly Canadian; no one has ever regarded Mounties as either English or French, Scottish, Japanese or Australian. They are typically Canadian and they are also the product of the British tradition in this country; the Canadian expression of that tradition; of peace, order and good government.

¹ p. 126 Shakespear: *Henry the Eighth: Act V, Scene V*.

12

LIE OR ORDER?

It is not what separates the United States and the Soviet Union that should frighten us but what they have in common. . . . Those two technocracies that think themselves antagonists are dragging humanity in the same direction.

Francois Mauriac in *Le Figaro*

The acceptance of an initial lie, the savouring of which has caused the palate to lose all taste for truth, all desire for truth, and all sense of the need for truth, that has been our undoing.

Shakespeare has said it in Coriolanus:

— at once pluck out
The multitudinous tongue; let them not lick
The sweet which is their poison. Act III, Sc. I

And the same warning comes from farther:

Within three score and five years shall Ephraim be
broken, that it be not a people. . . (for)
If ye will not believe, surely ye shall not be established.
Isaiah, VII

The whole idea was as clear as heaven to the Hebrew prophets as it was also clear to Shakespeare.

J.F. — Letters

IT is too little recognized among Canadians that the idea of unity based on conflict is but a part, and even the very worst part, of the teaching of Karl Marx. I am not for a moment suggesting that our pure Canada cultists have derived their political ideas from Marx; merely that their writings develop ideas basic in Marxism and translate them from the field of economic to that of political life. In both cases all is built on a formula reducing every social situation to a contest between incompatible forces, one of which must be downed and destroyed by the other.

For Marx the enemy was the capitalist system. It is British institutions and traditions which the cultists would overthrow and then completely uproot.

The first of those acts of destruction has already been accomplished. Our political institutions now bear no resemblance to anything that can be called British, parliamentary or responsible. They are merely the hollow shell of what was once a parliamentary democracy. But the further task of uprooting from the minds and hearts of the people the evil British tradition inherent in this country is going to prove more difficult. The British tradition can not be destroyed by

Marxian methods. It has a creative truth and so a living power within it. The logic of necessity is quite incompatible with the ideal of freedom in which our life is rooted. That is the fundamental incompatibility with which the people of this country are now faced; and whether we are or are not to remain a free people depends entirely on whether or not we recognize it in time.

Whatever the philosophical genius of Karl Marx may have been, or whatever the political genius of William Lyon Mackenzie King, the attempt to make collision the basis of national unity is not in fact the height of but the lowest descent from statesmanship. In every mature country issues in which opposing points of view are ranged in conflict are normally allowed to find their minor place within the corporate life. Unity is rooted in something other and deeper than such practical issues as give rise to conflicts of opinion. It is not assumed — or, so far as I know, and apart from ourselves, it has never been assumed — by any intelligent people that the entire future of a nation should depend on a single point of conflict.

The fallacy of the Kingsian approach stems from an initial rejection of the idea of rooting our unity in a Constitution which stands above every issue of mere policy. This one sure basis of true unity having been destroyed — as it was in the faked constitutional crisis of 1926¹ for the purpose of escaping from the just censure due the political leader responsible for the fully revealed corruption of his government — the next step was obvious. Unity must be made to depend on the supremacy of those who were victors in some

single issue of policy and the subjection of those who were the losers. In other words, A must surrender to B.

Note, however, that such an artificial set-up, with its device of unity as a political formula, does not require that A must always surrender to B. Non-controversial issues may still be settled on their merits. And within the remaining range of questions there may well be a further area of give and take — or one of general compromise — in which from time to time, or on occasions, B is quite ready to yield to A.

This should indeed be the spirit, and on both sides prevailing, in all that concerns day-to-day issues of policy. Nor does one wish for a minute to deny that such a healthy give-and-take does take place as between French and English sections within the governing party. But it is not of itself the primary ingredient in the Kingsian formula of unity.

The distinctively Kingsian idea of Canadian unity emerged in the wartime election of 1940 when the then Prime Minister, Mr King, first proclaimed his new doctrine of unity. That doctrine bore both implicit and most explicit reference to his policy in respect of the conscription issue.² Its primary and distinguishing feature cannot possibly be found in any idea of give-and-take or of split-the-difference. On the contrary, the entire point of such an issue raised at such a time is that the difference it involves is one that completely splits into two opposing camps; and that the only means of dealing with it is one that gives an absolute victory to one, and an absolute defeat to the other side of the conflict.

Canadians I think, are failing to see with sufficient

clarity that a free relationship is as readily destroyed by the dictation of one side as by that of the other. It is dictation of itself that destroys and it matters not where it arises or in what direction it moves. We are blinding ourselves to the true meaning of democracy when we suppose it to be the mere opposite of dictatorship. That was one of the dangerous untruths the late W.L.M. King foisted on this country. Dictatorship may express a more progressive form of democracy, a fact which the great masters of dictatorship have all seen with great clarity as they see too to what end it is progressing. It is the self-deluded apostles of inevitable progress who fail to recognize that in destroying the essentially free relationships of an established order of governmental life, and in setting up in its stead the idea of the people dictating their will to a government, we are ensuring that such a people will come at last neither to care if they lose freedom nor to have a stomach to defend it.

It is still open to the people of Canada to make their choice; we can either hand Canada over to the Bank of Canada, the Gallup Poll, leave it with the back room strategists who now control it, or we can restore a true order of government rooted in the assumption that the life of a people *ought* to be ordered by truth and not be mere opinion. The British tradition encourages no illusions as to the ease with which a people can distinguish truth from opinion. In the British Constitution it is not assumed that the true health of a people's life either will or can be sustained by merely providing for adequate discussion on the part of certain men.

Members of the Politburo no doubt engage in much discussion among themselves, as freely as any others. It is true that further meaning is given to a free discussion of a people's affairs when it is carried on by men freely chosen by the people for such a task, but even that is far from ensuring that the final opinion to which such discussion leads will be one that preserves essential freedom, or even the continuance of free discussion. The heirs of the French Revolution did not find that it did, and the capitals of Europe are strewn with the wreckage of peoples' assemblies. Freedom does not derive from the practice of discussion and it cannot be preserved by any such means. Discussion is not a source but an expression of freedom; and only that while it remains rooted in the life of a free people. The mere existence of a popular assembly is no guarantee of its freedom.

What is sovereign in the British order of government is not the people's assembly but the King-in-Parliament. Only when the life of a people is rooted in an ideal; an ideal truly 'in' the people's assembly; does such an assembly assume the meaning and dignity of a Parliament; not a mere discussion house, but one in which men's words can be measured by the ideal enthroned in their political life. Freedom is no vague aspiration, but must be bound up always with a definite order of life based on truth.

In our Canadian situation as it has thus far developed, the immediate evil is not, in fact, an imminent threat of dictatorship though it is often both surprising and alarming how far the mind of government has moved in that direction. The all-

permeating evil in our present Canadian situation lies in the fact that we have ceased to stand for anything. From that follows our lamentable confusion of mind on all primary issues of our national life. In respect of freedom itself we find this debilitating attitude; we have ceased to affirm freedom as of primary significance. Indeed, we implicitly deny that it is so; for we have promoted the majority will to first importance. In the cause of freedom the trumpet gives only an uncertain sound.

It may seem too much to claim that the entire existence and functioning of parliamentary government should be dependent on the answer given to the question whether the Sovereign, or his representative, should be regarded as a reasonable, free and responsible person, having a definite role to play in a democratic order, or whether he be viewed as the mere puppet of him who has become his so-called Prime Minister.

But the British order of government is an essentially personal order rooted in the ideal of freedom. It regards every man and woman within it as an essentially free person and therefore expected to act in a reasonable manner, and obliged to act in a responsible one. It is not surprising that in such an order sovereignty should be vested in a reasonable, free and responsible person. Nor is it surprising that when that person has come to be regarded as a figurehead, and treated as a puppet, the entire fabric of government is reduced to precisely the same kind of sham; and its function degraded to a secret calculation of forces conducted in Cabinet session.

Freedom is to be preserved among us not by any automatic device of government but by adherence to a right tradition of public conduct on the part of our elected representatives. For though the people at large are subject to law, those to whom we entrust the making of laws are not, as lawmakers, so subject. When we ask 'To what then are they subject?' the one, but all-sufficient, answer is that they, like everyone else, are the free subjects of a Queen.

In our modern wisdom we consider such a phrase a mere formality; and when our Constitution requires that every law receive the Sovereign's sign or signature, that too is classed as a formality. But what this attitude fails to recognize is that a king is wholly meaningless when considered and divorced from a kingdom; and further, that kingdom, or realm, far from being a bit of antiquated phraseology, is the only title that can properly be given to a certain distinctive form of social order; an order rooted in the freedom and sanctity of the individual person.

The now supposedly effete idea of loyalty to a sovereign is the personal expression of the free spirit within, going out in response to the ideal of life enshrined in the throne. Loyalty is the living heart and centre of a tradition of personal conduct essential to the preservation and development of a free and harmonious order of life. For Canadians loyalty involves a sense of personal attachment to, and with it a determination to preserve, the magnificent fabric of free institutions of which we are the inheritors — and which we can hope to preserve only in so far as we understand them. Burke once said that we must

2

venerate the Constitution even when we do not understand it. As we have now abundant unhappy grounds for knowing, those who have ceased to venerate the free institutions of our British heritage have long since been void of any desire to understand them and of any real concern for their preservation.

Our constitutional inheritance was the living product of a long process of historical growth and development, and the tradition it embodied is of an order already proven of value in dealing with changing conditions of life and with changing climates of opinion. Such an order and such a tradition are not things that must of necessity be cast aside because the world has changed since the days of Queen Victoria. The British Constitution was not the product of the victorian age, and the British tradition is in no way bound to or fettered by any historical epoch. Indeed that is the essential point of contrast as it is also the essential glory of the British tradition as compared with the American. Their Constitution binds the Americans to the ideas and mental climate of the eighteenth century. They are tied, as it were, and for all time, to the apron strings of George Washington.

We are not so tied. On the contrary, we inherit an ever-living historical tradition; ever-living precisely because it is historical; because in every successive age it has been drawing sustaining life from established roots and giving new strength to that life from established roots and giving new strength to that life by drawing new food from new sources. It has been and remains a truly creative power, not carried about by every wind that blows, but meeting the present always

in the firm assurance of the past with the resources of wisdom and of strength that can only be found in such an assurance, and in such a source.

The heart of the Canadian people is sound: but the heart of any people only continues to be sound when it remains true to that which can keep it sound. That is something not to be found in the future nor can it be picked up from today. A healthy growing plant will take new power from the present resources of its environment, but it will and can do so only because it remains deep-rooted in the soil of its past. Cut it off from that root and you may still continue its life but you can never restore the power of growth.

It is so at all levels of life. New truth grows out of old truth; and all truly creative advances have been made by men who had themselves encompassed and mastered all that the past had achieved and all it had still to offer; which is not to be found by reading yesterday's newspaper.

The story of human development does not take the form of a single line of inevitable progress. Every new step is not of necessity onward and upward; it may as readily be the herald of many slips backward and down. Indeed the very rapidity of an apparent advance may be but the effect of rushing down a steep place into the sea. Speed can be a deceptive standard by which to judge of human advance, and we may all go far along a path before discovering that we have long since lost our way.

¹ p. 136 *See note 1, p. 22.*

² p. 137 Hutchinson, Bruce: *The Incredible Canadian*, pp. 340 *et seq.*

13

THE REAL ISSUE

Let us. . . examine the kind of knowledge which is handled by exact science. If we search the examination papers in physics and natural history for the more intelligible questions we may come across one beginning something like this: 'An elephant slides down a grassy hillside. . . .' The experienced candidate knows that he need not pay much attention to this; it is only put in to give an impression of realism. He reads on: 'The mass of the elephant is two tons.' Now we are getting down to business. The elephant fades out of the picture and a mass of two tons takes its place. . . poetry fades out of the problem, and by the time the serious application of exact science begins we are left with only pointer readings.

Sir Arthur Eddington:
The Nature of the Physical World

All our social thinking, political and economic, is derived from 'science' and based upon it. It is that which causes the general malaise of confusion that now submerges the western world. We believe in freedom and yet place our basic faith in science which denies and scoffs at the very idea of freedom. We seek peace and yet the science we accept as the oracle of truth bases our social thinking on a state of nature or a state of war.

Yet people's faith in science as the revealer of truth — infallible — is much stronger than anything else. At any rate that's what it all boils down to, and there is no case to be made for the British throne and the British tradition except in a full-scale attack on the modern scientific dogmas as applied to the understanding of human life both social and personal (e.g. modern psychology).

In other words, as I near the end of my work on the politics it is clearly demonstrated to me that I should never have undertaken it in the first place, for the essential ideas required for a proper understanding of the political can only be made properly definite and clear in the field of economics.

J.F. — Letters

CONSIDER the kind of ideal to be enshrined in the constitution of a people's life; ask what it is that can be affirmed to stand above the will of the people, what has any right to claim so great an authority in the life of man. Of the answers which present themselves all are in fact but different aspects of the single answer that the one power which can possibly claim any true authority in life is the power of truth itself. But 'what is truth?' said jesting Pilate, and would not stay for an answer. This is the immediate as well as the basic problem of the present day.

What is the good of talking about truth when no one can claim to have knowledge of truth? Truth is a vague ideal which has nothing to say to the problems of the world today. To talk thus is in fact to affirm two quite different, though not inconsistent, propositions: that I myself have no idea what is the truth of life; and that there is no such thing as the truth of life, or if there is, it is so far beyond our powers of knowing as to be as good as non-existent for us.

The first of these propositions is usually presented as if such an avowal of personal ignorance were the expression of an ideal humility; but since it so readily

leads to the second proposition one has ground to question the assumption. I suggest that this humility is essentially the expression, not of honest scepticism, but of scepticism affirmed as an article of faith and therefore no longer honest. It is one thing for a man to have doubts as to what is the truth; it is quite another for him to abandon the very idea of truth. The so-called humility of modern scepticism can lead us at a single step to absolute inhumanities.

Truth is not a vague ideal; in whatever field of life the term is used, whether in science or elsewhere, truth has always to do with the idea either of an order or a system of relationships.

To see what idea or ideal of truth is enshrined in a people's life, we need only study its form of Constitution. Constitutions are definable in terms of the ideas which underlie the structure of each and which have been the formative principles in the erection of each.

Though definite meaning can be given to ideas of system and order only by reference to their complete fabric of relationships, a certain basic distinction can be drawn as between them — a distinction of fundamental importance in all that relates to the present world situation. I suggest that whereas a system is a fabric of relationships in which it is possible to show that each follows of necessity from one before it, an order of relationships is one that is rooted throughout in an essential freedom of life. Here is the conflict underlying the entire life of the western world: that though our social order is rooted in the idea or ideal of freedom, our political thinking has been

conditioned by modern science and modern science is built on the assumption that truth must be an expression of necessity, and that a true understanding of anything is possible only when we base all our efforts at understanding on that assumption.

Our social sciences, including all our efforts to understand the social fabric of the western world, have gone astray, seeking to explain a social order that is rooted in freedom as if it were a system based on necessity.

This conflict has been discerned so little that science itself has often been hailed as the very apostle of freedom. This was in fact the belief of the great 'Enlightenment': that the Newtonian idea of a system applied to social life would produce a society ensuring the perfection of individual freedom. This ideal was called liberty, which was supposed to be of the very essence of freedom.

Two things have now undermined this first scientific idea of a free society. One, it failed in a most manifest manner to explain the facts of a free economy. Two, in doing so, it led to a world-wide reaction against the highly individualistic philosophy that it involved. Man is now everywhere demanding a more social point of view, but the science that has succeeded Newton has failed to give us any definite guidance to that end. Indeed the only contribution to the subject is found in the mathematical economics of Lord Keynes, who assured us that it is impossible for a free economy to provide a harmonious ordering of economic life and that a scientific approach to such an economy can do nothing more than save us from the necessity of

accepting complete state control.

If we allow the state to control those powers which can be seen to be of primary importance in the economy, the Keynesians assure us that we can then leave the rest of the economy relatively free without running the risk of a further great depression. Science, no longer the great apostle of freedom, becomes at best but the means of saving us from a complete subjection to dictatorship. The cause of freedom is thus left in a state of uncertainty, confusion, semi-defeatism and fear — a state in which it is ready to believe that forces even the most inimical to freedom are expressions of quite inevitable social movements. Yet the modern mind still retains its faith in the absolute truth or authority of science and is still ready to believe that the cause of freedom is safe in the hands of science; that freedom can be entrusted with confidence to those who at bottom deny the very idea of freedom.

Consider, with this in mind, the basic distinction between the British and American Constitutions, or the royalist and republican forms of democratic government. The British Constitution has its roots in the age-old western tradition of freedom; the American is built on the eighteenth century's scientific idea of liberty. Yet in spite of that important distinction, they are alike in one essential; both aim to enshrine the truth in which freedom can alone find its home. In both cases the Constitution is the citadel of freedom and is so recognized.

It is often affirmed that governments exist to provide good government; that this is the sole ideal of

government in the sense that where good government is provided nothing further can possibly be required; that a government which effectively promotes the welfare of the people is in that fulfilling its whole purpose.

This is one of those obvious ideas that express in fact a dangerous half-truth. Though it is clearly the ideal that government should promote, rather than thwart, the material welfare of the people living under its jurisdiction, such an ideal can become a most dangerous distortion of truth if it ignores the distinction between a free and a dictatorial form of government. So far as promoting the material welfare of the people is concerned, dictatorial governments may be just as devoted to the good, in that limited sense, as are governments which aim to preserve an essential freedom of life. Here, as in all other aspects of life, it matters everything to our conception of the good whether it is rooted in freedom or imposed by necessity.

Further consideration of the ideas of order and system will enable us to see more clearly the essential relationship between true government and free government. The British order and the American system are alike in that the principles or laws which explain each are principles or laws relating to the nature of its component parts; the essentially systematic or orderly character inherent in the fabric. The government in each case simply seeks to make explicit the order or system inherent within a social group capable of acting on true principles of conduct. In neither society is the individual free to do as he

pleases, but only to act in accordance with these principles.

Both ideas, whether of an order or a system, stand in complete contrast to the idea of a merely intelligent plan dictatorially imposed on the life of a group for the purpose of attaining a desired material end. The end is set: the material welfare of the community. As a means of attaining that end a plan is devised. Those who sit in the seats of government and therefore have the necessary power impose the plan.

On such a social plan all modern dictatorships are based and, whatever material good they may for a time achieve, they contain in themselves the seed of their own destruction since they involve at bottom denial of the essential nature of man. For man is a being with power of conceiving and of living in accord with ideas of an order or system inherent in the nature of human life; but the plan makes its sole appeal simply to the intelligence; the power of adapting means to an end; a power which man shares with the lower animals. True, man is much the more intelligent; but it is not merely by a greater degree of intelligence that he is marked off from the lower animals. It is by the fact that he alone has the idea that there is an order or system in the universe and has developed a further power to understand it, this is the mental power which has traditionally gone by the name of reason as distinct from intelligence.

When man sets himself a purely material goal and makes it the sole end of his governmental concern — in the sense that all government is conceived in terms only of plan — he is denying his own freedom and

reason. The rejection of any idea of a universal order or system cuts him off from personal realization of kinship with the life around him.

It may be claimed, of course — as it often is — that the end which the planners seek is the true goal of human endeavour, and that ideals of freedom, reason and truth are merely part of the antiquated conventions by which a privileged class has sought to withhold the material goods of life from the great mass of the people; or at best aspirations which have nothing to do with the practical questions that harass daily life.

This attitude is not by any means confined to the eastern side of the Iron Curtain. Yet however great our social injustice has been and however grave the accusations which any class can make against another because of class injustices, neither the claims of class nor of justice itself can ever destroy the essential nature of man as man. Man has the idea of truth, and with it the power of reason and the obligation to live in the light of such truths as he has achieved; he can deny all that only at the cost of denying himself.

The issue here involved may be clarified by asking whether we are to consider man only as *homo-fabricans* or whether as *homo-linguans* also. Which is of first significance in the life of man: his power of speech or his power of fashioning new instruments of production? Put speech first, and we still retain all that is of value to him in the second aspect; but put the economic in first place and the essential significance of speech is denied: words become not the vehicles of a living truth but the mere fabricated counters of social

communication. This is the real issue as between the two sides of the Iron Curtain. Not only does Marx explicitly affirm the all-supremacy of *homo-fabricans*: but on our side it is precisely the primacy of the word that is enshrined in the constitutions of our constitutional democracies.

There remains the question as between the two forms of constitutional democracy. Which best serves freedom in this age? Both are true in the sense that each affirms the ideal of a government that seeks to preserve and not to destroy a social fabric congenial to the essential freedom of man; but both cannot be equally true. We have therefore to consider which of the two is rooted at once in the truth of freedom and the freedom of truth.

14

CONTEXT OF FREEDOM

This Kingdom hath had many wise, noble and victorious princes. I will not compare with any of them in wisdom, fortitude and other virtues; but saving the duty of a child that is not to compare with his father in love, care, sincerity and justice, I will compare with any Prince that ever you had, or shall have. . . My mind was never to invade my neighbours, or to usurp over any. I am contented to reign over mine own, and to rule as a just Prince. . . You that be Judges and Justices of Peace, I command and straightly charge you, that you see the law to be duly executed, and that you make them living laws when we have put life into them.

QUEEN ELIZABETH I:
on dismissing Parliament, 1593

It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order and good government of Canada.

THE BRITISH NORTH AMERICA ACT, 1867:
Paragraph 91: Powers of Parliament.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

**A DECLARATION BY THE REPRESENTATIVES
OF THE UNITED STATES OF AMERICA IN
CONGRESS ASSEMBLED, JULY 4, 1776.**

*The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at a communist revolution. The proletarians have nothing to lose but their chains. They have a world to win.
Working men of all countries, unite!*

THE COMMUNIST MANIFESTO,
English edition, London, 1848.

THE essential idea of a kingdom is not a fixed system of law deriving from a state of nature, not an already perfect system of law-providing liberty, but rather a free and freely-developing order of life, inspired and informed by an ideal of perfection, yet claiming for itself no absolute perfection whether now or at any future time. The ideal of perfection that inspires it knows nothing of any such absolute end. Indeed, to claim knowledge of the end would involve an implicit denial of the freedom. It would be tantamount to attempting to lay down in advance the future course of human history. There is no such pride and presumption in the ideal of a kingdom. It knows nothing of absolute perfection, whether of a present state of liberty or of a future state of communism. It seeks only to retain what it knows to be good and to attain to whatever is better. And meantime to perform the duties of the moment in which past and future are fused.

In this idea of a developing order one finds the essential freedom of a kingdom as well as the ground for the primacy of person, not of law. Its basic assumption is that human life and the essential development of that life are both rooted in a freedom that defies expression in terms of all-governing law.

In such a developing order of life the true service of the state cannot be exhausted in obedience to law or in personal adjustment to a supposedly perfect fabric of life. A kingdom claiming no existing perfection can always recognize a claim and a challenge to the fuller realization of good already achieved. The requirements of a developing order pass beyond the needs of a perfect system of law, and are always essentially free or such as can only evoke a free response. Indeed, by the very nature of the situation no man can be compelled to the service of such an ideal. So it is, and so it has been among all peoples whose heritage is the British tradition of the King-in-Parliament, that their national devotion could receive its true and highest expression in nothing less than the service of a king.

The British tradition, rooted in and centred upon the idea of kingship, embraces the whole idea of a kingdom or of a freely ordered realm of life. Kingship existed long before monarchy; long before feudalism; long before the republics of Greece and Rome. The earliest kings of which there is record, in the earliest forms of the institution of kingship, were men so wholly dedicated that they stood ready to sacrifice life itself when it was required of them for the considered good of their people. In early kingships the grounds on which the life of the king was required were bound up in beliefs no longer acceptable, but the spirit of sacrifice enshrined shines clear through intervening time. Belittle as you may, such readiness to sacrifice is no mere superstition. It is the inner mark and essence of a king.

A king is the personal centre of an order rooted in freedom and one that defies all possibility of mechanical or mathematical explanation. A king involves an ideal of life at once social and personal. Indeed it can be said that it expresses not simply an ideal of human life, but the ideal; the truly human ideal of life. Deny its true expression and one is then under compulsion to set up a hydra-headed array of substitutes.

Kingship is innate in human life precisely because all life is essentially organic in form and functioning. It follows that the British tradition or order of life is not a mere compromise or *via media*. Its middle position is in fact a third position, eschewing absolutist assumptions right and left. It affirms, not the supremacy of law, but the idea of law and order. Nor does order here mean only that which results from law. It means rather that law is but an ingredient in a social order.

The ideal of personal freedom as within a true kingdom is quite distinct from the idea of individual liberty. Not the supposed independence of man within an imaginary state of nature, but rather the essential nature of man as at once a separate and social being is its strength. It is by no means exhausted in the law of independence; that we must not infringe the equal right of others to a like independence.

Nor is it necessary to refer even that negative aspect of the moral law to the law of self-preservation and the abstract right of each to the protection of such a law. All the evidence we now possess of the social life of people living at the earliest levels of human

development — or with a material culture little if at all in advance of that assumed by those who imagined an initial state of nature — shows nothing in any sense corresponding either to a state of individual independence or to a society based on the idea of contract. On the contrary we find that among primitive peoples the obligation to respect the person and the property of others is in fact rooted entirely in a sense of what we would now call the sanctity of the human person: that the person and even the very body of man is fraught with the power of *mana* which is a power demanding respect. Indeed primitive men are so fully imbued with such a feeling, and with the sense of *tabu* it involves that they need no more objective laws to prohibit isolation or compel obedience.

The British tradition preserves that primitive virtue, recognizing respect of person as primary and sovereign. Its distinctive significance — as contrasted with the republican, the Marxian and the purely demagogic systems — is to be found in the idea of a kingly order of life.

It is not in epic act that one finds the distinctive excellence of a kingdom. It is rather to be found in the inherently sacrificial spirit pervading an entire ethos; the spirit of man in daily non-heroic, but not unheroic expression. Its basic idea is briefly this: that if human life is of a developing character — as history itself very clearly affirms — then happiness is neither the end to be sought nor the true measure of human life.

When the fathers of the American republic blessed their people with a political system believed at the time to be quite perfect, its greatest glory was considered to

be that it gave to each liberty to pursue his happiness as he would. This did not mean, of course, that each was thereby urged to give himself up to pleasure; but it did mean that whatever the individual's responsibilities might be as a member of lesser groups to which he belonged, as a citizen of the United States he was absolved from the very idea of self-sacrifice and from all possible need of it — except for the duty of protecting the already perfect system from attack. So far as his political philosophy was concerned happiness was at once his right and the goal of all his endeavours; a pleasing concept, but one not supported by history.

By contrast, it is their historical character that gives strength to the political philosophies of both the Marxians and the monarchists; for since the life of man is in time as well as in space, and since the changes that take place in time are not without significance, it is only in an historical context that an essential truth can be expressed. And it is only by reference to historical truth that a people can come to realize their meaning as a people.

The ideal enshrined in the British Constitution is essentially historical in form. It does not affirm an existing perfection but places the life of the present always within its context; the past in which it is rooted and the future to which it aspires. Freedom is here no mere truncated liberty relating to such individual satisfaction as is to be found in an absence of tyranny or in a release from concern with consequences. It is concerned with its own continuance for it is related, not to any permanently perfect state of liberty, but to an historical process. It thereby becomes wedded to a

sense of personal responsibility within the movement of human life in time toward the good and the right and the true; an ideal which can never be fulfilled by obedience merely to a given set of laws. It cannot be so readily exhausted. It is a positive freedom which challenges and evokes a positive response.

The ideas of freedom and liberty are both relative to social forms that make their appeal to the individual. The libertarian system is based on appeal to what the eighteenth century supposed to be natural man existing within an imaginary state of nature. The free order, as I have said, is rooted in the quite other idea of the essential sanctity of the human person; the idea that man, as man, does not derive solely from a state of nature or that his advances beyond it are not the mere result of the greater intelligence whereby he was led to devise a means of overcoming its early inconveniences. He has the power of rising completely above the natural environment within which the life of all other animals is confined; and because he has it, because he is able to view the entire fabric of all things existing as his proper environment and, even more, to see through the fabric itself to some kind of realization of what lies behind and beyond it; he has known himself to be, as it were, in touch with an universal life so far different from anything possible in the mere state of nature as to be incapable of explanation or interpretation by reference to it. It is upon precisely this knowledge that the British tradition of government depends.

There is a further important difference between the American and the British ideas of the social life of man. A Constitution enshrining laws protecting the

natural, and therefore unchanging, rights of each individual must of necessity claim to be a perfect instrument of government. Indeed, Washington himself expressed that idea in his famous *Farewell Address to the American People* assuring them that their Constitution was as perfect as human wisdom could devise. But a system of liberty based upon and constructed throughout to conform to the idea of unchanging natural rights is a system which has cut itself off from human history and from any further development which the processes of history may involve. Everything is tied to the rigidly mechanistic concepts of the eighteenth century, to be loosened only as jurists present a new interpretation of the basic idea of law.

It cannot be too strongly emphasized that Marx was not merely one who sought to destroy capitalism and, in mentally sweeping the economic system away, could not avoid taking the democratic state with it. He was not in principle opposed to a free economy nor was he opposed to the democratic idea. He was primarily opposed to the Newtonian doctrine of the absolute independence, or basic natural liberty, of the individual.

To assume, as Marx does, that what we now call western civilization is identical with that doctrine would at first sight seem to be an absurd simplification, and yet so far as social thought is concerned the Marxian's is the all but universally accepted assumption of the western world. We assume with Marx that science constitutes the authoritative basis of all western thought; that the political life and

thought of the modern world is built wholly on the republican revolutions of the seventeenth and eighteenth centuries. We assume, in other words, that kingship is a mere survival of something that has no real place in the modern world. So strong is this belief that even when it is found that the generally accepted social basis is faulty, that it is not in fact the monopolistic expression of reason and truth it claims to be, science still continues to be recognized as the corner-stone of all that is modern and progressive.

It is not even supposed that an advance toward sanity could be made by subjecting the basic assumption of the modern and the progressive to re-examination.

Yet only the truth that is itself rooted in freedom can preserve a social order that stems from the freedom of the human person. Only such a truth can give enduring authority to government; for the order which true government expresses is also the order inherent within each individual life; they are complementary expressions of the same idea; there is no conflict between them; for man is essentially a social being, and only when the State itself is rooted in that truth can it provide the social fabric for the sane development of man's life.

British democracy, like American, involves an essentially constitutional form of government one in which the will of the people is brought to expression in governmental act always as within and through an established fabric of government.

That British democracy has to do with an unwritten as opposed to a written Constitution, has often been

taken as the point of primary distinction between the two. This may well be granted, provided that we do not stop at that point of distinction, but attempt to see more clearly what is further implied in it. What is it that is written; and what unwritten? Why should the one be written, and the other unwritten?

In the one case, at least, the answer is quite clear. What is written is the law to which all the representatives of the people are subject. They must act only within the limits prescribed for them by the law embodied in the Constitution, and if they overstep these limits their actions can then be declared void of authority. By such means the representatives of the people are prevented from infringing upon the supreme law that ensures the liberty of each citizen.

That the British Constitution is unwritten is an expression of the ideal of life it enshrines; not one that can be expressed in terms of a law, supreme and unchanging. This is not to say that it knows nothing of laws which are unchanging, or that it fails to ascribe to such laws the importance that is theirs. It is rather to say that such laws exist within a further order or realm of life which is of a changing character and which cannot therefore be explained in terms of unchanging laws.

The British idea of a realm does not deny the importance of law. It denies only that law is supreme. Hence it involves a critique of the republican idea of law. For the last three hundred years that idea has gone all but unchallenged. Indeed it has been the persistent, and supposedly wholly devastating, critic of kingdoms and realms. But we have reached the stage where the

tables need to be turned. It is time to see that the royalist position involves a more penetrating critique of the republican than republicans have ever in fact been able to direct against monarchy.

Much of the terminology of our courts suggests that the courts are the King's courts dispensing the King's justice. Is such terminology a mere formality? The justice dispensed derives from the law and the judges who apply and interpret that law act quite independently of the will of the sovereign. The royal reference would therefore seem to be a mere matter of form.

But form is not in fact so mere and the royal form here appears to be a formality only if we assume that a king to be a king must make his individual will the law of the land. Hence the next mistaken assumption; that when the law of the land is independent of the will of the monarch any royal reference must be a relic of days when the king possessed all power.

But kings were not initially men who ruled according to their individual wills. Power was centred in the kingly person only because all authority was vested there. Such a centring of authority was not mere form; nor yet a cloak to conceal the absolute self-will that lurked within. It expressed rather the idea that a king was a man whose life was so completely dedicated to his people that he had no will of his own whatever.

Precisely because the royal authority expressed a certain ideal of order a king was able to delegate his judicial powers to others; men entrusted with seeing

that all social conflicts were resolved in accordance with the monarchical order of life, and the principle inherent in that order. Hence the fact that courts act in independence of the individual will of the King does nothing to make our traditional terminology a formality. Only if the laws of the kingdom differed in no sense from those of a republic; from the laws, that is, that are to govern instead of men; would it be valid to affirm that the idea of a king and a kingdom has nothing to do with our courts.

Go back to the beginning of the laws, the laws still valid which we inherit, and ask what was the idea of law that guided the judges of Henry II. They were not seeking to impose the individual will of Henry II on the life of his people. Nor were they seeking simply to give expression to current public opinion, whatever that opinion might be. Their judgements might coincide with public opinion and the coincidence might help to confirm the judgement, but their judging was not a matter of expressing current opinion; if it had been there would have been no need of judges. They had no design, on the other hand, to impose on the existing social order conditions appropriate to a state of nature. They were dealing with a given historical fabric of life and seeking to discern in relationships existing what were and what were not consistent with the respect due the person of man. Where the judgement resulting could be seen to be right in such a situation and in the light of such a principle, it was used as a precedent to guide other judges judging similar situations.

A law so established will not be eternally fixed in all

its parts. Similar situations in the future will not always be exactly the same. Conditions of life may change and in such a way that the right principle of judgement may require a new law to express it. The idea of respect for person may in future be given a fuller and truer meaning than was given it in the past. But if the essence of justice is to be preserved judges must be learned in the law as it has changed and developed from times past. Only thus may they clearly see how the law can serve justice in new conditions and, in the light of new ideas, ensure what is due to man without endangering the abiding principles of justice.

The contrast between the royal and republican ideas of government is nowhere more clear than in the terminologies in which the two ideas are expressed. If we are to have 'laws and not men' to govern us; if we are to have laws alone, then the true ordering of social life becomes a matter simply of governing life by law. Nothing more is involved; the ideal of government could be fully realized in having laws that are at once right and efficient. But monarchical government, equally concerned with having right and efficient laws, also recognizes that the ordering of life may be greatly affected by other deep and all-pervading influences. These influences are those which flow from one person to another and it is precisely their power which is expressed in the royalist idea that the laws of the state cannot be divorced from the persons to whom such laws relate and from whom they derive; that the ordered life of a people has to do with ruling influences as well as with governing laws and still further, that the

ideal order requires the good influences of honourable men for the just and efficient government of life.

Nor is this, again, merely a pretty bit of embroidery on the fabric of the State. It is something that strikes to the very root of our social life. Law can be the first and supreme concern in government only on the assumption that it is as static a thing as eighteenth century philosophers affirmed it to have been.

If it is the aim of human life to perpetuate the static independence that each was supposed to have, then an absolute law is all we need. But once we see that man is an essentially social being and that his social life has been one that bears manifest evidence of development, the further revelation follows: that the government of such a developing order cannot be built on the republican dictum that 'we will have laws, and not men, to govern us'. For the government of a developing order requires not only just and efficient laws, but prior to these — and before we can hope to see what has become the just and efficient thing to do — men who see what past development involves in the present.

15

OUT OF HIS TREASURE

On a huge hill,
Cragged and steep, Truth stands,
and he that will
Reach her, about must, and about
must goe,
To will, implyes delay, therefore
now doe:
Hard deeds, and bodies paines; hard knowledge too
The mindes indeavours reach. . .
Keepe the truth which thou hast found. . .
That thou mayest rightly obey power,
her bounds know.

John Donne, Satyre III

The years of freedom gave me an opportunity of unlearning and even in many cases completely reversing all that I had been taught or had learned at two modern universities. I was led from the 'modern' thinkers of the second half of the seventeenth, the eighteenth and the nineteenth centuries, to the life and thought of the sixteenth and early seventeenth centuries — the Reformation and post-Reformation periods.

Thus I went behind and beyond the thought which begins with Descartes and Locke and Newton and which is based either on the idea of number and mathematics or, as with Locke, simply on things as things; or as part of a universal nature fixed and unchanging. Descartes, Locke and Newton — our present educational system apparently assumes itself to be emulating Demosthenes when it fills its students' mouths with stones; giving the pebbles which are numbers instead of the bread of life which is to be found in words and the wisdom of words. Of the incarnate Word which is the bread and wine of eternal life they are given nothing.

All our modern thought is based either on numbers or on things which it can transmute into more numbers. Is it any wonder that the best poets of the eighteenth century were men who spent their lives either just outside or just inside lunatic asylums? — until Coleridge and Lamb and Keats went back to the early seventeenth century and entered a new and exciting, still living and throbbing world. And so others have found and are finding it. T.S. Eliot is but a symbol of that: the ultra-modern American poet who finds his spiritual home in the early seventeenth century — and becomes a British subject. So John Donne speaks to our age in words still new and fresh.

WE who do not accept the natural law or the law of change as our master have come to out last card in a game for great stakes. The playing of it will make all the difference and though the card we hold is not the ace, the absolute one, it is something in truth far higher: a Queen. This last card, I suggest, is of supreme significance to Canadians as a people, not only or simply as the means of preserving an essential continuity with our past, and through it with the entire history of man, but also because the single word holds the seed of new and creative growth. Change metaphors.

We are like the man who was an householder and who, out of his treasure, brought things new and old. Note that his treasure was something quite distinct from the house he inhabited and that he brought new things too. It's a poor treasure that contains nothing more than antiques and coins of ancient vintage. Ours is not of such a kind; and it is this which makes the attempt to cut away the traditional loyalties of Canadians the tragic thing it is; there still remain such vast and all but untouched resources of truth and power in the essentially Christian ideal of a kingly

order of life. To uphold the claims of the King-in-Parliament is not a matter merely of preserving the past. It is rather to make explicit in the present and increasingly explicit for the future what has hitherto been implicit but largely unregarded in the richest heritage with which any people in history has ever been blest. What is the alternative with which we shall be fobbed off, if we fail to make good our claim? The mere blind bland absolute will of the people.

The majority will can do no wrong: that has become the accepted political philosophy of the country. Many besides myself must be growing tired of it and its ubiquitous agents of propaganda forever calling on us to worship — what? Whatever the people's will may be declared to be as of today, without a suggestion that it could be informed, enlightened or inspired by reference to anything beyond itself. That affirmed blankness of mere will, that complete rejection of mind and of all that has made man, from the first moment he spoke words and found in them meaning and truth, is to become the light by which this nation is to live. So it is not surprising that words have become cheap; words which have held in themselves the meaning and wealth of our inheritance are now the counters that buy dull subservience to party. The dupes who accept them know no better. They are self-hypnotized to worship a wholly nebulous unity of will to which has been ascribed all sovereign power, an illusion expressly designed to cover the absence of real unity in the life of the country and bathe us all in a glow of pure sham.

This spectacle must delight the heart of every honest

Marxian. For it is he, not we, who faces the fact and makes his appeal to it; the fact that constitutes the crisis of our civilization.

What have we to oppose to Marxism? How do we meet this inexorable force in the world's life? With the inexorable force of a Canadian national will? Is that all the answer this country has to give? Is that to be our part in civilization's effort to meet the threat to its life? If that is all it is pitifully little. For inexorableness, the Canadian national will is hardly in the Marxian class. Presuming to worship it cut off from the great political traditions within which and within which alone there can be any possibility of resolving the basic problem of our time, we presume too far.

APPENDIX

*The Dissolution of the Australian Parliament:
11th November, 1975*

By Professor D.P. O'Connell, in "*The Parliamentarian*", January, 1976. Educated at University of Auckland, N.Z., and Trinity College, Cambridge, U.K., Professor O'Connell was Reader in Law University of Adelaide, Australia, 1962-72, and had been Chichele Professor of International Law at Oxford University, U.K., since 1972 when he wrote the following article:

On 11 November 1975 the Governor-General of Australia, Sir John Kerr, dismissed the Labour Government of Mr Gough Whitlam, commissioned the Leader of the Opposition, Mr Malcolm Fraser, to form a caretaker Government until an election could be held, accepted Mr Fraser's advice given immediately afterwards that both Houses of Parliament should be dissolved, and dissolved them, unleashing a storm of controversy as to the constitutionality of his actions and their likely consequences in the long as well as the short term. The Governor-General saw Mr Whitlam at Government House at 1 p.m. on that day and handed him the following letter:

Dr Mr Whitlam,

In accordance with Section 64 of the Constitution I hereby determine your appointment as my chief adviser and head of the

Government. It follows that I also hereby determine the appointments of all the Ministers in your Government.

You have previously told me that you would never resign or advise an election of the House of Representatives or a double dissolution and that the only way in which such an election could be obtained would be by my dismissal of you and your ministerial colleagues. As it appeared likely that you would today persist in this attitude I decided that, if you did, I would determine your commission and state my reasons for doing so. You have persisted in your attitude and I have accordingly acted as indicated. I attach a statement of my reasons, which I intend to publish immediately.

It is with a great deal of regret that I have taken this step both in respect of yourself and your colleagues.

I propose to send for the Leader of the Opposition and to commission him to form a new caretaker Government until an election can be held.

Yours sincerely, (Sgd.) John R. Kerr.

The Governor-General's statement of his reasons is appended to this article. At 2.20 p.m. the Senate passed Supply Bills. Fourteen minutes later Mr Fraser rose in the House of Representatives to announce that he held the Governor-General's commission as Prime Minister. There followed five divisions in that House which the Labour Party (now the Opposition) won. The final division was on a motion of no-confidence in

Mr Fraser as Prime Minister, which, when it was passed, led to a resolution requesting the Speaker to call on the Governor-General to dismiss Mr Fraser and commission Mr Whitlam to form a Government, as the leader of the party with the confidence of the House of Representatives. At 3.15 p.m. the House adjourned for the Speaker to convey this resolution to the Governor-General. An appointment was made for the Speaker to see the Governor-General at 4.45 p.m. At that very time the Governor-General's secretary read the proclamation of dissolution of Parliament upon the steps of Parliament House to a hostile crowd and an angry Mr Whitlam, whose immediate response was an intemperate remark about the Governor-General which many took as a threat to both the office and its incumbent.

In the election campaign that followed, both the Labour Party and the Liberal-Country Party coalition acclaimed the Governor-General's action as, respectively, an assault upon and a defence of the Constitution. Certainly it was an unusual test of the relationship between Parliament and the Head of State and of the inherent power of the Head of State in the authentic processes of democracy. Some have seen it as a vindication of the view that the Crown has residual power to resolve a question of the constitutionality of governmental actions, and so as a matter of general interest to Commonwealth countries which have retained the monarchy. However it be interpreted, the episode is of historic importance.

A proper assessment of the constitutionality of the Governor-General's actions and associated events

requires a review of the progress of the constitutional crisis leading to the dissolution of Parliament. A prominent feature of the policies of the Labour Government after it came to power in December 1972 was the progressive ousting of foreign multinational interest in the Australian mineral industry. Since section 51 (xxiii) of the Australian Constitution requires the payment of compensation on "just terms" for the taking of property, a programme of nationalization would require a prodigious outlay of public money. During the early part of 1975 a public scandal erupted over attempts by the Treasurer, Dr. Cairns, to raise the vast sum of four billion dollars on the international loan market through unconventional agencies and outside the legal framework for the raising of loan monies.

It was generally believed that the funds thus raised would be employed in a scheme for the transfer to Australian ownership of the mineral interest in foreign corporations. The documents that passed from hand to hand among the fringe bankers who sought to raise these funds tend to authenticate this theory, since they state that the funds were to be put at the disposal of the "Ministry of Energy". But another explanation was suggested in a letter to the *Melbourne Age* of 11 July 1975 by a Professor C. Howard, who had until shortly before he wrote this letter been a special constitutional consultant to Senator Murphy, the Labour Attorney-General, whom he included in his denunciations in this letter. He wrote:

"No one has yet given a credible reason why the sum sought to be raised in the loans affair was so

large. Attention has been distracted by the naive and secretive methods adopted, by the evasion of the Financial Agreement and by the fate of Dr Cairns.

Yet it seems to me that the size of the sums involved reveals the probable truth of the whole business, for they are of budgetary proportions. . . . In my view the loans scheme was simply an attempt to open up an extra-parliamentary source of supply which would be available, not, to be sure, to bypass Parliament forever, but to keep a Government afloat for a long enough time to ride out the threat of another forced election."

He then nominated as persons "known or believed to have been implicated in one capacity or another", Mr Whitlam, Dr Cairns, Mr Connor, the Minister of Energy, and Senator Murphy. These four Ministers are said by other sources to have participated in a joint decision to raise the funds in these amounts and in unorthodox ways, although this has not been substantiated. — The unorthodoxy lay not only in the use of fringe bankers and amateur agents but in the circumvention of the strict requirements of the Financial Agreements Act, 1928-1966, which is covered by Section 105A of the Constitution. This schedules the Financial Agreements of the Commonwealth and States, whereby all loan raisings have to be approved by the Australian Loan Council (which is composed of Commonwealth and States), unless the raisings are for 'temporary purposes'. It has been rumoured that the Attorney General gave an

opinion that a loan with a maturity date of 20 years would be a loan for temporary purposes (although it would be difficult to see what could then be a loan for other than temporary purposes, since 20 years exceeds the maturity period of most bond issues). Certainly, documents relating to the attempts of the agents to raise the sum of four billion dollars nominate a 20-year period.

When the facts of Dr Cairns' actions became public knowledge he was dismissed by Mr Whitlam amid charges of exorbitant commissions to various people. Various undertakings were then given to Parliament by Mr Whitlam, but in mid-October he found it necessary to dismiss Mr Connor also for continuing to negotiate with a view to raising these funds. Subsequently, reputable newspapers alleged that Mr Whitlam himself was a party to the decisions taken to authorize the negotiations, and was aware of the activities of his Ministers at all relevant times, but again this has not been substantiated.

Whatever the truth of the various allegations made before and after the dissolution of Parliament, the dismissal of Mr Connor a few days before the Senate was due to vote on the budget, which had already passed the House of Representatives, suggested the atmosphere of a major financial scandal. Since Labour did not have a majority in the Senate the possibility had been canvassed for some months of the Opposition seeking to force a general election by rejecting the Supply Bill when it reached the Senate. Mr Fraser had publicly said that this would happen only when extraordinary and reprehensible

circumstances existed. The loans scandal led to the Opposition adopting the stance that these circumstances did exist, and the Senate deferred the Supply Bill each time that it was presented by the Government during the next three weeks. It was expected that within six weeks the government would be driven to extraordinary methods to maintain public services, or would have to resign or Mr Whitlam would have to advise the Governor-General to dissolve Parliament. Mr Whitlam determined to ride out the storm.

The initial stages of the constitutional crisis thus raised two questions of constitutional law and practice; concerning the powers of the Senate with respect to Supply, and the requirements of law relating to the expenditure of funds without budgetary appropriation.

Refusal of Supply: Power of Senate

So far as the withholding of supply is concerned, the position in Australia is different from what it is in the United Kingdom, where the House of Lords has long been fettered in the matter of money Bills. The draftsmen of the Australian Constitution 1900 deliberately rejected the idea that the popularly elected House should be paramount in the matter of Supply in favour of the idea of control by the states over federal expenditure through the Senate, which was structured to represent the people organized in the states rather than in the electorate generally. This fundamental point has not always been adverted to in the course of the controversy over the Senate's powers, nor has attention been drawn to section 49 of the Constitution

which states that the powers, privileges, and immunities of the Senate are those of the House of Commons, and not of the House of Lords. Section 53 of the Constitution reads:

53. Powers of the Houses in respect of legislation. Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed law appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of

Representatives in respect of all proposed laws.

It will be noted that the limitations imposed on the Senate in respect of money Bills relate to their amendment not their rejection. So far as their rejection is concerned, there is nothing in the Constitution to suggest that the ordinary requirements of Section 1 for the enactment of legislation would not apply to money Bills, namely that they should pass both Houses.

In 1974 the Senate forced a dissolution of both Houses by rejecting a series of government Bills. The possibility of it repeating this in 1975 depended upon Mr Whitlam taking advantage of the continued rejection of his Bills by a hostile Senate to advise the Governor-General in favour of a double dissolution once again. But Mr Whitlam made it clear that he would suffer the rejection and would not go again to the electorate. So the rejection of the budget seemed to be the only way in which the Government could be forced to go again to the people. The loan scandals could then be made an electoral issue.

Whatever the written text of the Constitution, the rejection of Supply was a highly controversial matter, and Mr Whitlam had for some time previous to the passage of the budget through Parliament been mobilizing opinion against it. A government-inspired move led to letters to the newspapers contending that the duty of the Senate to pass the Supply Bill was a matter of constitutional convention, as in the case of the House of Lords, or, at least, that it was rash because once the precedent was set it could become a routine political tactic which would debase the constitutional system, if it did not actually make

Australia ungovernable.

Although it was widely canvassed, the theory of a constitutional convention on the subject of Supply in Australia is not readily sustainable. For a constitutional convention to arise which would, in effect, alter the intendment of the written text of the Constitution there would have to be a practice to that effect supported by a general consensus. While it is true that the Senate had not previously rejected Supply, the constitutional theorists had never previously propounded a theory on the basis of this self-denial, which was explicable by political circumstances. And the Labour Party, which in 1975 was so assiduous in cultivating the supposed convention, had, when in Opposition in 1970, voted in the Senate against Supply legislation on the theory of the Senate's independent role.

Speaking in the House of Representatives on 12 June 1970 in the debate on the States' Receipts Duties (Administration) Bill, Mr Whitlam (then Leader of the Opposition) said. "This Bill and its associated Bills will be rejected by Parliament. This Bill will be defeated in another place. The Government should then resign. It has become quite clear in the months since the last federal election that this Government is pathologically incapable of resolving the problems of Commonwealth-state-civic financial relations." On 18 June 1970 in the debate on the same Bill in the Senate, Senator Murphy (then Senate Leader of the Opposition) said: "The Senate is entitled and expected to exercise resolutely but with discretion its power to refuse its concurrence to any financial measure,

including a tax Bill. There are no limitations on the Senate in the use of its constitutional powers, except the limitations imposed by discretion and reason." On 25 August 1970, Mr Whitlam speaking in the budget debate in the House of Representatives said: "Let us take this budget and the Government which produced it to the people themselves. The Parliament has already voted Supply to the end of November. By that time, there can be an election for both Houses. An election therefore would cause no disruption. The only thing that will cause disruption is the continuance of the Government. Let me make it clear at the outset that our opposition to this budget is not mere formality. We intend to press our opposition by all available means on all related measures in both Houses. If the motion is defeated, we will vote against the Bills here and in the Senate. Our purpose is to destroy the Government which has sponsored it." On 1 October 1970 Mr Whitlam said in the House of Representatives: "We all know that in British Parliaments the tradition is that if a money Bill is defeated. . . the Government goes to the people to seek their endorsement of its policies."

Furthermore, in Australia the rejection of Supply by Upper Houses has been an intermittent phenomenon for a long time, and even recently, because of the independent position of these Houses compared with the House of Lords. In the nineteenth century this occurred three times, the case of Victoria in 1879, when the Government ran out of money and sacked the civil service, being celebrated, and discussed prominently by Dicey in his *Constitutional Law*. The

memory of these notorious incidents was fresh when the Australian Constitution was being drafted, and it is no accident that curbs on the Senate in this matter were excluded. Again in 1947 and in 1952 the Victorian Legislative Council rejected the Supply Bill, as did the Tasmanian Council in 1952.

The expediency of the deferment of Supply by the Senate in October 1975 is a matter of political judgment, but its constitutionality is a different matter altogether, and the confusion of the two in the minds of the Australian public tended to excite public criticism both of the Liberal-Country Party action in failing to pass the budget and the decision of the Governor-General, consequent upon that action, to dismiss a Government which had the confidence of the House of Representatives.

When the Supply Bill failed to pass the Senate Mr Fraser demanded the resignation of the Government and publicly argued that if this did not occur the Governor-General had the duty to dismiss the Government. It seemed, on the face of it, that the Governor-General, in acting as he did, was yielding to the tactics not to say the asservations of the Opposition. The constitutionality of his action was thus inevitably confused with the questions of the confidence of the House of Representatives and the duty of the Governor-General to act upon the advice of a Prime Minister who enjoys this confidence.

A Head of State who lacked the competence of independent action in the circumstances now existing in Australia would be nothing but the creature of a Government, irrespective of the expedients adopted by

it to survive in power when denied the financial means of doing so. Either the Government would, within a short time, be driven to questionable methods of funding its necessary activities, or public administration would come to a halt — as it had in Victoria in 1879 — with incalculable social and economic consequences.

Mr Whitlam stated that the Government would continue to govern without Supply, and that it had legal access to funds other than those appropriated by Parliament in the Consolidated Revenue Accounts to enable it to do so. There is no public indication of the funds to which he was referring, but it was belived that the Government's intention was to withdraw money from the Loan Fund. The legal situation seems to be as follows:

Section 83 of the Constitution states that “no money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law”. Harrison Moore, *Commonwealth of Australia*, 1st ed., p. 187 said: “This excludes the once popular doctrine that money might become legally available for the use of the government service upon the votes of Supply of the Lower House.” Sections 31, 32, and 59 of the Audit Act, 1901-1973 require that no money shall be drawn from the Commonwealth Public Account except after the Auditor-General has certified that that amount is lawfully available by virtue of appropriation under section 83 of the Constitution. The Commonwealth Public Account includes the Consolidated Revenue Fund and the Loan Fund. The necessary warrant for payment can be issued to the

Treasurer by the Governor-General on the Auditor-General's certificate. Under section 42(2) (c) and (d) the Auditor-General is legally bound to surcharge any person who pays out of the Commonwealth Public Account without the authority of a warrant lawfully issued by the Governor-General.

The blockage of the Supply Bill by the Senate meant that appropriated funds would quickly run out. It is important to note the central position occupied by the Governor-General in this legislative scheme — something overlooked in the general debate upon the legality and propriety of his dismissal of the Government. His constitutional powers must be assessed in consideration of the legal responsibility placed upon him, by this legislation, and in the light of the knowledge which he presumably acquired as to how the Government proposed to circumvent the legal restrictions upon its access to funds.

How did the Government propose to draw public monies in order to stay in office? Any answer must be speculative. Section 3 of the Loan (Temporary Revenue Deficits) Act 1953-1966, and Section 6, of the Loan (Short-Term Borrowings) Act 1959-1973 allow the Treasurer to expend money standing to the credit of the Loan Fund for the purposes of any appropriation made or to be made out of the Consolidated Revenue fund: both of these Acts appropriate to the extent necessary for the purposes of those sections. Was it intended to make out a plausible case for raiding the Loan Fund in order to finance routine expenditure, on the argument that, since the budget had merely been deferred by the Senate and not

rejected, the expenditure was for the purposes of an appropriation "to be made"? The Governor-General, as a former Chief Justice of New South Wales, would be in a position to form a view as to the intrinsic legality of any policy of the Government; and as the person required to issue the warrant he would have an exceptional and independent authority. Again, his legal duty, coupled with what he presumably learned (since he says he talked with the Treasurer) are essential features of the background to his decisions. It may be because he felt he was on the horns of a legal and constitutional dilemma that the Governor-General decided to dismiss the Government and appoint Mr Fraser a caretaker Prime Minister to advise him to dissolve Parliament.

Power of dissolution

The Power of dissolution in Australia has not been left to the prerogative. Section 5 of the Constitution concerns the dissolution of the House of Representatives, and reads as follows:

5. Sessions of Parliament. Prorogation and Dissolution. The Governor-General may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives.

28. Duration of House of Representatives. Every House of Representatives shall continue for three years from the first meeting of the House, and no longer, but may be sooner dissolved by the Governor-General.

Section 57 governs the dissolution of the Senate, and it reads:

57. Disagreement between the Houses. If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the Members of the Senate and of the House of Representatives.

The Members present at the joint sitting may deliberate and shall vote together upon the

proposed law at last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the Members of the Senate and House of Representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the Members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the Governor-General for the Queen's Assent.

Governor-General's discretion

The question is whether, by convention, the Governor-General is bound to accept the advice of his Ministers in all matters arising under these sections. As it happened, in the present case the dissolution of both Houses was advised by Mr Fraser when he took office, but since he did take office only on the understanding that he would tender this advice, and after the dismissal of Mr Whitlam, it is still pertinent to consider the question.

Harrison Moore in his *Commonwealth of Australia* at p. 95 wrote that the Governor-General, in exercising his powers under section 5 would generally, "but not necessarily" act on the advice of his Ministers. In 1914 the Chief Justice advised the Governor-General in connection with a double dissolution (i.e., one under both sections 5 and 57) that

under both sections the Governor-General had a duty of "independent exercise of discretion" (Evatt, "The Discretionary Authority of Dominion Governors", *Canadian Bar Review*, Vol. 18 (1940), p. 5). The Chief Justice said that the Governor-General must form his own judgment, and was not bound to follow the advice of his Ministers since he was "in the position of an independent arbiter". (*Official History of Australia in the War of 1914-1918* Vol. XI, E. Scott, p. 19). Theoretically the discretion of the Crown in the matter of dissolution is maintained by Forsey (*The Royal Power of Dissolution of Parliament in the British Commonwealth* (1943), p. 259), who would allow it to be exercised only "negatively, preventively; never as a means of bringing about some positive end desired by the King himself or his representative". It is questioned by Markesinis, *The Theory and Practice of Dissolution of Parliament* (1972), pp. 70-71, 120, on the ground that the Crown needs to be protected against a charge of partisanship. But in the case of the exercise of his powers under section 57 of the Australian Constitution, relating to the dissolution of the Senate, the Governor-General's competence of independent judgement has been conceded by Prime Ministers, notably by Mr Menzies when advising with respect to a double dissolution in 1951. He told the then Governor-General that the latter would not be bound to follow his advice in respect of the existence of the conditions of fact set out in section 57, although he had to be himself satisfied that those conditions of fact were established (*Parliamentary Papers*, 1957, Vol. 5, p. 918). In his memorandum of advice to the

Governor-General, Mr. Menzies noted that the Governor-General attached some importance to the unworkable condition of Parliament as a whole which resulted from the failure of the Senate to pass legislation. His advice was that the Governor-General should dissolve Parliament if "good government, secure administration, and the reasonably speedy enactment of a legislative programme were being made extremely difficult, if not actually impossible".

A clear perception of the scope of the Governor-General's discretion was difficult in the events of October-November 1975 because of the linking of the question of his duty to act on the advice of his Ministers with the contentions advanced by his Ministers that the Senate was in breach of the Constitution in rejecting Supply voted by the House of Representatives. The Governor-General might well have taken the view that one constitutional impropriety does not warrant another, and that his discretion should not be made to depend upon the plausibility of the Government's intentions respecting the Senate, but the confusion in the public mind as to the constitutionality of the Senate's actions would certainly have to be taken into consideration by him when determining the scope of his powers and the timing of their exercise. (In fact, the Governor-General in his statement of his reasons for dismissing Mr Whitlam said that, in his view, the action of the Senate was not constitutionally improper.)

The link between the two questions was explicitly presented in a legal opinion given to the Prime Minister by the Attorney-General and the Solicitor-

General on 4 November 1975⁴ they said that:

“The question thus is whether the deferring of Supply by the Senate solely to procure the resignation, or failing that, the dismissal of the Ministry as a step in a forced dissolution of the Representatives compels His Excellency to dissolve that House. The existence, nature or extent of the Governor-General’s reserve powers of dismissal or dissolution in other circumstances does not arise.”

The opinion, albeit none too firmly, supported the existence of a convention that the Senate ought not to refuse Supply, upon the basis that Supply had not previously been refused, and by drawing analogies from conventional situations not expressly covered by the Constitution, notably the office of Prime Minister. It was pointed out that Jennings (*Cabinet Government*, 3rd ed. 1969, p. 403) mentioned that no Government had been dismissed in the United Kingdom since 1784, and that in the case of others of the Crown’s Dominions Forsey (p.71) had been unable to find a case of “forced dissolution” since 1853, i.e. a case where Ministers were dismissed because they refused to advise dissolution. This led them to doubt the existence of a prerogative right in the instant circumstances. They drew attention to section 61 of the Constitution, which reads:

61. Executive power. The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen’s representative, and extends to the execution and maintenance of this Constitution,

and of the laws of the Commonwealth, and to section 62 which provides for a federal Executive Council to advise the Governor-General "in the government of the Commonwealth". From these they concluded, in bold and broad terms, that "the executive power of the Commonwealth exercisable by the Governor-General may only be so exercised on advice of a Ministry which, because responsible government permeates the Constitution, will be drawn from the majority party in the Representatives".

It followed, in their opinion, that the Governor-General had no duty to dismiss the Government in the instant case; and, as to his powers, they admitted that he could not disregard the effects of the Senate's action upon the business of government, but they argued that it was "not correct to treat the exercise of those powers as demanded when refusal of Supply is threatened or when it occurs". They did not directly deal with the possibility — having dealt with the Governor-General's "duty" — that he nonetheless retained a discretion. At least by implication, they seem to have conceded it. They sought to meet the point by drawing attention to the provisions for breaking a deadlock between the two Houses, section 57 of the Constitution, and by pointing out that the conditions for doing so would only arise when the budget had failed to pass for a period of three months.

The purport of this opinion was that the Government had the right to survive for at least another two months. The fact that the conditions prescribed for the use of section 57 already existed in the case of another 21 Bills which had failed to pass the

Senate was beside the point if the government chose not to advise the Governor-General to use that section. The defect in the argument was, of course, that even when the budget fell within those conditions the Government might still refuse, as it said it would, to advise a dissolution, so that the financial crisis would intensify, and would not be resolved by the use of the deadlock procedures. In other words, contrary to the opinion expressed, the Constitution did not contain effective provisions to resolve the problem, and it is hard to agree that section 57 could plausibly curb the general functions of the Governor-General as the Crown's representative and as an officer under the Constitution. The most that could be said about this argument of the Attorney-General and the Solicitor-General is that section 57 limits the Governor-General's power to dissolve the Senate temporarily not absolutely; but even this limitation would depend upon facts not all of which are yet known.

Consultation by Governor-General

The Governor-General is unquestionably obliged to consult his Ministers, and his Law Officers, up to the time when he comes to make a decision. The Governor-General has said that he discussed matters with the Attorney-General (and the Treasurer). It is not known that he discussed them with the Solicitor-General, who in Australia is a statutory creature, but it seems that he was handed a copy of the joint opinion. If it were to be said that he was under an obligation to make his decision upon the basis of the advice tendered to him by his Law Officers, it would follow that he would have no independent faculty of

decision. If he does have that faculty it follows that when it comes to the point of his deciding to accept or to reject their advice he is entitled to seek other advice and is free to act upon it. this is what the Governor-General did. Following the precedent of 1914 already referred to, he consulted the Chief Justice, Sir Garfield Barwick, who advised as follows:

Advice of Chief Justice

“In response to Your Excellency’s invitation I attended this day at Admiralty House. In our conversations I indicated that I considered myself, as Chief Justice of Australia, free, on Your Excellency’s request, to offer you legal advice as to Your Excellency’s constitutional rights and duties in relation to an existing situation which, of its nature, was unlikely to come before the court. We both clearly understood that I was not in any way concerned with matters of a purely political kind, or with any political consequences of the advice I might give.

In response to Your Excellency’s request for my legal advice as to whether a course on which you had determined was consistent with your constitutional authority and duty, I respectfully offer the following.

The Constitution of Australia is a federal Constitution which embodies the principle of ministerial responsibility. The Parliament consists of two Houses: the House of Representatives and the Senate, each popularly elected, and each with the same legislative power,

with the one exception that the Senate may not originate nor amend a money Bill.

Two relevant constitutional consequences flow from this structure of the Parliament. First, the Senate has constitutional power to refuse to pass a money Bill; it has power to refuse Supply to the Government of the day. Secondly, a Prime Minister who cannot ensure Supply to the Crown, including funds for carrying on the ordinary services of government, must either advise a general election (of a kind which the constitutional situation may then allow) or resign. If, being unable to secure Supply, he refuses to take either course, Your Excellency has constitutional authority to withdraw his commission as Prime Minister.

There is no analogy in respect of a Prime Minister's duty between the situation of the Parliament under the federal Constitution of Australia and the relationship between the House of Commons, a popularly elected body, and the House of Lords, a non-elected body in the unitary form of government functioning in the United Kingdom. Under that system, a Government having the confidence of the House of Commons can secure Supply, despite a recalcitrant House of Lords. But it is otherwise under our federal Constitution. A Government having the confidence of the House of Representatives but not that of the Senate, both elected Houses, cannot secure Supply to the Crown.

But there is an analogy between the situation of a Prime Minister who has lost the confidence of the House of Commons and a Prime Minister who does not have the confidence of the Parliament, i.e. of the House of Representatives and of the Senate. The duty and responsibility of the Prime Minister to the Crown in each case is the same: if unable to secure Supply to the Crown, to resign or to advise an election.

In the event that, conformably to this advice, the Prime Minister ceases to retain his commission, Your Excellency's constitutional authority and duty would be to invite the Leader of the Opposition, if he can undertake to secure Supply, to form a caretaker Government (i.e. one which makes no appointments or initiates any policies) pending a general election, whether of the House of Representatives, or of both Houses of the Parliament, as that Government may advise.

Accordingly, my opinion is that, if Your Excellency is satisfied in the current situation that the present Government is unable to secure Supply, the course upon which Your Excellency has determined is consistent with your constitutional authority and duty."

It will be noted that the Governor-General's letter to Mr Whitlam dismissing him followed the context of the Chief Justice's advice. (See page 1.)

Impartiality of judiciary

The propriety of the Chief Justice giving an opinion in these circumstances has been questioned,

first on the ground that this was inconsistent with his judicial functions since the question might have to come before the High Court over which he presides; and secondly because of the previous position of the Chief Justice as Attorney-General and Minister of Foreign Affairs in the Liberal-Country Party Government of Sir Robert Menzies, Mr Fraser's party.

So far as the first of these criticisms is concerned, the Chief Justice prefaced his opinion with the observation that he felt free to give it because the question "of its nature" was one not likely to come before the court. In their joint opinion the Attorney-General and the Solicitor-General had said firmly that the matter was not one for the courts, and that hence no judicial answer was possible, and only a political one could be sought. Indeed, it is apparent that the questions raised by the refusal of Supply were inherently non-justiciable.

There remains the insinuation of partiality, and of course this is impossible to counter with technical argument. It draws attention to the consequences inherent in political appointments to the bench, especially of Law Officers whose standing is not that of Sir Garfield Barwick. It is proper for a Governor-General to turn to the Chief Justice when he needs to consider whether or not to reject the advice of his Law Officers, because he is then getting a quasi-judicial opinion from the highest source. But the dangers inherent in an obscuring of the separation of powers when the judiciary is partially recruited from politics can engender public disquiet and give excuse to those who stigmatize the events as an establishment plot.

There is, perhaps, a lesson in this. The Governor-General should, perhaps, nominate standing counsel of intellectual and professional repute who stand outside politics and are not members of the judiciary, to whom he can turn for independent advice when the occasion arises. (Not always will the Governor-General be an ex-Chief Justice.) The example of the Palace could be followed, but it would be desirable for a group of counsel to be nominated so that in the event of a repetition of this type of crisis their identity can be known and their opinions made public. In this way the Crown would be best sheltered from the charge of political involvement, and the personality of the Governor-General — now greatly exposed by these events — could be protected.

Timing of Governor-General's action

So much for the issues of constitutionality raised by the Governor-General's action. But were they premature? It has been said that he should have waited until the existing appropriations ran out. Only the Governor-General and his Ministers knew whether he had already been called upon, or was about to be called upon, to issue financial warrants under circumstances when their legality could be questioned. But aside from essential facts which are unknown, there is the question of dilemma in which he was put by Mr Whitlam on 11 November. On that morning the Labour caucus resolved upon a premature election for half of the Senate, and Mr Whitlam either advised, or was about to advise, the Governor-General accordingly. This was an expedient to give Labour a good chance of gaining control of the Senate. But the

essential issues were outside the powers of the Governor-General, for the state Governors under Section 12 of the Constitution have to issue the writs for election to the Senate seats in their states, and four Premiers had said that they would not advise their Governors to do this. If this was the situation, the Governor-General could issue writs only for the four territorial seats. This might have given Labour control of the Senate, but it would have taken some weeks during which the constitutional crisis would have become ever more fundamental and government might have broken down. It would not have solved the problem of Supply immediately nor for at least two months. If the Governor-General had accepted advice to issue the four writs under his jurisdiction he might have been confronted with the consequences of a failure of Supply. Yet if he did not accept that advice, it would be necessary for him to dismiss the Government.

It has also been said, in favour of the view that he should have allowed further time to elapse before exercising his constitutional power, that politicians should be allowed enough time to "bluff it out": that Mr Whitlam should have been given the opportunity to see if a Liberal Senator would cross the floor on the issue of Supply, so as to give the Government its majority, or if Mr Fraser's resolve would weaken. This is a matter of judgement as to the gravity of the situation and the plausibility of these considerations in the circumstances. Only the Governor-General was in the position to make that judgement, but it is on this point that the historians will no doubt take final issue.

Finally, it has been said that the Prime Minister is entitled to an ultimatum, and that the Governor-General's letter to him of 11 November fell short of that, whatever it reveals of what had gone on beforehand. A Prime Minister is entitled to bluff and to have his bluff called, but the only proper way of calling it is by way of ultimatum. To the contrary case it has been suggested that had the Governor-General on 1 November given Mr Whitlam 24 hours in which to advise a dissolution or to tender his resignation (which it seems clear he had committed himself not to do), Mr Whitlam would immediately have asked the Queen for Sir John Kerr's recall, so dragging the monarchy into the controversy. This is speculation, but it points to the delicacy of the situation in which the Governor-General found himself. And it overlooks the question of what the Governor-General was to do about the advice that was to be tendered to him on that day concerning a half-Senate election.

The Governor-General says that he resolved to hand the problem to the people at a general election. This has been challenged as undemocratic because it withdrew power from the hands of the people's representatives. Others have seen it as the most democratic of all the possible solutions to the crisis. The Governor-General has also been criticized for dissolving Parliament when the House of Representatives had demonstrated that only Mr Whitlam enjoyed its confidence. It has been contended that he should have called upon Mr Whitlam to form a new Government. But the Governor-General knew that the vote of no-confidence in the House was a

charade. The Senate had passed the Supply Bill in the knowledge that Parliament was to be dissolved. If now Parliament was not to be dissolved and the Labour Party was to be put back in power, the Senate would have been defrauded, and the political crisis would have been exacerbated. Mr Whitlam could not have expected this result because the rules of the democratic game are not designed to promote political stunts.

It is precedent that determines so much of the scope of the exercise of power in the office of the Governor-General, and practice that puts bounds to the royal prerogative. Some of the arguments that were advanced against what the Governor-General did before he did it — which were arguments intended to deter him from doing it or others from saying he ought to do it — have been negated by the fact that he did it. The powers of the Senate to refuse Supply as well as the functions of the Governor-General, have been clarified by the events. What portents exist for the future, and whether in the light of what the future holds the actions of any persons concerned will be judged not to have been prudent, is another matter.

Personal position of Monarch

There remains one final point to be considered, and that is the personal position of the monarch. The Speaker of the House of Representatives, and also private citizens, wrote to the Queen seeking her intervention. The reply given by the Palace was that the matter was not in the Queen's hands so long as the Governor-General acted within the scope of his powers:

“The Australian Constitution (written by

Australians and which can only be changed by Australians) gives to the Governor-General (who is appointed by the Queen on the advice of her Australian Prime Minister) certain very specific constitutional functions and responsibilities.

The written Constitution, and accepted constitutional conventions, preclude the Queen from intervening personally in those functions once the Governor-General has been appointed, or from interfering with His Excellency's tenure of office except upon advice from the Australian Prime Minister."

Two things are noteworthy about this: the first is that the Governor-General's actions are his responsibility and not the monarch's. Although there is a delegation of the royal prerogative in the Letters Patent constituting the office of Governor-General the provisions of the Constitution, quoted in this article, amply justify the position taken by the Palace. And the second is that the tenure of the Governor-General is a matter for the Queen acting upon the advice of the Prime Minister. The admission of this by the Palace underscores the difficulties of the Governor-General on 11 November 1975.

GOVERNOR-GENERAL'S STATEMENT

Canberra, 11 November 1975 — the following is the full text of the statement by Sir John Kerr, Australia's Governor-General:

I have given careful consideration to the constitutional crisis and have made some decisions which I wish to explain.

Summary: It has been necessary for me to find

a democratic and constitutional solution to the current crisis which will permit the people of Australia to decide as soon as possible what should be the outcome of the deadlock which developed over Supply between the two Houses of Parliament and between the government and the opposition parties.

The only solution consistent with the Constitution and with my oath of office and my responsibilities, authority and duty as Governor-General is to terminate the commission as Prime Minister of Mr Whitlam and to arrange for a caretaker Government able to secure Supply and willing to let the issue go to the people.

I shall summarize the elements of the problem and the reasons for my decision which places the matter before the people of Australia for prompt determination.

Because of the federal nature of our Constitution and because of its provisions the Senate undoubtedly has constitutional power to refuse or defer Supply to the Government. Because of the principles of responsible government a Prime Minister who cannot obtain Supply, including money for carrying on the ordinary services of government, must either advise a general election or resign. If he refuses to do this I have the authority and, indeed, the duty under the Constitution to withdraw his commission as Prime Minister.

The position in Australia is quite different from the position in the United Kingdom. Here

the confidence of both Houses on supply is necessary to ensure its provision. In the United Kingdom the confidence of the House of Commons alone is necessary.

But both here and in the United Kingdom the duty of the Prime Minister is the same in a most important respect — if he cannot get Supply he must resign or advise an election.

If a Prime Minister refuses to resign or to advise an election, and this is the case with Mr Whitlam, my constitutional authority and duty require me to do what I have now done — to withdraw his commission — and to invite the Leader of the Opposition to form a caretaker Government — that is one that makes no appointments or dismissals and initiates no policies, until a general election is held. It is most desirable that he should guarantee Supply. Mr Fraser will be asked to give the necessary undertakings and advise whether he is prepared to recommend a double dissolution. He will also be asked to guarantee Supply.

The decisions I have made were made after I was satisfied that Mr Whitlam could not obtain Supply. No other decision open to me would enable the Australian people to decide for themselves what should be done.

Once I had made up my mind, for my part, what I must do if Mr Whitlam persisted in his stated intents, I consulted the Chief Justice of Australia, Sir Garfield Barwick. I have his permission to say that I consulted him in this

way.

The result is that there will be an early general election for both Houses and the people can do what, in a democracy such as ours, is their responsibility and duty and theirs alone. It is for the people now to decide the issue which the two leaders have failed to settle.

On 16 October, deferred consideration of appropriation Bills (nos 1 and 2) 1975-1976. In the time which elapsed since then events made it clear that the Senate was determined to refuse to grant Supply to the Government. In that time the Senate on no less than two occasions resolved to proceed no further with fresh appropriation Bills, in identical terms, which had been passed by the House of Representatives. The determination of the Senate to maintain its refusal to grant Supply was confirmed by the public statements made by the Leader of the Opposition, the Opposition having control of the Senate.

By virtue of what has in fact happened, there therefore came into existence a deadlock between the House of Representatives and the Senate on the central issue of Supply without which all the ordinary services of the Government cannot be maintained. I had the benefit of discussions with the Prime Minister and, with his approval, with the Leader of the Opposition and with the Treasurer and the Attorney-General. As a result of those discussions and having regard to the public statements of the Prime Minister and the Leader of the Opposition, I have come regretfully

to the conclusion that there is no likelihood of a compromise between the House of Representatives and the Senate, nor for that matter between the Government and the Opposition.

The deadlock which arose was one which, in the interests of the nation, had to be resolved as promptly as possible and by means which are appropriate in our democratic system. In all the circumstances which have occurred the appropriate means is a dissolution of the Parliament and an election for both Houses. No other course offers a sufficient assurance of resolving the deadlock and resolving it promptly.

Parliamentary control of appropriation and, accordingly, of expenditure is a fundamental feature of our system of responsible government. In consequence it has been generally accepted that a Government which has been denied Supply by the Parliament cannot govern. So much at least is clear in cases where a ministry is refused Supply by a popularly elected Lower House.

In other systems where an Upper House is denied the right to reject a money Bill denial of Supply can occur only at the instance of the Lower House. When, however, an Upper House possesses the power to reject a money Bill, including an appropriation Bill, and exercises the power by denying Supply, the principle that a Government which has been denied Supply by the Parliament should resign or go to an election must still apply — it is a necessary consequence of

parliamentary control of appropriation and expenditure and of the expectation that the ordinary and necessary services of government will continue to be provided.

The Constitution combines the two elements of responsible government and federalism. The Senate is, like the House, a popularly elected chamber. It was designed to provide representation by states, not by electorates, and was given by Section 53 equal powers with the House with respect to proposed laws, except in the respects mentioned in the section.

It was denied power to originate or amend appropriation Bills, but was left with power to reject them or defer consideration of them. The Senate, accordingly, has the power and has exercised the power to refuse to grant Supply to the Government. The Government stands in the position that it has been denied Supply by the Parliament with all the consequences which flow from that fact.

There have been public discussions about whether there is a convention deriving from the principles of responsible government that the Senate must never under any circumstances exercise the power to reject an Appropriation Bill. The Constitution must prevail over any convention because, in determining the question how far the conventions of responsible government have been grafted on to the federal compact, the Constitution itself must in the end control the situation.

Section 57 of the Constitution provides a means, perhaps the usual means, of resolving a disagreement between the Houses with respect to a proposed law. But the machinery which it provides necessarily entails a considerable time lag which is quite inappropriate to a speedy resolution of the fundamental problems posed by the refusal of Supply. Its presence in the Constitution does not cut down the reserve powers of the Governor-General.

I should be surprised if the law officers expressed the view that there is no reserve power in the Governor-General to dismiss a ministry which has been refused Supply by the Parliament and to commission a ministry as a caretaker ministry which will secure Supply and recommend a dissolution, including where appropriate a double dissolution. This is a matter on which my own mind is quite clear and I am acting in accordance with my own clear view of the principles laid down by the Constitution and of the nature, powers and responsibility of my office.

There is one other point. There has been discussion of the possibility that a half-Senate election might be held under circumstances in which the government has not obtained Supply. If such advice were given to me I should feel constrained to reject it because a half-Senate election held whilst Supply continues to be denied, does not guarantee a prompt or sufficiently clear prospect of the deadlock being

resolved in accordance with proper principles.

When I refer to rejection of such advice I mean that, as I would find it necessary in the circumstances I have envisaged to determine Mr Whitlam's commission and, as things have turned out have done so, he would not be Prime Minister and not able to give or persist with such advice.

The announced proposals about financing public servants, suppliers, contractors and others do not amount to a satisfactory alternative to Supply.

– Authority to raise four billion dollars was given at an Executive Council meeting attended by the four Ministers but in the absence of the Governor-General, who subsequently signed the Order.

± The Government consulted the banks on the idea of its issuing notes on indebtedness which the banks would honour and this could have avoided a raid on the Loan Fund, if the banks considered it legal, which it is believed they did not. But eventual repayment would have had to be made under statute.

– The opinion was signed at first by the Solicitor-General but was not adopted by the Attorney-General, who handed a copy of it to the Governor-General as a matter of information only, with the intimation that it would be revised. It was never formally presented to the Governor-General who consequently did not receive advice from the law officers.

BIBLIOGRAPHY

BENTHAM, JEREMY: 1847-1832

Principles of Morals and Legislation, 1789

BERKELEY, GEORGE: 1685-1753

New Theory of Vision, 1709

Other Works

BURKE, EDMUND: 1729(?) - 1797

Reflections on the French Revolution, 1790

Thoughts on Present Discontents, 1770

Writings: 6 volumes

BUTLER, JOSEPH: 1692-1752

Three Sermons on Human Nature, 1844

Works: 3 volumes

CARLYLE, THOMAS: 1795-1881

The French Revolution, 1837

Critical and Miscellaneous Essays

Past and Present, 1843

Other Works

COLERIDGE, SMAUEL TAYLOR: 1772-1834

Biographia Literaria, 1817

Confessions of an Inquiring Spirit, 1840

Essays on His Own Times: 3 vols. 1850

Other Works

CUDWORTH, RALPH: 1617-1688

The True Intellectual System of the Universe, 1678

Other Works

DAWSON, R. MACGREGOR: 1895-

Constitutional Issues in Canada, 1900-1931. Oxford, 1933

DESCARTES, RENE: 1596-1650

Discourse on Method, 1637

Meditation on the First Philosophy, 1641

DONNE, JOHN: 1573-1631

Works: Poetry and Prose

EDDINGTON, SIR ARTHUR: 1882-1944

The Nature of the Physical World, 1927

EINSTEIN, ALBERT: 1879-1955

The Meaning of Relativity, 2nd ed., 1921

ELIOT, T.S.: 1888-

Poetry

Elizabethan Essays, 1934

Essays Ancient and Modern, 1936

Other Works

ENGELS FRIEDRICH: 1820-1895

Critique of Political Economy, 1859

German Ideology, 1846

Revolution and Counter-Revolution

Socialism, Utopian and Scientific

Other Works

See also under Marx, Karl

FEURBACH, LUDWIG ANDREAS: 1804-1872

The Essence of Religion: Trans. by George Eliot, 1853

FERGUSON, GEORGE VICTOR: 1897-

How We Govern Ourselves, 1939

John W. Dafoe: A Biography, 1948

Articles, editorials, etc.

FILMER, SIR ROBERT: 1589-1653

De Patriarcha, 1680

FORSEY, EUGENE A: 1904-

The Royal Power of Dissolution of Parliament in the
British Commonwealth, Toronto, 1943

The Crown and the Cabinet, *Canadian Bar Review*, xxv, 185-7

Articles, Letters

GODWIN, WILLIAM: 1756-1836

Enquiry Concerning Political Justice, 1793

Thoughts on Man, 1831

Other Works

HEGEL, GEORG WILHELM FRIEDRICH: 1770-1831

The Philosophy of Right, 1896

Science of Logic, 1894

Other Works

HOBBS, THOMAS: 1588-1679

Leviathan, 1651

HOOKE, RICHARD: 1554(?) - 1600

On the Laws of Ecclesiastical Polity, edited by Keble, 1836

HUME, DAVID: 1711-1776

- Concerning Human Understanding, 1739
- Enquiry Concerning the Principles of Morals, 1751
- Essays Moral and Political, 1741-2
- Political Discourses, 1752
- Treatise on Human Nature, 1739

HUTCHISON, BRUCE: 1901-

- The Hollow Men, 1944
- The Unknown Country, 1942
- The Incredible Canadian, 1953, Longmans
- Articles, etc.

KANT, IMMANUEL: 1724-1806

- Critique of Pure Reason, 1781
- Other Works

KEITH, ARTHUR BERRIEDALE: 1879-1944

- Speeches and Documents on the British Dominions, 1918-1931. Oxford, 1933

KEYNES, SIR JOHN MAYNARD: 1883-1946

- General Theory of Employment, Interest and Money, Macmillan, 1936
- Other Works

LEACOCK, STEPHEN BUTLER: 1869-1944

- Lecture No. 1: Modern Political Thinking
- Other Works

LENIN (VLADIMIR ILYITCH ULIANOV): 1870-1924

- Imperialism as the Latest Stage in the Development of Capitalism, 1924
- Imperialism, the State and REvolution, 1926
- Other Works

LOCKE, JOHN: 1632-1704

- On Civil Government: Two Treaties, 1690
- Essay Concerning Human Understanding: 2 volumes, 1690
- Other Works

LOWER, ARTHUR R. M.: 1889-

- Canada: Nation and Neighbour, Ryerson, 1952
- Colony to Nation, Longmans, 1946
- Other Works, articles, etc.

MALTHUS, THOMAS ROBERT: 1776-1834

Essay on the Principles of Population, 1798

Principles of Political Economy, 1820

MARX, HEINRICH KARI: 1818-1883

The Communist Manifesto (with Engels) 1848

Capital: a Critical Analysis of Capitalist Production

Other Works

MASSEY REPORT

Report of the Royal Commission on Natinal Development
in the Arts, Letters and Sciences, 1949-51, Ottawa, 1951

MILL, JOHN STUART: 1806-1873

Essays: On Liberty, Utilitariansim and Representative
Government, 1858-1865

Principles of Political Economy, 1848

Other Works

MORE, SIR THOMAS: 1478-1535

Utopia, 1516

NEWMAN, JOHN HENRY (CARDINAL): 1801-1890

Apologia pro Vita Sua, 1864

Other Works

NEWTON, SIR ISAAC: 1642-1727

Philosophiae Naturalis Principia Mathematica, 1687

Optices, 1704

NIEBUHR, REINHOLD: 1892-

Irony of American History, 1952

Moral Man and Immoral Society, 1932

Other Works

OWEN ROBERT: 1771-1858

New View of Society and Other Writings, 1813

PLATO, ARISTOCLES: 427-347 B.C.

The Republic

Other Works

PROUDHON, PIERRE JOSEPH: 1809-1865

Philosophy of Poverty

RICARDO, DAVID: 1772-1823

On the Principles of Political Economy and Taxation, 1817

Notes on Malthus's Principles of Political Economy

Works: 10 volumes

ROUSSEAU, JEAN-JACQUES: 1712-1778

The Social Contract, 1762

Discourses and Other Works

SANDWELL, BERNARD KEBLE: 1876-1955

Canada and United States Neutrality, Oxford, 1939

Canadian Peoples, Oxford, 1941

Articles, editorials etc.

SHAKESPEARE, WILLIAM: 1564-1616

Works

SMITH, ADAM: 1723-1790

The Wealth of Nations, 1776

STEPHEN, SIR LESLIE: 1832-1904

English Thought in the Eighteenth Century, 1876

TAYLOR, HENRY OSBRONE: 1856-1941

The Mediaeval Mind, 1925

THOMSON, JAMES: 1700-1748

The Seasons, 1726-28

Liberty, 1734

Masque of Alfred, 1740 (with Mallet)

WHITEHEAD, ALFRED NORTH: 1861-1947

Adventure of Ideas, 1933

Principia Mathematica: 3 vols. 1913 (with Earl Russell)

Principles of Natural Knowledge, 1925

Process and Reality, 1929

Religion in the Making, 1927

Science and the Modern World, 1926

Editor's Note:

This bibliography is made up from references in the text and in letters made available to the editor. John Farthing's death and the dispersal of his personal library has made it impossible to complete the references.

J.R.

INDEX

America, 6

American

—Citizen, 8,32,132

—Idea, 163

—People, 113,124,142

—Position, 121

—Republic, 94,160

—System, 151

—Tradition, 142

Americans, 21,33,44,49

Asia, 66

B

Bank of Canada, 138

Brebeuf, Father, 30

British

—Canadian, 16

—Character, 15,20,21,
26,84

—Constitution, 9,25,26,
34,52,120,122,128,
138,142,150,161,165

—Government, 26,122,
125

—Heritage, 142

—Ideal, 50,131

—Ideas, 163,165

—Institutions, 15,94, 135

—Isles, 14

—North America, 21

—North America Act,
37,156

—North American People,
113

British

—Order, 119, 120, 121,
124-128,131,139,
140,151

—People, 6,59,113,132

—Position, 121,130,131

—Subject, 8,132

—Tradition, 3,10,12,14,
21,29,31,32,36,
50,86,97,135
138,142,158,159,
160,162

—View, 130

Bunyan, John, 83

Burke, Edmund, 99,142

Buzz-bomb Idea, 95

Byng, Viscount, of Vimy, 54

C

Cabinet, 55,57,60,61,67,
68,69,82,102,
126,141

—Members of, 53

—Minister, 55,126

Caesar, Julius, 101

Canada, 14,17,19,84,85
96,100

—English, 90,100

—Pure, 18,60,85-89,113

Canadianism, New-found, 24

Canadian Unity, 86,87,90,
96,115

Canadians, 6,9,14,16,17,
19,53

—British, 26,27

Capitalism, 7,40,42,163
 Capitalist System, 39,40,41,
 42,135
 Champlain, 31
 China, 46
 Christian
 —Ideal, 173
 —Social Order, 9
 —Tradition, 49,105
 Christianity, 3, 163
 Civil Service, 82
 Coleridge, S.T., 3
 Commissions, 33
 Commons, House of, 55,60
 72,102,106
 Commonwealth, 27
 Communism, 39,157
 —Spread of, 66
 Communist, 74,75
 Confederation, 19,90
 Conscription, 115, 116,137
 —Issue, 115,137
 Constitution
 —American, 8,9,25,26
 32,33,43,119,142,
 150,163,165
 —British, 9,25,26,34
 120,122,128,138,
 142,150,161,165
 —Canadian, 13, 17,20,25
 26,34,53,56,60,
 61,62,68,90,94,
 102,108,111,119
 136,141
 —of a People, 49,78,121,
 148,150,163
 Constitutional Crisis, 1926:11

Coronation Service, 128
 Court
 —High, the King's, 106,
 166
 —High, of Parliament, 59,
 106,128
 Courts, Canadian, 56,57
 Crown, The, 13,27
 Crown's Representative, 54,55
 Cult
 —Nationalist, 26
 —Pure-Canada, 13,15,16,
 27,28,31,32,60,
 62,85-87,89,92
 Cultists, Pure-Canada, 31,32,
 62,86,87,135

D

Demagogue, 102
 —Pure-Canada, 78
 Demagoguery, 76,78,91,
 102,103,160
 Democracy
 —American, 164
 —British, 54,164,165
 —People's, 73
 —Republican, 131
 Dialectic, Marxian, 39,48
 Dominion, 2,19
 Donne, John, 171
 Downing Street, 55
 Duplessis, Hon. Maurice, 93

E

Eddington, Sir Arthur, 145
 Eighteenth Century, 162-164
 —Philosophy, 169

Einstein, Albert, 46,47
 Election
 —Dominion, 1940:53
 —1926: 67,136
 Elections, 60,66
 Elizabeth I, Queen,11,51,
 117,126,155
 Elizabethan Age, 8
 —Background, 3
 Elizabethans, 8
 English-speaking Canadians,
 17,20,84-94,96
 114-137
 Enlightenment, Great, 149
 Europe, 87

F

Frarewell Address,120,121,16
 Farthing, John, *Letters*, 6,12
 24,36,66,84,100,
 118,134,146,172

French
 —Canada, 17,24,31,85,
 86,88-90,94,96
 —Canadians, 17,20,86,88,
 90-92,97,114,137
 —Revolution, 29,139
 Freud, Sigmund, 95

G

Gallup Polls, 82,138
 Georgian Bay, 56
 Government
 —American, 123
 —British, 26,125
 —Canadian, 26,34,61
 —Democratic, 71

Government
 —Parliamentary, 60,67
 —Republican, 114
 —Royalist, 114
 Governor-General, 54,55,56,
 67,102
 Great Britain, 6,12,52,132
 Greece and Rome, republics
 of, 158
 Greece, Tyrants of, 101

H

Henry II, 167
 Hitler, Adolf, 81,102-104
 Holy Grail, 115
 Hooker, Richard, 3
 Howe, Rt.Hon. C.D., 53
 Hume, David, 3
 Hurons, 30

I

Independence, Declaration of,
 37,156
 Iron Curtain, 43,95,153,154

J

James, Jesse, 132
 Jennings, Sir Ivor, 52

K

Keynes, Lord, 149
 Keynesians, 150
 King, The, 5,11,68,72,
 122,128

King, Rt.Hon. W.L.M., 54
58, 60, 80, 81, 103,
104, 136-138

Kingdom, 3

—of Canada, 1, 2

King-in-Parliament, 3, 8, 9,
13, 68, 69, 102, 106
128, 139, 158, 174

Kingsians, 88, 93, 104, 107,
115, 136, 137

Kingsian Unity, 87, 137

L

Laurentian Shield, 10, 18, 87

Laurier House, 94

Laurier, Sir Wilfrid, 94

Law

—Common, 56

—Natural, 50

—System of, 8

Lenin, 41, 74

Liberal

—Canadian, 60

—Doctrine, 96

—Party, 57, 89, 91, 92, 96,
100, 104

Liberals

—Buzz bomb, 96

—English-speaking, 96

—Quebec, 96

Locke, John, 3, 123

London, 54

M

MacDoanld, Sir John A., 2

Maheux, Abbe, 110

Majority Opinion, 59

Majority Will, 60, 174

Man, natural, 43

Manitou, Spirit, 31

Marx, Karl 28, 35, 40-42, 46,
50, 95, 130, 135
136, 154, 163

Marxian, 36, 44, 46, 48, 49,
69, 161, 175

—Dialectic, 39, 48, 127, 163

—Ideal, 26, 39

—Methods, 136

—Movement, 39, 42, 43

—Philosophy, 47, 50, 130

—Position, 40, 43

—System, 160

—View of History, 129, 130

Marxism, 39, 40, 135, 175

Marxists, 7

Massey Report, 100

Mauriac, Francois, 133

Mediaevalists, 7

Mill, John Stuart, 3

Monarchists, 161

Monarchy, British, 28

Mounties, 132

N

Nationalism, 93

—Pure-Canada, 13

—Canadian, 24

Nationalist Party, 92

Nationalists, 93-96

—Canadian, 45

Nationhood, Canadian, 13

Nature, state of, 43,47,124,
129,162
—see also under Man,
natural

Nazi
—Germany, 103
—Party, 104,105

Newfoundland, 19
Newton, Sir Isaac, 7,40,46
47,149

Newtonian
—Doctrine, 44, 47.163
—Idea, 43,149
—Law, 7,42,50

Niebuhr, Reinhold, 49

North American
—British, 21
—Continent, 14,23

O

O Canada, 112,113

One-party State, 89,97,100

Opinion
—majority, 59,174
—minority, 59

Order
—British Monarchical, 28,
131
—Christian Social, 9
—Organic, 3

Ottawa, 56,69,93

P

Parliament, 52,53-55,61,67-
69,71,86,105,106,
120,122,125,126

Parliament
—High Court of, 59,106
128
—Members of 53,56,80,
107,128

People, Will of
—see under Will or people

Pilate, Jestings, 147

Politburo, 122,139

Prime Minister, 54,55,61,
67,68,80,82,102,
103,137,140

Pure-Canada Cult
—see under Cult

Q

Quebec, 19,31,89,90,92-97,
110

Queen, 11,27,141,173
—Elizabeth, 126
—of Canada, 27
—Victoria, 142

Queen's Government, 52

R

Red Queen, 54

Reformation, 3,4,7,9,

Renaissance, 7,8

Republican
—Democracies, 131
—Idea, 165,168
—Revolutions, 164
—Tradition, 160

Republicanism, 129

Ricardo, David, 40,41

Ricardian System, 42

Rockefeller Institute, 71
 Rome, 86,158
 Rousseau, Jean-Jacques, 99,
 123,129
 Royalist Position, 166
Rule Britannia, 12,
 Russia, 46,95,
 Russians, 7,73

S

St. Laurent, Rt. Hon. Louis,
 53,66,93
 Santa Claus, 79
 Satellites, 46
 Scott, Sir Waler, 30
Seasons, The, 12
 Senate, 55,102
 Servan-Schreiber, Jean-J.,6
 Shakespeare, William, 3
 Smith, Adam, 40,42
 Solomon, Wisdom of, 65
 Sovereign, 67
 —Loyalty to, 8
 System
 —Capitalist, 39,135
 —Fixed, 3

T

Thomson, James, 12
 Tradition
 —British—see under British

Tradition

—Christian
 —see under Christian
 —Constitutional, 13
 —French, 24
 —French-Canadian, 84

U

United States of America, 6,
 8,21,28,31-33,
 132,160,161
 Utley, T.E., 99

V

Victoria, Queen, 142
 Victorian Age, 142

W

Washington, George 113,
 120,121,142,163
 Weil, Simone, ix, 23,35
 Weil, R. Stanley, 109
 Whig
 —Philosophy, 12,42,44
 —Republican System, 49
 —Ricardian Confreres, 46
 Whiggery, 12
 Will
 —popular, 59
 —of the people, 45,58,75
 —majority, 174.

For five years after his return from Oxford he was a lecturer in economics and political science at McGill; one of the group of brilliant young associates Stephen Leacock gathered around him in that department. In 1929, being convinced of the fallacy of the Keynesian economics which had become the accepted orthodoxy he resigned.

The ten years following he gave to study and research, developing his own economic theories. In 1940 he returned to teaching but chose the comparative scholastic liberty of a secondary school. He remained as a master at Bishop's College School, Lennóxville, Quebec, until 1949. Then he went back to economics.

Meantime in a series of incisive letters to friends he surveyed and diagnosed Canadian politics and politicians. The letters were the genesis of *Freedom Wears a Crown* which he consented to write under strong pressure from his friends. When he died, in the spring of 1954, the manuscript of the book was complete but not revised. It has had to be done without him; but fortunately for us all it has been done, with great skill and understanding, by Judith Robinson, who knew the author and his aims well.

John Farthing was born at Woodstock, Ontario, on March 18, 1897. He died in Montreal March 9, 1954.

The younger of the two sons of the Right Reverend John Cragg Farthing, for many years Anglican Bishop of Montreal, he grew up in Montreal attending Lower Canada College and McGill University. He was eighteen and in his second year at university when he enlisted and went overseas as a gunner in the McGill Battery, Canadian Field Artillery. He served in France with his battery until the end of the war, returning to re-enter the university.

In 1921 he graduated in arts and the same year went to Oxford where he was entered at New College, of which the famous Dr. Spooner was then Warden. He remained at Oxford for three years, taking his degree in Modern Greats before he returned to Canada.

