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### *International Year for Human Rights*

THE TWENTIETH ANNIVERSARY of the Declaration of Human Rights by the United Nations is being marked by a restatement of that ideal for the peoples of the world.

In Canada, the lead is being given by the Canadian Citizenship Council, which in 1964 declared: "the maintenance of human rights should be the basic objective of the citizens of Canada."

Sparked by the Canadian Citizenship Council, there has been organized the Canadian Commission, International Year for Human Rights. Provincial commissions have organized celebrations and study groups; universities are contributing in their special way — McGill has set as its goal the establishment of a Centre for the Study of Human Rights; schools will have programmes on a par with those they used to mark Centenary Year, and the International Conference on Social Welfare has as its theme "Human Rights and Social Welfare."

The movement toward establishing human rights on a firm foundation is based upon this simple principle: everyone, regardless of race or geographical accident, is entitled to certain opportunities as a human being.

Concessions, however liberal they may appear, are not rights. Rights are what man is entitled to, not what society is willing to let him have. They belong to man because he is man. They have greater validity than politics or any other invention of society.

The list of our rights as Canadians — legal rights and rights by custom — would fill many pages. No-body in all history has been more free than we are now.

While boasting of this we act wisely in this year of reassessment if we test our achievement against some standard. Viscount Samuel provided this in his essay *Belief and Action*. The man who is fully free is one who lives in a country which is independent; in a State which is democratic; in a society where the laws are equal and restrictions are at a minimum; in an economic system in which he has the latitude of a secure livelihood and assured comfort, and full opportunity to rise by merit.

We have the right to choose our religion and practise it; the right to affiliate with the political party of our choice — or to organize a new party; the right to think our own thoughts and speak our minds; the right of assembly and association.

These are vital rights in a pluralistic society such as Canada's, a society which contains and protects many religions, many philosophies, many ethnic groups, and many different people experimenting with various ideas in different ways.

This year, commemorating the first attempt in history to extend human rights to all mankind, gives Canadians an opportunity to appraise their own success. There is a fatal tendency in mankind to leave off thinking about a thing when it seems no longer doubtful. In the rapidly changing contemporary scene we find it necessary to consider not only new rights necessitated by internal and external developments, but, most importantly, to keep in view the preservation of old rights that have proven their worth.

#### *Civil rights and liberties*

There is room for confusion between "civil rights" and "civil liberties." The former is widely used to describe private law rights between individuals, as where the British North America Act assigns jurisdiction to the provinces over "Property and Civil Rights". The latter is encountered as a catch-all for public rights such as freedom of religion, speech, press, and so forth.

Canada has, as part of her heritage, a deep and fundamental regard for civil rights, rooted in legal precedent and protected by the courts.

Civil liberties originated in protest by groups of individuals against what they believed to be the actual or possible tyranny of the State. They have their roots in the belief that the State exists for the benefit of the individual rather than the individual for the benefit of the State.

Beyond the negative aspect of rights, confined to preservation of the individual against violation of his personal liberty, is a more positive view of the duty of society. It seeks to create new opportunities for self-

development, encourage scientific research directed toward human welfare, extend education, establish a high level of material welfare, and use the national resources for the benefit of all.

These are looked upon as human rights, supported by an appeal to the ethical sense of humanity. Alfred North Whitehead wrote in *Adventures of Ideas*: "So long as the Galilean images are but the dreams of an unrealized world, so long they must spread the infection of an uneasy spirit."

### *Human Rights*

We take many rights for granted, not noticing them unless someone interferes with them. That is why written codes of rights are important and comforting to have, although not all rights can be covered in even the most exhaustive bill of rights. There are values, goals and ideals that are found in the traditions and the collective conscience of people.

Even written rights have degrees of worth. A "declaration of rights" states principles but is not law; a "bill of rights" is, properly, a statement of law enforced by punishment of those who transgress. When a bill becomes an Act of Parliament or of a legislature it has independent vitality. It is a document to which appeal can be made in law, and not merely an expressed hope.

Statutes of rights need to be reappraised at intervals, because freedoms change and new aspects of freedom develop. They should be expressions of values, avoiding narrow specifications which might actually limit freedom by the very process of defining it.

A bill of rights should speak for those without status, without power, and often without voice. To do this effectively it needs to be more than a solemn affirmation of democratic beliefs: it needs sanctions. A toothless bill may be worse than no bill at all. Human nature being what it is, some people will not acknowledge human rights unless they are compelled to do so.

A bill of rights should take note of the possibility that rights may be infringed in indirect ways. A city by-law prohibiting the distribution of pamphlets without permission places freedom of speech and of the press under police censorship. The refusal of a newspaper to accept advertising of a political meeting interferes with the right of a citizen to choose government freely. Some laws aimed at disliked organizations and institutions may take away the rights of all of us.

Most of the fundamental rights are protected in Canada by law or custom; our faults are in administration and enforcement. To improve this, there has been proposed a system of ombudsmen to check administrative arbitrariness and discriminatory action. Several provinces have taken up the idea, in the expressed hope that citizens will be equal not only before the law but also with the administrators. Ontario has its Human Rights Commission, which is kept busy not only in investigating alleged infractions but in spreading education about legal rights.

When he delivered his final public address as Commissioner of the Royal Canadian Mounted Police before taking up his duties as ombudsman in Alberta, G. B. McClellan said significantly: "I am convinced that the firm guarantee of the inviolability of the human person, both physically and mentally, must be one of the major foundation stones for the building on this earth of anything resembling a civilized society."

The only safeguard of individual or group human rights is a sound and vigilant public opinion, coupled with the determination to carry into effect the convictions that people hold. The human race continues to be faced by the wide gulf between profession and practice. No rights are automatic or forever safe: that is why intelligence should never slumber. Whether we like it or not, we are all involved in the preservation of human rights.

### *Freedom and rights*

The word "freedom" continually appears during any discussion of human rights.

It simply is not true, as immoderate people would have us believe, that we have no choice between the lawless and reckless exercise of private license and a strait jacket of absolute conformity with no leeway for the exercise of responsible judgment.

We have freedom to move within an orbit as wide as, but no wider than, what is compatible with the preservation of the over-all harmony of relationships on which effective living and survival depend.

Our clamorous love of liberty stems almost entirely from hatred of compulsion. Liberty for the slave means simply freedom from his bonds. Freedom to some means merely having escaped from something: prison, a system of government, or an unpleasant environment. We should ask ourselves: "What is my ruling thought?" In the context of human rights it should not be merely a desire for freedom to do what we wish, but a conviction that no human being should be forced to do what is against his will or his principles.

We are responsible individually for how we use our freedom and how we extend freedom to others; we are equally responsible, in a civilized community, to prevent harm to others, and in that responsibility we are accountable to society.

History teaches us that we shall never attain to perfect human rights, any more than we shall ever attain to perfect goodness, because, apart from our human frailty, as fast as we progress we get a wider perception of human possibilities, a higher idea of goodness.

The political and social state of man never rests. Every problem which Plato discussed 2,300 years ago is still alive today, and we have added new problems along with our changes in the material conditions of human existence.

Rights need vigilant attention amid the developing complexities of modern life. Young people — that generation which has received its high school or uni-

versity education in the sixties — have the right to be heard from, and adults have the responsibility to listen. People brought up alongside computers have new ideas about their personal role, and possibly about the extent and force and nature of human rights.

We live in the midst of a “revolution of rising expectations”. People have come to entertain new expectations about the things they should have a chance to do and enjoy and the place they should rightfully occupy in their societies. Every one of a democracy’s fundamental principles commits it to welcoming this interest by young human beings in the lives to which they may aspire.

### *Democracy and rights*

There is no record in history of a government not democratically organized and controlled which has respected men’s rights. Democracy has produced a synthesis of natural law and freedom, and is in process of showing its capacity to cope with changing conditions.

The principles observed in democracy comprise, in broad terms, the ideals of the good life. They are listed in *Civics and Citizenship*:

All human beings have absolute worth regardless of race, religion, or material possessions;

Reason and conscience are essential guides to human behaviour;

Human beings possess fundamental equalities which must be respected;

Freedom, limited only by moral responsibility and social justice, must be forthcoming to all human beings.

There are problems associated with human rights, but the nature of democracy enables it to manage complexity. Its citizens need the inner gristle, and the education, habits and courage, that make democracy work. Its patriotism expresses itself as a share in the collective life of the nation.

The key to effective working of democracy is its deep respect for human personality, extended impartially to every member of society. It draws much of its strength from religions which affirm the sanctity of the individual and the brotherhood of man. It lives in the hearts of men and women, and if it dies there then no constitution, no law, no bill, can save it.

There is solid ground for accepting differences between people and their thoughts and beliefs, because it is humanly impossible to know all the facts about anything. It is childish for a person to behave as if he were the only thinking person, or the most honest thinking person, in the world. It is also an act of bigotry to adhere blindly to one’s own opinions.

Racial and religious intolerances have always been hateful and destructive, but they are particularly obstructive in a world trying to cope with events and developments which should draw people together in mutual help and protection. What is needed is to diffuse

a compassionate, personal, supportive warmth: the purest expression of social feeling.

### *Rights of minorities*

One of the most lively difficulties in making the observance of human rights effectual is raised by the special situation of religious, ethnic, language, and other minorities.

What is needed in applying the rules of human rights is that in addition to the principle of majority rule there should be recognition by every group in society of the legitimacy of minority group interest, provided, as Sidney Hook wrote in *The Hero in History*: “the group in question accepts the methods of free inquiry and democratic decision as principles of negotiating conflicts of interest.”

Majorities should be generous and gracious. They can spoil their goodness if, while admitting that it takes all sorts of people to make a world, they say it as though they find it a regrettable thing. On the other hand, minorities should beware lest insistence upon rights should become a hammer by which affection is beaten to death.

The fundamental cause of group and class conflict is the attitude of superiority on the part of one group or class toward another. It is essential that minorities be encouraged to take part in the common life of the community, whatever customs and cultures they wish to preserve among themselves, and that they be welcomed warmly by the majority. Nothing is so dull and frustrating as to be encased in self; nothing so exhilarating and satisfying as to direct attention and energy outwards.

We need to give room in our democracy for what is individually unique in one another, remembering without ill-will that what is one man’s meat is another man’s sacred cow.

The reception of refugees brings this need prominently to the fore. The Office of the United Nations High Commissioner for Refugees is trying to meet the displaced person problem by providing international protection, by repatriation, or by assimilation within new national communities.

Fifty countries are parties to the convention which provides for minimum standards of treatment for refugees.

### *Democratic responsibility*

Thinking about human rights should develop in citizens a sense of their human responsibilities. You cannot expect disinterested activities, spacious thoughts, and clear vision to arise in people who normally put their personal comfort above the necessities of their environment. To enjoy human rights they must deserve them by caring deeply about the rights of others.

An exercise in benevolent oratory will not fulfil the

obligations of this International Year for Human Rights. There needs to be action and follow-up. It is a time to take sides, to stand up, to be heard, to exert influence and effort, to perform. As William C. Hankinson, President of the Canadian Citizenship Council in Prince Rupert, wrote: "Do things which need to be done, render service where service is needed. Have done with fanciful flights into the wild blue. There is far too much fiddling while citizenship problems burn hot all around us."

The truth is that a person may cause evil to others not only by his actions but by his inaction, and he is justly accountable in both cases. Duty is a common, collective faith, and every man is under obligation to fulfil his contract with democracy.

The Golden Rule was the life guide of the stone-age Eskimos, and it has not been improved upon as a guide for the most sophisticated democracy. It applies to every person, whether he is rich or poor, whether he agrees with us or not, no matter what his race or the colour of his skin. In the new world which is coming into existence, this is not only a moral duty but an indispensable condition of survival.

### *The United Nations lead*

The Charter of the United Nations which was formulated at San Francisco in 1945 was a great human achievement. It could never have been reached if the nations, both great and small, had not been willing to give up some portion of their prestige and self-interest for the sake of the greater interest of the world. In every line of the Charter there is implicit a concession by one or more of the fifty nations which created it.

They were, in the opening words: "The peoples of the United Nations" — agents of mankind to build an orderly and peaceful way of life. They went on to pledge themselves "to take joint and separate action in co-operation with the organization" for the promotion of "universal respect for, and observance of, human rights and fundamental freedoms."

It was natural, then, that by 1948 the United Nations should have codified and proclaimed the Universal Declaration of Human Rights.

The Declaration is without binding force. It rests upon the aroused conscience of the people. Nevertheless, it heralds a new era in the history of mankind. It inspires us to live up to principles universally acclaimed, and universally needed.

From the United Nations, initiative passed to the nations separately. While the provinces of Canada had many enactments safeguarding individual rights, it was not until 1960 that a federal Bill put into one document the belief of this country in the inherent dignity and the equal and inalienable rights and fundamental freedoms of all persons.

The Bill of Rights, adopted unanimously in the House of Commons, affirms substantially on behalf of Canada what was said in the United Nations Declara-

tion, but it does not give us liberty to go to sleep. It does not protect our rights forever. Future laws may take away the declared freedoms; provincial legislatures have some jurisdictions in the fields covered, and this Bill runs only in the federal field; laws made preceding adoption of the Bill may apply.

In addition to seeking uniformity of Acts ensuring human rights in the provinces and federally, Canada needs to provide for enforcement. It has also some unfinished business in the human rights area. Some needs were set forth by a committee of the Planning Conference on Human Rights for consideration in this anniversary year: Equal and effective access to education for both children and adults; relationship between economic well-being and the rights and dignity of persons; equality of women and men; institution of effective machinery for the investigation, prevention, and redress of inequalities in the administration of justice; extension of human rights legislation and enforcement methods throughout Canada; full participation of Indians in the political, economic and social aspects of our society.

Several matters covered in the Universal Declaration do not appear in the Canadian Bill: Social protection of children; the right to work and to be protected against unemployment, equal pay for equal work on a just and favourable scale; the right to leisure and paid holidays, and "the right to a standard of living adequate for the health and well-being of himself and of his family."

### *Canada's problems*

The problems in human rights that Canada faces today, although they are heavy, are not so much burdens as invitations to achievement.

A start has to be made. A Frenchwoman was told about the miracle of the martyred St. Denis, first bishop of Paris and patron saint of France, who walked five miles carrying his head under his arm. She said: "The distance was not important; it was the first step that counted."

Recognition was given by the nations of the world twenty years ago to the fact that every human being has a right to the means that are necessary for the development of his life in a way that is best for the highest good of the community of which he is a member. Then he is under the obligation to use the means in the best way for the attainment of this end.

It remains to give effect to the principles that were enunciated. Meantime, we remain in a dusky, debatable land, in which the virtues have a twilight dimness. We are not uncertain about their validity, but we are hesitant about acting to make them effective.

The anniversary of the Universal Declaration of Human Rights may raise a beacon around which public opinion may mobilize itself to compel action by legislatures and governments that may make the rights obligatory. Then this expression of the collective conscience of the world can be ignored only at one's peril.