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Our Liberties

WE ARE inclined to avoid serious thought about freedom until it is threatened. In view of what we see happening in the world today it is high time to ask: what *is* liberty? can we keep it? what shall we do to make sure we do keep it?

Doctrines our grandfathers held to be simple statements of fact are challenged in many quarters. Institutions painfully built up and guarded through centuries of struggle have been overthrown. The problem of keeping our liberties involves the whole of civilization.

The idea of freedom seems simple, the kind of thing we take for granted, and yet it bristles with difficulties. Most of us might be inclined to define liberty as being allowed to do what we want to do, to live without persecution, to work and earn a decent standard of living.

When we go farther, however, and think of the kinds of freedom, we run into complications, because civil, personal and political liberties are different in themselves and they sometimes interfere with one another.

Here is a list of the essential human liberties prepared by a committee of the American Law Institute, on which Canada had a representative: Freedom of religion, opinion, speech, assembly, and association; Freedom from wrongful interference, arbitrary detention, and retroactive laws; Rights to fair trial, property, education, work, food, housing, social security, equal protection and participation in government.

The nature and the extent of these freedoms in any nation are influenced by its heritage of moral standards, its legal tradition, and the social structure it has built up. Every nation, and every generation, has to hammer out for itself the special pattern that will fulfil its ideals within the limitations of its environment.

It may appear foolish to ask: "Who Wants Freedom?" But when one looks around the world it is not difficult to find whole nations whose people seemingly do not want it enough to stand up effectively for it; and even in Canada there is evidence that not everyone is militantly free. This is so true that men of thought and goodwill are worried about the ease with

which people in still free countries swing toward the dictatorship of the state.

There are some who, for another reason, do not want liberty. They don't like the freedom it gives others to behave in a different way from them. An ox may love his yoke, and consider the deer in the forest a stray and vagrant creature.

Kinds of freedom

The freedoms that are necessary in a democracy seem to divide themselves into four major kinds: Natural liberty, national liberty, political liberty and civil liberty. These headings cover the individual's right to do as he chooses, the nation's right to stand as a sovereign power, the right of popular or representative government, and the rights and privileges created and protected by the state for its subjects.

The basic right, of course, is the right to live fully. Our human personalities clamour for expression and expansion, for recognition of our dignity as men and women, for the opportunity to realize all we believe we are capable of being and doing.

Imagine a graph showing the degrees of liberty enjoyed by various people. It starts near the base at the left, rises in a sharp curve, and descends to meet the base at the right. First on our graph are the primitive societies such as the one described by C. S. Forester in his novel: *The Sky and the Forest*. They are marked by anarchy, magic, and cut-throat existence. Higher on the curve we come upon a society made up of hundreds of small competing groups, with low social stability. Examples are the Holy Roman Empire and the Italian City States. Highest on our scale is the society characterized by large, integrated groups which represent significant interests and values. Examples of states tending to approach this peak are Great Britain, France, the United States of America and Sweden.

Starting to decline on our curve toward the right we find countries which have allowed power to concentrate in the hands of classes, and it doesn't matter

whether these classes are aristocratic, bourgeois, military, proletarian, ecclesiastic or bureaucratic. At the lowest point of our curve is the totalitarian state, which has destroyed all independent groups and smothered all individual opinion.

Practical freedom

Chief difficulty with so many who proclaim freedoms and rights is that they rely upon high-sounding proclamations and fine phrases. Liberty is lost while they talk soporifically about it.

The habit of substituting emotion for thinking in dealing with many of the important concerns of our lives leads us into abstract speculation about a subject which must be concrete and real if it is to exist. We cannot long remain free if we envisage liberty merely as a state of human happiness, without taking into account the thousand realities which go to make it up.

The men of the Renaissance demanded freedom to study classic literature and to escape the obscurantism of the age. At the time of the Reformation, liberty meant the right of private interpretation instead of life under edicts. The English Revolution was out for immunities of subjects in opposition to the power of the king. In Eighteenth Century America the people sought to be free of absentee landlordism, and the French Revolution was a protest against the oppression of the poor. In Nineteenth Century England it meant free trade instead of a government-favoured monopoly. In every instance, a battle for freedom was caused by a real issue.

In some cases, of course, the passion for liberty can go too far. Sir Walter Scott wrote in his *Life of Napoleon Bonaparte* that Madame Roland exclaimed when passing the Statue of Liberty in Paris on her way to execution during the French Revolution: "Ah, Liberty! what crimes are committed in thy name." Nothing makes so much mischief as the assumption by some people and some nations that what they think is good for them must be good for, and should be imposed upon, everyone else.

Like truth, freedom is a matter of reconciling and combining opposites, and it takes a broad and impartial mind to make the adjustment with an approach to correctness.

There is conflict in individual liberties. The right of free speech does not carry with it a licence to slander; freedom of religion does not effect a complete release from civic responsibility; liberty of the person does not imply the abolition of prisons. In fact, freedom along certain lines always implies restrictions along other lines.

Freedom's duties

"A free man is as jealous of his *responsibilities* as he is of his liberties." This was said by Dr. F. Cyril James, Principal and Vice-Chancellor of McGill University, when he addressed the American Academy of Political and Social Science. It is a profound truth, whose universal acceptance would settle all the temporal

disputes, difficulties and heart-aches that trouble the world today.

It is not a new truth, but one lost sight of with calamitous results. When the Declaration of Rights was before the French National Assembly at the time of the French Revolution, one of the members remarked that if a *Declaration of Rights* was published it should be accompanied by a *Declaration of Duties*. His voice was lost in the popular babel.

There is no liberty save in responsibility. The person who is not responsible for something in the way of a contribution to human welfare is not behaving as a free person should. There are things which it is his duty to do, and he may rightfully be made responsible to society for doing them.

Only a highly evolved person takes the broad view that protection of civil rights begins with respect for the rights of others. To be free means that a person concedes to others their right to differ from him, and is not too easily shocked or scandalized when tastes differ. He holds his own convictions rather tentatively, remembering that he may be wrong. He is specially careful about beliefs which assign duties and obligations to others, because when he attempts to enforce their consent and action he trespasses on their freedom. In fact, that society is most free in which people have learned the lesson of minding their own business.

Tolerance is essential

Friendly tolerance is far more effective in building freedom within a state than are all the laws ever enacted. A really tolerant people will allow the widest possible private liberty, relying upon the common sense of responsible individuals, the force of public disapproval, and the usages of custom and convention to restrain excesses.

There are broad values in tolerance. Remembering always that there are two sides to every case has practical usefulness as well as idealistic virtue. Cicero, the greatest orator save one of antiquity, said that he always studied his adversary's case with as great, if not with still greater, carefulness than his own.

Little-minded people are opinionated. The ignorant man always believes he is right; the educated man seldom is sure that he has all the truth.

Every one who aspires to true freedom will keep in mind three precepts without which there can be no effective liberty: What we believe is not necessarily true; what we like is not necessarily good; all questions are open.

What is the trend?

Let's look at how freedom developed in the past and what is being done to preserve and extend it today.

The western nations groped their way toward freedom over the centuries, by revolution and evolution, emphasizing always the civil and political rights necessary to the freedom of the individual.

The English followed a logical development. King Alfred ordered that history should be truly set down: thus, law by law, the right of the folk to safe-conduct in their life and work, and to justice at the hands of their rulers, is asserted and re-asserted.

In the course of centuries there came into being a new freedom, compounded of this step by step march of the English, the rugged, individual and belligerent freedom of the Scotsman, the emotional, minor-key illogical liberty of the Irishman. It is no wonder that Canadians, inheritors of it all, find it difficult to put into a short sentence an answer to the question: "What is Freedom?"

There were obstacles to be overcome, and after each obstacle a long stride forward. King John made the mistake of ignoring rights which had become customary for his most powerful subjects. When the barons and the leading clergy revolted in 1215 and forced the King to sign Magna Charta, the Great Charter of Liberties, such a stride was taken. That formal denial of the absolute power of the king left no room for doubt as to its meaning: No freeman shall be imprisoned or outlawed except by lawful judgment of his equals; we will sell to no man, we will not deny to any man, either justice or right.

The specific freedoms of the Great Charter were more to the British liking than the abstractions of the French "Rights of Man". The British did not talk of "equality" but put into specific words the law of duties and rights which tended to make men equal.

Freedom in Canada

Some lovers of freedom were puzzled and annoyed when Canada abstained from approving the Declaration of Human Rights adopted by the Social Committee of the United Nations.

The explanation was simple. It is the very extent of our liberties that makes it impracticable for the Canadian Government to subscribe to the charter of rights. Both provincial and federal governments approve the freedoms, but protection and development of them must be carried on within the framework of our constitution, which assigns to each government its duties. Neither a province nor the federated provinces may infringe the rights of the other.

It seems worthwhile to quote a paragraph from an article by Hugh MacLennan, author of *Barometer Rising*, *Two Solitudes*, and *The Precipice*. This article, which appeared in *Foreign Affairs* of April 1949, should be read by every Canadian from school pupil to elder statesman. Mr. MacLennan said:

"This country, which once was Britain's senior Dominion and now stands on her own, has acquired a purely feminine capacity for sustaining within her nature contradictions so difficult to reconcile that most societies possessing them would be torn by periodic revolutions. Canada has acquired the good woman's hatred of quarrels, the good woman's readiness to

make endless compromises for the sake of peace within the home, the good woman's knowledge that although her husband can knock her down if he chooses, she will be able to make him ashamed of himself if such an idea begins to form in his mind. Canada also possesses the hard rock which is in the core of every good woman's soul; any threat to her basic values calls up a reluctant but implacable resistance."

Mr. MacLennan goes on to describe how, after the fall of Quebec, the British Government passed the famous Quebec Act, which he calls "the most liberal political document enacted by a conqueror up to that time". It guaranteed the French-Canadians freedom of religion, the right to preserve their own language in the courts and to teach it in the schools, as well as the right to continue the use and practice of the French civil law.

Respect for and observance of rights and freedoms depends to a large extent upon the convictions, character and spirit of the people. Even the most liberal-seeming bill of rights may become twisted in the minds and hands of an illiberal and inept generation. It is a tribute to the love of the Canadian people for freedom, and to their tolerance and fairness, that life has gone its tranquil way in this country, with progress and rising standards of living marching hand in hand with the utmost personal liberty.

The United Nations

The United Nations has expanded the idea of freedom into a whole galaxy of ideals. Alas! it is one thing to have ideals and another to find the means to fulfil the promises implied in the ideals. There was a moment in 1940 that was one of the great moments in history. It was the moment when Britain suggested that France unite with her and that they become one people, under law. Churchill proposed it, but it slipped away in the welter of events.

The Charter of the United Nations provides another opportunity. In noble phrases it commits its members "to promote human rights and fundamental freedoms." But how is this to be brought about? The most hopeful course seems to lie in international agreements dealing with relations between the nations.

If the United Nations can set up machinery for the international protection of human freedom and rights, it will have justified the hope of men and women everywhere, because observance of liberty between nations will draw the attention of governments and people to conditions within their borders, and a force will be exerted upon domestic legislation tending to promote human rights and fundamental freedoms.

Following publication of the United Nations Charter there developed a wide demand for specific plans to give its eloquent language significance. The Human Rights Commission drew up the *Universal Declaration of Human Rights*, which was passed by the General Assembly of the United Nations on Decem-

ber 10, 1948. It is made up of 30 articles, setting forth a common standard of achievement for all peoples and all nations. Copies are available from the United Nations Association in Canada, 63 Sparks St., Ottawa, K1P 5A6.

The alternatives

The alternatives we face are freedom or non-freedom. We can have mankind dedicated to realization of the best cultural values, upholding human dignity, discharging individual responsibility, assuring judicial impartiality, and preferring the persuasion of tolerance to the compulsion of force. Or we can have people moulded and shaped by the dictates of a supreme leader or a gang controlling the resources of a state; people so disciplined and directed from the cradle up that they automatically obey a word of command, however obnoxious it may be.

Whatever soft language may be used in explaining their codes, we can have no faith whatever in the honesty of persons professing belief in human rights and at the same time subscribing to the doctrines of dictatorship, revolution and the one-party system of government.

Such a form of government is demeaning to human dignity. It asserts that "economics determines all human life" — a proposition to which even clever men may give offhand approval — but in doing so it succeeds simply in saying that people are moved to act, not on a basis of principles or any standard of morality, but by their material wants. It assumes that man is not interested in freedom, knowledge or religion, but only in a full stomach. It inhibits the free play of the spirit of inquiry and places blinders on the mind. It dare not allow deep philosophical thought or accurate historical analysis, because these would show up the barrenness and futility of the leader's notions.

Freedom or dependency

Progressive development under freedom is a far cry from the tendency of dictators to make citizens dependent on the state. To expect happiness out of dependency is to fly in the face of history.

Plutarch, who analysed the lives of leading Greeks and Romans in the first century, declared: "The first destroyer of the liberties of a people is he who first gave them bounties and largess." Referring to Athens about the time of Socrates, an historian writes: "More and more the state became a charitable institution, the chief object of which should be to provide for each citizen the most comfortable and the easiest life and the most entertainment possible." Half a century later every national policy was abandoned, and only material interests were promoted. The people had bread and circuses, bounties, bonuses, doles and pensions: but it was easy for Philip of Macedon to overrun them, secure the surrender of their political independence, and reduce them to vassals.

The duty imposed upon government in a free society is not to take care of citizens, but to make it possible for the citizens to take care of themselves. Every person in a free society is a proprietor, and draws on the capital as he earns the right.

Infringement is stealthy

The approach of dictatorship in the life of a free people has always been stealthy. Government spending seems to promise economic prosperity, and the future looks bright. Under the hypnotic influence of something for nothing, masses of people lose sight of the fact that this is the process by which other free peoples lost their liberty.

The price of liberty is not only eternal vigilance but unceasing work. We are careless about making our principles known, about making sure they are kept in mind by governments, about seeing that every last one of them is observed on every occasion. Liberty must be struggled for, achieved and jealously guarded even in the homes of its friends. The maintenance of liberty has to be fought for every day afresh, lest the lazy acceptance of some particular imposition give a toe-hold to some party that will end up by imposing a general tyranny.

Some of the greatest tragedies in history tell of the remorse of those peoples who did not realize the value of human freedom and personal liberty until these rights had been snatched away or stealthily removed: then it was too late to defend them. They were people who shrugged their shoulders and were silent in the face of injustice to their neighbours in the next house, the next-door country, or another continent.

To keep our freedom

What is it that makes people free in society? Not wealth, or civic position, or government, or business power, but knowledge intelligently applied. We need to be continuously educated and re-educated. Educated in the fundamentals of essential freedom, and re-educated to keep us up-to-date in a changing world.

John Milton has lived and written, John Locke has said his say for liberty, and John Stuart Mill has outlined the principles of freedom in imperishable words. Why are not the *Areopagitica* and the essays on *Toleration* and *Liberty* known by every High School student? These set forth the fundamental principles on which our boasted liberty rests, as true today as ever.

Our democratic machinery may be old and worn and, as Western Canadians say of temporary machine jobs, held together with hay-wire here and there. We know that it is not perfect. But we also know that it offers a fuller, freer, happier life to our people than any totalitarian nation has ever offered, and is worth preserving.