The War.—Today, as we meet here, our nation is involved in a great war effort, a war to protect our heritage of freedom and liberty. Many thousands of our best young men and many loyal young women are in uniform. Some of these today in battle are bringing new credit and glory to this nation. Many of our population are bending their utmost efforts to the prosecution of the war in other respects. All of these people, whether in uniform or not, are accepting, for the most part cheerfully, a regimentation, discipline and sacrifice as a necessary incident to our war effort, a regimentation and discipline greater than ever imposed on the Canadian people.

We find much in this war structure inconsistent with our established democratic principles; a yielding to the exigencies of war; individual and business undertakings are loaded down with the obligation of endeavouring to maintain a barely adequate employment, materials and priorities for their purposes. They are directed as to how, when, where and with whom they may trade and at what price; they fill out innumerable forms and returns; our accustomed sanctity of contract appears in many cases to be temporarily suspended; we are burdened with a load of taxation to raise necessary funds. Many of the provisions in connection with this taxation are hastily contrived, some of them fail to embody standards of prosecution which are found in both American and British legislation; there are a multitude of ministerial discretions given, many of which should remain within the sphere of proper interpretation by the courts.

These things we accept as incident to the war but we, as a profession, must be on guard to see that these encroachments are neither unnecessary to the efficient prosecution of war nor permanent and we must ensure that neither authorities delegated...

*Presidential address delivered at the twenty-sixth Meeting of the Canadian Bar Association at Winnipeg, August 25, 1943.
for the purposes of war nor the hysteria of war thinking are permitted to pattern our future nor bind succeeding generations.

The structure of total war must not obscure the objectives and ideals for which we fight and sacrifice, nor should we forget the many battles fought through past generations for the rights of the individual and for human freedom.

A war is our most absorbing problem at the present but administration of justice and the maintaining of the liberties of the public is our task for all time and there seems no sound reason why, as our nation marches in battle in its several duties, fundamental and accustomed justice should not march with it.

Meanwhile, it seems fitting that we pause to pay tribute to many members of Government, authorities established under that Government, dollar-a-year men of high character, skill and enterprise, at times pilloried by unjust and unthinking criticism and many public servants who are giving whole-hearted devotion to these war undertakings and who despite the excitement of war, with resultant haste, confusion and extravagance, which we delight to criticize, have made a contribution not only to Canada but to our Allies in which we cannot fail to have a great measure of pride.

The Allies have now confidence in the outcome of the war. Our leaders warn us not to indulge in complacency or over-confidence at this time if victory is to be assured. It is at least equally imperative that these evils must be avoided and our utmost efforts given if we are to forestall dangers that are already a threat to ensuing peace, liberty and harmony.

The lull that follows victory is not peace.

Post-War—International Aspects.—I do not propose to dwell on international problems. Though we realize much of our future is dependent on friendly international relationship and not isolationism, let us not be side-tracked by grandiose talk of a brave new world as though a new heaven and a new earth were to be suddenly acquired and let us not look so far over the horizon that we fail to see the obstacles in our paths. We have many domestic problems to solve before we can be that nation which can best take its fitting-place in the international world.

Of the international outlook, I think Lord Birkenhead, in addressing this Association after the last war, was then somewhat justified and prophetic in what he termed a "frank but gloomy presage of the future and that he was not sanguine of preaching
to an indifferent world that violence and illegality do not pay and that the Sermon on the Mount was not the idle chatter of a thoughtless man."

Since that time, the nations have had a bitter lesson which in victory they must not forget and the Atlantic Charter may well herald a better, safer, happier world.

National Unity.—Sentimentalists sometimes fail to realize that nations cannot be homogenized and will not forsake their shrines. The nation worthy of the name must be composed of well-ordered and happy families, cherishing their household alters, with a unified national spirit, jealous of its traditions and the shrines at which it worships.

Our Provinces are not entirely homogenized, our population is widely distributed geographically, we are intensely human and therefore there must of necessity be differences and jealousies, provincial or otherwise. Neither our provincial boundaries nor attempted exploitation of our people by class or group, whether within or beyond those boundaries, must cause us to falter in our national purpose and outlook.

For Canada, the pathway to peace and happiness is that in which we walk together, protected by our mutual understanding and faith, our bond not a scrap of paper but one of fair and honourable dealing.

Roberts well states this thought in his words—"Father of Unity make this people one."

The Legal Profession.—The Law.—The traditional duty of our profession is as guardians of the law and of the administration of justice.

The laws under which we are governed and from which we derive our prized liberties, whether the Common Law or the Code, are not laws arbitrarily imposed upon a people by any autocratic authority but our fundamental law finds many of its roots in the biblical law, both Mosaic and Christian, in the Ten Commandments, a basic moral code, and it represents progressively the customs of the people judicially evolved and interpreted. What may appear to some unduly technical in our rules of procedure or evidence is not for the delight of lawyers but for the protection of the people.

It is this law which secures to honest men the living of their lives undisturbed by fear. Only so long as these laws are resolutely maintained can fears of oppression, injustice and tyranny be averted. The impartiality of the law and the freedom of our
established institutions make possible those other freedoms of the mind and spirit which dignify mankind. The people appreciate this heritage and liberty which they enjoy under this law and though they may not wholly understand or define it are quick to resent any encroachment of what it gives to them.

The flexibility of this law and its capacity to adapt itself to the requirements of the people in a world of advance is the foundation of its power and usefulness, and thanks to devoted members of our profession and far-sighted and impartial judges our law has in a great measure kept pace with the changing customs and conditions of the people, and both by evolution and by a democratically imposed compulsion there has been through the past decades a marked progress in humanitarian outlook and practice.

The war has brought great changes in the world; many old ideas lie buried in the torn memory of London and Coventry, on the training grounds of Great Britain and in the trenches and fortifications of Sicily. There are many new conceptions and new conditions in this troubled world. The humanity which we serve challenges us, a profession trained to understand these laws, to ensure that while maintaining our traditional rights and liberties they be developed to meet these new conceptions and requirements and that in their administration by our courts there be a simplicity, flexibility and adequacy that will anticipate demands for dangerous expedients.

The People.—Both overseas and at home, Canadian people are showing their pride in their country; their loyalty to our war undertakings and acquitting themselves well.

In previous crises the sound commonsense of the people, backed by their jealous regard for their traditions and their liberty, has always asserted itself.

As I recently went westward through the mountains I felt again that those great peaks, stately and eternal, can never fail to impress and inspire by their grandeur. I thought of them as standing for the heritage we possess, our laws, our liberties—all that we as a nation hold dear—ours for all time. Yet on that day, through shifting sunlight there were ever changing clouds, some fat, complacently comfortable clouds, some stormy and threatening, obscuring from time to time vision of those mountains.

The desires of the people are not as complicated as some would make them seem. They wish opportunity, happiness and above all liberty. The Four Freedoms are their declared object
They expect from the sacrifice and suffering of this war a future in which they have greater confidence and security, a country better designed for living together.

**Public Opinion.**—If these things are to be achieved, much depends on the development of a well-formed public opinion for it is the people who have the right and privilege of choosing how they wish to be governed but also the responsibility to exercise them and to do so thoughtfully and to choose wisely.

Again, our profession is challenged to give leadership and guidance, active and vocal, to the people, to help them to see more clearly those mountains and, removed in thought from the passions and emotions of war, to see again the foundations of their liberty, to understand better the purpose and meaning of life and to renew their faith.

There is so much in our heritage and tradition which must be studied as we approach the future, there is much wisdom in the past and so much room for folly in the future.

Lawyers in large numbers are generously helping the men in our services, are making in countless ways a great and unheralded contribution to the life of the people without thought of reward. The lawyer is very close to the people in problem and understanding and naturally qualified to give this leadership.

**Leadership and Policies.**—Help should be given to explore leaderships and policies, some already proven dangerous or inefficient but thinly disguised by new raiment.

What is the history and background of some of those who excite and seek to stampede the people or to take advantage of a war hysteria—Do they believe their own propaganda? Some of them receive much adulation and homage regardless of their background, or the sincerity or feasibility of their purpose. Many of them have achieved a present apparent respectability and reasonableness by circuitous routes. Despite war restrictions, sheep's clothing has acquired a certain vogue.

**Class Appeals.**—There are dangerous appeals to groups or classes; some inciting class feeling and antipathies have the effrontery to appeal to the "Common People", as though there were in Canada some downtrodden or lower class. We all are the Common People. Common as to nation, tradition, citizenship and vote, possessing and subject in common to our laws and having a common heritage of liberty. Some seek to commit the people to policies having scant respect for our laws, or even the Ten Commandments if they be inconvenient, and to obtain
their votes and exercise their powers of attorney. Many of them are skilled in high pressure salesmanship of these policies, even leaving our borders to take refresher courses. All of these make extravagant promises that have no sanctity of tradition, no blessing of a guaranty nor likelihood of performance.

If leaderships encourage grasping or impossible demands, those who follow them will have their more modest ends defeated. A lunacy that demands impossible rewards is sponsored by either a stupid or vicious propaganda, a sowing that will reap a whirlwind of unemployment and economical upset.

People must not be apathetic nor must they, as thinking, independent citizens commit themselves, delegate their rights or give their proxies to leaders, corporate or otherwise, of groups or classes only too anxious to usurp their rights and make plans for them in camera.

Exploitation of War Structures.—There are those who view our total war organization and see in it an unparalleled opportunity for its perpetuation. They will seek to exploit our total war effort after its structures have served their purpose for a continued regimentation—a democracy in a fight knows when to concede to emergencies but knows that concessions are only in time of peril and when that peril has passed and there has been necessary re-adjustment they, and any resultant bureaucracy or war dictatorship, however reluctant, must give way.

Our democratic concessions to war structures must in due time yield place to our normal democratic institutions, to the making of necessary laws by a freely chosen government and the determination of our rights under those laws by our courts of justice.

Blueprints.—Some claim a perfect blueprint—a “planned economy”, a social heaven. Of these, there are always sentimentalists who might be termed “Lotus Eaters”, whose ideas are quixotic, who tilt at windmills, who promise much and avail nothing. They may have read some books they fail to understand, nevertheless adumbrate their imperfectly gleaned doctrines. Howsoever brimful of goodwill, they are not unharmful. Others are well educated and quite convincing yet much better trained in theory than in practice.

These blueprints and plans must fail for lack of adequate human support; they overlook both man’s individuality and imperfections, natural human aspirations, greed, jealousy, hates and failures that will defeat any blueprint.
A confidence comes to man from freedom and self-rule and his dignity as a thinking human demands that he have a reasonable right and opportunity to choose his occupation, to further his ambitions, to embark on his chosen enterprise or adventure and to retain the reasonable rewards which his ability, industry and initiative justify. Economic freedom has invariably been the handmaid of political freedom. He is not under our laws, as in the Nazi or Fascist conception, compelled to substitute beliefs for truths, a mere chattel of the State; on the contrary the State is fashioned for his well-being. Imagination, dreams and ambitions are natural to normal youth. These cannot be blueprinted. Our youth overseas, trained to individual effort and initiative, demonstrating undeniable heroism, are not fashioned to lie on a Procrustean bed. For this youth, our live, vital country has possibilities and opportunities beyond our present dreams, and it requires and should encourage the utmost of their initiative and enterprise.

As we seek desired progress and betterment, we embark on dangerous seas of experiment. An expedition where members of our profession should help at the helm. We know many of the beacon lights and headlands of our proven structure and institutions which help to ensure safe progress and retain our cherished liberty while others might stray into unchartered waters towards unfriendly shores already strewn with the wreckage of such ventures.

Surely we have enough background of the past and sanity and commonsense for the future not to be misled into ways of doubtful or illogical experiment.

Are we after victory to be delayed and baffled as Ulysses in his return to home and peace, beset by misadventure, driven back and shipwrecked by adverse winds—beguiled from his pathway by the seductive voices of the Sirens, finding his followers turned by Circe from a dubious humanity to swine by greed and the lure of material satisfaction?

Are we to suffer the grievous experiences of Italy? Her ersatz Caesar had a planned economy that promised fair and started well but the bureaucracy involved under a then somewhat insecure dictator became, as inevitably it must always become for its own survival, increasingly despotic and totalitarian. The road back to freedom is a hard and bitter one.

The truly, democratic government, answerable to the people, will always have its imperfections and mistakes but the people should jealously guard and exercise their free and considered
choice and our known institutions rather than instal a supposedly perfect government, however benign or benevolent it may appear, which would involve a regimentation inconsistent with our traditions and in time would forget to consult the people.

We, as a profession, view a Canada which has given generously to us and our preceding generations and to which our profession owes much, a Canada of free people, of sound commonsense and character inherited from pioneer forbears, friendly and hospitable Canadians not as such unduly concerned in class or creed, a Canada of vast potentialities for the future, potentialities that growing into fruition will entitle it to maintain a proud place among the great nations of the world. The innumerable caravan of judges and lawyers gone before have developed and enriched our laws. Through their devoted service the people have received priceless treasures of liberty and even-handed justice. To our keeping are entrusted these laws and their administration. There is a great work which lies ahead in our country's time of need, an all-demanding task for which "Life piled on life were all too little."

G. H. Aikins.

Winnipeg.