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## The Presidential Address\*

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As I have travelled about this country, in the United States and in lands as distant as Australia, few things have alarmed me as much as a fatal pessimism, which I do not share, but which seems to be taking hold of life throughout our world. Unless I misread the signs, there is a growing feeling of helplessness; a strange willingness to abandon hope; an acquiescence in the possibility of impending disaster. I find this almost unaccountable among people who have achieved an extraordinarily high level of intellectual and material prosperity. Yet, some men watch their growing knowledge and wealth cynically, as if they were bright toys tantalizing them for a moment and certain to be snatched away in the twinkling of an eye by taxes, atomic bombs or communists.

The superficial cause is easily located and identified. We have recently emerged from a war in which the sacrifice and agony were so immense that they could only be sustained by an immediate hope. In many respects, that hope has not been realized. Unfortunately the smoke of battle did not blow away to disclose a new dawn of universal peace, equal justice and unlimited opportunity. The skies cleared just enough to reveal that some of our recent friends are our present enemies. The revelation was more than some could endure and it has left some cynical and disheartened. We have sent our envoys to negotiate for peace in the belief that war is almost inevitable. Some have assumed that if

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justice is unequal, the inequality should be accepted. This has led to the false belief that if opportunity is circumscribed, it is best to live for today because tomorrow it may be lost forever.

I suggest that it is time that we plant our feet firmly in this good Canadian soil and look about us, not with defeat in our hearts but with the God-given assurance that this is a blessed land. Let us, however, examine our present position calmly and with courage — noting our failures and devising remedies; recognizing our danger and moving to eliminate it. Make no mistake about it. I do not deny the very real existence of both failure and danger. All I am urging is that we should replace depression and hysteria with rational appraisal, resolute action and high hopes for the destiny that should be ours.

Every crisis in the history of mankind has arisen when the Old Order was confronted by a New Idea, and the Old Order has never survived the encounter. Nations may stand or fall but the Idea triumphs whether it transforms an ancient power or is imposed by a barbaric horde. The defenders of the empty forms of ancient thinking are doomed before the first sword is drawn or the first atomic bomb released. Looking backward over the ages, it is well that it has been so. We would not willingly return to the struggle of the jungle, the slavery of the Pharaohs, the brutality of feudal Europe or the unequal fortune that our grandfathers enjoyed or suffered.

There is a New Idea abroad today and we had better be prepared to take it into account. The New Idea I suggest to you is equality of justice and opportunity — not in principle — not as an abstract proposition — but in substance and in fact. Of course, in one sense, the Idea isn't new at all. It was defined long ago in the Christian ethic and has never ceased to be a vision in the minds of men of goodwill. But, in another sense, it is new because its hour has come and it now beats on the doors of history with an urgency that will not be denied.

While demands may be conditioned by the possibility of fulfilment, nevertheless you will remember that Browning truly said, "A man's reach must exceed his grasp or what's a Heaven for?" For the first time, the prospects are unlimited and within our grasp, and the future must be forced to yield to the present the reforms it requires.

The nature of the world-wide revolution in which we are engaged is disguised here, in the United States and in many of the western democracies by the advances we have made in satisfying the natural aspirations of the people, but we will not understand

what is happening elsewhere if we carelessly suppose that the local situation is the universal rule. It is no accident that the centres of danger are the enslaved and barbarous places of the earth. It was inevitable that in such areas the New Idea and its accompanying demands would erupt with explosive violence, shattering the laws and social forms whereby unwise rulers sought to confine it.

We must not delude ourselves with the over-simple thought that the struggle for the world's soul is between communism and democracy. This simple assertion is but a half truth. It obscures the essential character of the situation and prevents ordinary men and women from recognizing clearly the part that they must play in these decisive days. The fact is that, in certain quarters, man's hope of liberty and reform has been distorted by ruthless men who have used it to arm nations against us in pursuit of their personal ambitions.

Obviously it is important to recognize communism as our enemy, but it is more important to examine the causes which have made it flourish. An examination of causes may reveal the measure of our failure to inspire the oppressed and supply leadership to those who need it so desperately. Viewed from this standpoint, our resources are tremendous and our opportunities without boundary. We and our allies have founded great states built upon conceptions of individual freedom and mutual aid. Those conceptions must be strengthened at home and made known abroad. This is our task, and the field in which each must labour to the advantage of all.

If, during the past year, I have been aware of the fear, the disappointment and the despair, I have, at the same time, insisted on the special responsibilities we must accept as citizens and lawyers to dissipate that fear. Law is the framework within which society develops or atrophies; it can be an instrument of suppression or the mechanism of an orderly extension of the rights of man. We believe that it should be an organic body of principles not only endowed with the capacity of growth but required to grow in response to the felt necessities of the times. Yesterday's law may amuse or instruct the historian in his ivory tower — it is of very little use in the market-place.

Under our system of government, all citizens share in the formulation of law and, more than is generally supposed, in its interpretation. It would be unwise to forget that law has a tendency to be construed in accordance with the public view. No one knows better than we that a single formula can yield more than one result, and that understanding is coloured by opinion and preju-

dice. Nevertheless, it remains true that lawyers in and out of our legislatures exercise a profound influence on the course the law follows. Think how often they are elected to Parliament, the provincial assemblies and municipal councils; consider their service on advisory committees and the contributions they are called upon to make to every public issue of importance. In the end, they must accept responsibility for the interpretation of law and the administration of justice. These are great privileges and heavy duties. We have neither right nor opportunity to accept the honour without the obligation.

In these circumstances, I will venture to suggest the nature of the service we owe to our country and the world. It is to strive without rest and without compromise for the equality of justice and opportunity which is everywhere demanded as the foundation of human dignity and security, so that we may save ourselves by our exertions and inspire all people by our example. Let us not be dismayed nor by any means complacent. Above all, let us not comfort ourselves with the assurance that we are perfect. You know and I know that the advances that have been made do not exhaust the possibilities of improvement.

Let me select only one aspect of our national programme for the purpose of illustration and emphasis. It is the most vital aspect. Over one hundred years ago, our forefathers in their wisdom embarked on a policy that has enfranchised every adult man and woman in the country. Power has been transferred from an elite ruling class to the people, and it is too late to reverse the process, even if we wished to do so. Every individual, without regard to native intelligence or training, stands equal at the polls and exerts his influence on the most complex questions of economics and foreign affairs.

The results can be dangerous. On the one hand, there is the ever present danger of having issues of paramount concern decided on grounds of political expediency instead of in the public interest. On the other hand, we have the danger of government by the executive action of bureaucratic experts who are alone capable of understanding many of the intricate problems that confront us. Rule by departmental fiat has never afforded an attractive solution of our difficulties.

It is said that this is the price we pay for government by the people. If it is, the price ought not to be higher than is absolutely necessary, and I can imagine no way of lowering it but by increasing the general level of education high above that which obtains today. If our destiny is to be in the hands of ourselves

and our fellow citizens, we will be taking an elementary precaution if we reduce the number of dunderheads. In other words, having extended the franchise, we must rely on education to raise the standard of all. It is almost impossible to conceive of any expenditure for instruction or equipment which will be excessive. No other investment will yield such rich returns. An intelligent and informed people is the only assurance of good government at home and the best bulwark against the invasion of a lying and empty gospel from beyond the seas.

I am not unaware of the progress that has been made in the facilities for public education, but, as a member of a profession which ventures to call itself "learned", I do not hesitate to say that, in my view, we have not approached the maximum contribution that we are able to make. If I place education in the forefront of the tasks to which we ought to lend encouragement and support, I do so because all else depends upon it. It is a general problem which we may influence as ordinary citizens, parents and men of affairs. It does not require specialized knowledge but only goodwill and an appreciation of the fact that it is of the utmost significance.

There are other fields which require our technical skill, where none but lawyers can perform the services that are required. To such enterprises, this Association is dedicated and its work bears witness. No one would willingly forego the pleasure we derive from meeting together or deny the benefit of the free and spontaneous communication of ideas, but, for the moment, I would like to recall to your minds only a few of the major subjects that engage our unanimous attention both here and in the provincial sections: the administration of civil and criminal justice, civil liberties, industrial relations, taxation and legal education. These require and receive critical examination of the most fundamental problems of the nation's law. In every instance, our objective is to ensure justice and expand opportunity.

I do not anticipate substantial disagreement with respect to the policy that I have sketched for our work here in Canada. It is impossible seriously to challenge the view that the best defence against communism at home is to embrace truth and remedy the cause of discontent. Indeed, this is the only weapon that can be employed against any enemy thriving on falsehood and seeking at every turn to exploit inequity and grievance.

Assuming assent, you may well ask in what way I propose to join issue with communism abroad, for even Paradise is not secure from a jealous and enraged neighbour. To this question, there can

be but one answer. It is to provide leadership by example and continuous support for the legitimate claims of people struggling for spiritual and economic security.

Time and again, history has proved the futility of extending aid to a regime which does not enjoy the confidence of its own people. We must make it known that the cause of democracy is one and indivisible; that we do not seek to hire mercenaries but to associate ourselves with free men; that the full weight of our moral and material strength is committed to the service of humanity. In short, our hearts must accompany our arms if we are to be worthy of the trust we invite.

Mr. Chairman, I was beset with the usual difficulties of selecting a topic upon which to speak to you this morning. I decided, therefore, to place before you these sincere convictions, though I do not pretend for a moment to be the advocate of a novel policy. I am conscious that what I have said has been said before in terms better than I can hope to emulate. It has seemed right, however, that in this place, surrounded as I am by distinguished citizens, and permitted to speak as your president, I should affirm on behalf of its lawyers the faith that we have in our country and re-affirm our hope for the future.

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### Master, What Shall I Do to Inherit Eternal Life?

Let the world see that you have risen, because the natural probity of your heart leads you to truth; because the precision and extent of your legal knowledge enables you to find the right way of doing the right thing; because a thorough knowledge of legal art and legal form is, in your hands, not an instrument of chicanery, but the plainest, easiest and shortest way to the end of strife. Impress upon yourself the importance of your profession; consider that some of the greatest and most important interests of the world are committed to your care — that you are our protectors against the encroachments of power — that you are the preservers of freedom, the defenders of weakness, the unravellers of cunning, the investigators of artifice, the humblers of pride, and the scourgers of oppression: when you are silent, the sword leaps from its scabbard, and nations are given up to the madness of internal strife. In all the civil difficulties of life, men depend upon your exercised faculties and your spotless integrity; and they require of you an elevation above all that is mean, and a spirit which will never yield when it ought not to yield. As long as your profession retains its character for learning, the rights of mankind will be well arranged; as long as it retains its character for virtuous boldness, those rights will be well defended; as long as it preserves itself pure and incorruptible on other occasions not connected with your profession, those talents will never be used to the public injury, which were intended and nurtured for the public good. (Sydney Smith: *The Lawyer That Tempted Christ*. 1824)