Entering the Age of Human Rights (1945-1950)

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[0:00] Thank you for that generous introduction. Let me apologize at the beginning for not being able to get this all done by the end.

I have been studying in this field for the last decade plus. I have a series of publications on this, so if you don't understand what I'm going to be saying today, or if I can't make it in more legible form for a general audience, just email me and I will be more than happy to send you half a dozen or so publications in digital form.
But I'm going to have to distill much of what I've written here, and you'll just have to be patient with me as I try to go through it.
Already this is a distillation of a distillation which I published just a few months ago with Cambridge University Press in their massive three-volume reference work, the Cambridge History of Religions in America, and I did the post-World War II chapter for that, which was a summation of my research over the last decade or so on public religion in Canada since the era of Mackenzie King and then through the Trudeau period.
Now this is a distillation of that summation, and as I said to Mania as we were driving here, the proof is pretty high. And I will make, I'll try to turn it into beer, let's say, as we're going to go through it today.
[2:00] The first points that I would want to make, this is important, very important for us, because religious rights discourse is where Western cultures are at, both at their elite levels, leadership levels, their theoretical jurisprudence and political levels, and at mass culture.

This is where normative frameworks reside in Western cultures and in Canada, very much so since the human rights revolution of the post-World War II period, and then, of course, the period of the passage of, well, the patriation of the Canadian Constitution and the attachment of the Charter of, Canadian Charter of Rights and Freedoms as of 1982.
Now I've been studying how this came to be in Canada, and I will go through some very, very briefly of what I think are the crucial turning points, and they focus on constitutional reform and the adoption of human rights frameworks as replacing, in many ways, the traditional framework of Canadian jurisprudence and political and constitutional theory, which combined our democratic liberal ideology, British parliamentary structure, with our traditional religious framework, both Protestant and Catholic, of course.
So I'm going to summarize some of these vital transitions, and you can see them as we've now successfully mounted, thanks to my technical assistance today.
It was an amazing accomplishment. We've got it up on the screen here, and I'll be speaking briefly to each of these points. Now, first, the traditional patterns of church-state relationships in Canada.
[4:20] Canada fairly early on rejected the British establishment church-state relations, although there were established types of churches in Canada, and Anglicanism and Catholicism, which was recognized formally in Quebec, and the Quebec Act, and all of that.

But by the time of Confederation, there was only very vestigial establishment, and we rejected the British pattern. However, we also did not adapt the separationist, or so-called separate church-state relationships, that was written in fairly ambiguous forms into the American Constitution.
And certainly we rejected, most notably in Quebec Catholicism, the French Republican hostility to any public functions for religions.
However, the British and American and Canadian patterns of church-state relationships functioned very similarly, despite the different constitutional bases.
They functioned as, in Canada and in America, as an informal establishment, which was very similar to the role of the Church of England in the British tradition.

[5:39] So let me summarize, if I can, then, the situation that prevailed in Canada from our foundings from the Confederation period right up really until the 1960s.

Although in the post-World War II period, as I'll be arguing, there is an increasing confrontation and contestation over the nature of church-state relations, which lead to fundamental changes by the late 1960s.
This is also a struggle for the nature of pluralism in Canada. Indeed, whether it will be religiously inclusive and friendly, or whether there will be a strict separationist approach where public functions for religion will be excluded and religion will be privatized, where it can't do the state or the collectivities and groupings of the state any major damage in that approach to secularist pluralism.
Through most of our traditions, then, in Canadian history, church-state relationships have been positive, whereby the churches have performed priestly functions of serving the state, legitimating its authority, praying for it, providing chaplaincies, schooling, priestly functions, pastoral functions, schooling would fit under pastoral functions, hospitals, medicine, care, you know, care for various communities in Canada, including the very controversial area of Aboriginal care and underlying control, and, of course, leading to the major controversies over the residential school questions in Canada.
So priestly, pastoral, and prophetic. On the left wing of the churches, and particularly in the social gospel, that you have the churches projecting a prophetic, critical role, whereby the search is for reforming the society, reforming the state, reforming laws, whether it's, you know, crusades against alcohol, or whether it is economic justice, which was at the heart of much of the Canadian social gospel tradition.
[8:20] The dominant functions have been priestly and pastoral, and these functions manifest themselves particularly in times of crisis in Canada.

The major crises that Canada has faced are the crises of the two great world wars, and then the Cold War in the 20th century, and also the 1930s, the Great Depression.
And here, in those periods of crises, the governments are quite anxious to have the support of the churches, to listen to the churches, even in terms of the prophetic social gospel tradition.
Mackenzie King was, in many ways, a part, sort of a, Mackenzie King was, of course, a devout Presbyterian, but a bit eccentric, and a spiritualist at the same time.
You all know about that on Mackenzie King. I lived at Kingsmere for two wonderful summers, and we used to visit the Mackenzie King property, sit under the pines that rustled in the Gatineau evenings, sit amongst Mackenzie King's ruins, and think of all the spiritualism that one could enjoy in those circumstances.
[9:42] But Mackenzie King was, indeed, a spinoff of, in terms of his desire to improve Canada, to reform Canada, of the social gospel movement. Governments wanted the support, the priestly functions, the pastoral functions of the churches, and the churches were willing and eager, particularly Quebec Catholicism, Catholicism, but also the Protestant denominations, the national churches in Canada, United Church, Anglican, Presbyterian, were happy and eager to provide those functions.

Sometimes too much, as in the case of the enthusiasm for things like the Boer War, and the First World War, where, indeed, that seared very, very deeply, the willingness, certainly, of Catholics, Quebec Catholics, and Protestants, to jump into the major wars, and legitimate government authority.
But nevertheless, the support was there, and in terms of the post-war period, the struggle against godless communism, particularly in Eastern Europe, under the Stalinist regimes, Quebec Catholicism was more than happy to support Canada's alignment with anti-communist forces, and particularly by 1949 in the North Atlantic Treaty Organization.
But anyway, through all of this, public religion in Canada was very active, recognized, welcomed, and this is the case in the post-World War II period, when we have the so-called religious revival, which came out of nowhere, and sort of went to nowhere, after a decade or so, but nevertheless, by the 1950s, all the figures, census figures, on membership, church figures, on affiliation, and attendance, reached unprecedentedly high levels, where something, and Canada was even ahead of the United States in all of that, but by the mid-1950s, and late 1950s, you have something like two-thirds of Canadians, on a weekly basis, attending their churches.
In Quebec, it's in almost all parts of Quebec, including their urban centers, the figures of Catholicism, attending mass weekly, were up in the 90s, and in some parts, almost 100%, unless

you were dead or dying, you went to mass on Sunday, and if you didn't, you were ostracized, whether you wanted to go or not.
[12:24] So this enhances the public functions of religion in the post-World War II period. Now, the question becomes, as we're focusing on it today, the question of human rights, the nature of pluralism, and the question of human rights.

Now, through this period, we can call Canada's informal establishment, and very positive interaction with politics at all levels, from municipal to federal levels.
We can call this, as they called it at the time, and this was used again and again by political leaders. Canada was a Christian democracy, and that included both its Protestant and Catholic forms, and although Catholicism, Quebec Catholicism, and English-speaking Protestantism in Canada were quite distinct, hostile, and in some areas, mostly, it's the two solitudes that we have in Canadian literary form, form, but in terms of the public functions of religion, they were, in many ways, at one. So long as one didn't completely predominate Protestantism over Catholicism, or too many Catholics, since, you know, Louis Saint Laurent's government. They got along fairly well, as long as they left each other alone, and both supported the Liberal Party.
That was a bit of a problem for some of the Protestants in all of this. But on human rights now, given what had happened in the Second World War, and the immediate revelations as the death camps were exposed, the perverse nature of fascism, Nazism, the question of human rights arose as a major challenge to the Western democracies then.
[14:37] And this was so, certainly in Canada, in terms of the history of repression of minorities, the expulsion of the Japanese, the imprisonment of Jehovah's Witnesses, the padlock law in Quebec.

There were a raft of things, including treatment of Aboriginal communities in Canada, which spurred the conscience of many of liberals and social Democrats, particularly in Canada, and some conservatives, John Deaton Baker being the leading figure there, spurred them to think, should Canada have, like the United States, a Bill of Rights that would bring some redress to manifest weaknesses in our form of democracy, parliamentary democracy, should we have a Bill of Rights. And then the question presented itself as to whether Canada should enthusiastically support the Universal Declaration of Human Rights, which was being put through its various stages of drafting by 1947 and into 1948 within the framework of the new United Nations organization.
So that presented an immediate challenge to the Mackenzie-King government. King finally got to the age where he had to retire reluctantly and handed it over to someone who, like Ouellette on the papacy, did not want to be prime minister, but turned out to be, in his own calm and wise way, I think, one of Canada's best prime ministers, Louis Saint Laurent.
Louis Saint Laurent was a very devout Catholic, a fine lawyer, and could have had a wonderful life, much more enjoyable, I think, for him and his family.
[16:34] He was very familial. If he'd remained a lawyer, but he had been brought in, I guess it was 1941 or 1942, when Ernst LaPointe suddenly died, and LaPointe was Mackenzie-King's Quebec lieutenant, Saint Laurent came in and turned out to be the best thing Mackenzie-King ever discovered in Quebec, which was not a long list, I don't think, but Louis Saint Laurent was wonderful.

And when he wanted to go back, he was only in for the war, he wanted to go back into private legal practice, but King kept finding reasons that they needed him to stay on, so he kept staying on until finally he won one of the liberals' greatest majorities in 1949, reluctantly, but nevertheless successfully, and kept doing this until finally in 1957, I guess it was, the first to follow John Diefenbaker conservative campaign that brought Diefenbaker to a minority government against the liberals, still under Uncle Louis, as he was called, and although he didn't want to run in 1957, he had to, and the liberals were determined they would run Uncle Louis even if they had to stuff him. And he was pretty stuffed by that time. But Louis Saint Laurent was deeply read in jurisprudence and in Catholic, Thomist, Neo-Thomist philosophy.
And when it comes to the question of human rights, Neo-Thomist philosophy with the Catholic scholar, Jacques Maritain, French, but who spent most of his summers through the post-war period in Canada at the Pontifical Institute in Toronto, he had a wide following, and he was read in French widely in the Quebec Catholic Collège and had a major impact on public thinking, not least on the question of human rights because out of Neo-Thomas philosophy, as it spread powerfully through Western countries in Europe and the Christian Democratic parties and also in North America

amongst Catholics, focused on the foundations of human rights in imago dei, image of God, theology, that mankind, humans, men, women, were created in the image of God and they had this divine imprint which gave them the source of their dignity, the right to be treated with dignity, respect for dignity, and the inherent possession of inalienable human rights.
So that philosophy of human rights was very, very important in the liberal governments and particularly amongst the Quebec Catholics that formed very important sections of the Canadian cabinet and the liberal party of the post-World War II period.
[19:51] Not only Neo-Thomist philosophy but also Neo-Orthodox theology had an imago dei theological rationale for the transcendent nature and the transcendent legitimations of every person's human rights.

They were created in the image of God and that made certain elements of their being, of their thinking, of their believing, of their action and their affiliations untouchable.
They were inalienable under this theology of human rights. So that is there and that is there particularly in its Neo-Thomas version in Canadian Catholicism in the post-World War II period.
But that's not the whole picture. There is a tremendous amount of opposition to human rights theory, particularly continental, republican and socialist, social democratic approaches to human rights theory, which sees it as a threat to religious freedoms and the status and privileges of the churches and particularly the Catholic Church.
And there are regions of Quebec Catholicism, major, vast regions under Duplessis of this period. And Duplessis, you know, interlocking a relationship with Quebec, many of the Quebec bishops.
[21:32] These relationships often resulted in major violations of human rights in Quebec against Protestants, against Jehovah's Witnesses in particular, the streams of sympathy for corporatist fascism, many streams of sympathy for Mussolini at this time, and a hostility to republicanism, French republicanism, and a fear of secularization, the loss of the major cultural hegemony that Catholicism had under the era of Maurice Duplessis.

So, and antisemitism is part of all of that as well too, unfortunately, in the Canadian history then.
Almost equally opposed to human rights propagation or advancement were prairie fundamentalists. I won't spend a lot of time on them, but that element was there and converged with ultra-Catholicism in Quebec in a strange way because, of course, for very fundamentalists, the Pope was the Antichrist and you didn't cooperate with the Catholics locally or internationally, but there was a common thread of hostility to liberal pluralist understandings of secular human rights which wished to privatize and peripheralize the role of religion in public public life.
Okay. Now, these factors come home then to focus on the drafting of the Universal Declaration on Human Rights.
Now, there was a fair amount of Canadian content in all of this as the drafting committees were put together and one of the very skillful, very well-informed, very highly respected leaders was John Humphrey who was the chair of the UN Human Rights Commission eventually.
[23:47] I think he was already by this time, but he was in charge of doing the bureaucratic organization and paperwork for the drafting committee for the UN's Universal Declaration of Human Rights.

That was chaired by Eleanor Roosevelt. So, this is very much worth studying in terms of the Canadian content of all of this. Very positive in the case of John Humphrey who was a champion of the establishment of universal human rights, a declaration on human rights and very skillful at drafting.
He did much of the drafting of the Universal Declaration. Now, it comes to the King government and then by 1948 the Louis Saint Laurent liberal government.
What King and Saint Laurent did was as is what they always did when they wanted to slow things down and avoid them. They appointed major commissions or committees to study all of this.
In 1947 and 1948 there were two sequential commissions studying all of this. Stacked with liberals and stacked with Quebec Catholics and so this was a fairly rough ride.
[25:04] But however, there was enough support to bring Canadian support for the Universal Declaration on Human Rights. And although much skepticism was there, there was also hostility towards the establishment the Canadian Bill of Rights at that time which was seen as a departure, major departure from the British parliamentary tradition where parliament would remain supreme and human rights would be dealt with under parliamentary legislation rather than forming an ultra-parliamentary bill of rights or charter of rights which would hand over major reaches of

Canadian jurisprudence to the courts as in the case of judicial review in the American tradition.

The Catholics didn't want that, the Protestants didn't want that, Mackenzie King didn't want that, neither did Louis Saint Laurent want that, but they did recognize the indeed desirability of adhering to a Universal Declaration of Human Rights, not least as it turns out because they knew they could hammer the Soviets on this as part of an anti-communist crusade that was understandably generating at this time.
So the solution that the Canadian leaders put forward, and Lester Pearson was representing us as a member of, he was still in the Department of External Affairs at that time and only halfway converted to the Liberal Party, but he was the representative of Canada at the meetings of the drafting committee and then when it came finally out of the various drafting committees to the General Assembly of the United Nations meeting in December of 1948.
Pearson was positive, but the Liberal Cabinet of McKenzie King sent their policy instructions that they would support the Universal Declarations, but with a reservation.
And that reservation reflected the Imago Dei theological position of the Protestants and particularly the Catholics in Saint-Laurent's Cabinet.
[27:41] Internet. And they wanted to amend the first article, in a sense the prologue to the Universal Declaration to read, and I quote, then, all men are born free and equal in dignity, being vested by the Creator with inalienable rights.

Now, that had no traction or very little traction amongst the drafters of the Universal Declaration. There was some support. Malik, an Eastern Orthodox leader from Lebanon, a beautiful, beautiful man and Christian, wanted to have a reference to the Creator, general recognition of the transcendence of human rights.
There was support from this, strangely enough, from Hindus, as there was an Indian representative on this drafting committee, However, the French were utterly opposed to this.
René Cassin, famous human rights expert in the French Republican division, was dead set against it. The Soviet representatives considered this an absolutely retrograde step.
They were vile on human rights anyway, except if they were socialist, communist human rights, which had no transcendent reference, but simply reflected class relationships.
[29:07] that was their theory of human rights, and they were going to advance the economic rights of the working class. But anyway, within the UN, it was well known that this was not going to fly, and Pearson had to telegraph back that there would be no amendment to accept a transcendent legitimation in any form of human rights.

They would simply be asserted out of consensus of the participants and the states coming together, and they would articulate them as clearly as they could in terms of classic civil liberties and human rights.
When the cabinet learned this, they decided they would abstain from the vote to pass the Universal Declaration of Human Rights.
Now, this caused scandals and explosions, and Pearson had to write back and say that this policy would mean that in the voting, Canada would be grouped with the other abstainers, six countries from the Stalinist bloc, Saudi Arabia would dead set against any idea that Islam would be subject to religious freedoms and conversion, and South Africa, which was opposed to any kind of recognition of racial equality under the apartheid system that prevailed at that time.
Canada would, in other words, not look very good if we were one of these abstainers, and so with great reluctance, the cabinet gave Pearson the green light to adhere to the Universal Declaration of Human Rights.
[30:57] reluctantly, but of course with relief. Those who knew the inner story in all of this and how close we came to abstention were mortified.

Leaders of civil rights, civil liberties associations in Canada, leading lawyers like Frank Scott, Max Cohen at McGill, John Humphrey was also from McGill, and John Diefenbaker for that matter too. They were appalled by the reluctance of Canada to enter this new age of human rights. So once Saint Laurent had won his successful election of 1949, friends of the Liberal Party and the CCF pressed Saint Laurent and the Liberal government to establish another committee on human rights in Canada and whether a Bill of Rights might not be a necessary thing.
He did. He let Senator Roebuck chair this Senate committee, stacked again with liberals so it couldn't go too far off. But Roebuck was a leading supporter of human rights in the Civil Liberties

Association.
An interesting thing that I was talking with Mania as we were driving here that almost all of the major leaders of the human rights revolution in Canada were Anglicans or lapsed Anglicans.
[32:35] This is true of John Humphrey, it's very true of Frank Scott who was very, very important in the whole human rights agenda in Canada and the principal mentor to Trudeau on this question.

They were close friends and spent an awful lot of time together paddling canoes up north and I'm sure day and night they would talk about a charter of rights for Canada.
Frank Scott, Gordon Fairweather, the first chair of Canada's Human Rights Commission, there are several other Anglicans that I could think of that who recognized religious frameworks for human rights but were quite happy to keep those unarticulated so long as they could get support for a bill of rights or a charter of rights and freedoms in Canada.
They played a major role in all of this. Now what they got to start with, they weren't too happy with and that is, where are we here, Diefenbaker and the Canadian Bill of Rights.
Diefenbaker had been an outspoken champion in critiquing liberal records on human rights and once he became leader of the progressive conservative party he put on the table an agenda that wanted to see a Canadian Bill of Rights.
[34:10] It would be okay if it was called the Diefenbaker Bill of Rights passed in the Canadian Parliament. A parliamentary legislative bill of rights but not a constitutionally entrenched bill of rights.

So he kept the British side of the code, he was very anglophile, he kept them happy but also he was appealing to the progressive wing of the conservative party and to many liberals and social democrats in that we would have a bill of rights.
I interviewed quite a few years ago Davy Fulton who was his justice minister and Fulton told me that his first meeting with Diefenbaker after they formed their cabinet in 57, then of course you had the great follow-john election of 58 which swept the liberals under Pearson into almost the obscurity in which they find themselves now.
Fulton, he lives not too far from us in Carousel Shaughnessy and he said the first thing that Mr. Diefenbaker asked him after being appointed justice minister was to make sure that a bill of rights could be drafted quickly by the Justice Department and Davy Fulton pulled it out of his pocket and gave it to Diefenbaker right that he knew where he was going in all of this.
So the Diefenbaker, there was support for this. Fulton was quite a devout Catholic. He got his Justice Department leaders to draft a suitable legislative parliamentary bill of rights.
[35:54] There were some hearings on this when it finally came to putting it before Parliament by 1959, 1960. and the hearings were very interesting in terms of the continuing support for religious legitimations of a Canadian bill of rights.

Fulton was quite sincere in wanting this and he worked very, very closely with Paul Martin, senior, who was also a devout Catholic, sharing a Neal Thomas vision of human rights.
rights. Let me see if I can quote from the actual preamble to the Canadian Bill of Rights.
Yes, the Parliament of Canada affirming that the Canadian nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person, and the position of the family in a society of free men and free institutions, affirming also that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law.
So it was all out there quite explicitly supported by the liberals, pushed by the conservatives, and you had the passage then of the Canadian Bill of Rights of 1960, which turned out to be a dead letter because it was not entrenched in the Constitution and had very little impact on jurisprudence subsequently to its passage in 1960.
[37:45] Now, I'm going to have to rush on here and do a lot of summarizing. Everything starts to come apart in Canada in terms of traditional church-state relations, traditional approaches to human rights, the nature of pluralism.

One of the interesting things about the passage of the Diefenbaker Bill of Rights is the nature of pluralism quite consciously changes here. It's not that a lot of time is spent on series of pluralism, which we have an awful lot of now in political literature and academic studies, but through the study of the Canadian Bill of Rights leading to its parliamentary acceptance, the leaders of both political parties, and the Diefenbaker in particular, made sure they went out and listened and worked with

Jewish leaders in all of this.
So the kind of Christian pluralism, Christian democracy, which had been normative up to the late 50s, was now shifting to a more inclusive and welcoming religious pluralism, where particularly Jewish leadership in Canada, who were very active, understandably, in the Civil Liberties Association, they were included in a very positive form in the consultations that led to the passage of this bill.
But it remains a religious pluralism, open to religion, Diefenbaker, a devout Baptist, of course. And that is there through the 1950s, as of course the churches are filled out through this period, and attendance records are very high, as I've mentioned now.
Things come apart in all these fields in the 1960s. The 1960s are the most amazing and, I think, transformative decade in the history of most of the Western cultures, and certainly this is the case in Canada.
[40:07] It would be poor Mr. Pearson, a kindly man, with all the positive things that go with him, also quite a devout Christian. He had grown up, his father was a Methodist minister, and then a member of the United Church, and Geoffrey Pearson, who I knew when he taught from the Department of External Affairs on leave, he taught at UBC, and I taught the Canadian Foreign Policy course, and he helped me with that course then.

I had someone to interview at your hand at that time, and I didn't miss talking about his father quite a bit, and I certainly admired Lester Pearson, and he said, well, my father remained a Christian believer, devout, but he had so much church as a child, you know, three times on Sunday and almost every day in the week, that by the time he became prime minister, he had a great preference for baseball on Sundays, and although he remained a believer, he was not much of an attender at this time, but you can see Pearson speaking, it would be at one of the major Baptist churches in the 1950s, I have a wonderful quote here, yeah, New York Minster Park Baptist Church in 1953, Pearson advised his audience, as individuals, it is our duty to stand firm on the
Christian principles, which have been taught in our churches, and which in themselves have the key to the solution of every problem, social, personal, and political, a pretty big stretch for the person who would become liberal prime minister then, what, it was in 1963.
So, that is still there, every problem, solution to every problem, while there was every problem in the 1960s, and the solutions that he found were not all that successful.
This is a transformative decade, as religious life, the public functions of religion, the permissiveness of drug culture, the birth control pills, the coming apart of so much of the traditional hierarchical structure of politics, political elites, cultural elites, all challenged, generational disparity as the youth culture, the pop culture, the psychedelic culture, all of this confronts the traditional elites, religious and political and culture, and for the most part, we've never put it back together again ever since then.
[43:10] So this is, as Peter Newman, in quite a brilliant study about this, the distemper of our times, as he examined the period of the Pearson liberals in the 1960s.

This is a period also that seems the demography of Canada transformed, including the religious demography, as the attendance statistics and membership statistics begin to take a nosedive, first in Protestantism, but then soon also in Catholicism, and of course the Quiet Revolution presents a massive critique of hegemonic cultural Catholicism under Duplessis, as Duplessis himself dies at the end of the 1950s, and the Quiet Revolution takes on momentum at that point.
the churches engage in a massive rethink of their status, identity, role in public life. The most important of these rethinkings is Vatican II in the mid-1960s, and Catholicism, as we've all been watching with fascination how the Catholic Church elects its leaders, and chooses its leaders, and praying for them in all of this, but we're still living in the wake of Vatican II in terms of global Catholicism, and the election of a pope from the two-thirds world, from Argentina, is going to be very, very interesting in terms of the future of Catholicism, and its public functions.
Churches in Canada undertook massive rethinking, Anglicans, United Church Commissions, committees, new creeds, new prayer books, or at least revised services finally, rethinking the role of gender in leadership, and many other things, including the nature of Canadian pluralism, and the church's approaches, and Christian approaches to human rights in Canada.
the book which captures and reflects brilliantly all of this, and I hope many of you have read it, it's still very much worth a read, was Pierre Burton's The Comfortable Pew, broke all publishing and sales records for books in Canada to Burton's total surprise.

[45:42] He never intended this, but he became, you know, really important for all this. 1965 it is produced, and I see I'm running out of time, and so I'm going to have to summarize very, very quickly and jump into the age of Trudeau.

Now the Liberal Party itself, first under Pearson and then under the charismatic leadership of Trudeau by 1968, and he wins the election, and Trudeau mania prevails in the last couple of years of the 1960s, and it through the early 70s, the Liberal Party engaged in a major rethink of national identity and purpose for Canada.
The big challenge, of course, was Quebec and French Canadian nationalism, as Quebec's own self-identity was transformed very, very quickly from the ultra- Catholicism of the Duplessis era to the rapid transitions of the Quiet Revolution, where the Catholic Church cooperated, essentially, in its own peripheralization, and the cultural guideposts switched tremendously from Catholicism in terms of identity and purpose to nationalism.
Quebec separatism, nationalism, at least assertion of Quebec language and culture. How to contain this as Canada seemed to be coming apart?
Well, the Liberals come up with the Bilingualism and Biculturalism Commission, and they issue their report on all of this as Trudeau receives it and is very keen on this and legislates language law to make Canada, at the federal level anyway, and in federal courts, a bilingual entity then.
[47:46] But will bilingualism and biculturalism sufficiently replace, in many ways, the essential religious infusion of liberal values and Christian values in Canada's national identity and purpose?

The answer quickly is no, and the communities that were not included in biculturalism stormed at the liberal government and it shifted to multiculturalism and that legislation was passed in 1971.
Now what I find most interesting about the switch to multiculturalism and soon, under that rubric, a new pluralism centered on what will become by 1982 the Charter of Rights and Freedoms, that was when multiculturalism and even biculturalism was being studied intensively by Canadian political elites from English and French Canada, the role of religion is totally obliterated.
It just doesn't happen. Even when the churches come before the commissions, the commission set up to study bilingualism, biculturalism, they are concerned with language issues, equity, rights, but have no sense that this is a turning point in terms of the public role of religion in Canadian political culture.
So I deal with all of this in the studies that I've written up and published. Soon the discourse comes to focus in on the Charter of Rights and Freedoms.
[49:29] Now Trudeau for a long time had wanted to bring this forward. And as I said, he had many friends in the liberal left and social democratic leadership in Canada that, like Frank Scott, had been advocating a Canadian Charter of Rights that would be entrenched in the Constitution and that would serve as the principal focus for national identity and harmony and cooperation between the cultures and religions and the increasing secularized sectors of Canadian society, give us national identity and purpose and give legitimation to democratic government in Canada when, as in the October crisis of 1970, governments, Quebec governments and the federal government were facing major challenges and legitimation challenges as well in all of this from the extremists who had another national identity in mind and of course it was grounded firmly in nationalism then.

So I have a, I published an article on Trudeau, God and the Constitution that looks at the discourse leading to the Canadian Charter of Rights and Freemence and so I better summarize that.
How much time do I have here, John? You're close to time, if you could wrap by ten after to leave time. Okay, I'll do it. A couple of comments and questions?
Yes, yes, ten after. Well, I'm going to speak from my young son when he was a child, used to say, speak from the most, don't read the book.
Trudeau is so fascinating, endlessly fascinating as we keep discovering things about him. Raised as a devout Catholic, educated in the Catholic College, Jean Brabouf, come out of that as a deep Catholic corporatist, engaged surreptitiously, didn't get caught in semi-revolutionary Catholic activities, very devout, and an extremist.
[51:42] He goes off as he gets more and more educated, and he goes to Harvard after the Second World War, avoiding any kind of military service in the Second World War.

And then after Harvard he goes to LSE. by the time he's finished with that type of American and British retraining, he has emerged no longer as an ultra-Catholic, but indeed still a disciplined and in many ways very disciplined devout Catholic.

He never missed Mass on a weekly basis, and at the end of his life on a daily basis. He had priests around him all the time.
But he reinterpreted Catholicism, in its privatized, indeed Trudeau-ized form, that allowed almost anything he wanted to do, particularly in the sexual area, and still be a good Catholic.
I don't know what his confessions were like, but his priests alone would know all of that. But in the fusion of liberalism, which comes from his Anglo-American postgraduate studies, Catholicism, which comes from his Quebec past, the liberal ideology trumps in public life the Catholicism.
[53:00] And learning from people like Scott, again his mentor, Trudeau was determined that it was time in Canada, in facing the deeply moral contentious issues of divorce, first, birth control, homosexuality, criminal code, and all of this, that it was time to separate law and morality.

The British were doing this in the wake of the Wolfenden report, and decriminalization of homosexuality. The Americans were doing this a bit later on in terms of strict separation of church and state, and the role of religion in public schooling particularly.
It's time for Canada to do this. And so during the hearings that led to the omnibus bill, when Trudeau was prime minister in 1969, he made a very important statement, and this is a clue to understanding what follows in terms of the nature of pluralism, changing status of public religion in Canada.
Speaking to Parliament then in 1967, as the omnibus bill is shaping up, we are now living in a social climate in which people are beginning to realize, perhaps for the first time in the history of this country, that we are not entitled to impose the concepts which belong to a sacred society upon a civil or profane society.
The concepts of civil society in which we live are pluralistic. And I think this Parliament realizes that it would be a mistake for us to try to legislate into this society concepts which belong to a theological or sacred order.
[54:44] culture. So, the rights of the individual will trump traditions from the churches when it comes to law.

Now, the churches can claim and assert and propagate in total freedom whatever morality they may wish to espouse, but they should not impose this through law on the rest of society, on the citizens in a secular society.
The omnibus bill incorporates much of this as it decriminalizes homosexuality and soon abortion as previous to that divorces were made much more liberal and freely accessible in Canadian society.
Now, things did not go well for Trudeau, even in the wake of all of this. Trudeaumania was a very transient phenomenon as it turned out and of course by 1970 when he had to invoke the War Measures Act at, as he made it very clear, the explicit request of the Quebec government of Bourassa, it was a shocker to the civil libertarians who had championed Trudeau and wished to see him lead Canada into the promised land of a charter of rights and freedoms.
It was a shock to see how far one of them, you know, just watch me, as Trudeau put it, how far they would go. Frank Scott stuck with him through all of this and Scott was Canada's leading civil libertarian of those years.
[56:28] Trudeau was very grateful to Frank Scott for sticking with him, although the support was not very vocal from Scott, but nevertheless he didn't charge him with abandoning the whole human rights tradition and repressing what Trudeau viewed as violence and terrorism, rightly so, from the FLQ at that time.

Trudeau offered Scott several things, that this is what I dug out of some of the archives, and from those like Sandra Joanne who wrote a wonderful biography of Frank Scott, Trudeau offered him to be chief justice of the Supreme Court and he also offered him, if he didn't want that he could have a nice Senate appointment, then Scott did not rise to the bait in all of this, I think, wisely.
But anyway, what Trudeau does adopt, when he has to face down René Levesque, and then finally the 1980 referendum on sovereignty association in Quebec, which the federal government mobilizes successfully against at that time, the promise of Trudeau to his French Canadian cohorts and particularly the federalists in Quebec, who were still a majority and still very much part of the liberal party, promise was the charter of rights and freedoms which would include linguistic rights as well.
And he had been thinking about this, he'd been consulting with Scott about this and others going back to the 1950s when Trudeau had worked within the Privy Council for a brief period of time.

And so now was the time to come forward with this charter of rights and freedoms. And it included then of course patriation of the British North America Act, which was Canada's foundation.
[58:33] This was not easy to do as the provinces all had to be pacified or most of them had to be brought on board and most of them were opposed to this to start with.

And Quebec in fearing the challenges to provincial rights and of course with Levesque favoring a complete restructuring of constitution with sovereignty association, effectively independence for Quebec.
This was a major political challenge for even the most masterful of referitions and politicians and Trudeau was a Canadian Machiavelli if there ever was one.
And so through the diabolical negotiating process with breaking up the gang of the eight and then isolating poor Levesque. I won't use the language that Levesque used to describe what Trudeau did to him but nevertheless they got the Charter of Rights and Freedoms through the provincial negotiations when unilateral patriation was the tactic that was used to cow the gang of eight and then he had to offer them particularly the not withstanding clause that protected them in the end against judicial revisionism.
He got agreement on this. Now in the discourse on constitutional patriation the principal issues to start with were potential rights, the issue of Quebec status, women's rights, aboriginal rights, equality rights, all of those things were there.
[60:22] It only became fairly late in the discourse on this that the unexpected head of religion reasserts itself. The Catholic communities in Canada were very disturbed about what a charter of rights would do to their status and particularly their confessional schools.

They were also by this time appalled by the whole question of abortion. I could spend a lot of time talking about the religion between Pierre Trudeau and Cardinal Emmett M. Carter, but I'm simply, we can talk about that if there's going to be any time for questions here.
Secondly, and this was the most surprising thing of all, the conservative Christian communities, the evangelical churches, and the incipient evangelical ecumenical leadership that was now being transformed in the Evangelical Fellowship of Canada, they joined with the conservative party, particularly with Jake Epp, a Mennonite and Devote Christian, in critiquing the earlier drafts of the Trudeau charter, which, as they could easily point out, did not have a reference to the supremacy of God, the sovereignty of God, or any reference, transcendent reference, to rights being anchored in a theological framework.
Trudeau, as I've already quoted him, did not want that. The liberal elites by this time did not want any reference to God or the Creator or any transcendent thinking, metaphysical thinking being put in what was, to them, a secular document.
So a major mobilization completely caught the liberals by surprise. Catholics and Protestants, conservatives, together, lobbied, stormed across the country, 700 Huntley Street, Ken Campbell's Renaissance Canada, letter writing campaigns, Chrétien, who was the justice minister, who was quite personally opposed to any transcendent reference, said that they got more lobbying, more letters on this question than anything else.
[62:47] And so finally, the liberal party agreed that they would make the amendment that brought us then the protection that is in the preamble to the Constitutional Act and specifically in the Charter of Rights and Freedoms, which references Canada being founded on principles that recognize the supremacy of God and the rule of law.

So a return to the positive relationship between liberalism, the rule of law, and religious traditions of Canada as the transcendent reference for human rights in the supremacy of God.
Trudeau was very reluctant to do this and his comment, I always like to quote this one, yes, whereas Canada is founded on principles that recognize the supremacy of God and the rule of law. Previously, Trudeau had criticized the conservatives as hypocritical and detestable for playing politics with God, claiming they were inspired more by fear of the electorate than fear of God. Trudeau thought it was, quote, it was strange so long after the Middle Ages that some politicians felt obliged to mention God in the Constitution, which is, after all, a secular, not a spiritual document.
[64:14] But he also genuflected to the electorate, claiming when all this mobilization took place, that it was his personal preference to include the reference. Privately, he told the liberal caucus that he didn't think, quote, God gives a damn whether he's in the Constitution or not.

But they had to do it. And so that's where it got there. David Smith, who was the principal advisor, he was deputy house leader at this time, and Smith was a Christian.
He came from a Pentecostal background, and he told Trudeau that if they didn't put this in the Constitution, the liberals were dead in the West, certainly, and in much of Catholicism in terms of voters for the foreseeable future.
He also very astutely looked at the demographic figures of the rising numbers of evangelical Christians and the utterly unprecedented and surprising conversion between evangelicals and Catholics together.
Jim Packer, where are you? In Canada at this time. And this, according to David Smith, who also told me about the reverence about God not giving a damn that Trudeau had given privately to the Liberal Caucus, this was enough to convince Trudeau to switch for political reasons at this case.
[65:32] Now, I'm at the end now. I would, if I had time, look at the transition then from Christian democracy or Christian pluralism to religious pluralism under Diefenbaker to Pearson.

I didn't talk at all about how welcoming Pearson was when it came to the Expo Centennial celebrations where the Liberals gave pretty much everything, the Christian communities, the Jewish and Islam communities in a very positive liberal pluralism in terms of their pavilion or pavilions as it turned out at the Expo celebrations.
That was a grand success and a good instance of an open, religiously positive liberal pluralism.
Under Trudeau, despite the reference to the supremacy of God and the rule of law in the Charter of Rights and Freedoms, what you have is an increasingly secularist pluralism which is increasingly hostile to public functions for religion and, as with Trudeau, wishes to see the privatization of conscience, religious conscience and practice in Canada and to be stripped of all public functions sooner or later.
And if we had time, we'd look at post-charter jurisprudence which is increasingly hostile to the public functions of religion.
Indeed, even the prophetic role of religion, whether it's critiquing the economy or whether it's critiquing moral questions and so the proliferation of human rights commissions and tribunals, the hearings and the rulings from the Supreme Court, even as in the last couple of weeks again, champion equality rights and certainly the rights of sexual minorities in Canada.
[67:28] Gays have been brilliant at riding the human rights agenda and now the anti-bullying agenda. All of this has created a very hostile environment for traditional religion in its public expression, religious freedoms and that's where we're at.

My conclusions focus on the things that are most important for believing Christians and traditional religious communities to do in Canada. Let me just list two or three of them.
Number one, as has been happening, it's important to understand and be successful in mobilizing our positions through lobbies and all of this.
Evangelical Fellowship of Canada, CARDIS, there's a series of think tanks. The Manic Center is important in all of this as well too. That is happening and we should support it.
The idea of returning to Canadian democracy or Christian democracy or Christian pluralism or Christendom in Canada, this is no longer credible or viable.
[68:36] We have to form coalitions as we have been doing as the Evangelical Fellowship has been doing with other faith communities, particularly Orthodox Jewry and Islam, in common understanding and respect in the preservation of religious freedoms.

We have to do this. We are doing this increasingly. But we have to recognize we're living in a very different environment which has been transformed certainly in my lifetime.
And to learn to live and to be faithful and to worship God and to speak out of our gospel and biblical roots, this is going to take courage.
It's going to take enlightened discernment. And this is where we're only at the beginning of understanding this now and we don't know where it will go.
We do have confidence that no matter what kind of darkness surrounds us, no matter what type of prescriptions are put on religious freedom, that in the end this will all turn out well for those who remain faithful.
[69:49] I stopped. Thank you. Thank you.