

ciples of magna carta, the Bill of Rights, the Petition of Rights and habeas corpus have been departed from in our country, have been departed from by the government across the way in such a manner that, while in theory our freedoms remain, in actuality the right of the individual to the assertion of those freedoms in the courts of our land has been denied.

First, sir, I shall deal with the international freedom bill of rights, if I may call it such, and I summarize the necessity for that bill of rights in the words recently used by Mr. Shotwell, president of the Carnegie endowment:

The effort to safeguard human rights is, in my opinion, the most fundamental of all international movements today, and also the most difficult to achieve. This judgment runs counter to popular opinion because a movement to eliminate oppression is by no means as pressing and immediate as that to eliminate war. But the menace of war cannot be removed from human affairs so long as life and liberty are imperiled by arbitrary power. The purpose of international organization must therefore be something more than a direct attack on war itself, it must reach into the processes of peace to make sure that no subtle poison is being distilled to make the resort to force seem an escape from greater ills. Thus the two central problems of international relations, the guarantee of peace and the provision for human rights, are the realities behind the confusion in international affairs today.

The minister gave us a panorama of the freedoms that we enjoy as Canadians as our heritage by reason of our being within the empire. Freedom is difficult of definition. International freedom is difficult of interpretation. International law, as the years go by, as the Secretary of State for External Affairs (Mr. St. Laurent) will admit, has changed with changing conditions. International law progresses as man's conscience demands it shall progress. International law has made advances. Only the other day I was reading Grotius and Sir Francis Bacon. These two great internationalists took the point of view that war was justified anywhere in the world, provided it was against anyone or any nation professing other than the Christian faith. Freedom of religion was not appreciated. The English nobles at Runnymede endeavoured to enunciate principles of freedom as against the king. They enunciated, too, the first known declaration of religious freedom. For the first time the Jew was entitled—and I shall not read the sections; they are sections 10 and 11—to do business in England. The minister stated that the great principles were not lived up to, and that is true. Within fifty-five years after magna carta, the Jewish race was driven from England.

As I agree that although parliament can make charters, the nation can only achieve

[Mr. Diefenbaker.]

what is in those charters if the heart and soul of man demands the achievement of those ideals. I realize that you cannot make mankind good by legislation, but on the other hand, by legislation you can set out the ideals to which you wish men to attain. At the present time we are endeavouring internationally to set out a new set of responsibilities and duties of one nation to another under the rule of law. Declarations regarding freedom do not assure the practice of freedom; unless the right remains for the individual or the nation to have his or its rights established under law, they are but pious declarations.

Internationally we are endeavouring by easy steps, by difficult faltering steps to secure adherence to the rule of law everywhere in the world. The pathway to the future is indicated in the charter of the united nations. The united nations are striving to ensure freedom of worship and of expression, freedom from fear and want throughout the world, these being the minima of man's quest to assure and maintain the dignity of the human personality. There can be no freedom internationally without international order, nor can there be any international order unless there is freedom among the nations internationally.

Those of us who hope for the achievement of the rule of law realize the difficulties facing the united nations today. That idea can never be achieved as long as a wrongdoer among the nations has the right to veto any measures being taken to bring it under the rule of law. How long within our own country would justice prevail if wrongdoers nationally were permitted to decide whether or not for their wrongdoing they would submit themselves to punishment by the courts of the land?

As regards an international bill of rights, there have been approximately one thousand recommendations submitted to the united nations committee. Concrete declarations have been made by Professor Lauterpacht of Cambridge university, by the American Bar Association, and many others. A few years ago there was a declaration in Great Britain by Lord Sankey with regard to a bill of human rights. Lately the text was drafted by the executive committee of the Committee on Human Rights. These have been drafts of rights to assure peace in the world, and no one today argues against this principle that an international bill of rights is necessary if the united nations are to discharge their tremendous task.