

The Constitution

also wise to see where we have been. That helps us to determine whether we will be surprised by what is coming from behind us.

Let me look briefly at certain historic events which determine what kind of a Constitution we must have. It is hard to know where to begin in Canadian history and I do not want to bore people with history, but I have always been fascinated by time machines. When I was a boy and I heard of H. G. Wells' time machine I was fascinated with it. When I found out there were none in my neighbourhood, and if there had been, I probably could not have afforded one, my mother explained to me that all she could do was to suggest legs and a library card.

My own reading preference is to look at the future and to look at the past. This helps me to adjust, like driving my car, to the present. Let me jump right into it and start at about 1750. At about that time Canada got into hot water in history. This country was formed as a consequence of the activities of two empires from about 1750 to the end of the century. At about that time the British empire and the French empire left. What was left was us and the original inhabitants of the land, the native and the aboriginal peoples. The first and most important document which came to us then was the proclamation of 1763. What it did was to define for the aboriginal peoples the basis of their rights. It was a recognition by the new visitors from Europe of what those rights would be. That is why a month, or some weeks ago, the whole burden of the argument by native peoples was to have the 1763 proclamation recognized again. History is useful to know; 1763 was important because of one group of people who said, "You have rights."

- (1650)

The next document which defined who we were was the Quebec Act of 1774, because two, three or four years before the British empire lost the rest of the American empire, it acquired what was left of the old French empire. Although they recognized rights for aboriginal peoples, they did nothing for the French-speaking population acquired under the Treaty of Paris in 1763. The Quebec Act was established to ensure that there was a restoration of the rights of French-speaking people in what was then geographically called Canada. It restored not only language rights, but also religious and legal rights.

Those two documents already put in perspective for Canadians the reasons for which Constitution and rights are important. The Constitution Act, 1791 divided the old province into two; Upper and Lower Canada, as they became. We acquired a new custom called "Good fences make good neighbours"; an instinct which we will find throughout our Constitution, by the way.

The first defence of the new country was in 1812. For those who want to read Bishop Strachan, the first Anglican bishop of Ontario or what became Ontario, it is interesting to note that he morally justified the war of 1812 on the basis that if Canadians did not defeat the Americans, there would be a holocaust visited upon native peoples. Bishop Strachan said

that the moral justification for the war of 1812 was to defend native peoples from the Americans who had started to come across the Appalachians.

In 1841 we had the Act of Union. I will not go through them all, but I wanted to make a couple of points.

While we were dealing first of all with British, French and native peoples, there has always been an assumption in this country—badly taught history—that it was sort of consecutive—the native peoples, the French, the British and then others. But right from the start we had people from all over the world, in particular Germans and Dutch. Throughout the nineteenth century, as it wore on, we had people from all over the world.

There was a great poem written by F. R. Scott a couple of years ago, the first time he read Ed Pratt's classic poem on the building of the CPR. Pratt went through the entire building of the CPR without mentioning a single Chinese worker; quite a feat when one thinks about it. As F. R. Scott said to Ed Pratt in his poem, "Where are the Chinese in your poem, Ed? Where are the oriental gentlemen who swung picks at forty below?" We have had people from all over the world, not just the two founding cultures and the native people. They have made an impact on our understanding of who we are and what we are. They gave us three instincts as a people, and they are instincts which only we have; other peoples do not have them. They are born of that historical experience.

As can be seen in our history, it was absolutely essential for Canadians to learn one instinct, to allow for diversity. That is why in the history of this country, and today, one will find differences in education programs, language and religion. We had to learn the instinct of diversity in order to survive. It is not a thing we thought would be nice to do; it was in order to survive and to deal fairly with all the peoples who were here. We had to ensure that people could do what they needed to do in order to be who they were. That is what diversity really means on the street. It allowed us to nurture customs; it allowed Canadians to be new and to be old at the same time. It allowed them to acquire a new personality and to maintain an older one.

The second instinct we learned very early as a people was an instinct for rights. That mélange of people who required diversity brought with them the second instinct, the need for rights.

We have learned something very clear and specific about rights. As the hon. member for Provencher said yesterday, first we learned that rights do not come from governments. This is not to be sneezed at because it is a fundamental principle. Indeed, older Canadians understood that most bills of rights were limits on governments; that is the point.

Some hon. Members: Hear, hear!

Mr. Crombie: If one wants to go through 1215, Runnymede, 1628, all the British and the French stuff or whatever, one will find that rights limit governments. That is why citizens need rights. They need rights, and those rights are to limit the