

Dominion-Provincial Relations

will lead to the financial support of the universities, whether they be in Quebec or any other province. We are strongly in support of the general principle of the bill. We will be very interested in the amendments which the Liberals have promised us they are going to introduce to see if they can tidy up the bill and make it more constitutional.

One of the most distinguished contributors to this debate, the hon. member for Bellechasse (Mr. Dorion), spent a considerable time trying to show, in contradistinction to the hon. member for Megantic (Mr. Roberge), that the fathers of confederation had universities in mind, that they were aware of the universities' existence. The hon. member for Bellechasse also argued that we have a pact or treaty in confederation because the fathers of confederation, especially Sir John A. Macdonald, used the words "treaty" and "pact" a number of times. I should like the hon. member for Bellechasse and the other members who have read the confederation debates to search those debates and find one single case where the word "universities" is used. I do not think they can find it.

I believe the hon. member for Hull (Mr. Caron) has made this point, which surely seems to me to add some validity and worth to the argument; that if you are going to pre-occupy yourself with what was in the minds of the fathers of confederation, it is then valid and worthy to argue that they did not have in mind cutting out universities or assigning university education of the type of which he talked specifically or practically, in any kind of watertight compartment, to the provinces.

The contribution I wish to make at this stage is derivative. I want to read a few paragraphs from a commentary on law and policy by a distinguished Canadian academician, namely Professor J. A. Corry. I hope this intellectual analysis will be of assistance to people like the hon. member for Brome-Missisquoi (Mr. Graftey) who dealt with federalism, and I think this will be in order in so far as this is a federal-provincial arrangement. Professor Corry in his book states as follows:

The definition of federalism which the Anglo-American world has found meaningful because for a long time it accorded with our experience is as follows: general and regional governments of co-ordinate and mutually exclusive authority ruling over the same persons and the same territory under the close surveillance of a court. We have seen enough of the tribulations of federalism in the last twenty five years to ask why the founding fathers ever believed that structures so defined could be made to work. If we keep their assumptions in mind, we can see that they would have given something like the following answer in 1789, and again in 1867:

The provinces, or states, as the case may be, will live largely self-contained lives, after the fashion

[Mr. Fisher.]

of provinces in the past. They will have to submit to only a few dictates of the national government in foreign trade, foreign policy and like matters. The electorates, both national and provincial, jealous of individual freedom and wanting little from governments of any kind, will be watchful to keep governments from extending their activities. Restricted in their functions in this way, governments will not run foul of one another. Economic and social life, left to itself, will find its own harmony in freedom. If governments from time to time forget themselves, and trespass one on the exclusive sphere of the other, the courts will declare such trespasses unconstitutional. Where confusion arises about the exact extent of exclusive spheres of legislative authority, the courts will define exactly and clearly the precise limits of federal and provincial legislative power. Both unity and diversity will flourish in harmony under the reign of the constitution and the law.

This is the ideal picture Professor Corry projects as being in the minds of the fathers of confederation. He then goes on to state as follows:

The greater part of these expectations have been proved false. The provinces have been pulled out of their self-satisfied isolation into dependence on national and international markets. Electorates, it has turned out, want more and more from governments. Both national and provincial governments have expanded their activities out of all recognition. In the course of doing so, they have often found themselves in conflict with one another, and partly because of this have been drawn into a great range of co-operative and interlocking ventures. They even co-operate now in draining the pockets of the taxpayer.

I think that comment is very relevant in terms of this agreement.

Mr. Speaker: Before the hon. member goes further may I say that I am afraid he is setting a bad precedent by reading at length such generalities, which he has not applied at all to the debate in question. If there is a sentence or two which he actually wants to have on the record I am sure the house would not object, but to read long extracts of generalities about the federal system is a precedent that I should not like to see established. That is why I have intervened.

Mr. Fisher: My reason for doing so, Mr. Speaker, is that at least 15 times or 20 times in this particular debate, as it has proceeded up until now, I have been attacked from a number of sources on my view of constitutionalism within confederation. I was trying to lay the groundwork. I think I am coming to what you mean. Professor Corry says:

Classical federalism in the Anglo-American mode, as I shall call the federalism I defined at the outset, is not really workable in the age in which we live... It has been transformed into what is called co-operative federalism, or the new federalism.

That argument that we no longer have classic federalism but co-operative federalism it seems to me finds recognition in the very kind of bill that we are about to pass