

TOPICS OF THE DAY

THE DEATH OF KING GEORGE V: BRITISH NORTH AMERICA ACT:
INTERNATIONAL REALISM: EUTHANASIA.

KING GEORGE V has gone from us. His unexpected death has moved the whole world as few public events have stirred us for some time. When the occupant of the world's most exalted Throne is summoned by the ultimate call, formal expressions of mourning are demanded alike by patriotic sentiment and by international courtesy; but, in the volume of affectionate regard that went out to our late monarch in his death, there was little that was forced or formal in its mood. Indeed, we could say that the event came upon us almost with the shock of a personal bereavement. As the modern apparatus of publicity—the Radio, the Press and the Cinema—took us back over the record of his life, our minds were strangely elevated by the recollection of his simple dignity and his single-minded fidelity to a great trust.

King George took himself and his office seriously. Rarely does the summons of outward circumstance meet with so fitting a response in the inward attitude of its acceptance. We might almost say that our late King had a genius for monarchy. Nearly to the very hour, and certainly to the very day of his death, duty came first. He regarded himself as the first, as he was the most permanent, Servant of the Empire. It is not an exaggeration to say that in his personal attitude and devotion he provided a perfect embodiment of the only kind of monarchy that the modern world finds tolerable, but also of something more, of that which makes the continuance of kingly rule among us more than justifiable. Tradition guarantees to the Sovereign the formal respect that provides the outward apparatus of regal dignity, but the easy grace of personal address that can combine a certain necessary elevation with a familiarity that is not condescension can come only from a combination of temper, breeding and self-discipline. In this last respect, the character of King George shone with a special lustre, so that he not only dignified his ancient seat of office, but established it more firmly in the hearts of his subjects. For, he "could walk with kings, nor lose the common touch".

So much has been said and written about the late King-Emperor that there is little or nothing to add by way of tribute to his character. We have all been passing in review the violent changes of his reign, the wars and rumours of war that continued

with him almost from the beginning to the end of his régime, and the cheerful confidence with which he encountered crisis after crisis. Rather, one is provoked by his passing into some reflections on the place that the contribution of personal character must occupy in every form of political life. In all government there must be an element of pragmatism. Circumstance must be our guide without becoming our master. Social existence, like every form of life, is impatient of the regulation that would direct its activity into preordained grooves. The guarantee of flexible adjustment to new occasions or the pressures of social necessity must be, ultimately, the incalculable element of human personality. And yet, the unlimited exercise of personal power is a form of social disease rather than a symptom of political health, and all honest men may well dread its appearance. We would like to hope that even in Italy and Germany the present régime, which centres in the person of a Dictator, is still regarded as abnormal by civilized people. Among Communists themselves, the Dictatorship of the Proletariat is viewed as a necessary and regrettable stage on the way to the social perfection of economic democracy. In the past, when personal rule has come under a just suspicion to the point of active revolt against its usurpations, men have resorted to the protection of their liberties by the impersonal security of a written constitution. But, what is written is written! Recent experience has proved that even a Declaration of Independence may be an instrument of tyranny. Under these circumstances, it is possible to offer a new apology for monarchy as a meeting-point of tradition, constitutionalism and the need for orderly change.

In logic, the continuance of a monarchy is indefensible. History suggests, and current experience confirms the suggestion, that it is possible to contemplate circumstances under which the Throne might be an affront to public decency. There might easily arise conditions under which it could no longer be tolerated. We have no absolute guarantee that our royal line of Kings will always bring to the duties of their office the attitude and temper of a King George. But life is more than logic; and, so long as we have men of character such as His late Majesty, we may regard the Throne not only as the best practical expedient for filling the chief seat of state, but also as a positive contribution to our social well-being. In the last resort we are dependent on the personal qualities of our public servants, whether elected politicians or permanent officials. A good King, with a worthy sense of public responsibility, sets the pace for his Ministers. It is a long time since a

British Minister of State was impeached, or since the whisper of private scandal was raised against any exalted name among our public leaders. This circumstance has come from no lowering of the public standards in political virtue, but rather from their elevation. The influence of the King and Court on the public life, not alone of Great Britain, but of the whole Empire, is something imponderable, but it is very real.

King Edward will not be the same kind of man as was his father. In no respect will he enter more authentically into the royal succession, for every English Sovereign has been different from his predecessor on the Throne. The present King will be no exception to that rule; on which circumstance we may well congratulate ourselves. Well-defined individuality is a necessary condition of strong character, and we can be glad that whatever our new King may be, he will never be a lay-figure dressed in the outward trappings of royalty. On the contrary, he comes to the Throne singularly well-equipped for the responsibilities of his office. For a man of affairs, he has had an almost ideal education. By natural disposition, he has shown an amazing capacity for getting alongside very different kinds of people. He has been a very popular figure, and yet, withal, he has kept his head, even to the extent of remaining unmarried. Already, in his public acts, he has given expression by word and deed to the kind of attitude he is likely to adopt to the Throne and its duties. We can have the assurance, and it is of no mean value, that whatever shocks may come to the state in the future, we shall have a Sovereign of infinite good sense and of sympathetic spirit sitting in the chief seat of our Empire. The volume of good-will that goes out to him is sincere as it is expectant.

The British North America Act once again presents the Dominion of Canada with a far-reaching constitutional issue. So far as finality can be anticipated in this uncertain world, the latest question raises the ultimate problem of our relation to the Empire, and, in particular, to the authority of the Imperial Parliament. For some time, conferences of Provincial and Dominion Law Officers have been in process with relation to the amendment of our written constitution. It is to be presumed that these conferences are only preliminary to a full discussion of the question by the respective Legislative Assemblies.

The British North America Act did not include within its provisions any specific apparatus of amendment. We have no reason

to think that the Fathers of Confederation believed in the plenary or verbal inspiration of the Imperial Parliament which gave us the Act, or that they considered themselves to be entering into a pact that could rival the legal enactments of the Medes and Persians in respect of their unalterable quality. As a matter of fact, the famous statute has been amended. There is no reason to believe that if there is a unanimous desire on the part of our people to have some alteration made in its provisions, it will not be amended again. But such is not the present question. The subject now before the conferences is with reference to the ultimate power of amendment, and, particularly, as to whether the time has not come when that power should be vested in our Dominion itself.

Up to the present, the theory and practice of amendment procedure has been perfectly understandable. The British parliament passed the *British North America Act*, and that same parliament has alone had the authority to alter what it has decreed. Of course, everybody realizes that within the British system of government what can only be described as "use and wont", or the combined influence of tradition and common-sense, provides an atmosphere for the operation of written constitutional instruments. In consequence, the British parliament interferes with constitutional questions in the Dominions only on the initiative of the Dominions themselves. We may also be sure that very cogent reasons would need to be adduced before the mother-parliament would refuse to sanction any desired amendment, provided it could be maintained that the alteration in question had the full consent of all the parties affected. Now the question comes to be whether even the formality of an approach to the Imperial Government should continue to be necessary.

The matters in debate may have the appearance of formality, but the discussions that are proceeding around them warn us of the substantial issues they conceal. In fact, all the ancient questions begin to raise their heads. Like the effect of sunset touches and fancies from flower bells upon Browning's Bishop Blougram, any proposal to tamper with the *British North America Act* is

enough for fifty hopes and fears
As old and new at once as nature's self
To rap and knock and enter in our soul,
Take hands and dance there, a fantastic ring
Round the ancient idol, on his base again.

The fact is that these new proposals form a practical and effective point of registration for measuring the political progress of the years that have supervened upon Canadian Confederation. That

is the real question to be debated in what looks like an imminent struggle. Have the national hopes that stirred the Fathers of Confederation so fulfilled their promise that Canada has become a nation, welded into one living reality such that the provinces can trust it with their fortunes and destiny; or do the old fears and suspicions, that made the precise delimitations of authority in the original Act so necessary, linger on to such an extent that the old mother must still have the last word in the daughter's household.

The suggestion that we as a people should now have full and unequivocal control over our own constitution arises from considerations of sentiment and of expediency. Evolution of national self-consciousness appears to demand that even the form of subordination should be removed from the relations between the mother-country and the Dominion. Almost seventy years have passed away since the momentous experiment of Confederation was initiated. Within the four corners of the *B. N. A. Act* what a development has taken place! The constitution that emerged from the controversies and conferences of that time has proved wonderfully adaptable, so as to extend its fundamental principles of government over a vast sub-continental region. The nation then called into existence has expanded in life and spirit. All that goes to make up civilization has multiplied among us. Controversies have been encountered and overcome. Along with this development in the stuff of nationhood, there has been a parallel growth in our national self-consciousness of destiny and independence of action. The adoption of the *Statute of Westminster* seemed to be the final act of self-announcement before the world that Canada had become a nation, still a member of a great family, but subservient to none, not even the mother-country herself. Self-respect would appear to demand that this last vestige of tutelage should also go. Canada should have the right not only of constitutional self-expression, but also of self-amendment in that same respect.

From the practical point of view, the present method of amendment is cumbersome and slow. It would be foolish to maintain that the old alignment of powers as between the provincial and the federal Governments must be perpetuated for all time. Social progress has introduced new problems, particularly in the regulation of commerce and industry and in the administration of the public services, that have outmoded the wisdom of 1867. In our modern world, questions may readily arise that call for swift action by the nation as a whole, but the Federal Government may find

itself, even with all the scope of the famous Section 91 in the Act, explicitly prevented from taking action or blocked by the intransigent attitude of a single province. In any case, it would seem that the issues as between federal and provincial authorities should be decided within the Dominion, and not in a parliament where the members must be in almost complete ignorance of Canadian affairs.

What can be said against the proposals? Again, sentimental and practical arguments are being produced. This latest development in constitutional relationship is said to be severing the last link of attachment to the mother-land, with, of course, the exception of the bond of loyalty to the Crown itself. It is contended that unlimited right of amendment to the constitution might extend theoretically to the right of secession from the Empire. The Maritime Provinces are the main centres of more practical opposition. Among us, the main objection is that we can have no interest in any disturbance of the nicely balanced adjustment between provincial and federal rights established at the time of Confederation and during the years immediately succeeding that event. We are told that the Maritime Provinces have had to fight for any privileges they enjoy, and that the *B. N. A. Act* is the only pledge of their continuance. Opponents of the amendment proposals point out that there is one highly industrialized and thickly populated province in Upper Canada which could easily overwhelm the other provinces, particularly if they were divided among themselves. In any case, religious and racial, as well as geographical and economic, differences are still too real for Canada to become the final arbiter of her own destiny.

The only reply that can be made to such opposition will recognize its force and attempt to meet it in an understanding spirit. Such arguments as are adduced against the proposals will at least ensure that the right of amendment will not be unqualified. What may well emerge from the conferences that are now proceeding is an agreement upon a specific method of amendment. Rules of procedure may be devised that ensure ample protection for the rights of the smaller provinces. We may trust the provinces themselves to see to that. But it does not seem that it will be possible longer to resist the conclusion that both initiative and procedure in actual amendment should be carried out entirely within the Dominion of Canada.

At the close of the Great War, there was a widely-expressed hope that the old days of what was called "secret diplomacy" might now come to an end. The *Covenant of the League of Nations*

bound the High Contracting Parties to register all agreements and treaties in such a way that their contents would become public knowledge for all the world. Thus we expected that stealthy diplomats would no longer move like sinister figures from Foreign Office to Foreign Office; that an end would come upon all secret understandings between nations; and that international discussion might emerge from the unhealthy underworld of whispered conversations into the clear air of round-table talk.

The old diplomacy has disappeared, but it has not been replaced exactly by what we had expected. The sleek envoys, with their abysmal secrets, and their mystery-women beloved of minor novelists, who aspire to a reputation for worldly-wisdom, if ever they really existed, have gone from the international scene. But they have not been replaced by the less romantic figures of earnest-minded statesmen, with their interminable memoranda, and their suites of satellites in the shape of secretaries, terrifying in their competence, and of experts, equally terrifying in the infallibility of their knowledge. The new methods of international action are carried through by the soldier rather than the statesman. The typical procedure is the military *coup*. It has become largely a case of "Act first, then talk!"—and, "Be sure that your action is so thorough and drastic that the succeeding conversations shall take place in the atmosphere of a *fait accompli*!" Declarations of war, following upon the delivery of ultimatums, have gone completely out of fashion. The new way is to dispatch an army corps. The War Department has become the executive wing of the Foreign Office. Japan and Italy have already provided striking examples of how to make war without declaring it. Military action is no longer the last unfortunate resort of a failure in conference, but the preliminary setting of the stage in which conference can proceed.

Germany is the latest to adopt the modern manner in international discussion. The Rhineland has been remilitarized by the sudden, although not an altogether unexpected, dispatch of a considerable German Army. The effect has been the almost complete destruction of the *Treaty of Versailles*, so far as it affects Germany. Nazi diplomacy is nothing if not realistic. Herr Hitler declares that the sole justification of his position in the *Reich* is his pledge to restore German self-respect before the world. The German people have continued to regard their compulsory signature to Versailles Treaty, under duress, as a national humiliation of the first order. They declare that their patience is exhausted by the interminable talk of Disarmament Conferences and League As-

semblies, whose success has been frustrated from the very outset by the tacit assumption that Germany must be treated for all time as an international outsider, and condemned to be regarded as the least of all lesser powers. There is no doubt that behind the political philosophy of National Socialism there lies the determination that such a condition is intolerable, and that it must come to an end, if not by consent of the Allied Powers, then by way of treaty denunciation through overt action.

The German people declare that the Treaties of Versailles and Locarno have already been trampled underfoot by France. "*Securité, securité* has been the perpetual cry of France at every Disarmament Conference; but, so far from taking any step to implement her own part in the Versailles military clauses, she has built a massive series of fortresses over against the German frontiers that are capable of being manned by whole army corps. The pact between France and Russia has gone in behind the Locarno agreements, and has complicated the situation by a virtual attempt to reconstitute the old alignment known as the Allied Powers.

Germany has answered Realism with Realism. The re-militarization of the Rhineland is the penultimate stage in a process that began with leaving the League and the Disarmament Conference, followed by the adoption of a re-armament policy, including the re-introduction of conscription and naval re-building, and, now, by the denunciation of the Locarno agreements and the assertion of unequivocal sovereign rights over her own territory, including the Franco-German frontiers. We may confidently expect that the next plea will be a claim to secure mandates over her former colonial territories. Preparatory to this step, the Germans say that they are now ready to talk the kind of idealism in international politics that was forced upon them in substance in 1919, but which was adopted by nobody else. In effect, the position is now that they can look the whole world in the face on equal terms and with a restored self-respect; they will come back to the League of Nations; they will pledge themselves to a keeping of the peace for at least 25 years; they will enter into a new pact of non-aggression to replace the Locarno Treaty; and they will agree to the establishment of neutral zones on both sides of their frontiers with France and Belgium.

The French may be pardoned if they confront the high-minded claims of Germany to a restoration of self-respect also with a certain realism. They may well persist in asking for an explanation of how Germany came to fight what is alleged to be defensive war for four and a half years almost entirely on the soils of other coun-

tries, notably that of France and Belgium. The plea of self-defence is always admissible; but as a line of apology, it is somewhat hindered in impressiveness when conclusive evidence goes to show that the defendant began by attempting a knock-out blow at the attacking party. One word of contrition for the shameful invasion of Belgium would be better than a thousand unctuous protestations of national dignity delivered to groups of uniformed rowdies, at leisure from their high-souled amusement of Jew-baiting. The real question is how far can we trust the author of *Mein Kampf*, or the great people who have so far forgotten the finest things in their tradition and heritage as to make him their *Führer*.

Nevertheless, the fateful circle of mutual suspicion and re-
crimination must be broken through somehow, if we are to look into the future with any hope. If realism be the modern mood, then, let us be realists. The occupation of the Rhineland will let out a good deal of the bad blood that has been festering in the German body-politic for more than fifteen years. That operation ought to reduce fever and delirium. The obvious Christian counsel is "Agree with thine adversary quickly, whilst thou art in the way with him". Great Britain is peculiarly in the position to play the part of reconciler. There has been a notable advance in friendship between the ordinary people of Britain and Germany since the close of the War. The cultivation and maintenance of such amity is our only door of hope in the madness of military preparation. We must keep steadily before our minds that there is only one sane realism to-day—that which recognizes every step in the direction of war as a step towards the chaos of Bedlam, in which nobody can possibly win, and in which all must lose, perhaps irretrievably.

EUTHANASIA, or the practice of painless death, has become a real issue for modern ethical practice. In England, an Association has been formed under the title of the *Voluntary Euthanasia Legalisation Society*, with the object of carrying on public propaganda in favour of the objects indicated by its title, and to promote a Bill in the British parliament to secure that the practice of Euthanasia may become permissible by the law of the land. Men of the highest eminence have given support to the movement. The President of the Society is Lord Moynihan, a Past-President of the Royal College of Surgeons of England. Associated with him is a long list of the most distinguished medical men, whose reputation in their profession is beyond dispute, and some of whom

have held the highest offices in the Royal Colleges of Surgeons or of Physicians. The immediate object is strictly limited to the legalisation of practices whereby a person of not less than 21 years of age, who is suffering from a disease involving severe pain and of an incurable and fatal character, may receive Euthanasia on his own voluntary application.

As with birth-control, so with what may not improperly be called death-control, the questions at issue proceed beyond the region of strict medical science. The teachings of religion and morals are directly involved. This fact is recognized by the Society in question, through their circulation of a statement signed by a group of eminent religious teachers. Again, the list is sufficiently imposing to command respectful attention. Among others who have signed a statement that the practice of Euthanasia is not necessarily contrary to Christian principles are Dr. R. W. Inge, and his successor at St. Paul's, Dean Mathews, Professor Charles Raven, Regius Professor of Divinity at Cambridge, Canons Peter Green and H. R. L. (Dick) Shepperd, Principal Wheeler Robinson and Dr. Rhonda Williams, who is Chairman of the Congregational Union of England.

The proposals may be properly examined from two points of view, which are by no means unrelated. There is, first of all, the general question of the legitimacy of suicide from considerations of religious and ethical duty. Then, there is the particular question of the expediency or practicability of the procedure outlined in the Bill which is to be submitted to parliament.

The general ethical problem, of which the present issue is a particular instance, is by no means new. There is hardly an ancient or modern moral philosopher who has not discussed the legitimacy of consenting to one's own death. The novel aspect introduced by Euthanasia is how far one may extend the general right of suicide by consenting to a painless death, administered by another, who does so in the course of his professional duties as a physician.

There has been a very wide difference of opinion on the subject of suicide. Plato and Aristotle both condemned the taking of one's own life. In a noble passage in the *Phaedo*, Socrates is represented as considering "Why, when a man is better dead, he is not permitted to be his own benefactor". He says that it is "a great mystery, which I do not understand" that "man is a prisoner who has no right to open the door and run away". His conclusion was a belief "that the gods are our guardians, and that we men are a possession of theirs" and that "if we look at the

matter thus, there may be reason in saying that a man should wait, and not take his own life until God summons him". Aristotle, in the *Nicomachean Ethics*, concluded that there was "a certain infamy" in the act of suicide. On the other hand, the Stoics held that self-extermination could be accounted a noble act under certain circumstances, and, indeed, that it was the final claim to an interior self-possession and world-contempt, although Epictetus warned against its indiscriminate practice.

Shakespeare, in a famous passage, represents Hamlet in debate on "whether 'tis nobler in the mind to suffer" than "by opposing" to end "a sea of troubles"; only to conclude that death may not be the release we imagine it to be, which fact

makes us rather bear what ills we have
Than fly to others that we know not of.

In *Julius Caesar*, Brutus commits suicide, declaring that when

Our enemies have beat us to the pit
It is more worthy to leap in ourselves
Than tarry till they push us.

Cleopatra suggests that of Euthanasia (not, applied exactly according to the modern proposition!), it might be said

The stroke of death is as a lover's pinch
Which hurts, and is desir'd.

David Hume contended that suicide, to be criminal, must be a transgression of our duty to God, our neighbour, or ourselves, and he concluded that "this fatal remedy" might be exercised when "age, sickness or misfortune may render life a burthen, and make it worse than annihilation". Sir Thomas More represented that in Utopia "When any is taken with a torturing and lingering pain, so that there is no hope, either of recovery or ease, the priests and magistrates come and exhort them, that since they are now unable to go on with the business of life, are become a burthen to themselves and all about them, and they have really outlived themselves, they should no longer nourish such a rooted distemper, but choose rather to die, since they cannot live but in much misery". On the other hand, Kant condemned the practice of suicide on the ground that self-preservation is the most elementary of life's duties.

The main tendency of Christian teaching has been to condemn, under all circumstances, the taking of one's own life. There is no explicit reference to the subject in the New Testament, but it contains the basis on which the ethical doctrine has been sub-

sequently developed. All human life, from the Christian standpoint, is sacred and in the keeping of an All-wise and All-loving God. The sixth commandment of the Decalogue has been invoked to include suicide under its prohibition of murder. St. Augustine discusses the subject at length in the *Civitas Dei*, and condemns the sin of suicide as a *scelus* or flagrant iniquity. Inability to sustain bodily weakness he regards as a lack of mental strength. St. Thomas Aquinas also regards the act of self-destruction as indefensible for a Christian man. The Westminster Catechism explicitly includes it among things forbidden in the sixth commandment.

The considerations that have prompted this movement cut across all ethical precepts that are abstract or general, and ask us to look squarely at the facts. To what purpose can we speak of the sanctity of life when its real condition is one of constant agony, with the prospect of death as the only remaining hope of release? The instinctive will-to-live, under such conditions, becomes changed into a wish-for-death, until patient and attendants are alike driven by desperation to think of the end as a welcome event that cannot come too soon. How often, it is said, have not all parties concerned, including the melancholy sufferer, suggested in their secret hearts that the giving of an over-dose of some drug, not uncommonly administered in cases of this kind, might be an act of Christian charity? How often has not the physician himself wished for legal sanction to make the only final end of pain? Indeed, it is openly stated that the thing has already been done, but only by stealth, and in clear defiance of the law, so that the risks are too serious for the average doctor to incur them. Nor, indeed, under present conditions, have we the right to expect him to undertake what is a criminal act, amounting to murder in the eyes of the law.

We may well ask whether, even with all the safe-guards by which the draft Bill proposes to surround the legalisation of Euthanasia, the dangers do not outweigh the possible advantages. Have we the right to ask a great profession, even with the consent and apparently at the instigation of leading members, to take upon itself so grave an office? Is not the act too irrevocable in character? The death-bed of any lingering sufferer must move any sensitive mind to sympathetic reflection, but it is not always the place of unrelieved tragedy that it is sometimes represented to be. The consolations of religion and the exercise of faith have turned many an experience of affliction into a means of grace, not alone for the patient, but for his attendants. The Christian re-

ligion does not justify pain on the grounds of divine visitation, but it does most certainly teach that every calamity can be turned into an occasion for spiritual victory. The general Christian conclusion cannot be better expressed than by Dr. R. W. Inge, and it is a statement that gains in force by the fact that he himself has given his signature to the document which would not forbid Euthanasia on grounds of Christian principle. In his *Christian Ethics and Modern Problems*, after a defence of permissive self-destruction, he says: "At the same time, I hope, inconsistently perhaps, that if I were attacked by a painful illness, I should be patient to wait for the end, and I do not think I should wish anyone near and dear to me to act otherwise".

These general considerations are confirmed rather than weakened by the practical proposals of the draft Bill. The person who is to receive Euthanasia must give notice in writing on a prescribed form to a publicly appointed referee, and the application must be accompanied by two medical certificates. He must consult with his nearest relative, and he must set his affairs in order. If the referee consents to the administration of Euthanasia, the act can be performed after the expiry of seven clear days. However, the nearest relative can appeal against the award within three days, in which case the proceedings will be suspended until the case can be heard. It is possible that, stated thus in cold blood, it sounds worse than it really is, but it is difficult to avoid a sense of repulsiveness about the recital of such details. Is it not a very relevant consideration that the person who is sufficiently composed in mind to comply with such exact regulations can hardly be in such uncontrollable agony that legal permission for his self-destruction is the only possible relief? The most desperate and pitiable cases are precisely those in which the patient has come to that extremity in which he is incapable even of consent to his own death. And yet, an act of such gravity, if it is to be legalised, cannot be too closely hedged by precise regulation. However sentiments of mercy may approve the general principle of Euthanasia, the practical difficulties in the way of its administration are probably a warning that the counsels of religion and of morality, not to speak of nature itself, on the whole, are against it.

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