The Rule of Law from the Gray Lecture to Global Leadership

John Kirton
University of Toronto
john.kirton@utoronto.ca

Paper prepared for a conference on "Louis St. Laurent's Gray Lecture at Sixty," Bishop's University, Lennoxville, Quebec, January 19-21, 2007. I am grateful to Heather Keachie and Laura Sunderland for their research assistance. Version of January 21, 2007. Comments welcome.

Introduction

On January 13, 1947, Louis St. Laurent, speaking at the University of Toronto in his historic Gray Lecture, declared one of the five foundational principles of Canadian foreign policy to be "the rule of law in national and international affairs." Exactly 59 years later, on January 13, 2006, Stephen Harper' campaign program, "Stand Up for Canada," proclaimed "a Conservative government will articulate Canada's core values of freedom, democracy, the rule of law, human rights, free markets, and free trade – and compassion for the less fortunate – on the international stage" (Conservative Party 2006: 44). Six months later, Harper, now prime minister, pledged in a speech in London, England on July 14, 2006, seven days after the first anniversary of the 7/7 terrorist attacks on that city, to "ensure that terrorism finds no comfort in Canada ... by preserving and strengthening the values we inherited from you – freedom, democracy, human rights, and the rule of law." On September 20, 2006, speaking in New York City nine days after the fifth anniversary of the 9/11 terrorist attacks on that city, he declared: "Canada's role in the world will extend beyond this continent. Our needs for prosperity and security, our values of freedom, democracy, human rights and the rule of law, are, in the view of our government, not only a heritage we share, they are also the common destiny of humanity."

This snapshot of 60 years of history suggests that the rule of law has been a central and, at first glance a continuously central, guiding principle of Canadian foreign policy, just as Louis St. Laurent intended it, and the rest of his Gray Lecture, to be. Its prominence and presumed persistence thus leads scholars, policy makers and citizens now well into the 21st century to address three basic questions about the principle and thus Canadian foreign policy as a whole. First, what did it mean in its original conception in 1947? Second, how enduring has it actually been as a foreign policy principle and in its practical application to major internationally oriented decisions to this day? And third, why did it arise and endure, in its initial, adapted and expanded fashion, to remain relevant as a defining pillar of current Canadian foreign policy in a post-9/11+7/7 world?

Scholars of Canadian foreign policy, who have written much on the Gray Lecture and its rule of law principle, have come to a considerable consensus that it has been a central principle to this day. From the textbook overviews of Canadian foreign policy, John

Kirton (2007: 11) portrays the lecture as "the first defining doctrine in postwar Canadian foreign policy" and notes that it "defined principles that many feel have formed the foundation for Canadian foreign policy ever since." Indeed, he portrays it, along with all five of the defining Gray Lecture's principles save national unity as the foundation for the liberal internationalist middle power concepts that most see as the dominant tradition in Canadian foreign policy to this day. Similarly, Kim Richard Nossal (1997: 156) notes that the Gray Lecture "has come to be regarded as the classic statement of postwar Canadian foreign internationalism" and that "two of these principles – the rule of law and the acceptance of responsibility – broke sharply with Canada's prewar diplomacy."

This consensus portrait suggests, with great logical consistency, that the Gray Lecture's rule of law has been central, that it defines the dominant liberal internationalist understanding of Canadian foreign policy among scholars and practitioners alike, and that it has been of continuous centrality, coherence and practical relevance over the past sixty years. A careful analysis of the evidence, however, casts doubt on this view. Instead, this paper argues that the Gray Lecture's rule of law principle was defined to meet the particular challenges of the past and present of 1947, and thus receded in reiteration and relevance as circumstances changed at home and abroad. The principle was held in place for two decades by the personal agency of Louis St. Laurent's closest associates, above all Paul Martin Sr. and Lester B. Pearson, until their approach to Canadian foreign policy as a whole was abruptly repudiated, after massive policy failure, by Pierre Trudeau in 1968. Indeed, it was not even restored to relevance in its classic form by Trudeau's successors, including fellow Liberal Jean Chrétien, even when Paul Martin Jr. became prime minister in 2003. Yet with the advent of Stephen Harper in 2006 it was suddenly revived as a defining principle of Canadian foreign policy after lying dead or dormant for almost 40 years.

What explains this particular pattern of decay during the two decades from 1947-1967, the death from 1968 to 2005, and the Harper restoration of 2006? Explanations ledged at the individual level of analysis, while relevant for the 1947-67 period, are unsatisfactory for the longer term. Paul Martin Jr., a lawyer like St. Laurent, whose father's foreign policy legacy meant much to him, did not revive the rule of law as his defining principle and sought successfully to create new and fundamentally antithetical international law, above all with his landmark principle of the "responsibility to protect" (R2P). Explanations lodged at the societal level, emphasizing party affiliation and casting the rule of law as a Liberal Party principle, are even more unconvincing, for progressive conservative prime ministers John Diefenbaker and Stephen Harper were adherents, while Trudeau, Chrétien, and Paul Martin Jr., were not.

The explanation lies primarily at the level of the international system. It is centred for the 2006 phase in the new vulnerability brought abroad and at home by suicide mega terrorism of global reach and of domestic origins, and the second shock that came when the 7/7 attack in the UK confirmed for Canada the lessen of the 9/11 assault in the United States. This double shock suddenly re-created, both in the material and social world, the similarly shocked world of 1945-47 that gave St. Laurent's Gray Lecture, and its rule of law component, its birth and form. In both cases the euphoria of postwar victory, in

World War Two and the Cold War respectively, was suddenly snatched away by a new threat arising in a rapidly changing world. The threat that arose within close and cherished domestic polities abroad that were endangered in ways that could lead to global war. In the original 1947 installment, the euphoria of the postwar victory in Europe was suddenly snatched away by the threat of the coming cold war that was discovered in Ottawa in the Gouzenko affair, was rising fast in Europe, and was thus all too reminiscent of how Hitler and his Italian and even French soul mates has come to power domestically through illegal means while the UN's parent – the League of Nations and its established international law – were destroyed. Similarly, the double shock of the 9/11 and 7/7 duo destroyed the conviction developed over a decade and a half that the Cold War victory had brought peace and an impenetrable, secure, democratic world, that reinforced and radiated Canada's core national interests and distinctive national values. As Prime Minister Harper himself repeatedly noted, above all in his speeches in London and New York City, it was 21st-century terrorism that led directly to the premium he placed on the rule of law as one of four foundational principles from which his entire foreign policy would flow.

The differences between the world of 1947 and 2006 also explain the distinctive way in which the restored rule of law principle has been applied in Harper's time. For by 2006, the UN was no longer the better, just-born institutional embodiment of the rule of law newly created by the victor states. Rather, by 2006 it was an old law institution that was inadequate or even complicit in the 9/11 failure and organizationally controlled by many of the now "enemy" terrorist-friendly states. The 2006 rediscovery of the rule of law, while at least equal in doctrinal prominence and durability, was thus more partial in practical effect that the 1947 original had been in the year after it was born and in the two decades beyond. Both centred in their core content on the need to intervene in the internal affairs of sovereign states abroad to ensure that they would not, through violations of the domestic rule of law there, breed dictators that would overturn the international rule of law and ultimately threaten so many Canadian national interests and Canadians' lives. Yet the 2006 version had a more ambitious application, of leadership in global democratic development to bring all humanity to this common predestined state, including in the distant theatre of Afghanistan where Canadians had never fought before. And, while it invoked the institutionalized rule of international law of the UN as a justification for what will soon become Canada's longest war, Harper's version looked only fitfully and with fragility to the United Nations as the instrument to do the real work. In most cases when Harper confronted and made key decisions, it was the post-1947 international law importantly created by Canada through St. Laurent's successors – from Trudeau's Arctic Water Pollution Prevention Act (AWPPA) and the United Nations Convention on the Law of the Sea (UNCLOS) through to Martin's Cultural Diversity Convention and R2P – that Harper applied to guide him, to a largely successful result.

The Rule of Law Principle, 1947-1956

The Conception

In his Gray Lecture, St. Laurent put the rule of law in third place as a principle in his top-tier list of five (see Appendix A). He defined it, with stark simplicity, as an individual's primary right to an impartial administration of the law by the courts. He then transposed the concept from the national to the international level by terming it an international code of law among states. Here he added the development as well as the application of the law. At the domestic level he retained the component of application with the words: "We have shown this concretely in our willingness to accept the decisions of international tribunals, courts of arbitration and other bodies of a judicial nature, in which we have participated." But in the international elevation, the individual as an actor with a primary right to the rule of law dropped out, as it became only the rule of law among states.

Three components of this construction warrant particular attention. First, while international law could develop, it would do so only on the foundation of the UN and its charter, which had at its core in Article 2(7) the defining principle of non-interference in the internal affairs of states abroad. Third, St. Laurent stated explicitly that "the principle that both governments and peoples were subject to the impartial administration of the courts" should not be taken for granted for granted, suggesting a highly defensive stance. Second, in the international extension, with nations substituting for the individuals at the domestic level, the concept of the rule of law had a direct institutional translation into respect for international tribunals. It was Canada that would respect international tribunals, and the individuals within Canada would be bound once their federal government (with provincial permission where relevant) had acceded to them. International tribunals and law would not apply to Canadian citizens abroad or at home without their own government's consent. This international institutional translation of the rule of law in its classic, Westphalian form led logically to the fifth principle – the "acceptance of international responsibility." It is not surprising that John Holmes (1979: 300), in his treatment of the Gray Lecture, emphasizes the passages on international organization, not law, as the essence of the piece.

The Consistent Repetition Not Seen

While so boldly featured by St. Laurent as foreign minister in January 1947, the rule of law as a defining principle soon disappeared when St. Laurent became prime minister and gave his first Speech from the Throne on September 15, 1949 (Kirton 2007: 112). While foreign policy came first, and dominated the document, the key themes were welcoming Newfoundland into "a greater Canada" reaching the "geographical limits planned by the fathers of Confederation," and the partial, provincially respectful patriation of Canada's constitution by asking Britain to give Canada the right to amend the British North America Act in areas of federal jurisdiction. The speech furthermore welcomed the new law and highly legalized institution of the North Atlantic Treaty, as "the hopes held four years ago for peace and security under the United Nations have not yet been realized." The rule of international law grounded in the new UN system had quickly disappeared

doctrinally, despite the efforts of Canadian diplomats to inject into the North Atlantic Treaty as many references to the UN as they could.

This rapid disappearance in doctrine was also seen in Canada's resource distributions and key decisions under St. Laurent as prime minister (Kirton 2007: 113-116). His summit diplomacy focused on the informally institutionalized, lightly legalized, soft law Commonwealth, which he has done so much to create in its modern, multi-racial, multi-constitutional postwar form (Kirton and Trebilcock 2004).

In Canada's major decisions, the rule of law had a greater hold, but in its development (more than application) and political (rather than legalized tribunal) sense. After its faithful application in January 1948, when St. Laurent as foreign minister successfully insisted that Canada accept its responsibilities by participating on the United Nations Temporary Commission on Korea, Canada's involvement in the Colombo Plan and Korean War in 1950, Indochina in 1954, Suez peacekeeping in 1956 and Paul Martin's new members mediatory triumph at the UN in 1955 were mostly more about developing rather than applying UN-centred international law. They also saw Canada operating at the initiative of, and along with, the Americans and British, along with and even more than the UN, especially in Canada's successful pursuits.

The Causes of the Conception and Non-Continuation

The causes of the original conception's creation, and its non-continuation, do not lie primarily at the individual level. To be sure, St. Laurent was a lawyer, and one of constitutional and corporate law, not international law (see Appendix B). That mattered in his domestic decision making and in a few, non-UN but heavily UK-focused international cases such as the accession of Newfoundland and Labrador into Canada and the repatriation of part of the British North America Act (BNA) from Britain (Thomson 1967, Pickersgill 1975). But he carried that same professional socialization with him when he became prime minister, and the rule of law, in its institutionalized UN-centred original concept quickly disappeared in doctrine and decayed in resource distribution and major decisions. Only when it was Martin the lawyer rather than Pearson the diplomat who had the lead in collective government decision making on foreign policy – notably the new members mediation – did the development of international law prevail, in ways that reformed, indeed revolutionized the UN. And at the official level, in an Ottawa where the foreign ministry often had the lead, and where its legal division was perhaps the most respected component at that level, its most senior official was less often a trained lawyer than not.

At the societal level, there was one key driver for the concept's creation and non-conscription and one that shows the strength of a shock and double shock to a national interest – indeed the most fundamental one of survival, defined for Canada as national unity, itself. St. Laurent himself showed his concern with his domestic audience in the Gray Lecture's rule of law passage, when he said, "there can be no doubt that the Canadian people unanimously support this principle." And there is little doubt that what he had in mind was national unity, still endangered in his mind after the 1944

conscription crisis and its predecessor in 1917. It was that crisis that had led him to remain in Ottawa at year's end, the lead him from becoming the minister of justice to the secretary of state for external affairs as an alternative great ministry of state, and to give his inaugural statement of Canada's postwar foreign policy principles in the heart of Orange Ontario and Toronto at a lecture series devoted to a young anglophone Canadian who had worked for national unity between anglophones and francophones and who had been killed in the most recent war. At the societal level, his concern with domestic public opinion directly flowed from and into national unity and to the recent war in Europe abroad.

It is thus at the level of the international system and its external determinants that the primary drivers lie. The conscious case rested on three external determinant from the recent past and the future, rather than from the present when the Cold War about to come was to give the principle added force. Here three forces stand out, the first two identified by St. Laurent himself. The first was the fascism of the past decade, in Germany, Catholic Italy and, one can add for St. Laurent collaborationist Vichy France as well. Second, "we have seen the chaos that results when lawlessness is practiced in international relations," a clear reference to the failure of the League and the resulting onset of the Second World War. The third, looking ahead, was the emerging Cold War. While the Czech coup was still more than a year away, the Cold War had already begun in and for Canada by the Gouzenko defection and was going global with the subversive activities of Communist parties affiliated with Moscow across Europe, in France, Italy, Greece and Turkey. It appeared that the same 1930s tragedy of domestic subversion leading to international aggression and then to a conscription crisis in Canada might be arising yet again, so disappointingly soon after the last war had reached its victorious end.

When St. Laurent became prime minister, his professional socialization, party affiliation and preoccupation with national unity remained. But the external threat changed its form. Internal subversion of the domestic rule of law in Europe receded, especially after the formation of the North Atlantic Treaty Organization (NATO), while real war in Asia and in the Middle East took centre stage. The relevance of the original St. Laurent conception of the rule of law receded in relevance as well.

The Rule of Law Principle Perpetuated, 1957-1967

During the so-called "golden decade" of Canadian foreign policy St. Laurent's rule of law thus faded in principle and practice in response to changes in the world abroad. But in the years that followed his departure, it reappeared with such doctrinal purity and prominence that the continuity of liberal internationalism, with the UN-centred rule of law at its core, seemed to be assured. As Appendix A shows, John Diefenbaker at the outset, and Paul Martin Sr. as Lester Pearson's foreign minister both at the start and the end of the Pearson years, emphasized continuity in general and the UN-focused rule of law in practice as the foundations on which Canadian foreign policy was based. Indeed, Paul Martin's May 22, 1967, reiteration, delivered while he was on the Liberal Party leadership trail, was a direct and apparently deliberate replication, even if the university

chosen as the venue for the rhetoric had shifted slightly westward from Toronto to Waterloo.

Despite the doctrinal persistence and purity, however, the application in resource distributions and major decisions decayed to a substantial degree. Both Diefenbaker and Pearson placed a premium in their summit diplomacy on the Commonwealth and its countries, as was the U.S. in Washington more than the UN in New York. And amidst the many major decisions, only Paul Martin's agency again in Cyprus peacekeeping in 1964 stands out as a faithful UN-centred application of the rule of international law. But even it was a law that Canada had invented, not inherited, thanks to Lester Pearson over Suez in 1956.

This doctrinal attachment and decay in distributions and decisions was in broad terms similar under both Diefenbaker the Progressive Conservative lawyer, and Pearson the Liberal diplomat, and under the majority and minority governments they had. Again it was only when the collective government decision-making process gave Paul Martin the lawyer and 1935-minted Liberal the effective lead, as in Cyprus, that there came an authentic decisional application of the doctrine (if now to a Canadian-crafted, Canadian-content international law). While the status of Diefenbaker and Martin as lawyers by profession and experienced, devoted partisan politicians and members of a prewar generation by choice may help explain their doctrinal attachment, the changing nature of the threat again accounts well for the doctrine's decay in application. For a decade that began with the shock of Sputnik in October 1957 and ended with war in Vietnam and the Middle East in 1967 – both coming together when a distracted Lyndon B. Johnson visited Pearson at Harrington Lake during Canada's centennial year – the Weimar Germany, Czech coup like internal subversion-initiated sequence receded, rationally, from Canadian decision makers' minds.

The Rule of Law Principle Purged, 1968-2005

From 1968 to 2005 St. Laurent's rule of law was purged from Canadian foreign policy in principle and practice in a deliberate, through and brutal way. In the defining doctrines of Canadian foreign policy, it appeared not at all as a top-line priority under successive elected prime ministers even once. Their resource distributions similarly put it into deep disfavour. And their major decisions confirmed the pattern, and the depth of the deliberate purge that gave the disappearance such durability and force.

From the start the Trudeavian revolution in foreign policy was not only a direct disavowal of the preceding regime and pattern, but one made real by a series of decisions that changed what had long prevailed. The first – the recognition of the People's Republic of China (PRC) that Trudeau promised on the campaign trail – can be cast as an application of the UN's rule of law, but only if Canada's acquiescence in the American view of that law since 1950 is accepted as a violation as well. The same can be said for the withdrawal of substantial Canadian forces from the continental European theatre of NATO. But the defining, clear-cut, representative case was that of the AWPPA of 1970.

Here Canada deliberately, preventatively repudiated any application of the rule of international law by the International Court of Justice (ICJ) – the lawyers' League of United Nations – to unilaterally create its own international law subsequently successfully enshrined in UNCLOS Article 234. While international law was the long-term landing spot for this Canadian-created result of Canadian unilateralism, it was the antithesis of what St. Laurent had had in mind in 1947.

Similarly, there were occasions when Canadian prime ministers used the established rule of international law of the UN as a justifications for decisions they took on other grounds. Toward the end of the period, one notable case was the 2003 American-led invasion of Iraq, where it was used to justify both Prime Minister Chrétien's decisions to stay out and opposition leader Stephen Harper's desire to join in (see below). However the great culmination of Canada's UN diplomacy came with Paul Martin Jr's successful effort to have the World Summit of the United Nations in September 2005 accept the principle of R2P, as the climax of a crusade that had begun in the late 1980s as the Cold War died under the label of humanitarian intervention. Canada was again, on a far more ambitious scale, developing Canadian-pioneered principles and attempting with some success to establish them as a new international law, in this case as the antithesis of the non-intervention principle encoded as the constitutional capstone of the UN Charter in Article 2(7) and the core principle of the Westphalian state system dating back to 1948. In cases such as the 1999 liberation of Kosovo, the 1995 turbot war, the landmines convention, the International Criminal Court, the subsequent development of a Convention on Cultural Diversity and in many other major instances, it was again Canada creating new international law, outside the UN if necessary, as a replacement for or revolution in the established rule of law the organization encoded and its tribunals applied and enforced.

There were a few major exceptions where the UN and its rule of law seemed to really matter. The first was Canada's military involvement in the first Gulf War, where Brian Mulroney's message at the start to George Bush was take it to the UN and get the approval of the Security Council there. But Mulroney's equally important message was to get the support of the President of France. And Joe Clark as foreign minister made clear that even if the United Nations Security Council (UNSC) resolution in November 1990 authorizing the use of "all necessary means" did not pass, Canada would remain militarily involved (Kirton 1992).

A second case was Canada's successful leadership in creating the World Trade Organization (WTO) as the fulfillment of a vision dating back to 1948. But even though the project of the International Trade Organization (ITO), the Havana Conference and the General Agreement on Tariffs and Trade (GATT) was contemporaneous with the Gray Lecture, there is no sign in the lecture's rule of law text that the commercial rule of law and trade liberalization was what St. Laurent had in mind. The same can be said for those who remember and emphasize Mulroney's rhetoric that his Canada-United States Free Trade Agreement (CUFTA) was driven by a desire for and would bring "guaranteed, assured access" to the market of the United States.

The disappearance of the rule of law in doctrine, resource distributions and most major decisions during these 35 years was again driven primarily by the international system. At the individual level, every Canadian prime minister during these three and a half decades, including those who served only very briefly, were lawyers. And when the most influential officials were lawyers and indeed international ones, as with Allan Gotlieb and Ivan Head in the AWPPA case, their accepted advice was to repudiate Paul Martin Sr.'s strong view and remove Canada from the jurisdiction of the ICJ so that Canada could freely create new international law of its own.

To be sure, in the domestic realm (with an international dimension), Trudeau's signature accomplishment, with Jean Chrétien at his side was the 1982 repatriation of the Canadian constitution, with a Franco-American-like constitutionalized "Charter of Rights and Freedoms" by its side. This Trudeavian package said much about the rule of law in a domestic context but not in an international one. And while the constitutional grounding of the rule of law reinforced its claim to be a national value, there was little discernibly different in the new constitutionalized Canadian conception that gave it the status of a distinctive national value rather than on shared in common with like-minded states (see Appendix C). This is similar to the St. Laurent precursor of bringing part of the constitution back home and all of Newfoundland and Labrador in.

During these 35 years, Canada's prime ministers and governments came from both major political parties, and largely from the same province – Quebec – that St. Laurent himself had. Amidst the enormous variation these three and a half decades saw on most societal dimensions assumed to be relevant in the making of Canadian foreign policy, the rule of law lay almost as dead as Trudeau had initially declared it to be. Indeed, Chrétien's much highlighted 1993 Liberal Party Campaign Red Book mentioned the rule of law not at all as a guiding principle for Canadian foreign policy in the years ahead. His foreign policy document of February 7, 1995, identified rule of law as only one of four values that constituted the last of the three priorities he chose. The rule of law was similarly absent from the Chrétien government's first Speech from the Throne on January 18, 1994.

In the international system, however, the internal subversion sequence receded even further (for Canada if not for Cold War America) in the face of the real threats across the Rhine, across the St. Lawrence, across the Northwest Passage, in the Middle East in 1973 and 1979, and in Afghanistan from 1980 on. To be sure, starting with Canada's diplomacy with the Conference on Security and Co-operation in Europe (CSCE) and the G7 in the early and mid 1970s, there was a détente-bred start to the ambition of not merely defending the domestic rule of law across the North Atlantic but of exporting it into central and eastern European. But it was only as the Cold War began to recede for good that Canada's legal export ambitions, starting in South Africa, started to go global. But apart from South Africa starting in 1985, the greatest success still came on the European front.

The Rule of Law Principle Reappears, 2006

The Puzzling Re-emergence

After 35 years of lying dormant in principle and practice, St. Laurent's rule of law sprung to life in 2006, under the most unlikely agency of Conservative Party prime minister Stephen Harper. Harper, who won a minority government in the general election on January 23, 2006, and assumed office on February 6, 2006, was the postwar Canadian prime minister least likely to have embedded the rule of law as a core component of his personal philosophical belief system on foreign policy. His adoption of a Gray Lecture–like rule of law as a principle, and the application of that principle in his key decisions, is thus a hard test case of the Gray Lecture's rule-of-law legacy in Canadian foreign policy. Its arrival from nowhere reappearance raises in stark form questions about the causes of its revival, and points clearly to 1947-like 9/11+7/7-activated terrorist ones, rather than individual or societal ones.

The Doctrinal Emphasis and Expansion

There is little doubt that the classic rule of law had been restored to its Gray Lecture-like status as one of four or five top-tier defining principles for Canadian foreign policy when Harper arrived. From the Conservative Party platform onward, the trump values were always "freedom, democracy, human rights, and the rule of law." They were reiterated in almost every speech the Prime Minister made. The campaign platform supplements of free markets and free trade fell out of the top tier very fast.

This repetitive quadrumvirate was deliberately intended to substitute for the foreign policy review that the Harper government from the start, unlike every elected government since 1968, chose not to conduct. Rather, in the finest British common law tradition, the Harper government chose to enunciate a few core principle, repeat them constantly, and show how they decisively applied in key cases that would them serve to let everyone know what the "policy" and approach would be when further like cases came along. It was a sharp contrast from Paul Martin's government with its many, constantly expanding list of priorities, and its International Policy Review that ended with a statement, delivered well after the promised deadline, that lacked the conceptual clarity and internal consistency its predecessors had.

As Prime Minister Harper's foreign policy speeches expanded, so too did the defining quadrumvirate, not in its core content, but in its detail, its logical connections and in the ambitions of its application on a global scale.

A first significant expansion and application came in Iqualuit on August 12. There Harper said, in a passage worth quoting extensively:

> Across the country and around the world, Canadian troops are doing vitally important work for our country. Defending our sovereignty, protecting our national interests, helping people in dire straits and fighting for democracy,

> freedom and the rule of law ... In the 1980s the Conservative government of Brian Mulroney won recognition of our Arctic possessions under international law. Canada became one of 150 nations – including most European countries, Russia, India and China – to ratify the United Nations Convention on the Law of the Sea ... I have been very clear in asserting that Canada intends to enforce its rights under the Law of the Sea. And today I am calling on all countries to sign the treaty and join Canada and the rest of the world in respecting the rule of the Law of the Sea.

Noteworthy here is the connection of the rule of law to the military realm, to the national interest of sovereignty, territory and security, and to the global powers and community that supports along with Canada this international law. But equally important is the Trudeauvian created, post–Cold War cadence of Canada creating in its own interest and image a new international law that has become accepted and is then affirmed as the new Canadian-constructed rule of law.

A second significant expansion came in New York City on September 20, 2006. By then "freedom, democracy, human rights and the rule of law" had become "in the view of our government, not only a heritage we share, they are also the common destiny of humanity." It was a global vision of the teleological progression toward the foreordained end of history more appropriate to and previously associated with the greatest power on the planet, the United States. It was repeated in more muted form in Harper's subsequent declarations that he would "project" as well as merely "protect" these values. On October 23 he declared Canada to be a "country that is unwavering in its commitment to freedom, democracy, human rights and the rule of law, for all people of the world."

A third expansion also arose in New York on September 20 with the domestic rule of law at its core. There Harper, who had previously pronounced Canada to be a major energy superpower, noted it was in part one because it believed in "binding contracts" at home. In Niagara Falls on October 19 he elaborated: "Every time a government somewhere arbitrarily reneges on resources agreements, nationalizes an oil field or uses energy as a political weapons, Canada's stock rises as a stable, secure, reliable producer. We're an enduring democracy that believes in free markets and binding contracts." It is clear from the language that what Harper had in mind when he referred to reneging was not the 1980 National Energy Program (NEP) that had preoccupied him over a quarter a century ago, but the actions of Russia and Venezuela at present under their current regimes. Canada's rule of law at home thus made it an emerging energy superpower in its relative capability abroad, a country logically able to produce the global leadership for democratic development that Harper had proclaimed as Canada's aim.

A fourth expansion, again in the form of a causal connection, arose on October 25. Then Harper declared that the four foundational values were the cause of the pluralism that "binds our diverse peoples together" and is "essential to our civil society and economic strength." The rule of law had been connected to the distinctive national value of multiculturalism and, in a three part chain to Canada's social and economic capability at home and abroad.

Multiculturalism in the distinctively Canadian conception was the connection that led to the first of many applications of the rule of law principle to specific key decisions the Harper government made. This was its pursuit, at the Francophone Summit and elsewhere, of ratification of the Convention on Cultural Diversity, "in both our official languages." A second was Sudan's Darfur, where Canada was promoting judicial reform, as part of its R2P. A third was the Middle East, where Canada's domestic decision to treat Hezbollah as an illegal organization, due to its use of terrorism, defined Canada's approach to the Middle East conflict in the summer and the fall. And a third was Afghanistan, where Harper noted Canada was working with President Hamid Karzai's government to "bring law, order and essential services" to the Afghan men, women and people.

As the first-year anniversary in office approached, Harper's rule of law remained a fundamental foundation for Canadian foreign policy, become more globally ambitious and domestically intrusive, connected with an expanding array of Canada's national interests and distinctive national values, and had been directly applied to key foreign policy decisions on the Arctic, Middle East, Afghanistan, Sudan, la Francophonie and energy security as the key issue at the G8's St. Petersburg Summit. In all cases, it was Canadian-created international law in Canada's interest and image that was affirmed. To be sure, the prime minister was fond of invoking the established (if still somewhat new) UN international law to justify his decisions and win his case, most routinely when he refereed to the UN's mission in Afghanistan and Canada's response to the UN's call there as the reason why Canada's troops went in. But few believed the UN legal sanction was an important or necessary cause of Canada's long war in Afghanistan.

This doctrinal broadening and deepening helped make Harper's Canadian-created, Canadian-content rule of law relevant to many of the resource distributions and major decisions he made during his first year.

The Application to Resource Distributions and Major Decisions

In the realm of resource distributions, the clearest case of the rule of law in national affairs at home was the immediate decision to reintegrate the recently divorced Department of Foreign Affairs and International Trade back into a single whole. An important part of the case for doing so on the part of Harper, who had successfully opposed Prime Minister Paul Martin's effort to secure retroactive legal approval for the move in the House of Commons, was that the separation was illegal, and that the rule of law must be respected and a single department thus restored. More broadly, the Harper government's Federal Accountability Act, pursued as a priority in the new government's first year, falls into this tradition.

In his major decisions, Harper's application of Canada's rule of law was clear from the start. On Arctic sovereignty, Harper immediately went out of his way to assert Canada's claim under international law when U.S. ambassador David Wilkins, speaking at a university conference cast it into doubt.

On funding to Hamas, on March 29 Canada became the first country after Israel to cut off funding to the organization, in large part because Harper considered it a terrorist organization under Canadian domestic law.

On softwood lumber, on April 28 Harper concluded a deal that returned to Canadian producers 80% of their money held by the American government and defined a stable regime for years ahead. It was a settlement consistent with the cadence of the North American Free Trade Agreement (NAFTA) and WTO panel decisions that were regularly ruling in Canada's favour. The critics who claimed Canada should have pursued the legal rules and tribunals of NAFTA and the WTO to their costly and perhaps never arriving conclusion to secure a complete victory correctly understood that Harper was not a rule-of-law purist who totally depended on international tribunals. But his compromise was in the commercial field, where St. Laurent's rule-of-law principle had no claim.

In the case of the Canada's military mission in Afghanistan, two-year extension made in and by the House of Commons on May 17, it was neither the UN nor NATO that made Canada do it in this broadly bipartisan way. Rather it was Harper's overall strategy of changing expectations on the ground so that Afghanis would believe that Canada, unlike all other foreigners who had entered in their history, would be there for the long haul. The Harper government's decision to commit $1 billion in development assistance over ten years had the same purpose and, as a component, bringing the law as well as order to Afghanis at home.

On giving the provincial government of Quebec greater participation in the United Nations Education, Social and Cultural Organization (UNESCO), through an agreement reached with Premier Jean Charest on May 5, Harper's model was the Canadian-crafted formula that created the Francophone Summit through the work of Brian Mulroney and Pierre Marc Johnson (Michaud 2006). In the short term, Quebec government's hopes for a full replication, with a separate Quebec delegation directly at UNESCO, was thwarted by the rule of law entrenched in UNESCO since the 1940s and in the Westphalian order since 1648.

The St. Petersburg G8 Summit in July 2006 warrants more extensive treatment, as it was Harper's first full outing on the world stage and put him as the rookie participant with the most powerful leaders of the most powerful countries in the world. Among the many issues Harper was active on at the summit, the growing conflict in the Middle East stood out. When an attack by Hezbollah on Israel just before the summit thrust the Middle East into prominence on the G8 agenda, Canada acted to ensure that the G8's recently forged consensus over Iran's nuclear program was extended to the war against terrorists in Lebanon as well. At the summit the Russians, as host, had drafted a four-paragraph statement on the Middle East that reflected their approach and the boilerplate resolutions the UN had been passing for almost 60 years. Canada, defying summit protocol, immediately drafted and circulated an alternative draft two and a half pages long. It infuriated the Russians but secured the support of the Americans and G8 members. Harper emphasized to his G8 colleagues that the group had to keep in mind how this

crisis started, with the attacks by Hamas and Hezbollah on Israel. The leaders decided the three outstanding issues and largely accepted the Canadian draft as their own. In the outreach session the following day, the UN's Kofi Annan said he would ask for a UN resolution, which would be based on the G8 text. The balance and substance of the G8 statement was well reflected in Resolution 1701 that the UNSC produced to stop the conflict on August 12, 2006.

In the autumn, at the Francophone Summit, Harper stood alone against all members save the Swiss to overturn a proposed resolution criticizing Israel and affirming the St. Petersburg roadmap instead. A new Canadian-crafted roadmap, as the model for a new rule of law in the Middle East, had replaced the old roadmap of George Bush from 2002 and the UN from half a century before.

Amidst the St. Petersburg Summit in the summer, Harper took the lead to rescue many thousands Canadian citizens from war-torn Lebanon. Here he showed his concern for endangered Canadians abroad and his conviction that Canadian citizenship – in this case dual citizenship as defined at home – pays off and protects Canadians abroad.

The same principle was put into effect in Asia when Harper travelled in November to Vietnam to attend the Asia Pacific Economic Cooperation (APEC) forum and meet bilaterally with China's leader, Hu Jintao. The Chinese, who had requested the bilateral encounter, proved reluctant when Harper insisted on raising at it the case of a Canadian citizen imprisoned by the Chinese, who China insisted was not a Canadian citizen and thus refused the consular access that international law had demanded for a long time. Harper stood fast. The Chinese relented, holding a brief bilateral encounter, at which human rights and the consular case was raised.

The final key decision of Harper's first year, and probably the defining one for his second, was climate change and the Kyoto Protocol at its legal core. Harper rapidly decided to remain a part of Kyoto, which Canada's initiative along with Russia and Japan at the 2001 Genoa Summit had brought into force as ratified international law. At the same time Harper sought to shape a new institutionalized process and new set of rules through the mechanism devised at the Gleneagles G8 Summit in 2005 and strengthened at the St. Petersburg G8 Summit in 2006.

The Causes of the Rule of Law's Re-emergence in 2006

To explain Harper's sudden, sustained restoration of the Canadian-crafted and Canadian-content rule of law, it is necessary again to look beyond individual, governmental and societal determinants to focus on the international system and the new vulnerability brought home by the successive shocks bred by a changing world.

At the individual level, Harper was the second postwar prime minister starting with Louis St. Laurent who was not a lawyer. As an economist and policy analyst Harper could thus be expected to pay less attention established international law and, when he does pay attention to it, is less likely to accept and abide by it as a general value or professional

presumption in its own right. He could more be expected to place a premium on the economic consequences of any particular international law. Many had thus mistakenly thought that his approach to the Kyoto Protocol on climate change, only recently ratified by Canada and publicly disavowed by Harper in his party's platform for the 2004 election campaign, would follow this cadence and lead to a Canadian withdrawal.

Nor were there signs from Harper's early professional life that the rule of law, domestically or internationally, was of any value to him. His dislike of the NEP was consequential in forming his philosophical beliefs and launching his political career. But it was the economic consequences for Alberta, rather than a retroactive change in the law and retroactive confiscation of legally granted property rights that featured in his critique. Similarly, his support for CUFTA derived from its economic benefits and its ideological compatibility with his free trade convictions rather than a calculation that it would provide a legal regime giving guaranteed assured access to the U.S. market.

Harper as an opposition leader did focus on the rule of law as a value in two consequential foreign policy cases. But in both cases it seemed to be international law as an instrument to an end valued in its own right, rather than as the end principle in itself. The first was his insistence that any unilateral decision by the province of Quebec to separate from Canada be met with the full force of international law, which would declare such an act illegal unless the Canadian government gave its consent. The second was the spring 2003 American-led invasion of Iraq. Here Harper insisted Canada must be in support in order to implement the many resolutions of the UN already passed that Iraq had defied, and to ensure respect for the UN-centred rule of law. Yet an analysis of his many speeches on Iraq show that this was but one of many arguments used by Harper to support his case, and by no means the dominant one.

As prime minister, Harper has had at his side a lawyer as foreign minister, in the person of Peter MacKay. But on the key foreign policy decisions the prime minister himself was in firm control.

At the societal level, Harper's minority government status, and the presence of Bill Graham, an international lawyer and law professor as leader of the opposition, might have made Harper more respectful of the rule of law than he otherwise would have been. But the weakness of the Liberal Party, distracted by a divisive leadership campaign, eliminated any legalizing restraint that minority status might otherwise have brought. And Harper did not hesitate to pursue his preferred foreign policy path on big decisions – Hamas, the Middle East, Afghanistan and climate change – where the opposition parties and Canadian public were often largely opposed.

Once again the key driver lay at the international level, especially in the successive shocks that brought home the new vulnerability that Canada and all states faced. In many cases, as Harper repeatedly highlighted as a justification for his approach and actions, the driver is terrorism. But it was not so much 9/11 alone as the successive shocks of 9/11, Bali, Madrid, 7/7 in London, and Mumbai in India in the summer of 2006, along with the

discovery of the Mississauga 17 in Canada and the successive terrorist attacks by Hamas and Hezbollah in the Middle East and the Taliban and Al Qaeda in Afghanistan.

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Appendix A: Major Foreign Policy Doctrines, 1947–2004

St. Laurent's Five Principles (Gray Lecture, 1947)

1. National unity (CNR)
2. Political liberty (LI)
3. *Rule of law in national and international affairs (LI)*
4. Values of a Christian civilization (LI)
5. Acceptance of international responsibility in keeping with Canada's conception of its role in international affairs (LI)

John Diefenbaker's Recurrent Speech Themes, 1957–63

1. *Continuity will prevail (LI)*
2. *Priorities will remain the United Nations, the North Atlantic Treaty Organization, and the Commonwealth (LI/CNR)*
3. *The scope and institutionalization of the priority organizations will be strengthened (largely LI)*
4. Canadian interests will be placed first with the United States (CNR)
5. Relations will be diversified away from the United States (CNR)

Lester Pearson's Priorities, 1963, 1967 (expressed by Paul Martin Sr.)

1963

1. Ensuring western deterrence and collective security through NORAD and NATO (PD/LI).
2. Fostering arms control at the UN (LI).
3. *Responding peacefully responses to limited wars through UN peacekeeping and mediation (LI)*
4. Reducing economic disparities abroad and instability through multilateral aid (LI/CNR)
5. *Developing the international peacekeeping envisaged in the UN Charter (LI)*

1967

1. National security (national interest = CNR)
2. National unity (national interest = CNR)
3. Political liberty and social justice (LI/CNR)
4. *The rule of law in national and international affairs (LI)*
5. Economic development in Canada and the world (CNR/LI)
6. The values of a Christian civilization (LI)
7. Acceptance of international responsibility in accordance with Canada's interest and ability to contribute toward peace building (LI/CNR)

Pierre Trudeau's Priorities, 1968–84

Canada and the World, May 29, 1968

"Our paramount interest is to ensure the political survival of Canada as a federal and bilingual sovereign state." (CNR)

Foreign Policy for Canadians, June 1970

1. Economic Growth (CNR)
2. Sovereignty and Independence (CNR/PD)
3. Peace and Security (LI)
4. Social Justice (CNR)
5. Quality of Life (CNR)
6. Harmonious Natural Environment (CNR)

Joe Clark's Priorities, 1979–80

Speech from the Throne, 1979

1. Parliamentary foreign policy review
2. Economics
3. Energy
4. Immigration
5. Parliamentary review of foreign ownership and Foreign Investment Review Agency

Brian Mulroney's Priorities, 1984–93

Competitiveness and Security, 1985

1. Unity (CNR)
2. Sovereignty and independence (CNR)
3. Justice and democracy (LI) (values shared with likeminded)
4. Peace and security (LI)
5. Economic prosperity (CNR)
6. Integrity of the natural environment (CNR)

Jean Chrétien's Priorities, 1993–2003

Canada and the World, 1995

1. Promotion of prosperity and employment through trade.
2. Promotion of global peace to protect security.
3. Projection of Canadian values and culture for Canada's success in the world.
4. Ecologically sustainable development as a crosscutting concern.

Paul Martin's Priorities, 2003–06

International Policy Statement, 2005

1. Ensuring North American security, prosperity, and quality of life.
2. Defending Canada against all threats, protecting the North (including the Arctic), and restructuring the military.
3. Strengthening commercial relationships with key partners, including emerging economies.
4. Using an integrated approach to development assistance by focusing aid on 25 partners; concentrating aid on health, education, governance, indigenous private sector development, and the environment; developing new delivery mechanisms; increasing aid by 8 percent per year to double it by 2010; and maintaining maintain aid increases beyond 2010.
5. Shaping a new multilateralism based on the responsibilities to protect, deny, respect, build, and to the future

6. Committing to playing a lead role in specific initiatives and, on occasion, resolving to go it alone.

Notes:
CNR = complex neo-realism
LI = liberal internationalism
NATO = North Atlantic Treaty Organization
NORAD = North American Air (now Aerospace) Defence
PD = peripheral dependence
References to rule of law are in italics.

Appendix B: Canadian Prime Ministers' Background

PM	Prov Birt	Pla Urb	Mul[i]	Lan[ii]	Rel	Uni
St Laurent	QC	Compton, Quebec (born), Sherbrooke, Quebec City (university)	Canadian	English & French (bilingual house-hold growing up)	Roman Catholic	St. Charles Seminary, Sherbrooke, B.A. 1902 ; Laval University, LL.L. 1905
Diefenbaker	ON	Neustadt, Ontario (born), Fort Carlton SK, Saskatoon SK (university), Wakaw SK (practiced law)	Canadian	English (could not speak French well; end of era when unilingualism was accept-able for PM)	Evangelical[iii] Baptist	University of Saskatchewan, Saskatoon, B.A. 1915, M.A. Political Science and Economics 1916, LL.B. 1919
Pearson	ON	Newtonbrook, ON (born); Peterborough, Aurora, Hamilton (with family); Toronto (university)	Canadian	English (last PM who was not fully functional in French and English)	Protestant; United Church of Canada	University of Toronto, B.A. 1919; Oxford University, B.A. Modern History 1923, M.A. 1925
Trudeau	QC	Montreal (born)	Canadian	English (fully fluent in French)	Roman Catholic	Jean de Brébeuf College, B.A. 1940; University of Montreal, LL.L. 1943; Harvard University, M.A. Political Economy 1945; École des sciences politiques, Paris 1946 - 1947 ; London School of Economics 1947 - 1948
Clark	AB	High River, Alberta (born), Edmonton , Halifax, Vancouver (university);	Canadian	English (functional French)	Roman Catholic	University of Alberta, B.A. 1960, M.A. Political Science 1973
Turner	Surrey, England	Richmond, Surrey, England; Ottawa, ON Vancouver (study for bar); Montreal (Stikeman Elliot)	Canadian-British (dual)[iv]	English (functional French)	Roman Catholic	University of British Columbia, B.A. 1949; Oxford University, Rhodes Scholar, B.A. Jurisprudence, 1951, B.C.L. 1952, M.A. 1957; University of Paris 1952 - 1953
Mulroney	QC	Baie-Comeau, QC (born); Chatham NB (high school); Antigonish NS, Halifax, Quebec City (university); Montreal (practice law)	Canadian	English (fully fluent in French)	Roman Catholic	St. Francis Xavier University, B.A. 1959; Laval University, LL.L. 1964
Campbell	BC	Port Alberni, BC; Vancouver BC	Canadian	English (fluent in French)	Anglican (lapsed)	University of British Columbia, B.A. Political Science 1969, LL.B. 1983; London School of Economics, Soviet Studies 1970 - 1973
Chrétien	QC	Shawinigan, QC; Trois-Rivières, Quebec City (university)	Canadian	French (fluent in English)	Roman Catholic	St. Joseph Seminary, Trois-Rivières, B.A. 1955; Laval University, LL.L. 1958
Martin	ON	Windsor, ON Toronto, ON Montreal, QUE	Canadian	English (fluent in French)	Roman Catholic	University of Toronto, B.A. Philosophy & History 1962; University of Toronto, LL.B 1965
Harper	ON	Toronto, ON Calgary, AB	Canadian	English (fluent in French)	Christian Missionary and Alliance; Evangelical protestant sect (practicing)[v]	University of Calgary, B.A. 1985; M.A. Economics 1991

Continued

PM	Uni	Exp Abr	Mil Exp	Pro
St Laurent	St. Charles Seminary, Sherbrooke, B.A. 1902 ; Laval University, LL.L. 1905	Worked with clients from the US and Britain as lawyer		Lawyer, professor of law
Diefenbaker	University of Saskatchewan, Saskatoon, B.A. 1915, M.A. Political Science and Economics 1916, LL.B. 1919	Britain (military service)	Active military service in Britain	Lawyer, barrister
Pearson	University of Toronto, B.A. 1919; Oxford University, B.A. Modern History 1923, M.A. 1925	Salonika, Greece, Hendon, England (military service); Chicago (labour); Oxford (university)	1914 - 1918 Lieutenant, Canadian Army Medical Corps and Flying Officer, Royal Flying Corps	Senior public servant, diplomat, professor, author
Trudeau	Jean de Brébeuf College, B.A. 1940; University of Montreal, LL.L. 1943; Harvard University, M.A. Political Economy 1945; École des sciences politiques, Paris 1946 - 1947 ; London School of Economics 1947 - 1948	Traveled Europe with family as a child; Boston, Paris, London (university), backpacking tour of Eastern Europe, Middle and Far East;	Canadian Officers Training Corps	Lawyer, professor of law, writer
Clark	University of Alberta, B.A. 1960, M.A. Political Science 1973	Traveled Europe (after graduating University);	None	Journalist, lecturer
Turner	University of British Columbia, B.A. 1949; Oxford University, Rhodes Scholar, B.A. Jurisprudence, 1951, B.C.L. 1952, M.A. 1957; University of Paris 1952 - 1953	England (born), England, Paris (University),	None	Lawyer
Mulroney	St. Francis Xavier University, B.A. 1959; Laval University, LL.L. 1964	None	None	Lawyer, corporate executive, author
Campbell	University of British Columbia, B.A. Political Science 1969, LL.B. 1983; London School of Economics, Soviet Studies 1970 - 1973	London (University)	None	Lawyer, lecturer
Chrétien	St. Joseph Seminary, Trois-Rivières, B.A. 1955; Laval University, LL.L. 1958	None	None	Lawyer, writer
Martin	University of Toronto, B.A. Philosophy & History 1962; University of Toronto, LL.B 1965		None	Lawyer, businessperson
Harper	University of Calgary, B.A. 1985; M.A. Economics 1991		None	Economist, lecturer, writer

Continued

PM	Min Exp	Marital Status / children	Age
St Laurent	Minister of Justice and Attorney General of Canada (1941.12.10 - 1946.12.09); Secretary of State for External Affairs (1946.09.04 - 1948.09.09); Minister of Justice and Attorney General of Canada (Acting) (1948.07.01 - 1948.09.09) ; Minister of Justice and Attorney General of Canada (1948.09.10 - 1948.11.14); President of the Privy Council (1948.11.15 - 1957.04.24)	Married, 5 children	66
Diefenbaker	Secretary of State for External Affairs (1957.06.21 - 1957.09.12); Secretary of State for External Affairs (Acting) (1959.03.19 - 1959.06.03); President of the Privy Council (1962.12.21 - 1963.04.21)	Married (twice,), 1 child from second wife's first marriage	61
Pearson	Secretary of State for External Affairs (1948.09.10 - 1948.11.14); Secretary of State for External Affairs (1948.11.15 - 1957.06.20)	Married, 2 children	65
Trudeau	Minister of Justice and Attorney General of Canada (1967.04.04 - 1968.04.19); President of the Privy Council (Acting) (1968.03.11 - 1968.04.19); Minister of Justice and Attorney General of Canada (1968.04.20 - 1968.07.05); President of the Privy Council (Acting) (1968.04.20 - 1968.05.01)	Married (divorced 1984), 4 children (by 2 mothers)	48
Clark	Secretary of State for External Affairs (1984.09.17 - 1991.04.20); Minister of National Defence (Acting) (1985.02.13 - 1985.02.26); Minister of Justice and Attorney General of Canada (Acting) (1988.12.08 - 1989.01.29); President of the Privy Council (1991.04.21 - 1993.06.24); Minister responsible for Constitutional Affairs (1991.04.21 - 1993.06.24)	Married	39
Turner	Minister without Portfolio (1965.12.18 - 1967.04.03); Registrar General of Canada (1967.04.04 - 1967.12.20); Minister of Consumer and Corporate Affairs (1967.12.21 - 1968.04.19); Solicitor General of Canada (1968.04.20 - 1968.07.05); Minister of Consumer and Corporate Affairs (1968.04.20 - 1968.07.05); Minister of Justice and Attorney General of Canada (1968.07.06 - 1972.01.27); Minister of Finance (1972.01.28 - 1975.09.09)	Married, 4 kids	55
Mulroney	None	Married, 4 children	45
Campbell	Minister of State (Indian Affairs and Northern Development) (1989.01.30 - 1990.02.22); Minister of Justice and Attorney General of Canada (1990.02.23 - 1993.01.03); Minister of National Defence (1993.01.04 - 1993.06.24); Minister of Veterans Affairs (1993.01.04 - 1993.06.24); Minister responsible for Federal-Provincial Relations (1993.06.25 - 1993.11.04)	Divorced (twice), 1 child	46
Chrétien	Minister without Portfolio (1967.04.04 - 1968.01.17); Minister of National Revenue (1968.01.18 - 1968.04.19); Minister of National Revenue (1968.04.20 - 1968.07.05); Minister of Indian Affairs and Northern Development (1968.07.06 - 1974.08.07); President of the Treasury Board (1974.08.08 - 1976.09.13); Minister of Industry, Trade and Commerce (1976.09.14 - 1977.09.15); Minister of Finance (1977.09.16 - 1979.06.03); Minister of Justice and Attorney General of Canada (1980.03.03 - 1982.09.09); Minister of State for Social Development (1980.03.03 - 1982.09.09); Minister of Energy, Mines and Resources (1982.09.10 - 1984.06.29); Secretary of State for External Affairs (1984.06.30 - 1984.09.16); Deputy Prime Minister (1984.06.30 - 1984.09.16); Minister responsible for La Francophonie (1984.06.30 - 1984.09.16)	Married, 3 children	59
Martin	Minister of Finance (1993.11.04 - 2002.06.01); Minister responsible for the Federal Office of Regional Development - Quebec (1993.11.04 - 1996.01.24)	Married, 3 children	65
Harper	None	Married, 2 children	46

Appendix C: Rule of Law References, Canadian Charter of Rights and Freedoms (1982)

Compiled by Heather Keachie

Part 1: "Whereas Canada is founded on principles that recognize the supremacy of God and the rule of law ... "

Sec1. The constitution sets out and guarantees the rights and freedoms of individuals only within "such reasonable limits prescribed by law."
- Rights and freedoms are not absolute, but are restricted and contoured by the laws of Canada

Sec 15. "Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination ... "
- Canadian law applies equally to all individuals, and all individuals are both protected and restricted by the rule of law.

Sec 24. The Charter sets out the venue for appeal if the law is not followed – the Canadian court system is to be the counter point to the government to ensure that the rule of law is equally, fairly, and consistently applies to all individuals.

Sec 32. The Charter applies to the executive and legislative branches of both the federal and provincial governments: "parliament and government of Canada," and "legislature and government of each province."

Sec 52. "The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect."
- The Constitution, including both the BNA Act and the Charter, are the supreme law of the country and set out what it means to be a country governed by the rule of law – it includes the idea that even the laws are subject to "the rule of law" i.e. the supreme law itself. The Constitution includes the manner in which it can be modified, ensuring that it does not have to remain static, although its modifications are subject to more rigorous methods than simply legislation. Even the supreme law of Canada must follow the prescribe law in modification and application.

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[i] Prime Minister King was born in Scotland, Bowell was born in England and Turner was born in England.
[ii] Information taken from CBC News In Depth: Liberal Party (December 6, 2006), "Are language skills a political roadblock?," Accessed January 2, 2006, http://www.cbc.ca/news/background/liberals/leaders-language.html
[iii] *MacLean's* (February 20, 2006), "The Church of Stephen Harper," Accessed January 2, 2007, http://www.macleans.ca/topstories/religion/article.jsp?content=20060220_121848_121848
[iv] CBC News Indepth: 39th Parliament – Harper at the helm (December 8, 2006), "MPs and dual citizenship," Accessed January 2, 2007, http://www.cbc.ca/news/background/parliament39/mps-dualcitizenship.html
[v] *MacLean's* (February 20, 2006), "The Church of Stephen Harper," Accessed January 2, 2007, http://www.macleans.ca/topstories/religion/article.jsp?content=20060220_121848_121848