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***THE ORDER OF CANADA:
ITS ORIGINS, HISTORY AND DEVELOPMENT***

**By Christopher McCreery
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Those who were in Australia in the 1970s and 1980s will remember the twice-yearly conferrals of Imperial honours, including Knighthoods, on Australians. At some stage it must have penetrated my adolescent consciousness that there was no such thing in Canada, and no Canadians were knighted. I remember feeling rather sorry for them at the time: this great and ancient honour, internationally recognised as it was, was denied to them. Lucky us. I attributed this difference in fortune to their being really Americans.

Later, having grown into adulthood and discarded such simplistic reasoning, I heard about something called the ‘Nickle Resolution’, which apparently forbade Canadians to accept Imperial honours. This came to prominence when Lord Black of Crossharbour, as he now is, sought ennoblement despite, or alongside, his Canadian citizenship.¹ This greatly stimulated my curiosity, but the difficulty of finding out more deterred me from doing so.

The author of this book has, in one way, done me no service. I might well have found out more and written on this topic myself. But now I find that the field, as they say, has been covered. For this book offers not merely an account of the establishment of the Order of Canada and its development since its creation, but also contains, by way of extended historical background to the creation of the Order, an extraordinarily interesting history of Canadian access to Imperial honours and the self-denying ordinance they imposed just after the First World War.

The fact that the Order of Australia was based to a large extent on the structure of the Order of Canada means that the book is, in a way, a pre-history of the Order of Australia, and should be of interest to Australians for that reason alone.

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¹ See *Black v Chretien* (2000) 54 OR (3rd) 215, which was decided before he achieved his goal.

But it is the topic of Canadian use and abandonment of Imperial honours which I, as a constitutional lawyer, found the most interesting aspect of this work. The transfer of the prerogative of honours to the Dominions, as they became, is one part of the story of the gradual acquisition of independence by them. In this respect Canadian history, unusually, differs very markedly from our own.

A combination of dislike of class distinctions, distrust of the partisan selection process, Lloyd George's bad example in England, several controversial conferrals of Imperial honours upon Canadians and finally the fear that the Most Excellent Order of the British Empire (founded in 1917) might be too freely awarded, led to the passing of the 'Nickle Resolution'. In short, the Canadian House of Commons asked the King not to exercise his prerogative of awarding Imperial honours to Canadians. The full story is however rather more complicated than I have space for here, and Dr McCreery tells it admirably in the work in question. By doing so, he fills a definite gap in the literature and knowledge about this area, as I have indicated.

Dr McCreery is, importantly, sensitive to the time about which he is writing: that is, he does not presume to judge yesterday's actions by today's standards. This is particularly important in any field related to the history of the British Empire and the emotions it once aroused. In the field of honours, in particular, so much depends on considerations that are emotional rather than rational – honours being another demonstration of the essential irrationality of our species – that sensitivity to the feelings of another age is required.

I also found this work quite accessible, even though I know only a little about Canadian political and general history in the period in question. A welcome by-product of reading it was that my knowledge of those topics was improved.

I have only one reservation about accuracy. I do know that the second Prime Minister of Australia was called Alfred Deakin rather than Austin Deakin.² Such an obvious and easily corrected slip might, in other circumstances, cause one to doubt other assertions of fact in the book which can be less readily checked by a reader. But in this case the author gradually removes all such doubts by his deft handling of some very tricky constitutional law. While perhaps a person trained in the law might have achieved slightly greater verbal accuracy on one or two small points, Dr McCreery has not only understood the law – something which not even all law students are capable of doing – but has also applied it almost effortlessly, it would seem, to a recondite and seldom-traversed field. This is a considerable achievement on the part of someone without formal training in the law. The result is an account of the severance of this particular bond of Empire in Canada which is interesting and enlightening for lawyers as well as historians.

² Christopher McCreery, *The Order of Canada: Its Origins, History and Development* (2005) 21.

The text also gives ample evidence of thorough historical research and much consultation of original sources, even if one has to turn to the back of the book in order to find it as the footnotes are inconveniently printed there.

The remainder of the book deals, as I indicated above, with the setting up of the Order, timed to coincide with Canada's centennial in 1967, and its development, conferral and administration thereafter. These are areas of less interest to lawyers, but even so I found enough of interest to keep me reading. The text did however sometimes get a little bogged down in detail about the consideration of this or that failed proposal to set up a Canadian national honour to replace the Imperial system by various committees.

The reader also gains insight into appointments in the Order from the final sections of the book. For example, one learns of the rule that serving Judges are automatically disqualified³ – a rule which the Order of Australia might wish to consider in preference to what seemed at one stage to be the practice of automatic awards to each Judge of the High Court of Australia.

The author makes another comparison with Australia: it is interesting to learn that 18 per cent of awards in the Order of Australia go to women, while in the Order of Canada 24.5 per cent of recipients are female.⁴ This is especially remarkable given that the Order of Canada, established in 1967, exercised (as is tolerably well known) great influence on the design of the Order of Australia, established in 1975, and the process of selection is essentially similar, so that there is no apparent structural reason for this difference.

The book includes a dedicatory letter by Her Majesty The Queen, for which the author states that he is 'grateful' – a surprisingly restrained recognition of the great distinction conferred on an author by such recognition, but the author will have had his reasons for that – and a series of colour photographs showing various scenes in the life of the Order of Canada and its development.

By far the best of these, in my view, is a photograph of the Queen Mother receiving an award in the Order. The Governor-General of Canada at the time, who presented the award, was Adrienne Clarkson, a tall Asian woman. In the Queen Mother's day, Governors-General of Canada were British male aristocrats, and one imagines that it is surprise that one can see on the Queen Mother's face on meeting the Governor-General of Canada and getting something other than what she bargained for. Perhaps she thinks her eyesight has finally gone, she has gone insane or had too much gin that day.

³ Ibid 155.

⁴ Ibid 209.