

## Viscount Haldane: 'The Wicked Step-father of the Canadian Constitution' (Osgoode Society for Canadian Legal History)

Frederick Vaughan

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Viscount Richard Burdon Haldane was a philosopher, lawyer, British MP, and member of the British Cabinet during the First World War. He is best known to Canadians as a judge of the Judicial Committee of the Privy Council (Canada's highest court of appeal until 1949), in which role he was extremely influential in altering the constitutional relations between the federal parliament and the provincial legislatures.

Chafing under the British North America Act of 1867, which provided for a strong central government, the provincial governments appealed to the Judicial Committee and were successful in gaining greater provincial legislative autonomy through the constitutional interpretations of the law lords. In *Viscount Haldane*, Frederick Vaughan concentrates on Haldane's role in these rulings, arguing that his jurisprudence was shaped by his formal study of German philosophy, especially that of G.W.F. Hegel. Vaughan's analysis of Haldane's legal philosophy and its impact on the Canadian constitution concludes that his Hegelian legacy is very much alive in today's Supreme Court of Canada and that it continues to shape the constitution and the lives of Canadians since the adoption of the Canadian Charter of Rights and Freedoms.



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