

Toward An Intellectual Biography: James Doull's Work From 1980 To 2001

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When I accepted the invitation to participate in this panel, it was with the thought that what I might usefully provide was an account of James's intellectual life as I knew it, a unique perspective, no doubt, but one which coincides with how he was known by friends and colleagues. Using the bibliography of his writings from 1980 to 2001, I can sketch the circumstances which prompted him to produce those elements in the bibliography, their historical contexts and evolution, and the development over those twenty years of what might be thought the abiding theme or thrust of his intellectual activities.

It has been remarked by friends that James's best work was done in the last twenty years of his life, the years of our marriage, and it has hence been suggested that our marriage in some way created the apt conditions for his work to flourish. If by his "work" one means his publications, then it is undeniable that the last twenty years of his life were the most productive. But these years coincide also with his years of retirement when he could devote himself exclusively to such activities as writing; also with his life in Newfoundland and a lively, continuous and intimate conversation with friends there, especially Lin and Marion Jackson, together with an ongoing dialogue with his colleagues and students in Nova Scotia. There were important political and philosophical activities flowing from that conversation. But in the larger sense, his "work", and the fruits of that labour, are there for all to see in his students – later his colleagues – at Dalhousie, King's, Memorial, various other universities in North America and beyond. About that labour I have mostly second-hand knowledge, but I have experience of its fruits in works of his former students which I have read to great profit, and in the warmth of relationships with them that I still enjoy. The most recent evidence is found in the book that inspired this panel, *Philosophy and Freedom: The Legacy of James Doull*.

Here I must limit myself to what I know best, James's work during the last twenty years of his life, years of peace and tranquillity, years of quiet contemplation, yet years also in which he entered fully again into family life with all that entails, including children to love and educate and a wife with "too many irons in the fire" whom he loved, and by whom he was loved, to excess. Over those years, he spent hours each day at his work, in an easy chair usually, reading and thinking, making notes and sketches of arguments which eventually would be fodder for one draft or another of the paper that was engaging him at the time. His habits, as all who knew him would attest, were orderly – rising at a certain hour, working continuously in the mornings, and

if the matter were pressing, then after lunch until supper, frequently going for a walk in the afternoons, dining modestly after a drink of Scotch, retiring at more or less the same hour every night unless we were entertaining or invited out with friends for dinner. And if I was not teaching, then my life too happily fell into that pattern, except for attending as needs be to those “irons in the fire”. We would often think of our life together as having a kind of monastic order, something that delighted us both.

For several of those years he continued to teach, at Dalhousie until 1988, and in collaboration with Lin Jackson at Memorial until 1993. When he was in Halifax during teaching terms, he and I corresponded – handwritten epistles which I treasure, full of detail about his teaching, his writing, his thoughts in an ongoing dialogue with me. In addition to what I remember then, I have these marvelous letters to turn to in reconstructing at least some of the intellectual labours of those twenty years.

Although I had heard about James for years from the Jacksons, I only really got to know him when he came to Newfoundland in the summer of 1979, and then returned as Visiting Professor in our department in the Fall. It was just after his return to Nova Scotia in 1980 following his tenure at Memorial that the political foment of the 80's in Canada began. During the summer of 1980 there were intensive negotiations by the federal and provincial governments on constitutional renewal to lead to patriation, something that Trudeau and the majority of premiers had promised if Quebecers rejected the sovereignty-association mandate in the May 1980 referendum. These negotiations ended in failure.¹ Lin Jackson had been writing pieces about these constitutional matters for the two local newspapers, the *Evening Telegram* and the *Daily News* and had the ear of Brian Peckford, then premier of Newfoundland, providing him with needed arguments and principles in these critical discussions.²

James described him accurately as “philosophical consultant to the government.” [Letter to Floy, Sept. 19, 1980] When Trudeau proposed the unilateral patriation of the Constitution to Parliament in October, 1980, euphemistically called the “people’s package” as giving to the individual Canadian a “charter of rights and freedoms” despite provincial objections, it did not appear immediately that provincial governments grasped the enormity of Trudeau’s proposal. But Lin and James, in active collaboration across the Strait, set out to inform them.

1. In part, failure seemed to be the federal strategy from the beginning, as revealed in the leaked document popularly called the “Kirby Memorandum”, since this would give the federal government a free hand to design the Constitution they wanted. Although the Government had sought the consent of the provinces, it maintained that it was not legally required to do so. In this the Federal Government was supported by two provinces, Ontario and New Brunswick.

2. Peckford even quoted from one of Lin’s pieces as though Lin were his authority.

James enlisted colleagues and students to do what they could to save the Constitution of Canada. He plotted strategy with Wayne Hankey, especially concerning the involvement of the British government. Wayne, back and forth to Oxford at the time, had a letter published in the *Times* to very good effect, and James wrote to a number of premiers arguing that they should make their opposition clear to the British government. Although the Trudeau government was trying to convince us that Britain would just go along with whatever the Canadian Government wanted, it was important to undermine that confidence and show it to be false. James wrote to Lin:

As the Brits become conscious how they have been taken in by Trud., one can expect that they will be stubborn, not saying much but letting the opposition to Trud. show itself – to the point where it is obvious that they have no course but to stay out of the fight. Trud. will gamble everything. I have sent your things and Wayne's *Times* letter to Edmund Morris, the N.S. Minister in charge of these matters. When he has digested them I propose to talk with him in the hope that he will take himself to London to add another voice to the provincial clamour.”
[Letter to Lin, Oct. 11, 1980].

In December 1980, James produced his “Open Letter to Members of the House of Commons and especially of the Senate of Canada” urging them to defeat the “package”, both as against the Constitution and as destructive of Parliament itself. I quote from parts of that piece:

There can be little room for doubt what Mr. Trudeau and those about him intend in their revision of the constitution. Their idea of Canada is a centralized technocracy which will draw its authority directly from the people and not through the federal parliament and, as required, the agreement of provincial governments. ... Government by opinion polls and propaganda is contemptuous and destructive of parliament. The elected members of the Commons have no longer to interpret the public interest but to acquiesce in the polls and the propaganda. They are no longer parliamentarians but have in principle the function of members of a supreme soviet – to agree with the leadership. ... Patriation is a mocking and empty legalism if achieved against the provinces and the constitution itself. What is one to say of it, if the end of colonialism is made the beginning of a technocratic despotism.

James traveled to Newfoundland to spend Christmas 1980 with his Newfoundland friends. On Dec. 27, after a day spent reading the *Paradiso* together, quite wondrously and unexpectedly from all sides, James and I were drawn inevitably to the decision to marry. He was thus led from the practical contemplation of the state in the Constitution debate to the simultaneous contemplation of the family, and these two preoccupations, family and state, would be the intellectual and practical work of the rest of his life. We were married in Newfoundland two months later, on Feb. 21, 1981. But back to the chronology of events in these critical times.

After the Christmas break, James returned to Nova Scotia in early January and continued to battle to save the country on that front. He discussed with Wayne how they might try to move the Nova Scotia government, occupied it seemed with trying to extract an agreement with Ottawa on offshore resources, to a better position on the Constitution. By this time, the eight dissident provinces challenged the unilateral patriation attempt in the courts of Manitoba, Quebec and Newfoundland. The decision of the Court of Appeals of Manitoba came out in early February, 1981, three to two in favour of the Federal position, hardly the endorsement the Government needed; and things could only get worse in the courts of Quebec and Newfoundland.³

James was very pleased with the threatened revolt against the “package” in the Senate: “Clearly they have been reading my letter!” he wrote on Feb.6, 1981. From the press it appeared that the Liberal plot in the House of Commons was now falling apart; and there were even more damaging reports from Britain: the leaked record of the discussion between McGuigan, Minister of Justice, and Pym, the British High Commissioner, showed that so called “British assurances” of easy passage were entirely false. Pym gave no assurance that even if the government won all three cases, the Trudeau package could be got through the Commons and the Lords. Hilary Armstrong, writing to James from England at this time, comments: “I’m glad you think we’re not doing too badly over the Canadian Constitution. I was rather pleased myself, especially with our Commons Committee. Even if Maggie the Mammonite ... did do some sort of deal with Trudeau she’s in too deep trouble, even in her own party, to get away with anything.” [18 Feb. 1981] Thus, in the Senate of Canada and in Britain, matters seemed to be going well.

What was still required was to provide to the premiers a clear sense of provincial sovereignty, and then to offer useful comments to them on the amending formula and on the proposed Charter of Rights. Lin published the excellent article, “Newfoundland’s Sovereignty and the Case of the Provinces” [*Daily News*, Feb. 28, 1981], which he sent to every premier, and James produced “Provincial Sovereignty and the Canadian Constitution” [1981]. James, preoccupied with the Charter of Rights, had a strategy session with Wayne, and wrote to me: “There is need of several attacks on this. Partly we shall draw two former students now doing law and somewhat read in the relation of the Charter to the legal tradition – what it will do to this tradition, how revolutionary a break is proposed, etc. Then something more simply and briefly on the principles. I shall try to get something done this week.” [9 March 1981]. He intended also a brief statement on the amending formula, both to be sent to the premiers. It was most

3. About this decision, James comments: “The Manitoba case has the interest that the three judges who decided in favour of the fed. govt. did so because they assume the Liberal idea of Canada and deny there is provincial sovereignty. The two who decided contra did so because they knew what the Confederation is.” James to Floy, 6 Feb. 1981. As it turned out, the Quebec court ruled in favour of the Federal position.

important that the premiers be firm: they would be negotiating from a position of strength if they held together and were secure in their position.

The judgment of the Newfoundland Court of Appeals came out at the end of March, clearly affirming the spirit of Canada as was defended by Lin, James and their associates. A reference to the Supreme Court of Canada was made at the end of April, and we waited its decision, with the hope that, like the excellent judgment in Newfoundland, it would not hang on legalisms and technicalities. The decision came down on 28 September 1981, stating that unilateral patriation, though legal, was inconsistent with constitutional convention which required “substantial” consent of the provinces. In the Canadian way, they meant neither unilateralism nor unanimity. It was a decision described by one scholar as “bold statecraft based on questionable jurisprudence”, and by Trudeau in this way: “No doubt believing in good faith that a political agreement would be better for Canada than unilateral legal patriation, they blatantly manipulated the evidence before them so as to arrive at the desired result. They then wrote a judgment which tried to lend a fig-leaf of legality to their preconceived conclusion.”⁴

It was not a very satisfactory judgment, but it achieved the desired result as far as we were concerned; the Federal government could not unilaterally patriate the Constitution. I looked to Lin and to James, and thought, perhaps naively, that those two had by great effort organized and led an opposition to the Trudeau package which saved the country, at least for the time being. We had won the battle, but as it later turned out we would lose the war.

Negotiations between the Federal Government and the provinces recommenced at a first ministers' conference on November 2, 1981. Shortly before this, James had sent to the premiers the paper, “What Can the Provinces Concede to the Federal Government in the Coming Constitutional Conference?” He described the production of the piece in a letter to me dated October 26, 1981:

This morning I worked in my office, then got the piece being typed, and helped Mrs. Cooley to make copies of it and sections from an earlier article on the amending formula and the Ch. of Rights. When we had everything put together and addressed I took it to the P.O. and got it in the afternoon mail – marked first class. So [the premiers] should have my piece and be encouraged to do their bit for the advent of the new era when Ontario will be a province like all the others. Better to seem to lose next week than to give away anything that could be used to stabilize the moribund system which drives Quebec, Alberta, Nfld. to separate or wish they could!

4. Quoted in James Ross Hurley, *Amending Canada's Constitution*, Canada, 1996, 59.

The strategy of the Government of Canada was, as one might expect, “divide and conquer” – try to win over the three “moderate” premiers of Nova Scotia, Saskatchewan and British Columbia, or failing that, try to break the common front, the “Constitutional Accord” of the eight dissident provinces which would patriate simply with an amending formula. The results are well enough known, the “night of the long knives” which gave to us the Constitution Act of 1982 with an amending formula and the Charter of Rights, both unacceptable to Quebec. But as James knew from his attention to these things, the Charter of Rights understood as prior to government was inconsistent with parliamentary government, indeed with political institutions *per se*. Thus, in addition to the alienation of Quebec there was a fundamental flaw in the Constitution Act of 1982. The only relief from this inconsistency was the “Notwithstanding Clause”, thought by Trudeau and his cohort as a blemish which should be removed from the Constitution.

In 1984, the Mulroney government came to power and indicated its willingness to redress Quebec's grievances with the Constitution under the proviso that there be precise terms to be negotiated. Later that year Robert Bourassa's Liberals were elected in Quebec, and in May, 1985, Gil Rémillard announced Quebec's five conditions for accepting the Constitution Act 1982: recognition of Quebec as a “distinct society”, a constitutional veto for Quebec, provincial participation in the nomination of Supreme Court justices, opting out of federal programmes under provincial jurisdiction with compensation, and strengthened provincial powers over immigration. We thought these conditions eminently reasonable, and looked favourably therefore on the “Quebec round” called for by the premiers in the Edmonton Declaration of August, 1986, federal-provincial negotiations using Quebec's five conditions as the basis of discussion.

What was produced was the Meech Lake Accord [1987], which accepted the five conditions and that in a transcendent way – universalizing them and in the process nullifying the principal flaws in the Constitution Act of 1982. A constitutional veto extended to every province over changes to fundamental institutions, opting out with compensation for every province – these elements acknowledged the fundamental sovereignty of provinces. In addition, the “distinct society” clause imposed constraints on the Charter of Rights and Freedoms, not explicitly but in principle. It implied that for Quebec, as indeed for any sovereign polity, rights are not prior to government. We were ecstatic with the result of the work of the premiers.

But the Meech Lake Accord began to unravel on several fronts: concerns from the West about the Amending Formula which would make Senate reform very difficult, concerns from various interest groups – women's organizations, aboriginal peoples, multicultural groups – who complained their interests had been ignored or undermined, and an unease about the “distinct society” clause. Moreover, between 1987 and 1990, the terminal date for the passage of the Accord in all provincial legislatures, three provinces had new governments either hostile to the Accord [the Wells government in Newfoundland], desirous of adding to the Accord [the McKenna government in New Brunswick], or with internal problems threatening passage [Manitoba]. To address the concerns of those who felt excluded from the Accord the McKenna

government insisted that passage of the Accord in New Brunswick required the addition of the "Companion Resolution". When the House of Commons established a committee headed by Jean Charest to hold hearings on this "Companion Resolution", Lucien Bouchard promptly resigned from the Mulroney government at what he took to be betrayal. James wrote to him urging patience. At the Charest hearings held in Newfoundland, James presented a submission, "The Opposition to the Meech Lake Accord and Premier McKenna's 'Companion Resolution'" [1990], drawing out the incongruity between the "Companion Resolution" and the original Accord. Lin and I also presented submissions. Lin and Marion, James and I, together in Nova Scotia on the fateful day, June 22, 1990, saw the Accord die when Clyde Wells refused to let the matter come to a vote in the provincial House of Assembly. We had been in constant contact with James Ross Hurley, Director of Constitutional Affairs in the Privy Council, but there was little anyone could do.

The subsequent efforts to salvage something of the Accord centered on addressing the problems with the Amending Formula of Meech Lake and on including those who felt excluded from Meech Lake. We (James, Lin and I) dutifully presented submissions to the two joint commissions of Parliament addressing these matters, the Beaudoin/Edwards Commission on the Amending Formula⁵, to address the difficulties principally of the West with the provincial veto, and the Beaudoin/Dobbie Commission on a Renewed Canada⁶. We held out hope for what might come of these efforts, and were relieved when the Charlottetown Accord was defeated in a national referendum. Thus, James's active political efforts came to a close. He remained convinced that some form of the Meech Lake Accord would someday be constitutionalized if Canada were to amount to anything. But that he left to the operations of the World Spirit.

From 1981 to 1987, James led a very active life, commuting between Nova Scotia and Newfoundland at least every three weeks during teaching terms, engaging with others in the political battles described here, teaching a full range of courses, directing graduate students, and at the same time devoting himself to thinking and writing about the two institutions which were his great preoccupations – family and state. This is explicitly undertaken, of course, in "The Christian Origins of Contemporary Institutions" published in *Dionysius*, Part I in 1982, Part II in 1984, quite wonderful histories of the ancient world and the early Christian world to St. Augustine. The second concludes with "To be continued", and indeed the argument was continued, although not in as explicit a way as in the two aforementioned pieces. How are the other elements of his bibliography to be understood? What concerned him practically from 1980 was the preservation and renewal of Canada and the consolidation of his family. What he writes during those years grows out of those primary practical interests, and in turn comprehends and sustains them. These are not new interests, but in his last twenty years they have a new focus

5. James's submission was titled, "The Amending Formula and the Constitution of Canada".

6. James submitted "The Relation of the 'Canada Clause' to the Canadian Constitution".

and intensity. All his thinking, all his writing, when entirely self-initiated and self-determined are toward the clarification of these two great human institutions, family and state, historically and in relation to the Christian religion.

Of course, sometimes he would have obligations to produce something on a given theme, for a *Festschrift*, for example, or as an invited speaker at a conference. In 1982-83, we both were on sabbatical leave and living in Chester. We would be in the "blue room" together, I working on Leibniz and he working for part of the time on "The Concept of Enlightenment", a *Festschrift* piece for his friend, Peter Michelsen, a scholar of English literature, particularly 18th century literature. The piece treats of the English Enlightenment, the "immediate form of Enlightenment", partly through the principal literary figures of the 18th century: Henry Fielding, Lawrence Sterne, and finally of Jane Austen whom he regarded as the logical completion of the insufficiency and mutual dependence of sentiment and abstract reason as present in that literature. The afternoons and evenings we would often spend reading this great literature to each other: *Joseph Andrews*, *Tom Jones*, *Tristram Shandy*, *Emma*, *Persuasion*, a practice which continued long after the piece was finished. The *Festschrift* piece in honour of George Grant, "Naturalistic Individualism: Quebec Independence and an Independent Canada" [1983] was, of course, both very appropriate to George's work and came out of James's own interests of that time. I don't remember him writing the piece, so I assume it was already in the hands of the press before I was part of his life. About the *Festschrift* piece for Findlay, "Findlay and Plato", Dennis House can give an interesting account – not precisely of that piece, but of the one which was first written for the *Festschrift*, stillborn until Dennis recently resuscitated it [*Dionysius XIX* (2001), 10-25]. Again, this was before my time.

In 1985, James was invited by Clifford Orwin to present a paper at a conference at the University of Toronto, "Hegel's Critique of Antique Virtue". In that piece, later published in *Dionysius*, James devotes a section of four pages in a relatively short paper to the topic of "The Source of Contemporary Difficulties with Hegel's Critique", drawing out the impediments from the side of existential interpretations and from Marxist interpretations on the other side. I had noted this sort of reflection before. From the first piece on Christian Institutions, he seemed compelled, or rather found it necessary, to begin with a critique of contemporary modes of understanding to show that from their standpoint the position he would expound could make no sense. These contemporary modes fell roughly into a liberal or socialist – at its extreme, a Marxist – understanding on the one side, and an existentialist – at its extreme, a fascistic – form on the other.⁷ In this case, speaking as he was to a largely Straussian audience, there was a very good reason to caution them, since as he says in the paper, the Straussian sees all from the existential side, rejecting the Marxist technical side, whereas the Hegelian philosophy "shows as unified the elements which are in them most strongly divided," [*Dionysius IX* (1985), 8]. James

7. In "The Christian Origins of Contemporary Institutions", Part One, *Dionysius VI*, this critique is found from pp. 112 to 118.

knew that all philosophy, and the Hegelian philosophy in particular, would be read in this divided way. He knew that commentaries on it, roughly Marxist or existentialist, would mislead. Hence these critiques to warn the reader that what he will read will strike him as eccentric or possibly unintelligible; and perhaps the problem is with the reader. This division in interpretation plagues all of contemporary life – even, I might add, constitutional issues in Canada.

James's ongoing concern with the Canadian Constitution and more generally with the philosophical dimension of constitutional discussion in Canada, precisely what kind of polity Canada is from its history, how it differs from the European Union on the one side and from the United States on the other is addressed in the article, "The Relation of the Charter of Rights to the Canadian Constitution" [*Machray Review* 2 (1992)], and more comprehensively in "The Philosophical Basis of Constitutional Discussion in Canada" [*Animus* 2 (1997)]. It was a topic he loved to discuss, and many evenings were spent with Lin and Marion Jackson, and with David Peddle whenever he was about, discussing Canadian politics and its possibilities.

Several have noted that James's view of the United States changed over the years – even suggesting facetiously that this had something to do with him taking an American wife. Those writing in *Philosophy and Freedom: The Legacy of James Doull* understand the matter much more seriously. Let me add this to the argument. One can notice a difference in his appraisal of the American Republic even in the two pieces mentioned above. In the 1992 piece he persists in detecting an unresolved contradiction between "rights" Americans everywhere assert and a stable government on which they rely but which is undermined by the "separation of powers" in the American Constitution. Canada in this respect might be thought potentially a more perfect polity if it could recognize the folly of asserting Charter rights as prior to the state. But in the later paper, looking at the whole history of the American republic, he is able to write:

In a recognition of the priority of the state to society the relation of powers would be seen differently ... When and in what ways they might find an acceptable response in continuity with their political traditions is for the future to disclose. One who attends to American freedom and the spirit moving in their institutions can hardly doubt that, whenever it might be, they will resolve appropriately also this most difficult of divisions. It is sufficient for the present inquiry to have shown that the whole movement of American political history is toward the reversal of an assumed priority of society to state.⁸

8. *Animus* 2 (1997), 131-2. What is "society" as understood here? It is the community of "free individuals" where the free individual has himself as his end, and an interest in others as likewise having their end in themselves. Cf. 63.

Although Canada from its history enjoyed the right relation of society to state⁹, the 1982 Constitution undermined that relation. After the failure of Meech Lake, Canadian politics was not very exciting for us. The malaise in Canada was the direct result of the Constitution Act of 1982 and the failure of Meech Lake. James had the keenest interest always in what the country had been and could be, if it could come to know its principle. And in this the American Republic becomes for Canada the model, not in the details of the American Constitution but as a state whose history gives the greatest reason for confidence in its ultimate success. Canada, if it can find its way similarly to institutions in agreement with its history, and the tendency of that history, might also achieve success appropriate to itself. But as I remember our discussions about Canadian politics and its possibilities, James did not have the same confidence that Canada would succeed as he had about the United States. But he would not give up on Canada, as is very clear in the 1997 article.

In 1994 he was invited to participate in an international conference titled: "Mysticism, Rationalism and Empiricism in the Neoplatonic Tradition", held at Maynooth, Ireland in the summer of 1995. He began to work on his paper for that conference almost immediately, and worked assiduously for eighteen months, longer and harder than I had ever seen him work. Exercise books of notes piled up, and as a year passed I grew somewhat concerned that he had not actually begun to write the paper. Then there were the beginnings but not yet the proper form of the paper. I would ask, tentatively at first, then perhaps with more concern, when he might begin the paper itself. He would reply blissfully that he could only do so when moved by the Muses, and I would retire to my own work in some combination of consternation and amusement. I too had to wait on the Muses, but when I set pencil to paper, and the first sentence was on the page, the paper seemed to write itself, all footnotes completed, without need to revise. I was fairly certain that my first sentence, which called forth the rest, was entirely a contingent matter. When he actually began to write a piece, he would read sections to me as they were completed, and if he were sufficiently satisfied he would give them to me to be typed. I knew that James would rewrite several times over – drafts which to me were perfectly clear he would discard. It was the logic of the piece that had to be there before him, and I could tell that for him there was only one way this Neoplatonism paper could be written. He would say affectionately, "My dear, if only I could write as you do ...," but I knew better – that this method of his was necessitated by the fullness of his comprehension and the logic of the subject itself. Still, I would be typing the final pages of his paper, it seemed to me, almost as we were boarding the aircraft to take us to the conference, or on the very last day the paper could be submitted to the publisher. Partly this was the consequence of his immense erudition, partly the comprehensiveness of his knowledge. But he could not treat of a subject except with complete thoroughness, and papers tended therefore to run away with him.

9. "At the same time, as the argument has shown, there is great need in the United States that the relation of society to state approach more nearly the Canadian model," *ibid*, 205.

Take the treatment of human institutions, for example. He intended, as is clear in the second part of “The Christian Origin of Contemporary Institutions”, to treat of Ancient Christianity, of Medieval Christianity, of the older modern age, and finally of contemporary culture. Indeed he was writing toward that end in the second part. But ancient Christianity, treated with the depth and thoroughness evident in that piece, already consumed a third of the volume of *Dionysius*, and took him the better part of a year to write. But what writing! I recall how exciting I found the first part, its treatment of ancient Judaism, the Hellenic religion and literature, Roman religion, and emerging from that the announcement of the Kingdom of God. It was an education in the whole of the classical world, and the emergence of ancient Christianity from that world.

But what about the rest? He regarded his long piece on Neoplatonism as providing what he would have done of Medieval Christianity, as the next installment then of the theme of the Christian origins of human institutions, and as leading inexorably to the Cartesian philosophy and the older modern age.

James was required to write something on Plato for Volume 4 of *Animus*, and so began his treatment of *Parmenides*, the argument to the “hypotheses” appearing in that volume (1999). The continuation of the argument of *Parmenides*, “The hypotheses of Plato’s *Parmenides*”, was written for inclusion in *Philosophy and Freedom*. But the work to which he always turned when nothing else was required of him was Hegel’s *Phenomenology*, to which he returned several months before he died. He was writing an article for *Animus* “on the lesson of Hegelian phenomenology for an understanding of post-modern philosophical and political culture”, in Lin’s words. James left four drafts or fragments with considerable overlap, but each having elements not found in the others. From these Lin reconstructed as best he could James’s final paper, “Hegel’s Phenomenology and Postmodern Thought”. James’s interest in this paper is not to begin a commentary on the internal argument of the *Phenomenology*, but to show it as the logical statement of the standpoint of modern philosophy and as introductory to a new post-modern philosophical perspective, as calling it forth from the logic of the older modern philosophy. In the outline of how he would treat of human institutions stated above, indeed in the very title “The Christian Origin of Contemporary Institutions”, the final paper would find its place as gathering the whole thrust of the older modern age and ushering in a post-modern, post-Christian philosophical spirit. In the emergence of this post-modern spirit, its first appearance as “externalized spirit”, as James puts it, there is the inevitability of its dividing into existing individuals on the one hand, or as humanity on the other; their “rights” on the one side, their “cultures” on the other. Thus, the older philosophy and the Christian religion are inevitably misunderstood in this division in one or other abstraction. That Canada cannot find its way to a proper sense of itself is likewise to be expected, caught as it is in the conflict of “rights” on one side and the state on the other. What might be surprising is that the Hegelian philosophy had provision in itself for this third development. About the present state of affairs, James writes:

The history of the post-Christian, post-modern world has since run its course to the point of a scepticism which no longer knows whether philosophical thought is possible at all; whether there could be a free self-consciousness where mind is assimilated to body and their relation a mystery. In the practical realm, universal rights are ascribed to individuals as prior to all institutional relations; but what the universality of right and its articulation as a plurality could mean from this standpoint of externalized spirit is not intelligible. The meaning of rights and their application becomes in this context a matter of arbitrary and shifting judgment. Institutions as predicated on indeterminate rights lose their cohesion and capacity to unify divided opinions, the exercise of power tending therefore to be arbitrary and tyrannical.¹⁰

James's writing in his last twenty years achieves a roundedness and completion in this final, posthumous publication.

Let me end with this. When on that extraordinary day, Dec. 27, 1980, James and I determined to marry, I knew that, apart from obligations to my two young children, I was prepared to die, so comprehensively did that decision integrate my whole life – spiritually, practically, philosophically. I told him that almost immediately. Later in a letter he confessed a like sentiment, but with this reservation, “when my work is done.” In some way I could understand what he meant, but still found the words puzzling. He and I were engaged in similar work, I thought, and I knew that I could lay down my pencil in mid-sentence without any particular loss to anyone. Moreover I knew he had no illusions about the likely effects of his writings on a general or even a philosophical audience. He only wrote, he often told me, for those few among friends and colleagues who might find something useful in what he had to say. Did he, I wondered, have some work within him, a *magnum opus* of sorts, needing only the Muses to bring it forth? Were the projects he had set out before him – an exposition of Aristotle's *Metaphysics*, a commentary on Plato's *Parmenides*, the commentary on Hegel's *Phenomenology* – more to him than just the next thing he would turn to when what he was working on at the time was done. Our life together, “in one way austere and totally serious, then also immediate, laughing, free,” as James once described it, was a continuous *meditatio mortis*, as is fitting for those engaged in philosophy. So I would occasionally ask him, after the children were grown, did he think he was ready to lay down the burdens of this life at any time, as I was. And his answer would be the same – “...if my work is done.” A year or so before he died he told me that he hoped for a bit more time in this world because what he thought about was so much clearer to him now. His “work”, I knew then, was not what he wrote, but the thinking itself. When it was evident to him in his last days that he could not work – he could not think in the ICU with that clarity that had been his – he told me he wanted to be moved to palliative care. There he lay down his life with courage and dignity.

10. “Hegel's *Phenomenology* and Postmodern thought”.