THE Dorchester Review

Edited by C.P. CHAMPION

#27

Vol. 14 No. 1

Spring 2024

First Quarterly Edition

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CANZUK Crown

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Behind the Orange Shirt

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Editor's Note

We're pleased to present the first quarterly edition of The Dorchester Review, our 27th, with gratitude to the subscribers and private donors (as well as writers and editors) who have made it possible. There is nothing we would change in our 2011 manifesto and promise to hold the line, keep up the fire, never give in, etc. As a reader you know the value of this journal. It is not often that one of Canada's most accomplished academics admits he was wrong about something. **Tom Flanagan** is the foremost expert on the history of **Louis Riel** and the Metis. In a DR exclusive (p. 3) he recants what he concluded 40 years ago about the 1885 trial. We're pleased to offer many of our favourites, old and new: **James Bowden**, **Janice Fiamengo**, **Brian Busby**, and **Adam Chapnick**; **John Pepall** on Mr. Justice **Frank Iacobucci**, **Michael Bonner** on the Emperor **Justinian**, and **John Robson** on a law professor's bad advice for criminal justice. Col. **John Conrad** recounts how infighting stifled the official history of our army in Afghanistan, and former Senator **Serge Joyal**, for many decades an expert on all things **Napoleon**, returns to these pages to deplore **Sir Ridley Scott**'s inaccurate film portrayal. **John Fraser** admires the CANZUK Crown. Finally, we welcome **Ghyslain Hotte** to our editorial team and Dr. **Eric Kaufmann** and Lt. Gen. **Michel Maisonneuve** (ret.) to our advisory board. Do keep spreading the word and do not underestimate our ongoing need for finanical and marketing support if you have ideas and leads. We encourage readers to submit letters for publication.

Riel's Trial Reconsidered

TOM FLANAGAN *admits he was wrong about how the 1885 process was conducted*

Roger Salhany, the author of *Rush to Judgment*,* was born in 1937. He was therefore 82 years old when the book was published in 2019 and is now 86, giving hope to those of us approaching the ninth decade of life.

Justice Salhany was, as far as I know, the first former judge to write about Louis Riel's 1885 trial for high treason. After a diverse and distinguished career as a lawyer, he served for 21 years as a judge of the Ontario County Court and then of the Ontario Superior Court, when the two courts were merged. He was the author of eight books before this one, including such titles as *Cross Examination: The Art of the Advocate* and *Canadian Criminal Procedure,* leaving no doubt about his qualifications to analyze Riel's trial.

So, let me say at the outset that Salhany has convinced me that I should not have written these words: "Riel's trial stands up well as an example of the judicial process and was 'fair' in the only meaningful sense of that term: namely, that the trial was impartially conducted under the prevailing rules of criminal procedure."† I do not concede easily; this is the first time in more than 50 years of research and writing that I can remember publicly admitting that I was in error. (Like all researchers, I have made many mistakes that I never had to admit because no one seemed to care.) But Salhany has persuaded me that the subtitle of his book, "The Unfair Trial of Louis Riel," is correct. Riel's trial contained defects of procedure that would be wrong not only in the rights-conscious 21st century but were wrong measured against the legal practices of the late 19th century.

THIS IS NOT TO SAY, however, that Riel was innocent. Salhany and I agree that Riel committed high treason by levying war against Her Majesty. He encouraged his followers to take up arms to overthrow the legal government of the North-West Territories. Abundant evidence of this was introduced at trial, both in the written form of letters encouraging an armed uprising even to the point of waging a "war of extermination," and in the oral form of witnesses who had conversed with Riel or heard him give speeches about taking up arms or had seen him encourage rebellion at Duck Lake and Batoche. No one should worry that Canada convicted and executed an innocent man. But a government of laws should conduct a trial correctly, following the conventions of due process as understood at the time. In this respect, Salhany shows that Canada failed.

The central problem was that the judge's position created by the North-West Territories Act was that of a stipendiary magistrate serving at the pleasure of the Crown and thus

* *Rush to Judgment: The Unfair Trial of Louis Riel.* Roger Salhany. Dundurn Press, 2019.

† Thomas Flanagan, *Riel and the Rebellion: 1885 Reconsidered*, 2nd ed. (U. of T. Press, 2000), p. 154.

TOM FLANAGAN *is Professor Emeritus of Political Science at the University of Calgary and author of several books on Louis Riel and the Métis.*

not possessing judicial independence. A treason trial before such a magistrate would inevitably be attacked as unfair. The government could have brought in legislation to have Riel and the other rebels tried by a special commission or moved to another jurisdiction for trial, but both alternatives would have been time-consuming and controversial, and the government was anxious to put the Rebellion behind it. So, a different alternative was chosen; George Burbidge, the Deputy Minister of Justice, was sent out to Regina to keep Riel's and the other Rebellion trials moving along.

In one sense, that worked. Burbidge had a strong hand, and he compensated for the lack of knowledge exhibited by the magistrate, Hugh Richardson. However, Burbidge was the official who had the right to recommend Richardson's dismissal to the Minister of Justice. Under the circumstances, Richardson inevitably became a figurehead, issuing rulings only as Burbidge wanted. It was a mockery of judicial independence; Riel was in effect tried not before a judge but before Canada's senior judicial administrator. It was even worse because Burbidge also acted as a member of the prosecution team, not only planning strategy with them but even joining in the examination of witnesses. I had read a great deal about Riel's trial, both before and after writing my own account, but Salhany was the first author who made clear to me how wrong this arrangement was.

The consequences were quickly felt, when Richardson/Burbidge granted the defence only one week to prepare. The government wanted to get this over with, and Burbidge was not going to stand for any delays. This was patently unfair, as the two most important defence witnesses, the alienists (psychiatrists in modern lingo), Dr. François Roy and Dr. Daniel Clark, were in Quebec City and Toronto respectively and had not previously consulted with defence. The inadequate time for preparation had disastrous consequences for the defence lawyers, who were building their case mainly around a plea of "not guilty by reason of insanity." Dr. Roy, who had charge of Riel at the lunatic asylum in Quebec City in 1877-78, had not been told to bring any documentation or notes surrounding Riel's time in the asylum, and was thus easily bullied by the prosecution attorneys, without Richardson making any attempt to protect the dignity of the witness.

Salhany has convinced me that I should not have written that, 'Riel's trial stands up well as an example of the judicial process and was "fair" in the only meaningful sense of that term.'

Dr. Clark's testimony was even worse. He maintained that Riel was insane, but he also attacked the M'Naghten Rules, under which the trial was being conducted. He maintained that Riel was insane but could still tell right from wrong. With more time for preparation, the defence attorneys would have discovered that Dr. Clark was not a suitable witness because he was critical of the M'Naghten Rules and was, in fact, a crusader for removing them from Anglo-American jurisprudence. The result, then, of having to rush to find expert witnesses was inadequate preparation for trial and loss of the defence's only realistic chance for saving Riel's life.

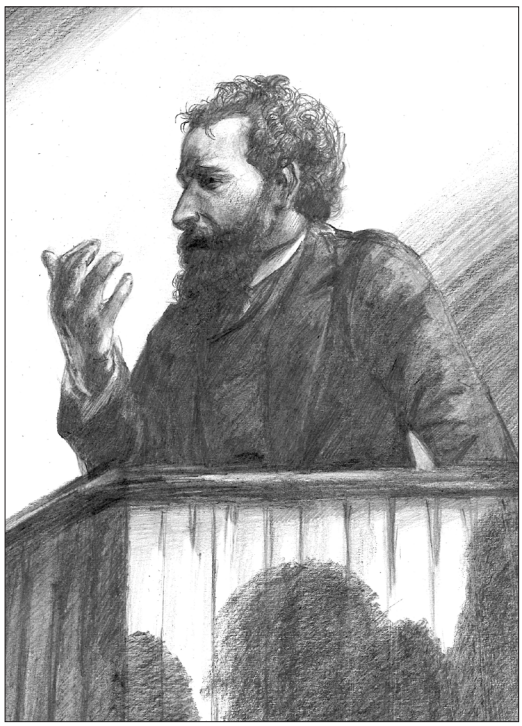
Salhany points out that Dr. Clark should have refused the defence lawyers' request to testify for them because he should have known that his testimony would not help their cause. I can appreciate Salhany's comment because I once found myself in the same situation. I was invited to testify by lawyers in an Indian Residential School class action that the schools had caused loss of language and culture. It would have been lucrative, but I had to decline because I did not think the proposition was true.* In that instance, coun-

* See Champion/Flanagan, *Grave Error* (advertised on p. 71 of this issue), chapters 12 and 17.

sel would have found that my evidence was not helpful and would have paid me off long before it reached court, as actually happened to me in another case; but in Riel's trial where time was so limited defence counsel had little choice except to go ahead with Dr. Clark, even if they understood how damaging his testimony might be.

During the earlier part of the trial, in which the prosecution sought to establish Riel's primary role in fomenting the Métis rebellion, Richardson gave the Crown's lawyers free rein to ask leading questions that should have been ruled inadmissible. Richardson's administrative superior, George Burbidge, led a lot of the evidence. Defence lawyers could see which way the wind was blowing and did not bother objecting. The evidence that Riel was guilty of fomenting the Rebellion was overwhelming in any case, but the way it was introduced remains a blot on Canadian jurisprudence.

ORIGINAL ARTWORK BY JOSEPH FERRANT



The defence also fumbled by calling as a witness Father Alexis André, head of the missionaries at Batoche. Father André testified that he had heard Riel say he would go back to the United States if he could get $35,000 from the Canadian government. Witnesses for the prosecution had made the same point, but it was devastating to hear it from a witness for the defence. It was another case of poor witness preparation stemming from lack of time.

Finally, Richardson, according to Salhany, bungled his charge to the jury with respect to the insanity plea. The insanity defence at the time was defined by the M'Naghten Rules: "To establish a defence on the grounds of insanity it must be clearly proved that, at the time of committing the act, the accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing, or if he did know it, he did not know what he was doing was wrong." Richardson's charge to the jury was long and complicated, introducing many extraneous factors. In Salhany's view, such a charge today would amount to "reversible error," though things were not so clear in 1885. At the least, however, it can be said that Richardson emphasized over and over how difficult it was to prove insanity, clearly steering the jury towards conviction.

I had read the trial transcript numerous times as well as various analyses of the proceedings, but Salhany's book is the first one to make me see how improper the trial hearing was. His background as a long-serving judge allowed him to highlight the improprieties that other authors, including some quite distinguished historians, had missed. It shows the importance of getting someone with the right background to write about a subject.

So, I find myself in agreement with Salhany on all major points except one. He accepts the conventional view that the Métis were badly treated by the government prior to the Rebellion; that their grievances, while not justifying a resort to arms against the Crown (in the conventional view, nothing can justify armed rebellion), do justify a strong claim to sympathy and rectification. I used to believe that myself, and I embodied that perspective

in the first edition of *Riel and the Rebellion* (1983).* But I later discovered additional documentation, which showed that the government had gone to considerable lengths to accommodate the Métis and half-breeds of the South Saskatchewan valley prior to the 1885 uprising. These new documentary discoveries underpinned my analysis of Métis claims in the second edition of *Riel and the Rebellion*, published by the University of Toronto Press in 2000. But Salhany's bibliography lists only the first edition of *Riel and the Rebellion*, which did not describe all the measures that the government took to accommodate the Métis of the South Saskatchewan valley.

Briefly, the main complaint of the Métis was that the government was not surveying enough river lots for them. To understand that complaint, it helps to know a little about 19th century surveying practices on the Canadian prairies.

River lots were long narrow lots fronting on the river and extending two miles back. They conformed to Métis agricultural practices, giving them access to the river for boat transportation, fertile valley bottom land for plots of farmland, and pasture in the rear for their livestock. But the government didn't like them because they were much more expensive to survey and didn't meet the needs of incoming settlers, who preferred the 160-acre square lots created by the rectangular survey. Government surveyors did do one custom survey in the Batoche area, producing 81 river lots, but the Métis claimed that was not enough. Indeed, the Métis were creating de facto river lots on square-surveyed land outside the special river lot area, causing confusion for Dominion Lands officers and the Métis themselves, because titles could not be granted for lots that did not conform to the rectangular system.

After much complaining and investigation, the government finally proposed a workable solution. De facto river lots were created by stringing together a series of smaller legal subdivisions (10, 20, or 40 acres depending on circumstances) to make a 160-acre homestead that could be registered. It wasn't a perfect solution, but it was good enough in a highly fluid situation: the buffalo were disappearing, the Métis were settling down, new immigrants were coming in, and the government was trying to build a transcontinental railway — all at the same time. Other complaints about land regulations were also dealt with in pragmatic ways. There might have been cause for grumbling but not for picking up muskets — until a hothead like Louis Riel arrived on the scene.

I like to think that Justice Salhany would have agreed with me, if he had read the second edition of *Riel and the Rebellion*, that the government dealt fairly with Métis complaints, although perhaps I overestimate the persuasiveness of the evidence I presented there. But be that as it may, we agree that there was no justification for an armed rebellion against the government of the North-West Territories and that Riel was guilty of treason, even if the conduct of his trial was far from ideal.

Anyone who wants to understand the legal mechanics of Riel's trial should read *Rush to Judgment*. Fortunately, that's not a difficult assignment. Salhany writes in graceful, easy-to-read narrative English, not in the convoluted style that mars too many judicial opinions. There must be a school that teaches judges how to write so badly. If so, Salhany somehow escaped the lessons on bloviated style.

Unfortunately, not many scholars seem to be reading *Rush to Judgment*. Searches on "Google Scholar" using a family of related search terms such as "Salhany review" and "Salhany Rush to Judgment" yielded only three articles or book reviews in which Salhany's book appeared to play a major role. That's probably a function of the mass migration of the historical profession away from the traditional topics of politics, law, and war towards the woke triad of "class, race, and sex" (they would say "gender" instead of "sex"). But Salhany's book will be waiting in library stacks or online repositories when historians regain their senses.

* *Riel and the Rebellion: 1885 Reconsidered*, 1st ed. (Saskatoon: Western Producer Prairie Press, 1983).

Col. John Conrad

The History that Almost Wasn't

How bureaucracy thwarted The Canadian Army in Afghanistan

The burning of the National and University Library of Bosnia and Herzegovina in Sarajevo in the summer of 1992 remains one of my most graphic recollections. The beautiful old building on the Miljacka River was a symbol of true diversity in the Turkish quarter of besieged Sarajevo. The library was targeted in the waning hours of Aug. 25, 1992 by the Bosnian Serbs. By first light on Aug. 26 destruction of the cultural centerpiece, and over two million priceless books, was complete. Gone forever were irreplaceable manuscripts and early records of Ottoman and Austro-Hungarian influences in Bosnia. The image of that burning library remains for me a terrible warning sign: be wary of those who would thwart and suppress history.

That fire was not the only grotesque act witnessed over the course of Yugoslavia's violent decline. There were heinous acts of hatred committed by all warring parties — by no means the exclusive domain of the Serbs. However, as an officer and a peacekeeper in the Balkans, I always thought it among the most poignant examples of evil to come out of our time there. Surely, the elimination of the record of an entire people counts among the highest of cultural sins?

I was reminded in a way of Sarajevo's smouldering library in late 2023 when I learned that the Canadian Army's long-awaited academic treatment of its operations in Afghanistan was being stifled and shoved into a corner.*

I caught this news by virtue of a short CBC article online almost by chance, so quiet had the wider army network gone on the official history. This was a large, long-standing project led by Dr. Sean Maloney of the Royal Military College, a distinguished military historian with many other books to his name. I had awaited its publication with great anticipation a decade ago but had forgotten about it until the CBC's Murray Brewster got wind of it.†

The manuscript of what became a three-volume saga was originally intended for publication, and wide distribution, in 2014. Now after many years, inordinate delays, and long silences from the responsible staff officers, the Army decided to print very few copies and just put links online. In short, the military was shelving its own history where very few could access it — and denying its availability as a book in print to the soldiers and families who carried the weight of the war on their backs.

The action was inexplicable. Something about it smelled off. The lack of an authoritative academic account of our army's actions in Afghanistan — such as exists for the First and Second World Wars and Korea,

JOHN CONRAD, *a former combat logistician, served 34 years with the Army including 10 in the Reserves, deploying to Cambodia, Bosnia and Afghanistan. He is Assistant Deputy Minister Primary Agriculture for Alberta.*

* *The Canadian Army in Afghanistan.* Sean Maloney. Canadian Defence Academy Press, 2023.

† "Canada now has its own history of the Afghan war — good luck finding a copy," CBC News, Nov. 10, 2023.

for example — has had a negative impact on the true picture of events in the Afghan War. Historians and journalists of other nations have framed their histories and left a significant Canadian contribution out of the narrative.

Why would the army stifle its own story, and one that its own commander, Lt. Gen. Andrew Leslie, himself commissioned? Even with the recent release of the volumes in electronic format, the institution continues to black out communication about the book and discourage online commentary in the ranks. Why, for heaven's sake? This dialogue is badly needed and long overdue.

The quashing of Maloney's capstone history raises good questions about who owns the history of a national institution. How far can petty internal jealousies and egos drive their agenda and avoid accountability to the public?

There is a history within the history that underscore our military's problems with ethics, its capacity to document history, and the ability to campaign in the truest sense.

Portrait of the Artist

I CANNOT THINK OF MANY Canadian civilians who have chewed more dust in Afghanistan than Sean Maloney. He travelled there eleven times between 2003 and 2014. I first met him in Kandahar in the early summer of 2006. I was serving with the Canadian Contingent as the commanding officer of the National Support Element, the logistics unit in country. We were waiting for helicopter transport to take us to a large *shura* in the newly-minted Canadian Forward Operating Base (FOB) Martello in northern Kandahar Province.

Civilian guests were rare in early 2006 and it was interesting to see an unfamiliar Canadian face in the thick of things. Chatting with Maloney, I grew impressed with his insight and comprehensive perspective.

A former Army Reserve officer, Maloney has strong and unassailable opinions, a high degree of moral courage, and the ability to stand his ground in a combat zone.

His dissertation was on Canadian nuclear weapons and he has penned some excellent work on Canadian peacekeeping. He has written with inside knowledge about the Cold War, during which he served as official historian for 4 CBMG (Canadian Mechanized Brigade Group).

Travelling to one of the world's most dangerous places, he earned his brand as "Rogue Historian." Among his many books is a valuable trilogy on the Afghan War: *Enduring the Freedom: A Rogue Historian in Afghanistan* (2005); *Confronting the Chaos: A Rogue Military Historian Returns to Afghanistan* (2009); and *Fighting for Afghanistan: A Rogue Historian at War* (2011).

Love him or hate him, there can be no doubt that Sean Maloney is a professional. I liked him and his unvarnished frankness but I can imagine how others of the academic tribe might not — particularly those employed by the Department of National Defence.

Military academics have their own idols and immersing oneself in the thick of current events is deemed offside by some; to them it's bad medicine. However, given Maloney's many visits and his deep capacity for making sense out of chaos, I was not surprised to learn after my tour that senior Canadian commanders in Afghanistan had begun to contemplate some work for the Rogue Historian much earlier than 2006.

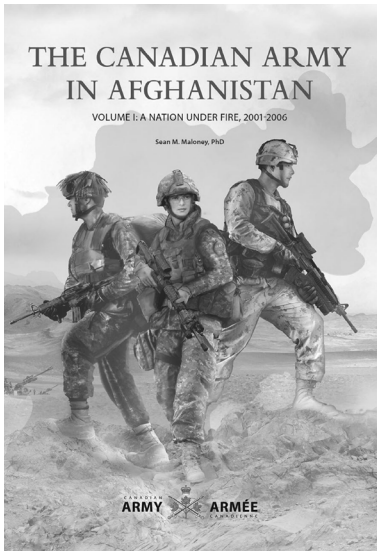
A Long & Winding Road

IN FACT, THE CANADIAN Army had begun thinking about an official history as early as the spring of 2003. By that time, Maloney's involvement with army units and senior leaders had become a professional habit. He provided insight and advice for units preparing for deployment throughout the Op Athena mission series in Kabul. In the eyes of senior leadership, Maloney was becoming the de facto official historian long before the shift of Canadian effort from Kabul to Regional Command South and Kandahar. The fact that Lt. Gen. Leslie had tried to incorporate him (unsuccessfully) on his own Op Athena tour in 2003 is firm evidence of this.

With the difficult events of Op Medusa in southern Afghanistan in Sep. 2006 and criti-

cism of Canadian soldiers on the ground by foreign historians, the need to get the Canadian perspective documented was growing. Gen. Hillier, the Chief of the Defence Staff, approached DND's own history directorate in the aftermath of Medusa to work on the Canadian Army official narrative. But efforts to have the Directorate of History and Heritage (DHH) write any form of contemporary history did not gain traction.

The gremlins of DHH are a saga in themselves. To make a long story short, the directorate simply did not engage in documentation of events that were as fresh as the dust and blood in southern Afghanistan. The army would need to turn elsewhere for this history and Sean Maloney was already a known quantity.



In the summer of 2007 Leslie invited Maloney to be the official historian. Maloney agreed on condition that no one would be allowed to interfere with his editorial control, such that would jeopardize the book's academic integrity. His other condition was that he have complete access both to materials and the battlefield.

Leslie agreed and Maloney was seconded to Army headquarters in 2007 by the Royal Military College to focus on the official history. A headquarters element in Kingston, the Directorate of Land Combat Development, would provide administrative support.

In late 2007 the Directorate of History and Heritage, perhaps responding to internal pressure, at last established the beginnings of a history project for all services of the armed forces serving in Afghanistan. Maloney was to be the Army's representative on this project.

However, this unwieldy DHH effort was short-lived. It began to falter in 2008 and was stone dead by early 2009. After this, Lt. Gen. Leslie directed Maloney to write the Army's official account. Given the position of DHH, who had apparently bitten off more than they could chew, and given the state of Crown publishing, the work was destined for a commercial publisher.

The intent could not have been more clear: the Commander of the Canadian Army did not want an internal propaganda piece. The narrative was to be academically sound — an unfettered, authoritative account of the war analogous to the official histories of the Canadian Army in the Second World War, brilliantly directed by C.P. Stacey.

Of course neither Leslie nor Maloney could know in 2009 that the combat mission would continue till 2011, or that Canada's soldiers would serve in southern Afghanistan until their withdrawal in 2014. The journey for this project forward of 2009 would be an organic one that would have to endure posting cycles — the coming and going of different personalities assuming administrative responsibility every couple of years, since that is how the Canadian Armed Forces operates.

With the appointment of Lt. Gen. Peter Devlin as Army Commander in 2011, the project faced a new hurdle. The writing of official history was an unfamiliar enterprise and Devlin needed to be convinced of its value. After being briefed by Maloney and reminded of the strategic import of getting our army's story on the record, Devlin fully endorsed it. He directed Col. Ian Hope, recently posted to headquarters as Director of Land Combat Development, to connect with Maloney and give the project renewed focus.

For example, as the commitment in Afghanistan grew longer after 2007, Lt. Gen. Leslie asked for a smaller book to cover the war up to that point. Hope and Maloney worked out a clear sense of priority that helped to shake out the smaller book. The result, entitled *War in Afghanistan: Eight*

Battles in the South, was published in 2012 by the Canadian Defence Academy. The smaller instalment completed, Maloney returned to the wider narrative.

The trail becomes murkier after Col. Hope's departure for Kabul in 2012 and Stuttgart in 2013. I have long believed the short duration of postings for senior officers erodes the ability of the Canadian officer corps to campaign. Postings are of course required for the full development of young officers and non-commissioned soldiers. But the micro-duration of postings for executive officers means that they seldom experience the impact of their own decisions — they are long gone before the other shoe drops — which in turn impairs the corporate leadership of a large initiative.

The official history is a prime example. The biases and actions of different personalities, rotating in and out of the work in progress, conspired to stymie the writing over the past decade and took a heavy toll on the author. Newly arriving officers seeking to put their own stamp on the project placed endless loops and hurdles in the author's way. Among these was an additional bureaucratic level of review of the manuscript — sending it out continually to an undisclosed number of unnamed readers for edit and comment.

This "editorial" process violated the original agreement between Maloney and the Army Commander and was out of the author's control. It was intolerable and no academic would accept such interference from his faculty, for example, as the emphasis at Headquarters shifted from providing helpful administrative support to overseeing and interfering in the shape and content of the work.

The message from above was that nothing could be tolerated in the material that might embarrass the army or the current army commander. The implication was that one incumbent commander, one section in a headquarters, somehow owned the entire story. It would be edited, sanitized, and curated to their liking or it would not exist. And once one commander finished his term, the process would begin all over again. To say that Maloney was bruised in the process would be an understatement.

The Stacey Volumes

One might like to believe that military historians, especially those who serve on the payroll of National Defence, collaborate professionally to get the job done. This seems to be far from the case. Why, for example, did the DHH not take on the role of recording and writing the history of our country's longest war when originally enlisted to do so? That was how matters were handled with the Second World War Official History. The current concern of a "politicized" DHH is to avoid offending other government departments or upsetting our allies. These are the wrong gods to serve when one pursues an accurate historical record. Where is that pressure coming from?

Given the length of Canada's war in Afghanistan and the breadth of what became Maloney's three-volume manuscript, comparisons with Stacey were inevitable. Indeed his weighty three-volume set and official summary, published by the King's Printer, was Lt. Gen. Leslie's inspiration, a yardstick rather than an exact model.

Col. Charles Perry Stacey was educated at the Universities of Toronto and Oxford and completed his doctorate at Princeton University in 1933. He went on to serve as an army signals officer in the Canadian Military Headquarters overseas in London during the Second World War, and afterwards as a Historical Officer.

Returning to Canada in 1945 he became the head of the Historical Section of the Canadian General Staff. In this capacity Stacey was the first director of what would later be merged into DHH. He presided over the narrative for the relatively fresh events of the Second World War with Vol. I, *Six Years of War: The Army in Canada, Britain and the Pacific,* which appeared in 1955.

Stacey was an accomplished historian and lecturer with a meticulous approach. This is not to imply that he always got it right but he strove to get it as right as he could. This is the

high duty of the historian, to do one's utmost and blaze the trail for others to follow.

The implication that Maloney was too critical of Canadian and allied commanders is strange, given the academic freedom the author was promised. Col. Stacey was unsparing in his criticisms when he judged that they were required.

The idea that an institution or a coterie of high-ranking individuals gets to control an official history, or that someone is afraid of upsetting bureaucrats in other departments or foreign governments, is alarming. Critical capacity is what makes Maloney's involvement valuable. It's not the job of one historian or one section in a headquarters, but rather legions of historians who add their contributions to the record, mediated through an author or authors with the skill, discipline, and independence to complete it. That is the point of academic freedom.

The biases and actions of different personalities, rotating in and out of the work in progress, conspired to stymie the writing over the past decade and took a heavy toll on the author.

Whither Bound?

At the end of all this, one has more questions than answers, serious concerns about leaving history in the hands of DHH and DND. Forget the army: our *country* has not been well served by the long delay. Just how poisonous can the Ottawa mentality get?

My impression is that the greatest impediment has been a lack of corporate staying power. If we cannot maintain the aim of publishing an official history, what hope do we have of prosecuting expeditionary campaigns?

The ego and "new broom sweeps clean" mentality, and rotation of faceless staff officers sometimes called the "iron majors" of the bureaucracy, has certainly played a role.

This egocentric tendency in Canada's higher military culture has a crippling effect on our officer corps. The army headquarters unit in Kingston was supposed to support the history. Instead they became the biggest monkeys on its back, inserting themselves as gatekeeper, erecting new barriers, moving goalposts, and kicking the heck out of Maloney as they blundered along.

To date, only a handful of English and French copies (800 of each) of the books have been printed and moved out noiselessly on internal distribution. Most have gone to quiet homes in army reserve units. It is doubtful that the balance of readers will have access to the hard copy in the present circumstances. Few will ever find the *Canadian Army in Afghanistan* on the public website entitled "Line of Sight" The three volumes are: Volume 1, *A Nation under Fire 2001 to 2006*; Volume II, Part 1, *Counter-Insurgency in Kandahar*; and Volume II, Part 2, *Counter-Insurgency in Kandahar*.*

Finally, why was there reluctance to publish online? It took external public attention to get that, and even then the army issued a gag order to serving soldiers not to spread the word or compare notes.

No one soldier, no single historian owns the record. Maloney's work was meant as an initial fractal and critical foundation, as any official history is. The book will have its strengths and weaknesses, and Maloney will own them as other historians add to the record.

The big loser in this bungled process are the many soldiers and civilians who had a hand in carrying the load. So many of our soldiers and their families sacrificed to serve our country. Their story should be shouted from the mountain tops, not punted into a corner.

* Link at: https://www.canada.ca/en/army/services/line-sight/articles/2023/11/the-canadian-army-in-afghanistan.html

John Pepall

Supreme Celebrity

Building Justice: Frank Iacobucci and the Life Cycles of Law. Shauna Van Praagh. University of Toronto Press, 2022.

I had heard of Frank Iacobucci as Dean of the law school at the University of Toronto and a Justice on the Supreme Court of Canada. His name cropped up in the news from time to time. It seemed worth knowing more about him.

This book is based on a Colloquium called "To be Frank" organized by Shauna Van Praagh at McGill University, where she has taught law for thirty years, to mark Iacobucci's 80th birthday in June 2017. Written contributions were received from people who had known him from his childhood in Vancouver to his post-judicial career. No *festschrift* was published, but Van Praagh kept the contributions and quotes their fulsome praise extensively.

Iacobucci likes to tell stories: his failed lemonade stand, his own-goal playing soccer, the day his family's nanny goat devoured Mrs. Brown the neighbour's garden. Van Praagh tells her own stories and many others. She quotes theorists of stories. As a doctoral student in 1992 she published an essay on "Stories in Law School" in the *Columbia Journal of Gender and Law*.

But this is not a biography. I picked up details of Iacobucci's full life on the fly amidst the stories, the praise, and much blather. I had to consult *Who's Who* to get them straight.

Iacobucci was born in Vancouver in 1937, the third of four children of Italian immigrants. He was a good student and graduated from high school with the bronze medal. He was a semi-pro soccer player. This leads to a page of quotations from *A Beautiful Game*. He studied commerce at the University of British Columbia and then went to the UBC law school in 1959 graduating in 1962 second in his class.

He then went to Cambridge University graduating in 1964 with an LLM and a Diploma in International Law. At Cambridge he met Nancy Eastham, a graduate of Harvard Law School from an established Massachusetts family. They were married on Halloween 1964. They moved to New York and practiced law at white shoe law firms.

In 1967 Martin Friedland, whom Iacobucci had met at Cambridge and who was already teaching law at the University of Toronto, suggested to his Dean, Caesar Wright,* that he hire Iacobucci to teach law. Wright called him and he accepted. Wright died shortly after and they never met.

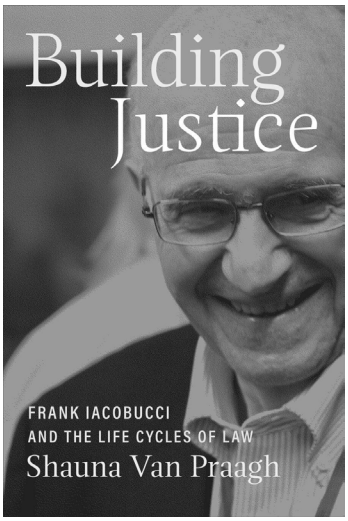
Rising to Associate Dean, in 1975 he became Vice-President Internal Affairs of the University and in 1979 Dean of the law school. In 1983 he became Provost of the University. In 1985 Brian Mulroney called and asked him to become Deputy Minister of Justice and Deputy Attorney-General of Canada. Mulroney called him again in 1988 to ask him to become Chief Justice of the Federal Court of Canada. And again in 1991 to join the Supreme Court of Canada, where he served until 2004.

Half of the judges who have served on the Supreme Court of Canada since Iacobucci was appointed have retired several years be-

* https://www.pepall.ca/2016/10/caesar-writes-case-viciousness-of-law.html

fore their compulsory retirement age of 75. In the United States, where there is no compulsory retirement age for Supreme Court judges, they famously carry on until they die or shortly before. In Canada Supreme Court justices look forward to a rich post-retirement career.

Upon his retirement Iacobucci served as Interim President of the University of Toronto for one year. He then joined the Bay Street law firm Torys as senior counsel. He served as a director of several public companies including Torstar, where he was Chairman, and Tim Hortons, where he was Lead Director when it was taken over by Burger King.



When he was not a judge he took on numerous assignments as a consultant to governments and public bodies. He served on the Ontario Securities Commission from 1982 to 1985. Automatically called to the Ontario bar after three years of teaching law, he did work for corporations while teaching. As my tax professor, the late Warren Grover, remarked, being a law professor is a great job: "part time work for full time pay."

His most important post-retirement role was as "federal representative" in the negotiations to settle the class actions brought on behalf of former students of residential schools in 2005. He described this as "the most satisfying task I have ever had as a lawyer."

What his terms of reference or authority were, on what basis of law or policy he proceeded to hand out billions of other people's money, we are not told. Eighteen years later there are still many who are not satisfied. But Iacobucci has continued to take on work in negotiating with and advising on policy for the indigenous.

The first case decided by Iacobucci on the Supreme Court of Canada mentioned by Van Praagh is *Waldick v Malcolm*, which concerned Malcolm's liability for injuries caused to his visiting neighbour by failure to salt his driveway. The legal issues are not analyzed. It's just a story. Van Praagh herself slipped on unsalted ice when visiting the Iacobuccis in Ottawa one Christmas. And Nancy Iacobucci disagreed with the judgment. Van Praagh does mention in passing the environmental damage done by overuse of salt resulting from courts' propensity to find liability for not using salt.

Another story is of a student who built up in her mind a picture of the first Japanese-Canadian judge on the basis that he was Yakabuchi, as she heard his name but had not read his judgments, where she would have seen how Iacobucci is spelt. She went on to clerk for Iacobucci.

Van Praagh returns regularly to the story of one of Iacobucci's undergraduate professors discouraging him from going into law because "He didn't have the right name." But she gives no evidence that his name held him back a minute in his brilliant career. She even writes that Iacobucci and Aharon Barak, the former President of the Supreme Court of Israel and apparently a close friend, had "parallel trajectories" as Iacobucci was the son of poor immigrants and Barak a Holocaust survivor.

Van Praagh's treatment of leading cases in which Iacobucci wrote judgments is so vague and high flown that it is impossible to assess the strength of his reasoning. They are all part of "Never-Ending Conversations: Dialogue, Dignity, and Doing the Right Thing."

"It's nothing but complicated," she writes. Going on to say, "Liberty and security, equality and autonomy: all are terms in law's vocabulary and all provide a portrait of the human beings for whom they are crucial defining notions. Frank might give the portrait the title *Human Dignity*."

Perhaps the most significant case in which Iacobucci wrote reasons was *Gladue*,

in which the Court had to give meaning to a racist amendment to *The Criminal Code* providing that judges in sentencing should pay "particular attention to the circumstances of Aboriginal offenders." Gladue's three-year sentence for manslaughter after a guilty plea was not overturned. But Iacobucci set out broad brush principles under which the whole history of the indigenous and their present condition must be taken into account in sentencing.

There is now one law for the indigenous and another for the rest of us.

In *Trinity Western University v. College of Teachers*, Iacobucci held that the College of Teachers could not refuse to certify Trinity Western graduates to teach because of its covenant requiring its students to refrain from "sexual sins including … homosexual behaviour…." Seventeen years later in *Trinity Western University v Law Society of Upper Canada* and *Law Society of British Columbia v Trinity Western University* a divided Court held that law societies were within their rights in denying admission to the bar to Trinity Western graduates. Van Praagh writes that Iacobucci "might be curious as to the implications…."

It is impossible to judge his work on the Supreme Court of Canada from this book. Neither the author nor her subject seem to have any concept of law.

Van Praagh does not write about *Rodrigues* in which Iacobucci formed part of the majority that held that there was no right to assisted suicide in *The Charter*. In *Carter* in 2015 the Court unanimously held that there is. There had been progress in the supposed science of law and the Court twenty-one years later was able to "Do the right thing."

Van Praagh met Iacobucci when he was Provost of the University of Toronto and was encouraged by him to go to law school. She is very enthusiastic about law schools, returning often to the excitement of the Dean's speech welcoming new students. One of the lies on which law schools are founded is that law school is not just a route to becoming a lawyer but a great general preparation for life. In dealing with the awkward fact that Nancy Iacobucci gave up her career when Frank came to Toronto to teach law, Van Praagh goes so far as to write that Nancy's legal education made her a good mother.

Now for my story. I went to law school to become a lawyer, like everyone who was there with me. Maybe one or two of us became law professors. Some became judges. Some failed to make a career in the law, though that was what they had wanted.

It was a tedious three years filled out with courses in areas in which I would never practise and a course in philosophy of law from the late Mad Michael Mandel, a Marxist who knew no more than I, a philosophy graduate, about philosophy of law, or Marx for that matter. That was actually a bit of fun.

In my last year the Dean, Harry Arthurs, whose writing on legal education Van Praagh cites, introduced first year courses on "perspectives on the law" on the pretext that "what lawyers do is tied up with people and society." In a letter to the student newspaper I characterized these as an "indulgence of the academic conceits of members of the faculty" and wrote:

> … first year students coming from years of studying subjects such as sociology, politics and economics or experience in the working world are probably the members of the law school the least in need of the perspective ostensibly offered by these courses. Many of them must be better equipped to keep the law in perspective than the faculty who teach them.

Van Praagh writes of "the need for appropriate limits on the involvement of

regulatory actors in the shaping of the content and form of legal education." The only reason law schools can keep cascades of money flowing through their halls is that they are gatekeepers to the bar. But the law societies should leave the professors free to do whatever they like.

The cataloguing information at the front of this book describes it as a biography. It would be more accurately described as a hagiography. Ironically, Van Praagh writes, "For any observer or commentator focused on a Supreme Court or on the body of jurisprudence generated by any one of its members, there is a risk of glorification or even something close to idolatry."

She even cites an article by the American appeals court judge and "public intellectual" Richard Posner warning against the risk of hagiography in writing of judges. Yuan Yi Zhu has written in these pages about the cult of judges in Canada.

Van Praagh is fond of the word "jurist." She uses it countless times in the book. Generally, it is just a fancy word for lawyers. But it has a narrower meaning carried into "juristocracy," a coinage describing the increasing rule of countries by judges, and the law professors who tell them what to do. Richard Posner, again, wrote in 2007 in *Atlantic* about Iacobucci's friend Aharon Barak as a would-be "Enlightened Despot" who "...created out of whole cloth ... a degree of judicial power undreamed of even by our most aggressive Supreme Court justices." Prior to the October 7 attack by Hamas, Israel was convulsed by protests over measures brought forward in the Knesset to rein in the power of the enlightened despots on its Supreme Court.

Frank Iacobucci is well liked. He has given satisfaction in a great many jobs. It is impossible to judge his work on the Supreme Court of Canada from this book. Neither the author nor her subject seem to have any concept of law.

In February 2023 Shauna Van Praagh was appointed Chair of the revived Law Reform Commission of Canada.

'The Precious Thing'

On Sara Jeannette Duncan's Murchisons of Elgin

JANICE FIAMENGO

In *The Imperialist*, published in 1904, Sara Jeannette Duncan has two characters debate which is best: Canada or Great Britain. Advena Murchison, born in Elgin, Ontario, champions Britain for its civilization — not the mere products, which Canada has in abundance, but "the thing itself, the precious thing," which she sums up as "the art of indifference, the art of choice" (137).* Hugh Finlay, a recent immigrant to Ontario from Scotland, prefers Canada's fresh start, its "freedom from old habits" and from "inherited problems" (138).

It is a dialogue in which each character is speaking about the other person as much as about nations. Advena loves Hugh for his moral seriousness; Hugh loves Advena for her free spirit and sincerity. Their clash of perspectives is comic and unifying, with a dash of irony. As Hugh rhapsodizes about "the splendid, buoyant, unused air to breathe, and the simplicity of life, and the plenty of things," Advena quips, "I am to be consoled because apples are cheap" (139). In fact, the two idealists, holding both Britain and Canada in high regard, do not seriously disagree.

Sara Jeannette Duncan (1861-1922) was one of Canada's most significant 19th-century authors. Having lived in Canada as well as India, she had long been interested in national character types and the possibility of a mutually enriching relationship between Canada and Britain. In "Imperial Sentiment in Canada," which appeared in *The Indian Daily News*, Oct. 7, 1896, she had been pleased to report on a new policy initiative of the recently-elected Liberal Party in Canada under Wilfrid Laurier. Laurier had declared himself in favour of Imperial Federation, thus claiming for the Liberals what had long been thought a defining feature of the Conservative Party under Sir John A. Macdonald: loyalty to the mother country.

As championed by Joseph Chamberlain, Secretary of State for the Colonies, Imperial Federation was a plan for economic and political partnership between Britain and her former and present colonies, in which trading relations and defence would be directed for the benefit of all from an Imperial parliament in London that included representatives from the federated states. In essence, it would be a modernized empire, a working family of British nations. Various schemes for the federation were promoted by groups throughout the Empire during the 1890s and early 1900s. None was ever successfully put into effect.

Imperial unity is the subject of *The Imperialist*, Duncan's novel about Canada and its future. Will Canada retain and strengthen its British character? Or will it move in another direction, perhaps closer to the United States through free trade? Duncan's young

* Page numbers are from the McClelland & Stewart edition, 1990.

JANICE FIAMENGO *was Professor of English at the University of Ottawa for 16 years, specializing in 19th century British and Canadian literature. She published* Sons of Feminism: Men Have Their Say *in 2018, and later presented "The Fiamengo File" online against academic feminism.*

hero, Lorne Murchison, accepts an invitation to stand for the Liberal Party in what is expected to be a close-fought by-election in the fictional manufacturing town of Elgin, in Fox County, which the Liberals have held for many years.

Elgin was closely based on Duncan's home town of Brantford, with characters modelled on her family and friends. Lorne is a fervent imperialist, believing that Britain has developed "the finest human product there is, the cleanest, the most disinterested" (123), and that Canada is ready to take on the mantle of British principles in the young country's more vigorous, practical setting. "In the scrolls of the future," he predicts, "it is already written that the centre of the Empire must shift — and where, if not to Canada?" (302).

Following the course of Lorne's political fortunes, the novel offers a window onto an Upper Canadian vision of Empire from a medium-size Ontario town — and an argument for preserving the British connection. It is one of the few serious Canadian novels written before the First World War to have withstood the passage of time.

THE NOVEL SHOWS how Lorne's eloquent conceptions are hampered, not only by corrupt practices on voting day itself — which necessitate the nullification of his slim victory and the calling of a second vote — but also by the general unwillingness or inability of most of his fellow Ontarians to appreciate his vision. Some recognize the power of Lorne's idea, but are dubious about its application. The farmers of Fox County, promised a large market in England for their produce, find it hard to believe that Britain will honor its commitments; and the Conservative candidate, Walter Winter, vigorously sows doubt.

Elgin's manufacturers, such as the owner of the Elgin boiler works, Octavius Milburn, himself a beneficiary of protective tariffs under Macdonald's National Policy, are not pleased at the thought of competition from British manufactured goods ("Imperial union is very nice to talk about," Milburn hedges, "but when you come down to hard fact it's Australia for the Australians, Canada for the Canadians, Africa for the Africans, every time'" [278]). Even Lorne's father, though responsive to his son's "allegiance to the old land" (345) and sympathetic to imperial federation in principle, is "alive to the difficulties involved" (345), objecting to Lorne's advocacy of common taxation for defence: "The colonies will never send money to be squandered by the London War Office. We'll defend ourselves, as soon as we can manage it, and buy our own guns and our own cruisers. We're better business people than they are, and we know it" (166).

As election day approaches, Lorne's campaign advisors lose confidence in the power of the imperial idea to translate into votes, cautioning Lorne to leave Empire in the background of policy discussions. He is instructed to "stick to old Reform principles — clean administration, generous railway policy, sympathetic labour legislation, and freeze himself a little on imperial love and attachment" (294). At the federal level, the Prime Minister himself (never named, but obviously Laurier) has apparently cooled on the prospect: "The old man's got to think of Quebec, where his fat little majority lives" (294) is the blunt explanation by one of Lorne's team — a good insight into an Ontarian's view of Liberal tactics in Quebec.

"We of the young countries," the narrator sums up, "must be invited to deeds, not theories, of which we have a restless impatience" (294). Lorne accepts his campaign team's

advice, but on the night of his final speech to the electors of Fox County, he cannot prevent himself from giving voice to what the novel calls his "jehad" (300), his holy war for Imperial brotherhood. It doesn't quite cost him the election, but it results in a much-reduced majority. Having earned the reputation that, as an advisor put it, "you would not hesitate to put Canada to some material loss, or at least to postpone her development in various important directions, for the sake of the imperial connection" (348), he is persuaded to withdraw his candidacy before the second election.

Though critical of Lorne's impetuousness, Duncan seems to have agreed with her character on the question of the Empire. She was well aware of the problems inherent in imperial rule: her novel *Set in Authority* is about the politics of the Indian Raj. But Duncan loved Britain and believed Canada was rightly grateful. "We owe more to Britain than we are ever likely to repay," she wrote in *The Week* in 1887 (she could hardly then have foreseen Canada's sacrifice from 1914 to 1918). In the same article, she defended Canadian uniqueness, its greater openness and social freedom, just as Lorne does in the novel.

Writing of Government House (Rideau Hall), the official residence in Ottawa of the monarch and the monarch's representative, she emphasized allegiance alongside national difference, declaring that "Such old-world practices as obtain there we rather rejoice to see, feeling again in their dignity the bond of connection with the most dignified of commonwealths, and in their great incongruity, assurance that they never can become indigenous."* Britain is "rich with character and strong with conduct and hoary with ideals," as Lorne affirms (123), but Canada has its own vitality.

Duncan was herself a good sample of the Canadian product, a brilliant, versatile writer who jubilantly nominated the late 19th century a "golden age for girls, full of new interests and new opportunities."† She had made her name as a very young woman by reporting on the 1884 New Orleans Cotton Centennial for local newspapers. Thereafter she was invited to write a regular column at *The Globe* of Toronto.

Later, she became the literary reviewer for the *Washington Post* and worked as parliamentary correspondent in Ottawa for the Montreal *Star*. She wrote intelligently on a wide range of subjects. In 1888, she and fellow journalist Lily Lewis travelled around the world to showcase their feminine gumption, publishing dispatches from exotic locales in the *Star*. Duncan collected observations from the trip into a book called *A Social Departure: How Orthodocia and I Went Around the World by Ourselves* (1890), which became a bestseller.

It was on the world tour, in Calcutta, that she met her future husband, Everard Cotes, and married him a year later. Cotes was British, a civil servant and newspaper editor. In Calcutta and the hill town of Simla, where they lived for the next 25 years, Duncan published many novels about Indian colonial society, including *The Simple Adventures of a Memsahib* (1893), *Set in Authority* (1906), and *The Burnt Offering* (1909). She also wrote a number of comedies of manners set in London, and maintained her political and journalistic interests, sometimes contributing articles to the newspapers her husband edited. *The Imperialist*, written after she had lived away from Canada for over a decade, was her only thoroughly Canadian work of fiction, and is considered her best: incisive and assured, sympathetic and caustic.

Like other imperialists of her time, Duncan saw Canada's place in the Empire as fully commensurate with a distinctive national identity. *Colonial* was not a pejorative because imperial loyalty did not in any manner lessen love of one's home country. University of Toronto historian Carl Berger explained this dual and complementary nationalism in *The Sense of Power: Studies in the Ideas of Canadian Imperialism, 1867-1914*, published in 1970.

The second chapter of *The Imperialist* introduces two of Elgin's patriarchs, John Murchison (father of Lorne, probably based on

* "Our Latent Loyalty," *The Week*, May 26, 1887.

† "How An American Girl Became a Journalist," unknown origin, Yale University.

Duncan's father) and Dr. Drummond (based on William Cochrane, pastor of Brantford's Zion Church), both immigrants from Scotland: the former a businessman who manufactures stoves and the other the town's Presbyterian minister. Duncan uses an economic metaphor to describe their contribution to their chosen country as "the frankest transfer, without thought of return; they were there to spend and be spent [...] with no ambition beyond" (16). Even as her description highlights the profundity of their personal offering ("In the course of nature, even their bones and their memories would enter into the fabric" [16]), she also stresses "the undercurrent of the old allegiance. They had gone the length of their tether, but the tether was always there" (16). And rightly so. Loyalty is a virtue, along with other typically Scots attributes such as thrift, respectability, self-reliance, stoicism, and even self-deprecation, which Duncan highlighted as central to what is best in the Canadian mindset.

Duncan saw Canada's place in the Empire as fully commensurate with a distinctive national identity. 'Colonial' was not a pejorative.

Loyalty to Britain could at times be vague and critical. In the novel, a Canadian delegation to England to discuss improved trade relations is made up of many expatriate Britons who now find life in the old country stolid and shrivelled. "They agreed [...] that England was a good country to leave early; and you cannot blame them — there was not one of them who did not offer in his actual person proof of what he said" (147). Each man has done well for himself and is sorry — but also self-satisfied — to see English relatives "living in a small way" (147) or "failing, with a stooping, trembling, old-fashioned kind of decrepitude, a rigidity of body and mind which somehow one didn't see much over home" (147).

Duncan is at pains to describe what one does find "over home," what made life in Ontario better. At one point, she offers an extended analysis of "social principles in Elgin" (51) that shows how much the new country has erased the old "lines of [social] demarcation" (51) in the "bright freedom" (52) of the new nation. On another occasion, as Lorne talks with an old school friend from the Elgin Collegiate Institute (the local high school), Duncan's narrator commends "education in a new country" as a powerful force that allows the individual to make himself: "you went in as your simple opportunities had made you; how you shaped coming out depended upon what was hidden in the core of you" (92).

Duncan's portrait of Canada is not without criticism. As Advena Murchison had protested to Hugh Finlay, Canada's youth and practicality mean that finer cultural elements are missing. Elgin boasts "a collegiate institute, eleven churches, two newspapers, and an asylum for the deaf and dumb"(22), but at the same time, "The arts conspired to be absent; letters resided at the nearest university city; science was imported as required, in practical improvements" (69-70).

Elgin's concentration on the "immediate, the vital, [and] the municipal" too often partakes of "the ferocious, of the inflexible, of the unintelligent" (70). Moreover, individuality, difference, and imagination are not welcome: "No one could dream with impunity in Elgin, except in bed" (49), and "a difference is the one thing a small community, accustomed comfortably to scan its own intelligible averages, will not tolerate" (47-48). It is this inflexibility and distrust, this suspicion of dreamers, that Lorne encounters when he attempts to inspire his fellow countrymen with his vision of a greater Canada.

Lorne's vision is at once too traditional for a go-ahead manufacturing town and too radical for a cautious, conventional people. In Lorne's telling, England would remain "the heart of the Empire, the conscience of the

world, and the Mecca of the race" (158), but in time — perhaps in the near future — Canada would take up the central position in a reconceived geopolitical order. "Doesn't there come a time in the history of most families," Lorne proposes to Alfred Hesketh, an Englishman who has come to Canada to consider prospects there, "when the old folks look to the sons and daughters to keep them in touch with the times?" (155).

Canada has the agricultural land, the mineral wealth, the industries, the enterprising spirit, the practical good sense, and the will that come with "mak[ing] [one's] own living" (111), in Lorne's father's phrase. These it has in common with the Americans of the United States, but unlike the United States, Canada has not (yet) rejected its founding:

> The Americans from the beginning went in a spirit of revolt; the seed of disaffection was in every Puritan bosom. We from the beginning went in a spirit of amity, forgetting nothing, disavowing nothing (307).

It is this different spirit — the continued recognition of ideals of ordered liberty, public service, and honor that no country should forsake — that Lorne's election speech seeks to confirm. It is a rousing speech, well worth reading as a set piece, but it is a mistake as a piece of campaigning. Though it inspires a few who were already inclined that way (Dr. Drummond clapped first and longest at various pauses), it discomfited more, especially in making economic interests secondary to principle.

"The question of the hour," Lorne insists,

> is deeper than any balance of trade can indicate, wider than any department of statistics can prove. We cannot calculate it in terms of pig-iron, or reduce it to any formula of consumption. The question that underlies this decision for Canada is that of the whole stamp and character of her future existence. Is that stamp and character to be impressed by the American Republic effacing [...] the old Queen's head and the new King's oath? Or is it to be our own stamp and character, acquired in the rugged discipline of our colonial youth, and developed in the national usage of the British Empire. (307)

To choose the American route, Lorne vows, might mean economic advantage, but its damage to the Canadian character would be incalculable. Unfortunately for Lorne (and perhaps for Canada), a locally-focused electorate, a group for whom "it made too much difference on both sides whether potatoes were twelve or fifteen cents a peck" (89), could not follow him there.

In the comic-realist world of *The Imperialist*, ideals and idealists are often defeated by real-world exigencies. Lorne's political failure parallels his failed love affair with Dora Milburn, daughter of Octavius Milburn, the man too focused on guaranteeing his boiler works' profits to vote for Imperial unity. Like her father, Dora is ultimately too focussed on her own interests to remain true to Lorne when a wealthy dullard from England presents a more profitable marital alternative. Lorne's ability to maintain a fervent commitment to an entirely unworthy love object raises doubts about the viability of his imperial passions as well.

But then, it's not clear what readers are to make of Lorne's political failure. Does it embody Duncan's recognition that honourable ideals would likely not take root in a phlegmatic, business-oriented Canada made up of small communities — and that Canada's destiny was likely closer alignment, economically and culturally, with the energetic Republic to the south?

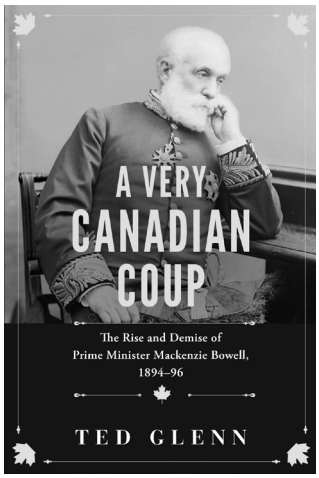
Or did she intend merely to signal that Canada's future path could not yet be predicted? Over a century later, one is struck by Duncan's certainty that the British character of English Canada (Duncan was not interested in the French side), with a proud history and vital present, could be delineated in clear lines of hope and affectionate criticism. The idea that future leaders would disavow that history and apologize for Canada's past — or even claim that the country had no identity (and that this was a good thing) — would have struck her as nothing short of lunatic.

Sir Mackenzie Rides Again

James W.J. Bowden *on the minor revival of interest in the fifth prime minister*

A Very Canadian Coup: The Rise and Demise of Prime Minister Mackenzie Bowell, 1894-1896. Ted Glenn. Dundurn, 2022.

Sir Mackenzie Bowell has enjoyed something of a resurgence in recent years, with two books on this comparatively obscure figure in as many years. He held the premiership from 1894 to 1896 and was Canada's second and last Senator Prime Minister (the first was his immediate predecessor but one, Sir J.J.C. Abbott). Barry Wilson's comprehensive political biography *Sir Mackenzie Bowell: A Prime Minister Forgotten by History* appeared in 2021 (Reviewed in "Well-Earned Obscurity," The Dorchester Review, Autumn-Winter 2022), and Dundurn Press has followed with Ted Glenn's coverage of the Manitoba Schools Question and Bowell's short premiership in *A Very Canadian Coup: The Rise and Demise of Prime Minister Mackenzie Bowell, 1894-1896* in 2022. More remarkably still, the two books ostensibly have no connection to one another at all and seem to have both sprung from the ether independently, given that Glenn neither cites nor mentions Wilson. However, Glenn still echoes Wilson and aims to fill in the same gaps in the historical record by dispelling biassed contemporary accounts against Bowell, chiefly Lady Aberdeen's Canadian diaries.



Glenn writes some parts of *A Very Canadian Coup* as if it were a work of historical fiction or the New Journalism, using quotes lifted from newspapers to reconstruct a dialogue between his "cast" and filling in the gaps with his own narrative. But other sections read more like a standard scholarly monograph, except that Glenn does not assign numbered endnotes to any of them. He cites some secondary sources on the Manitoba Schools Question and Canadian politics in the 1890s and a smattering of *Hansard* from the House of Commons and Senate. He wrote what he regards as "a fair representation of the life and times of Prime Minister Mackenzie Bowell and Canada's Sixth Ministry" by incorporating the columns of parliamentary correspondents of the era: Fred Cook of the *Toronto Empire*, Arnoot Magurn of the Toronto *Globe*, and Robert MacLeod of the *Ottawa Citizen*. He cites reporters from other provinces and newspapers where necessary. As Glenn explains:

> Quotation marks are used when conversations are attributable to a specific source (e.g., Fred Cook's account of Bowell receiving news of Thompson's death) and left out where the content of the conversation is known but exact dialogue is not (e.g., when Bowell informs Annie Thompson of her husband's death). To streamline the text, all attribution, and any additional explanada [sic], are included in the Sources.

Glenn begins with the "cast" of 29 public officials and wives who figure in Bowell's premiership, including Governor General Lord Aberdeen, Lady Aberdeen, Sir Charles Tupper the Elder (Prime Minister in 1896, after Bowell), Sir Charles Tupper the Younger (law partner of Sir Robert Borden, the future Prime Minister), and cabinet ministers.

He also provides a timeline of the Manitoba Schools Question from Mar. 31, 1890, when the legislature abolished French Catholic separate schools, to Nov. 16, 1896, when Prime Minister Sir Wilfrid Laurier and Premier Thomas Greenway supposedly "resolved" the whole issue.

Glenn then devotes nine chapters to covering Bowell's career from Aug. 1894 to May 1896. "Sans Souci" covers the day when news of Prime Minister Sir John Thompson's death at Windsor Castle reaches Ottawa. "Halifax" covers Thompson's funeral in Dec. 1894, and "Ides" details the statutes and subsequent litigation which make up the Manitoba Schools Question. "Blazing Heather" showcases Bowell's indecision and dithering throughout 1895 as the Conservative Party comes apart at the seams over the Manitoba Schools Question, while "Friendly Negotiations" recounts Bowell's failed attempts to persuade Premier Greenway to reverse course and restore separate Catholic schools, as well as Bowell's tour of the West that summer.

"Coup" describes the machinations of Dec. 1895 and Jan. 1896. "Anew" shows how Tupper as Leader of the Government in the House of Commons and de facto Prime Minister in early 1896 cynically sabotaged the Remedial Bill in the last zombie session of the 7th Parliament, which reached its maximum life the last week of April. Finally, "Coda" recounts how the Conservatives lost the election in 1896 (though it does not delve into how Lord Aberdeen forced Tupper's resignation by refusing to sign off on some outgoing appointments), mentions that Bowell and Tupper remained friends and travelled to British Columbia together in 1897, and then skips to Bowell's death in 1917, two years after Tupper.

Caretaker Premier

In the chapter called "Sans Souci," Glenn introduces Bowell at the time in August 1894 when Senator William Sanford invited Bowell and Thompson to his cottage on Georgian Bay. (There is a photograph of them smiling broadly together.) We next meet Bowell on that "Black Day" of Dec. 12, 1894 when, while serving as Acting Prime Minister during Thompson's visit to Europe, Bowell receives with incredulity a telegram informing him that Thompson had died at Windsor. The chapter covers the events of the next week when Bowell gathers support amongst Conservative MPs and Governor General Aberdeen decides to commission Acting Prime Minister Bowell formally as the next Prime Minister on Dec. 18, 1896.

The Governors General across the British Empire in those days served as Imperial officers responsible directly to the Colonial Secretary; the constitutional autonomy of the Dominions and the multiplication of the Imperial Crown into a personal union would not emerge until 1917 at the earliest and even then take another fifteen years to develop.

Aberdeen therefore thought nothing of cabling his superior, Colonial Secretary Lord Ripon, and asking his advice on whom he should appoint. Aberdeen agonized: "Doubtful which has the most following or which would be preferred as leader by party in coming elections. … I go to Ottawa tomorrow morning. Please telegraph instructions."*

Ripon replied to Aberdeen later that day:

> This is not an occasion on which instructions can be given by Her Majesty's government. But my advice as a friend is to ask the acting Premier after consultation with his colleagues to come and advise you as to whom you should send for to form an administration. This is preferable to your making any independent selection.
>
> This all comes down to practical necessity. Governors must above all guarantee Responsible Government by appointing a duly-con-

* It may be that Mackenzie King in 1926 asked Lord Byng to cable London for instructions before refusing King's advice to dissolve Parliament and forcing King's resignation, partially based on legitimate precedent (and not solely from cynical political calculation), given that the Succession Crisis of the 1890s and Aberdeen's dismissal of Tupper in 1896 — albeit 30 years earlier — served as the most recent Canadian precedents for appointing and dismissing a prime minister.

stituted ministry which commands the confidence of a majority in the House of Commons and can therefore obtain supply and carry out the King's business.

Ministries formally depend upon the tenure of the prime minister and therefore formally dissolve upon his or her resignation, dismissal, or death. But in the two relevant Canadian precedents from 1891 and 1893, a rump cabinet remains in place after a prime minister dies. The Governor must by necessity consult with this rump cabinet before he appoints a new prime minister, especially when the parliamentary party has not established clear procedures on electing its own leaders.

Ministries formally depend upon the tenure of the prime minister and therefore formally dissolve upon his or her resignation, dismissal, or death.

Today, both the Conservative and Liberal Parties have established some rules over how they would handle the death of their leaders, though neither party's constitution mentions the possibility that a leader who dies could also have been the prime minister. The Conservative Party tasks the parliamentary party with electing only an interim leader who cannot run in the subsequent leadership election if the previous leader dies in office,† while the Liberal Party's National Board of Directors would appoint an interim leader in consultation with the parliamentary party on the death of the previous leader.‡ The Governor General would presumably have to appoint the new interim party leader as the new prime minister if that party held a majority in the Commons.

Glenn argues that Lord Aberdeen ultimately decided to ask Bowell because he had proven himself a capable Minister of Customs from 1878 to 1892, ably organized the Second Colonial Conference in Ottawa, and had already served as Acting Prime Minister for three months of Abbott's premiership in 1892, for five months in place of Thompson in 1893, and most recently again for Thompson for six weeks in November and December 1894 up to the moment of Thompson's shocking death at the luncheon table with Queen Victoria. Bowell's personal conduct also never caused a scandal, and he enjoyed a reputation for avuncular affability. In short, he seemed to make the perfect caretaker and transitional Senator-Prime Minister.

Glenn describes Bowell throughout as a "caretaker" and contemporary accounts support this claim. For instance, the *Globe* described Bowell in December 1894 as "the assignee [of] an insolvent estate" who should "wind it up with as little disaster as possible, but not engage in new enterprises." Bowell pledged to Fred Cook of the *Ottawa Citizen*: "The old party will carry out the old policy and follow the lines laid down by Sir John Thompson."

Today, inertia and deliberately not undertaking new initiatives form the basis of the Caretaker Convention, and our 19th century forebears understood the concept as readily as we do, even if they did not call it "caretaker government" *per se*. The Privy Council Office today says that caretaker governments should restrict themselves "in matters of policy, expenditure and appointments" to the "routine, or non-controversial, or urgent and in the public interest, or reversible by a new government without undue cost or disruption, or agreed to by opposition parties (in those cases where consultation is appropriate)."§

Bowell became prime minister just a few days shy of its 71st birthday, and Glenn

† *Conservative Party of Canada: Constitution*, 18 March 2021, at section 10.8.1.

‡ Liberal Party of Canada: Constitution, 28 May 2016, at section 44(d)(i).

§ Privy Council Office, *Guidelines on the Conduct of Ministers, Secretaries of State, Exempt Staff and Public Servants During an Election* (Ottawa: Her Majesty the Queen in Right of Canada, Aug. 2021).

peppers these chapters with references to Bowell's sickness and persistent cough, as if Bowell's ill health in late 1894 and early 1895 confirmed him as a mere caretaker and placeholder who could soon suffer the same fate as Thompson, who died in office, or Sir John Abbott, who resigned in ill health in 1892 and died a few months later.

Bowell's cough carried over into January 1895, an inauspicious start that forced him to postpone vital cabinet meetings that month when he and his colleagues might have discussed advising the Governor General to dissolve parliament and call a general election. At this stage, Bowell seemed emblematic of the tired old Conservative dynasty continuously in power since 1878, though he in fact lived to the age of 93 and died in 1917.

Glenn writes as if Bowell's persistent cough and ill health in late 1894 and early 1895 confirmed him as a mere caretaker and placeholder.

Clinging to Power: 1895

On Feb. 16, 1895, Bowell began a pattern of deferring important decisions and refusing to exercise his prerogative to call the consensus of cabinet, which failed to agree on whether to hold an election that spring. Only Sir Charles Tupper the Younger, then Minister of Justice and Attorney General, favoured going to an election in 1895 and running in favour of Remedial Legislation to resolve the Manitoba Schools Question.

Bowell told reporters that evening that he had no announcement on dissolution and the election either way. Even the Governor General pressed Bowell for a firm timeline on dissolving parliament, asking for "a few lines indicating the main points of any decision that may be arrived at regarding the question of a Dissolution." Bowell agreed to provide a list of considerations on dissolving parliament but emphasized: "I am not in a position to indicate the time of dissolution, for the reason that no time was fixed." The passive voice here betrays Bowell's weakness. Cabinet discussed the timing of the general election once more on Mar. 21, 1895, and Bowell seems to have agreed that they would go to the polls in spring.

But Bowell admitted in response to a letter from Tupper the Younger on Mar. 24, 1895 that he had changed his mind. Bowell justified his decision on the grounds that the prime minister alone, not cabinet as a whole, decides when to advise the Governor General to dissolve parliament. Incidentally, if even the ineffectual "Bottler" Bowell (See my previous review, "Well-Earned Obscurity") could so casually assert prime ministerial authority over dissolving parliament in 1895, this suggests that when Tupper the Elder issued the first iteration of an Order-in-Council in May 1896 declaring "the dissolution and convocation of parliament" one of "the special prerogatives of the Prime Minister," he merely put it in writing and made official the existing and well-recognised practices of the era and did not assert anything radical or new.*

The centrality and paramountcy of the prime minister over other ministers goes back to Confederation and ultimately derives from the deliberate policy that Lord Monck, the Governor General, expressed in his instructions to John A. Macdonald from May 1867 and which Macdonald then implemented as Prime Minister over the course of the next two decades.†

By November 1895, the cabinet remained hopelessly divided on how to deal with the Manitoba Schools Question and had grown increasingly restless over Bowell's ineffectual leadership. Arthur Rupert Dickey, the Minister of Militia and Defence, cabled Tupper the Elder (then still Canada's trade representa-

* Privy Council Office, Order-in-Council P.C. 1896-1853, "Functions of the Prime Minister," 1 May 1896.
† Joseph Pope, editor, "Letter from Governor-General the Viscount Monck to the Hon. John A. Macdonald, London, May 24, 1867," in *Correspondence of Sir John Macdonald* (Doubleday, 1921), p. 46.

tive in London) and begged him to return to Canada and save the Conservative Party from Bowell.

Senator Auguste Réal Angers resigned from cabinet on July 12, 1895 in protest because he sought a Remedial Bill immediately, and Bowell had still not replaced him by November. In December, British Columbia's six Conservative MPs threatened to rebel and vote against a Remedial Bill. Bowell bought them off by appointing their ringleader, Edward Prior, as "Controller of Inland Revenue, Privy Councillor, and member of Cabinet" on Dec. 17, 1895 even though Controllers were statutory officers who reported to the Minister of Trade and Commerce. In yet another desperate attempt to stave off defeat, Bowell created a logical and constitutional contradiction by elevating a mere statutory officer to cabinet and making him equal to his superior.

According to Glenn, the "caballing" got underway in earnest on Dec. 16, 1895, one day before Bowell bought off Prior. Tupper the Elder returned to Ottawa and met in secret with Arthur Dickey, John Graham Haggart (Minister of Railways and Canals), Walter Montague (Minister of Agriculture), Charles Tupper the Younger (Minister of Justice and Attorney General), and John Wood (who became Controller of Customs on Christmas Eve in another contradictory appointment). Tupper the Elder wanted to persuade Bowell to tender his resignation to Aberdeen, with the expectation that Bowell would then informally recommend that His Excellency appoint Tupper as the next prime minister. On Jan. 3, 1896, Haggart and Montague met Bowell and tried to persuade him to resign and make way for Tupper the Elder, but Bowell stubbornly refused. Here Glenn gets some dates wrong. He says that cabinet met that same day (Jan. 3, 1896) to discuss the case of F.V. Shortis and whether they should advise the Governor General to commute his death sentence. In fact, cabinet had already met to discuss this question in a Dec. 30-31 sitting after which Aberdeen issued an Order-in-Council commuting Shortis' sentence to life imprisonment on New Year's Eve. (Shortis would have otherwise faced the gallows on Jan. 3, 1896).

Tupper the Younger argued that the capital sentence of Valentine Shortis, who murdered two of his co-workers in Montreal, should stand and that cabinet should not advise the Governor General to commute his sentence under the royal prerogative of mercy. Cabinet debated the issue for many hours. Instead of exercising his prime ministerial authority to call the consensus of cabinet and make a decision, Bowell took a vote – as if cabinet operated on simple majorities like the House of Commons – which produced a tie and deadlock.‡ Bowell then took the extraordinary step of abdicating collective ministerial responsibility, inverting all the precepts of Responsible Government, and *de facto* advised Aberdeen to exercise the royal prerogative of mercy at his own discretion.

In formal terms, cabinet advised that it had no advice and sent Aberdeen a cover page and a memorandum from the Department of Justice explaining the background to Shortis's case but not a recommendation. Owing largely to Edward Blake, the Minister of Justice under Alexander Mackenzie's ministry (1874-78), the *Letters Patent Constituting the Office of Governor-General of the Dominion of Canada of 1878* expressly removed the royal prerogative of mercy from the classes of subjects under which the Governor General acted either on the instructions of the Colonial Secretary or his own initiative and placed it under the administrative responsibility of Canadian ministers.§

Bowell and cabinet left Aberdeen with no option but to exercise his own discretion because they refused to provide any ministerial advice, and Aberdeen chose to commute Shortis through Order-in-Council 1895-3883:

> Memorandum re: Capital Case of Francis Valentine Cuthbert Shortis

‡ Barry K. Wilson, *Sir Mackenzie Bowell: A Canadian Prime Minister Forgotten by History* (Loose Cannon Press, 2021), 210.

§ Barbara Messamore, "Character, Context, and the Constitution: Dufferin, Edward Blake, and the Role of the Governor General," ch. 9 in *Canada's Governors General: Biography and Constitutional Evolution, 1847-1878* (University of Toronto Press, 2006), p. 189-213.

> The case of this prisoner convicted at Beauharnois of the crime of murder and sentenced to be executed on Friday, the 3rd [of] January 1896 having been several times fully considered by Council on the Reports of the Trial Judges, the evidence given at the trial and several petitions and testimonials praying for commutation of the death sentence and having been submitted to me without any recommendation of Council as is the carrying out of the death sentence. I thought it my duty to lay the facts before Her Majesty's Government. Acting upon the advice of Her Majesty's Government (in such circumstances it is my duty to act in such manner as seems to me most fitting) have come to the conclusion that the case is one in which I should exercise accordingly my own judgement.
>
> Under all the circumstances of the case, I have decided to commute the sentence of death passed upon Shortis to life imprisonment in the St. Vincent de Paul Penitentiary as a criminal lunatic. The Department of the Secretary of State will please prepare the necessary Warrants and other such steps as may be requisite to carry out this decision.
>
> Government House
> Ottawa
> 31 December 1895"*

Bowell surrendered the principle of Responsible Government and set back Canada's constitutional evolution by half a century simply because he lacked the will to make a difficult choice.

To Resign and Unresign

On the evening of Jan. 3, 1896, George Foster, Minister of Finance and Receiver General, and Haggart met the Governor General immediately after Bowell had left Rideau Hall and informed His Excellency that they and five of their colleagues had lost confidence in Bowell. The Seven Bolters believed that their ministry could not secure passage of the Address-in-Reply to the Speech from the Throne and wanted to see Tupper the Elder appointed as Bowell's successor. Tupper the Elder met with Bowell on the evening of Jan. 4, 1896 and by Glenn's account almost persuaded Bowell to resign until Foster's private secretary entered the room and handed Bowell a letter of resignation from the Seven Bolters. Bowell, proud and stubborn, resented being forced out of office. The joint letter of resignation from seven cabinet ministers only triggered his obduracy and strengthened his resolve to cling to power.

The Privy Council Office's *Guide to Ministries Since Confederation* indicates that the Seven Bolters left cabinet effective Jan. 5, 1896. However, six of these seven would end up returning 10 days later.†

In the interim, Bowell had gathered his loyalists into an inner cabinet and assigned them additional acting appointments. Senator Alphonse Desjardins joined the re-constructed ministry on the condition that he sign a memorandum which committed him to giving a lobby of Manitoban Catholics a veto over the content of the Remedial Bill. This only weakened Bowell yet further. On Jan. 5, 1896, Montague resigned as Minister of Agriculture, John Wood resigned as Controller of Customs, Foster resigned as Minister of Finance and Receiver General, Haggart resigned as Minister of Railways and Canals, and William Ives resigned as Minister of Trade and Commerce, but they all returned not only to cabinet but also to their same portfolios on Jan. 15, 1896 — as if nothing had happened. Charles Tupper the Younger resigned as Minister of Justice and Attorney General on Jan. 5, 1896 and did not return to cabinet, instead allowing his father to take his place. Dickey resigned as Minister of Militia and Defence on Jan. 5, 1896 and returned to the reconstructed ministry ten days later as the new Minister of Justice and Attorney General. Senator Desjardins then took the defence portfolio on Jan. 15, 1896.

* Privy Council Office, Order-in-Council P.C. 1895-3883: "Capital case - Memo from the Governor General 1895/12/31 setting forth that he has commuted the sentence on F.V.C. Shortis to imprisonment for life," 31 Dec. 1895, at pages 2 and 3.

† Privy Council Office, "Sixth Ministry" in Guide to Ministries Since Confederation (Ottawa: Queen's Printer, 19 Jan. 2022)

With great reluctance, Bowell offered his resignation on Jan. 8, 1896, but Aberdeen refused because he despised Tupper the Elder, though he told Bowell that the incumbent Prime Minister who introduced a Speech from the Throne should remain in office at least until the House of Commons pronounced on the Address-in-Reply. Bowell even declared before the Senate on Jan. 9, 1896 that he had offered his resignation but that the Governor General did not accept it.

> I therefore beg to state that after several interviews with the Governor General respecting the resignation of seven of my colleagues in the cabinet, I yesterday waited upon His Excellency for the purpose of tendering my resignation. His Excellency intimated that he was not at that moment prepared to receive it. The chief reason for this attitude on the part of His Excellency is that the Speech from the Throne, although presented to Parliament, has not yet been considered, nor an expression of opinion given by Parliament upon it. It is regarded by His Excellency as unfitting, that the Premier, as head of the administration responsible for that speech, should not have a full opportunity of reviewing the situation and testing the feelings of Parliament thereon. Under these circumstances I deem it my duty to endeavour, as far as in me lies, to re-organize the Government. … If I cannot succeed in re-organizing the administration within the three days, then I shall do that which is the constitutional duty of every premier who finds himself in such circumstances, namely, place my resignation in the hands of His Excellency.‡

The resignation of seven ministers only triggered his obduracy and strengthened Bowell's resolve to cling to power.

But much of what Bowell said in his speech contradicts the facts. He lashed out against his former cabinet ministers who sat in the House of Commons, which only made him look weak and feckless. He should have insisted that Aberdeen accept his resignation.

> … or had they [the Bolters] gone further and said, "After one year and a quarter's experience of you as head of the Government, we have lost confidence in your ability to continue to direct the affairs of the country," then I could have understood it. Then I could have said, "Take the reins of Government; I will not stand in the way."§

Bowell could not fathom the depths of his failures of leadership, nor could he acknowledge truthfully before the Senate that several of his colleagues in cabinet had already, in fact, expressed this very sentiment to him and implored him to resign a few days before. Bowell also seems to have lost sight of his own caretaker function here: a Senator-Prime Minister by definition could not lead his party in a general election.

Glenn made another mistake and an amusing Freudian Slip in his transcriptions of Bowell's speech to the Senate on Jan. 9, 1896. Glenn quotes Bowell's speech in *Hansard* as "I leave to the country … to say whether my conduct has ever been otherwise than that of a straightforward, perhaps blundering, politician." However, *Hansard* records *blunt*, not blundering.¶ That one word certainly alters the meaning.

The Aberdeens suggested through backchannels that they would dismiss Bowell and the Conservatives altogether and appoint Laurier as Prime Minister with the understanding that he would swiftly seek the dissolution of parliament and fresh elections to confirm their choice.

No such precedent exists in Canadian history since the grant of Responsible Government, and the most recent British precedent occurred over 60 years previously and did not

‡ Sir Mackenzie Bowell (Prime Minister), "The Ministerial Crisis," in Senate *Debates*, 7th Parlt, 6th Session, 9 Jan. 1896, 16.

§ Bowell, "The Ministerial Crisis," p. 12-13.

¶ Bowell, "The Ministerial Crisis," p. 13 (emphasis added).

reflect well on the King's judgement. In Nov. 1834, William IV arbitrarily dismissed Lord Melbourne and the Whig ministry and appointed the Duke of Wellington as a kind of caretaker, and then Sir Robert Peel once he returned to the United Kingdom in December. But this new Conservative ministry did not command the confidence of a majority in the House of Commons, which necessitated Peel to advise early dissolution. Peel's Conservatives lost the subsequent election, which forced William IV to re-appoint Lord Melbourne as prime minister in April 1835.*

If the Aberdeens had made good on their threat to dismiss the Conservatives and appoint Laurier, they could have ended up inadvertently revivifying the Conservative Party's electoral fortunes after provoking outcry in broad swathes of the electorate. Sir Charles Tupper the Elder would have seized the mantle of the defender of Responsible Government in Canada and the Empire as a whole and might even have secured the Conservatives another majority victory off of the Aberdeens' overt preference for the Liberals.

In short, Tupper in 1896 might have made Mackenzie King's demagoguery against Lord Byng in the election of 1926 seem tame by comparison. In fact, Tupper did accuse Aberdeen in July 1896 of straying from the principles of Responsible Government by refusing to sign off on some of his outgoing appointments, and in September 1896 he denounced Aberdeen in the House as a usurper of Canadian self-government so vociferously that he earned a rebuke for the Speaker for having violated the *Standing Orders,* one of which prohibits members from attacking the Sovereign and the Governor General.†

The political interference of the Aberdeens proved decisive. The prospect that the Conservative Party would lose power altogether forced Bowell on Jan. 14-15, 1896 to agree to Tupper the Elder's terms of reintegrating six of the Seven Bolters into cabinet and accepting a *de facto* power-sharing between them in a reconstructed ministry. Bowell pledged to resign the premiership at the end of the last session of Parliament so that Tupper the Elder could lead the Conservative Party in the election.

Today, no Crown outside of Belgium would refuse to accept the resignation of a prime minister under the circumstances which Bowell faced in January 1896, nor would the King of the United Kingdom or the Governor General of Canada today dismiss the party which holds a majority from power and appoint the Leader of the Opposition as Prime Minister before an election. Indeed, Elizabeth II and Charles III readily accepted the resignations of Boris Johnson and Liz Truss in 2022 and allowed the Conservative parliamentary party itself to select new leaders without interfering in its political process.

By March 1895 when he scuttled the dissolution to which he had agreed with cabinet, Bowell seems to have lost sight of his contingent caretaker premiership and started to cling to power. Bowell suffered throughout 1895 from a fatal indecision coupled with an inexplicable obduracy. He consistently deferred making decisions and made himself look weak by offering concessions to induce ministers to un-resign from cabinet and eroded his tenuous personal authority by readily acceding to their demands. If Bowell ever read Machiavelli, he opted to do the exact opposite of what *The Prince* suggests. Incidentally, Sir Charles Tupper the Elder comes across as the supreme schemer of the 1890s and a more blustery and overly gaslighting antecedent of Jeffrey Archer's fictional Francis Urquhart in *First Among Equals*.

My own recent study of how Aberdeen dismissed Tupper in July 1896, using Tupper's correspondence and speech in the House of Commons in Sep. 1896, bears out Glenn's negative portrayal of Tupper the Elder here in *A Very Canadian Coup*.‡ (See "Tu Perds," in The

* Alpheus Todd, *Parliamentary Government in England: Its Origin, Development, and Practical Operation*, Vol.I, 2nd ed. (Longmans, 1887), p. 133-135.

† J.W.J. Bowden, "The Origins of the Caretaker Convention: When Governor General Lord Aberdeen Dismissed Prime Minister Tupper in 1896," *Journal of Parliamentary and Political Law* 16, no. 2 (2022), pp. 402, 405, 415-416.

‡ Vol. 9, No. 2, p. 31-42.

Dorchester Review, Autumn-Winter 2019.)

Dithering dotard

Overall, I enjoyed reading *A Very Canadian Coup* despite my own initial misgivings at the pseudo-fictionalized first chapter as the rest of the book is standard non-fiction. Glenn shows how the Manitoba Schools Question, and the serious sectarian strife between Catholics and Protestants and between English and French loomed in the background and ultimately destroyed both Bowell and ended the Conservative Party's 18 consecutive years in power.

I recommend the book as a good introduction to Canadian politics of the 1890s and, more particularly, on the Conservative Party's bizarre succession crisis of that era, which saw a string of five Tory Prime Ministers in five years. But I would also encourage readers to seek out traditional scholarly books with proper accompanying citations and notes to corroborate Glenn's narrative because those are missing here.

Glenn also misses the chance to show how the Manitoba Schools Question fundamentally altered Canadian politics. In 1890, Premier Greenway and his Liberal majority in Manitoba repealed ss. 22 and 23 of the *Manitoba Act, 1870*, thereby abolishing the rights of Roman Catholics to separate schools and undermining the French language.

Strangely given that generous accommodation of minorities lay at the heart of Conservative politics at Confederation, Ottawa did nothing at the time. Nor did the Supreme Court force Manitoba to restore those minority rights until ninety-five years later.§

The Dominion government fell back on the *sub judice* convention for six years as multiple cases snaked their way through the courts until finally introducing in 1896 a half-hearted Remedial Bill under section 22 (3) of the *Manitoba Act* only a few months before the 7th parliament had to dissolve by efflux of time.¶ Worse still, Tupper sabotaged the bill and Laurier also contented himself with allowing it to die on the *Order Paper* so that he could propagate his "Sunny Ways" and "compromise" with Greenway in the fall of 1896.

If the Aberdeens had dismissed the Conservatives and appointed Laurier, they could have ended up inadvertently revivifying the Conservative Party's electoral fortunes.

Quite apart from the Conservative Party tradition, the Dominion as a federal state abdicated its responsibility to protect the constitutionally entrenched rights of religious and language minorities against majoritarian provincial legislatures in the 1890s and set a fatal precedent. "Prussian" Ontario followed Manitoba's example in 1912 with the infamous Regulation 17, which abolished French-language instruction in separate Catholic schools beyond grade 2.

Ted Glenn has not convinced me that Bowell suffered an undeserved or unwarranted fate any more than did Barry Wilson's recent and broader biography.

I struggle to fathom this new-found sympathy in the 2020s for Sir Mackenzie. Perhaps it is a coincidence that two books cropped up at the same time. The evidence which both Wilson and now Glenn offer in defence of Bowell in fact reveals him as a dithering dotard who lacked the wit to detect and root out the obvious political machinations swirling around him. He embodied a fatal mixture of obduracy and indecision: not the hallmarks of a successful leader in any era, but least of all during a time when politicians were far wilier than they are today. ⚜

§ Re Manitoba Language Rights, 1985 CanLII 33 (SCC), [1985] 1 SCR 721.

¶ James W.J. Bowden "When the Bell Tolls for Parliament: Dissolution by Efflux of Time," *Journal of Parliamentary and Political Law* 11:1 (2017), pp. 129-144.

Return of the 'Bleus'

ÉTIENNE-ALEXANDRE BEAUREGARD *outlines what really divides progressives from conservatives in Quebec history writing — and politics*

The political groupings known as "Rouges" and "Bleus" are unique to Quebec but correspond roughly to Liberal red and Conservative blue. In the 19th century they referred to two factions of the nationalist movement in Lower Canada, one more liberal and republican, the other more conservative and monarchist. They divided significantly over their attitude towards the clergy and towards Canada East's accession to Confederation during the 1860s, which the *Rouges* opposed.

That Victorian-era rift has since faded, but the labels remain. In Quebec today, *Bleu* and *Rouge* generally refer to the continuing divide between nationalists and liberals. Indeed, in Quebec terms, the Liberal Party has changed little since 1867, while its Bleu opponents have evolved over the years despite a consistent philosophical current: an attachment to Quebec's particular cultural identity and a desire to protect it.

In the last century, Maurice Duplessis' Union nationale, the Parti québécois of René Lévesque and his successors, Mario Dumont's Action démocratique (which never held power), and the present-day Coalition Avenir Québec of Premier François Legault, are a few parties that have represented the Bleu sensibility. On the non-nationalist or progressive-liberal side stood men like Adélard Godbout (Liberal Premier 1939-44), Philippe Couillard (Liberal Premier 2014-18), and Pierre E. Trudeau (no introduction needed).

There were many distinctions among these nationalist leaders and political formations and they belonged to different epochs: whether left or right on the economy, sovereignist or federalist, favourable towards religion or secularism, what they shared was opposition to a certain Rouge current that eschewed attachment to Quebec culture and traditions, deploring nationalism as isolation or withdrawal. For Rouges, the desire to strengthen the Quebec "state" was proof of small-mindedness and confinement.

As against progressivism, cosmopolitanism, and individualism, Bleu nationalism is based on conservative premises such as rootedness in the human experience and the legitimacy of survival for a minority culture in North America. Indeed since the Durham Report of 1839, Quebec's sovereignist struggle has been a particularist resistance to continental progressivism, which elevates a liberal modernity divorced from Quebec's own culture and heritage. (Significantly most Bleus remain alienated today from the Roman Catholic faith, which lies at the origin of both French Canada and *Canadien* conservatism and their post-1774 allegiance to the British monarchy.)

The author of the article that follows, Étienne-Alexandre Beauregard, belongs to the younger generation of Quebec conservative nationalist thinkers. He is close to historians known as the New Historical Sensibility, open to conservative viewpoints in their research and rediscovery of the contribution made by the centre-right tradition in Quebec nationalism. Readers of The Dorchester Review, beginning with our very first edition in 2011, know the names of Éric Bédard, Damien-Claude Bélanger, Xavier Gélinas, Ghyslain Hotte, François Charbonneau, Dominique Foisy-Geoffroy, Mathieu Bock-Côté, and the late Frédéric Bastien.

Return of the Bleus

WHAT FOLLOWS IS a translation of an excerpt from the first chapter of É.-A. Beauregard's new book, *Le retour des Bleus : Les racines intellectuelles du nationalisme québécois* (Montréal: Liber, 2024, 192 p.) — Ed.

Emblematic of the rivalry between Rouges and Bleus over the past 200 years is the conflict between John G. Lambton, the Earl of Durham (1792-1840), author of the Durham Report; and François-Xavier Garneau (1809-1866), the first French Canadian nationalist historian and author of the three-volume *Histoire du Canada*.*

A British partisan of the progressive tradition and the liberalism of John Stuart Mill, "Radical Jack" Durham was sent to serve as Governor-General and High Commissioner of British North America following the Patriote rebellions of 1837-38. His mandate was to study the problems of the Canadas and find solutions to the crisis that had erupted in the colony.

Durham was a liberal, favourable to the democratic cause of the Patriotes, with whom he would normally sympathize. But he nevertheless held French Canadians responsible for the crisis and rebellion. He believed that political modernity originated in the Anglo-Saxon tradition, which should serve as a guide to all peoples of the world.

However, since the agitators of Lower Canada had demanded not only responsible government but also the maintenance of the habits and customs of the French-Canadian people, the Patriotes in Durham's eyes demonstrated that they were resistant to modernity.

The famous Durham Report is very clear on this point: the French population were the "residue of an old colonization" and "an aged and backward society in a new and progressive world."[1] The character of Quebecers (as they would later be known) was thus incompatible with progress, having more in common with Ancien Régime France than with the Revolution of 1789, in Durham's view. He famously recommended assimilating French Canadians through legislative union of the two Canadas — not out of racial hatred but in the name of the most advanced ideals of "progress."

Once they held minority status in a larger United Province of Canada, the French would abandon "their vain hopes of nationality."[2] Historian Éric Bédard has suggested that Durham concluded that the *Canadiens'* defence of a particular national identity was incompatible with upholding universal principles of justice and democracy.[3] The political expression of nationalism was, in Durham's view, unnatural according to liberal principles.

Durham's near-contemporary, the historian François-Xavier Garneau, was not convinced by the Governor's invocation of liberal ideals to assimilate the French. Against Durham's abstract progressivism Garneau brought to bear a kind of "conservative" nationalism anchored in the desire to preserve a distinctive national identity.

Himself a 19th century liberal, Garneau admired the republican model of the United States. Over time for pragmatic reasons he became more "conservative" because for him the national cause of French Canadians transcended every other political question.[4] Rejecting the idea of annexation to the United States put forward by many Rouges at the time, he wrote: "The first wish of Canadians was to preserve their customs and their na-

* Garneau's history of French Canada, published 1845 to 1848, is usually seen as a nationalistic response to the assimilationist Durham Report of 1839.

tionality; They could not desire annexation to the United States because that would have meant sacrificing these two things that are so dear to them."[5] Contrary to Durham, it was modernity that must adapt to nationality, not the other way round. He compared the future Quebecers to Vendéens, conservative Frenchmen persecuted by the French revolutionaries for their refusal to adhere to the new regime.* Thus Garneau concluded his *Histoire du Canada* with his famous call for resistance and continuity:

> May Canadians be true to themselves; may they be wise and persevere, may they not let themselves be carried away by the attraction of social or political novelties. They are not strong enough to make a career out of this. It is up to great people to try new theories. They can give themselves freedoms in their fairly spacious orbits. For us, part of our strength comes from our traditions; Let us move away from them or change them only gradually [6].

Durham, a true liberal, believed that political modernity originated in the Anglo-Saxon tradition, which should serve as a guide to all people around the world.

Some, caricaturing the historian's words, insisted that French-Canadian culture was a cause of stagnation. To defend it was fundamentally obscurantist. However, nothing could be more wrong. Above all, Garneau warned his people against a certain idea of progress, imposed from above by liberals who believed they knew better than the people what future would be desirable for them.

Garneau perceived that somehow the great promise of modernity interested Canada's British rulers only for the purpose of assimilating the French. "The words of freedom, of elevated sentiments, of a nobler and broader nationality," he wrote, actually "meant the annihilation of their language, their laws and their race — or meant nothing at all, because the Troubles [of 1837-38] had been precisely caused by the absolute rejection of all these things by the central authorities."[7]

There is something of Edmund Burke, the founding father of conservatism, in Garneau.[8] In the wake of the Conquest, French Canadians became cautious in the face of all the changes presented as panaceas — changes that in reality could endanger their national character. Taking a page from Burke, Garneau distrusted sudden and radical change in favour of evolution over the long term, adapting with the identity of a people.

Garneau made the will to endure the axiom of French-Canadian nationalism. "This people," he wrote, "whose annihilation, in a more or less near future, we regard as an inevitable fate,"[9] could in fact thwart predictions of its demise. Instead they could survive as an alternative model of society in North America. But it was the destiny of his people "to fight constantly,"[10] not to immerse themselves in stagnation but to move towards a different modernity consistent with maintaining their language and traditions.

The Nation-State

In the history of modern Quebec, this great divide between Rouge and Bleu has mainly materialized in the debate on the role of the Quebec state. That has been a constant for at least four political generations: in the National Party of Honoré Mercier, the Union nationale of Duplessis, the Parti Québécois of René Lévesque and his successors, and in the current Coalition Avenir Québec of François Legault. Small-c conservatives in Quebec tend to conceive of the State as the institutional expression of a shared cultural identity

* See "Denial & the War in the Vendée" by Reynald Secher in The Dorchester Review Spring/Summer 2014, pp. 37-47.

whose primary role is to act as guardian of the permanence of a people, and "to escape the evils of inconstancy and versatility, ten thousand times worse than those of obstinacy and the blindest prejudices,"[11] as Burke wrote in the *Reflections*.

Among the Bleus, the priest-historian Canon Lionel Groulx was a most energetic defender of the "French State," the idea that the State must act as the incarnation of a particular group of people. "Instead of a State which, in so many areas, gives itself the appearance of a neutral or cosmopolitan State, we are asking for a State which, while respecting the rights of all, also remembers to govern for the nationals of this province."[12]

Public power was a tool at the service of the community, wrote Lionel Groulx, responsible not only for the common good but also the 'national good, our cultural future.'

Public power was a tool at the service of the community, wrote Canon Groulx, responsible not only for the common good but also the "national good, our cultural future."[13] For the Bleus since 1867, the provincial government had the mission of protecting the nation contained within it. Honoré Mercier was clearly a Rouge by political affiliation — but he was no less philosophically Bleu, because he was the first "national" leader of Quebec to consolidate "a political space where French Canadians can establish themselves as a (comparative) majority and establish institutions for survival.[14]

For Groulx the State should enable Quebecers to preserve their identity "because of its inherent value, its role being to ensure the natural development of the human personality."[15] That vision also fell within the wider conservative idea of a "rooted" man whose individuality grows from his national roots.

In his defence of provincial autonomy, Maurice Duplessis embodied this fight in the mid-20th century. René Lévesque took up the torch by demanding the sovereignty of "this only corner of the world where we can be fully ourselves, this Quebec which, we feel, is the only place where it is possible for us to truly be at home."[16] When François Legault recalls that "the first duty of a Prime Minister of Quebec is to defend the Quebec nation, the French language and its values,"[17] he places himself philosophically within this Bleu nationalist current that runs through our history.

The Rouges have followed a different path, retaining from Lord Durham the idea that the politicization of national belonging is unhealthy or unnatural. They mistrust the sovereignist idea of the nation-state.

However, it would be wrong to attribute to the Rouge tradition any desire to assimilate Franco-Quebecers. On that point they depart from Durham. If they agree with the assessment of the envoy from London on the harmfulness of nationalism, they do not share his radical solution, preferring a depoliticization of Quebec identity to avoid "division" and "intolerance."

LET US THINK, for example, of the historian Fernand Ouellet (1926-2021), a well-known academic supporter of Pierre Elliott Trudeau's Ottawa-centric anti-nationalism. It is highly revealing that Ouellet criticized Papineau, the Patriote leader, for having "put democracy and liberalism at the service of a conservative national project."

Ouellet congratulated Durham for his accuracy in seeing through "the pretences of politics and official opinion," and diagnosing "the real nature of the forces that were tearing Lower Canada apart."[18] If Durham "made a mistake" in recommending assimilation, his excuse was that he sought to address "the excesses of nationalism."[19] He believed that "progress" required overcoming the nation-state and nationalism. And it is thus that Durham can be considered to be the founder of Quebec's Rouge tradition — an ideology

that today regards it as illegitimate for the Province of Quebec to behave like a nation state — because the result is an intolerant and oppressive tendency (as in Quebec's language laws).

P. E. Trudeau sincerely believed that it was necessary to "divorce the concepts of state and nation, and make Canada a truly pluralistic and polyethnic society,"[20] and in order to "show … to all humanity that we are not the last colonized people of the earth, but the first freedmen [set free] from the old world of nation-states."[21]

In this vein, Laval political scientist Jean-Pierre Derriennic (1943-2023) remarked that "national majorities will in the future have to have the generosity to agree to live in States which are not those of a particular nationality, non-ethnic States, just as secular States are non-religious."[22] That suggests that the path of civilization lies in the subordination of national identity to larger groupings, something that a nationalist Quebec would stand in the way of.[23]

Getting beyond the tired model of a Quebec "nation-state" therefore lies at the heart of the Rouge program today, shared by liberals who wish to free Quebecers from their "siege mentality" as well as by contemporary leftists who sees "systemic racism" in nationalist policies aimed at preserving the specificity of Quebecers.

In the era of identity politics, what really divides the Rouges and the Bleus, and indeed all Quebecers, is therefore this question: is the State the expression of a particular national identity or a structure presiding over the harmonious cohabitation of individuals defined first and foremost by their differences? The most divisive identity issues in Quebec today — from Law 21 on secularism to immigration levels and Law 96 on protection of the French language — arise from this fundamental question. This is why the divide between Rouges and Bleus is an essential key to understanding the Quebec of yesterday and today. ⚜

Notes

1. J.G.L. Durham, *The Durham Report,* pp. 233, 67.
2. Ibid., p. 251.
3. E. Bédard, *Les Réformistes : Une génération canadienne-française au milieu du XIXe siècle*, p. 69.
4. Ibid., p. 273.
5. François-Xavier Garneau, cited in G. Gallichan, K. Landry and D. Saint-Jacques, *François-Xavier Garneau : Une figure nationale,* p. 75.
6. François-Xavier Garneau, *Histoire du Canada depuis sa découverte jusqu'à nos jours*, t. IV , p. 317.
7. Ibid., p. 298.
8. A. Tétreault, *La nation qui n'allait pas de soi : La mythologie politique de la vulnérabilité du Québec*, p. 27-29.
9. Garneau, vol. 1-2 , p. 63.
10. Ibid., p. 64
11. E. Burke, *Reflections on the revolution in France,* p. 100.
12. L. Groulx, *Directives,* p. 109-110.
13. Ibid., p. 62.
14. Tétreault, p. 41.
15. L. Groulx, *Orientations,* p. 224, the purpose of the state according to Catholic social teaching, cf. *Rerum Novarum* (1891) para. 53.
16. R. Lévesque, *Option Québec,* p. 18.
17. G. Lajoie, "Debate of federal leaders in English: the Quebec nation "attacked"".

F.-O. Dorais, *L'École historique de Québec : Une histoire intellectuelle* (Boréal, 2022), p. 285-286.

18. Ibid., p. 260.
19. Ibid., p. 187.
20. Quoted in A. Burelle, *Trudeau : l'intellectuel et le politique,* p. 51.
21. J.-P. Derriennic, *Nationalisme et démocratie,* p. 120.
22. P.E. Trudeau, *le Fédéralisme et la société canadienne-française,* p. 165-168.

Whigs, Nationalists, Historians & Priests

Éric Bédard *outlines Quebec's competing history schools and their political import*

Lord Durham has a mostly positive reputation in English Canada, because, in his famous Report of 1839, he proposed granting responsible government to a United Canada. A British Reformer, he was for his time a "progressive." The Whig Prime Minister, Lord Melbourne, viewed Durham as a threat, a competitor with the potential to overshadow him. To send Durham to Canada would be to remove him from the English political stage. In French Canada, by contrast, the British envoy left a very bad memory. This is because he also proposed the assimilation of French Canadians who were a people, he said, "without history and without literature." During his all-too-brief stay in Lower Canada, he did not meet a single Patriot or Reformist leader. Worse still, he relied heavily on Adam Thom of the Montreal *Herald*, a francophobic ideologue.

According to a persistent legend, François-Xavier Garneau's *Histoire du Canada*, published in the mid-19th century, was a response to the Durham Report. By going back to the sources of the history of his people, Garneau wanted to invalidate the British emissary's dark observation about French Canadian culture. To reclaim one's history was to assure one's standing; to recapitulate, take stock, and project oneself into the future. To survive and develop as a people, such was the purpose of Garneau's historiographical project.

To be sure, a people's identity, like that of an individual, is based on a historical narrative. This is what the French philosopher Paul Ricoeur called in his time "narrative identity." But I often have the impression that in Quebec, memory and history occupy a greater place than elsewhere. A simple comparison of national mottos illustrates this. The English Canadians chose *A Mari Usque Ad Mare* ("from sea to sea," from the Psalms) while the French Canadians opted, somewhat later, for *Je me souviens*, "I remember." The former base their identity on a conquest of space, the latter on a desire to endure.

During his lifetime, Garneau became something of a national hero. In today's Quebec, countless streets, parks or educational institutions honour his memory. To my knowledge, no historian of the 19th century in English Canada has occupied a similar place in the construction of an identity. Innis, Lower, Creighton, and others played an important role, but later, and from within a university setting.

In Quebec, Garneau had many heirs but two schools of thought soon emerged which were opposed on the national question. Interestingly, these two schools were very early associated with the two main cities of Quebec and Montreal.

Montreal vs. Quebec

The social makeup of the two cities helps to explain this opposition. Quebec has always been an ethnoculturally homogeneous city while Montreal, during the industrial revolution at the turn of the 20th century, became a crossroads where impoverished French Canadians, a prosperous English-speaking elite, descendants of Irish refugees, and Italians and Jews fleeing poverty or persecution. So in Montreal, the fight for French culture has always been more emotion and conviction.

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During the first half of the 20th century, two historians stood out and attracted notable audiences during major public conferences. Thomas Chapais, a Conservative senator from Quebec, offered a "loyalist" interpretation of the history of French Canada and left an imposing and influential body of work.* It was his conviction that French Canadians had flourished thanks to British institutions. The Conquest, according to Chapais, far from being a catastrophe, had been salutary because it had preserved French Canadians from French revolutionary ideas.

Opposite him, a young priest from Montreal, equally traditionalist, took up a diametrically opposed view of the effects of the Conquest and Confederation on his people. The first holder of a chair in Canadian history at the Université de Montréal, Father (later Canon) Lionel Groulx denounced the way French-speakers living outside Quebec had been abandoned. He spoke of a "second Conquest" that would erase French Québec's particularism. In addition to being a historian, he quickly became an effective intellectual who rallied a younger nationalist generation around him.

Historian-priest Lionel Groulx, at the Université de Montréal, spoke of a 'second Conquest' that would erase French Québec's particularism.

Between the end of the Second World War in 1945 and the start of the Quiet Revolution in 1960, two "schools" of history emerged, following in the trail blazed by their forerunners. The next generation were university professors with doctorates in history, marking the professionalization of the discipline. The great historical problem that this new generation tackled was to explain the causes of the economic inferiority of French Canadians by then apparent to all.

At the University of Montreal, Groulx's successors were Maurice Séguin, Guy Frégault, and Michel Brunet. "The Montreal School," influenced by the emerging interest in structuralism (looking at systems), radicalized Groulx's perspectives on the Conquest. Their starting point was that in 1760, the young *Canadien* society saw its commercial elites and its most dynamic elements go into exile and its economy stagnate under British rule.

The change of Empire was therefore not only a military and political event but above all an event of economic, social and cultural (in the anthropological sense) importance. Baby boomers who paid attention during their lectures in the 1960s and 1970s were influenced by decolonization theory: the Conquest had made French Canadians a "conquered" and "colonized" people. That explained for a new generation the prominence that the Catholic Church subsequently had, its hostility to modernity and progress throughout the 19th century. The Montreal school's materialistic and deterministic vision of history was therefore much more pessimistic and gloomy than Groulx's had been.

The Montreal school, aligned with the new nationalism that emerged after the Second World War,† provided much inspiration to the sovereignist movement and continues to be written about.‡

By contrast, no rigorous study had been done about the opposing "Quebec school." This gap has only just been filled by the historian François-Olivier Dorais, professor at the Université de Québec at Chicoutimi. Taken from his doctoral thesis, his new book on the

* D.C. Bélanger, "A Most Tory Historian," *The Dorchester Review,* Vol. 8 No. 1, Autumn-Winter 2018, pp. 89-91.

† Michael Behiels, *Prelude to Quebec's Quiet Revolution: Liberalism vs Neo-Nationalism, 1945-60* (McGill-Queen's,1985).

‡ Jean Lamarre, *Le devenir de la nation québécoise selon Maurice Séguin, Guy Frégault et Michel Brunet, 1944-1969* (Septentrion, 1993); Éric Bédard, "The impossible inheritance," *Recours aux sources. Essais sur notre rapport au passé* (Boréal, 2011), p. 47-64.

Quebec school covers the major contributions of three historians from Laval University: Marcel Trudel, Fernand Ouellet, and Jean Hamelin.

According to the Laval school, it was less the Conquest which had caused the economic inferiority of French Canadians than the poor choices — hostile to liberal and capitalist progress — of the political and clerical elites of the 19th century. The inferiority was therefore not to be blamed on factors external to French-Canadian society but internal ones. If French Canadians in the 1950s were less wealthy and less educated, it was less the fault of the English than of their own thinkers and leaders who imposed unsuitable thinking on them.

The oldest of the Quebec school, Marcel Trudel, strongly opposed the traditional Church and classical humanities which he believed confused history with literature. He was a positivist (applying a kind of scientific approach to history). His history of New France in several volumes, an unfinished work that reached only 1672, is very erudite. Compared to the old historians of New France who often offered romantic and edifying stories of mystics and explorers, Trudel's iconoclastic take sometimes veered into the "deconstruction" of characters like Samuel de Champlain or Jean Talon. Co-founder in 1961 of a group called the Mouvement laïque de langue française (roughly the "Non-clerical Movement for the French Language"), Trudel sometimes opposed Quebec sovereignty but never became partisan.

The youngest member of the Quebec school, Jean Hamelin, was the least confrontational. During the 1970s, he drew closer to sovereignism but did not make a crusade of it. He is also the only member who spent his entire career at Laval, Trudel and Ouellet having migrated mid-career to Ontario universities. Hamelin's masterpiece is a great critical synthesis of the history of the Catholic Church, the *Histoire de l'Église catholique au Quebec (1608-1970)*, its doctrinal evolution, changing power relations (or influence in society), social work, and so on.

The great star of the Quebec school, however, was Fernand Ouellet whose thrust was both ambitious and polemical despite its scientific veneer. In 1966 he published his *Economic and Social History of Quebec 1760-1850*, translanted into English in 1980 and full of statistical data to show that development was slowed less by the Conquest than by the inward-looking nationalism of the *Parti canadien*. Ouellet was influenced by the Annales school in France which favoured the study of social structures over political figures and events.

In his new book,§ Professor Dorais shows the influence exercised by the French historian Robert Mandrou on Ouellet. This can be seen in Ouellet's attempts to shed light on French Canadian "mentalités" (dominant mindsets) such as religion and the traditional rural society that Ouellet concluded were fundamentally opposed to progress and modernity.

Having dealt with economic and social structures, the Annales historians turned to culture and social imaginaries (shared ideas that hold a society together). Ouellet also drew inspiration from Toronto and the Laurentian school. He took up Donald Creighton's great story of valiant Scots and English merchants who, over a century (1760-1850), built a prosperous, dynamic forward-looking colony that laid the foundations of modern Canada. Of the three historians of the Quebec school, Ouellet was the most openly hostile to nationalism and sovereignism, and closest to the journal *Cité libre* of Pierre Elliott Trudeau.

This great quarrel between the schools of Montreal and Quebec ran out of steam in the 1970s when a new generation of historians expanded the profession, thanks to the opening of the "réseau public" or public network of the University of Quebec, in Montreal and in the regions.

The new generation dropped the whole question of why French Canadians were backward, together with the study of New France itself. Instead they turned to careful study of the contemporary era of industrial-

§ François-Olivier Dorais, *L'École historique de Québec. Une histoire intellectuelle* (Boréal, 2022).

ization and urbanization. The new Social History emphasized continuity over rupture and contributed to deconstructing the myth of a Quiet Revolution which would have radically transformed Quebec society in a few years.

However they did not succeed in deconstructing the myth of the "grande noirceur" or Great Darkness. Deeply entrenched in the historical memory of Quebecers, the myth refers to the memory of the comparatively authoritarian regime of Maurice Duplessis' Union nationale and the apparent power of the Catholic Church.

Dorais' study is most enlightening, and reflects a growing interest in historiography among the young generation of Quebec historians. Their academic theses, articles, and works are so numerous and so stimulating that it is safe to say we in Quebec are experiencing a "historiographic moment,"* in the words of Dorais and one of his colleagues, Daniel Poitras.

Having co-edited, with Julien Goyette, a first anthology of reflections on history in Quebec, I can only rejoice at such a development because historiographical debates have much to say about present-day concerns.† However, could this renewed interest in historiography be the "symptom of a history increasingly cut off from collective memory," or even a case of navel-gazing — the "retreat into the 'inner past' of the discipline, for lack of assured visions of a shared future"?‡ We lack the distance today to understand the deeper causes of this current renewal in historiography and history debates.

That said, it is quite possible that the failure of the project of fundamental political reform in Quebec has caused a crisis of meaning which is being felt among the historians of an emerging generation. ⚜

* Daniel Poitras and François-Olivier Dorais, "Un nouveau 'moment historiographique' pour le Québec ? Essai d'interprétation," *Revue d'histoire de l'Amérique française* 74:1-2, Summer-Autumn 2020, p. 73-102.

† Éric Bédard and Julien Goyette (dir.), *Paroles d'historien. Anthologie des réflexions sur l'histoire au Québec* (Université de Montréal, coll. "Corpus", 2006).

‡ Poitras and Dorais, loc. cit., p. 75.

"La Gaspésienne pure laine"

La Bolduc[*]

Yes, the whole world was watching,
Celebrating, with joy, when Jacques Cartier came,
Gaspésie is my country and believe me, I'm proud of it!
Gaspésie is my country and let me tell you, I'm proud!

The Gaspésians, I assure you, do everything with honour,
The fishermen and their wives have stout hearts,
When it comes to Canada, the people of Gaspé do their bit!
Yes to celebrate Canada, the Gaspésians do their part!

It is here on our shores that Jacques Cartier planted the cross,
O France, your language is ours: we speak the ancient tongue,
If I sing in my own style, I'm Gaspésian and that suits me!
If I sing it my way, I'm Gaspésian and that suits me fine!

Everywhere in our villages we give a warm welcome,
There is no more beautiful landscape than ours,
I'm Gaspésian, dear friends, and I get homesick easily!
I'm Gaspésian, my dear friends, and I get homesick easily!

We find everywhere boats and nets on the shore,
And when the fishermen return we eat good fresh fish,
My good friends I eat my share, as you can see it does me good!
My good friends I eat my share, as my good health shows!

When they go to the shore around two in the morning,
To go fishing for squid for the next day's pot,
Hey! Yippee! Hey! Yes my lad! Would you like a taste?
Hey! Yippee! Hey! Yes my lad! Would you like a bite?

In Gaspésian families we find lots of little fishermen,
We don't go by the half-dozen, but two at a time we end up there,
Believe me, my friends, I know: I have five girls and seven little guys!
So to populate Canada, Gaspésian women are doing their bit!

Everywhere there's talk of the war but we have nothing to fear,
We have our grandfathers' guns ready when we need them,
If Jacques Cartier had known, he would have stayed in Canada!
If Jacques Cartier had seen it, he would have stayed in Canada!

My friends, I wrote this romance for you,
From my heart brimming with hope, on the shore of the salt sea,
Let us sing, sing on this beautiful day, my Gaspésie and those I love!
Let's sing, sing on this beautiful day, my old Quebec and those love!

---

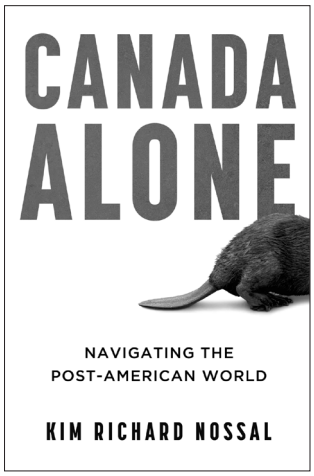
* Mary Rose-Anne Bolduc (1894-1941), née Travers, half-Anglophone, born in Newport, Gaspé; known during the 1930s as "queen of Canadian folk singers." Even commercially she styled herself Madame Édouard Bolduc.

It's Not Getting Easier

Adam Chapnick

Canada Alone: Navigating the Post-American World. Kim Richard Nossal. Dundurn Press, 2023.

Every serious student of Canadian foreign policy knows Kim Richard Nossal.* The professor emeritus at the Centre for International and Defence Policy at Queen's University has been teaching and writing about Canada's place in the world for over forty years. No scholar's work in the field is cited more often, and for good reason. Nossal doesn't pull punches either, having once argued in the *Ottawa Citizen* with then foreign minister Lloyd Axworthy over what he called Canada's "foreign policy for wimps" and "pinchpenny diplomacy."† He described the Liberal policy response to atrocities in Darfur as "ear candy."‡ His recent critique on the past, present, and future of Canadian defence procurement was aptly titled *Charlie Foxtrot*, military slang that refers to the chaotic mess that has typified Ottawa's approach to equipping the Canadian Armed Forces for decades.§



Nossal's latest book, *Canada Alone: Navigating the Post-American World*, is a thought experiment. What happens if the American world in which Canadians have prospered since the Second World War is no more after the 2024 election? What might a more forthright revival of the conservative-nationalist America First foreign policy approach of the Trump Administration mean for Canada and its place in global affairs? Nothing good, Nossal concludes. Since a Trump victory in November 2024 is a legitimate possibility, Nossal seeks to explore how Ottawa might prepare, and then respond.

The premise of the book is sound. For the last eighty years, Canadians have benefited disproportionately from an international order "maintained by the huge wealth, the industrial and technical capacity, the massive military capability, and the cultural and ideological dominance of the United States" (15). Presidents, Congress, and American voters have acted internationally to further their own interests, but between 1945 and 2016, America's leadership consistently "worked hard to ensure that it had the approval of a worldwide network of friends and allies, successfully convincing them that what was good for the United States was good for them, too" (16). No country took greater advantage of this good fortune than Canada,

* Dr. Nossal wrote "How Good Was Harper for Defence?" in The Dorchester Review Spring-Summer 2019.

† Kim Richard Nossal, "Foreign Policy for Wimps," Apr. 23, 1998, A19; "Pinchpenny Diplomacy: The Decline of 'Good International Citizenship' in Canadian Foreign Policy," *International Journal* 54 (1998-9), p. 88-105.

‡ Nossal, "Ear Candy: Canadian Policy toward Humanitarian Intervention and Atrocity Crimes in Darfur," *International Journal* 60 (2005), p. 1017-1032.

§ *Charlie Foxtrot: Fixing Defence Procurement in Canada* (Dundurn, 2016), reviewed by Craig Stone in The Dorchester Review Autumn-Winter 2017, p. 70-2.

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leading to what Nossal describes — rightly — as a national complacency about geopolitics for which successive governments in Ottawa have never been held to account. Canadians seem to assume that geography and economic interdependence will compel Washington to defend our national interests *ad infinitum*.

Three recent global changes lead Nossal to question that assumption. The first is Russian revanchism. President Vladimir Putin seeks to bury the American world and preside over its funeral, no matter the human or fiscal cost. Putin's vision of an international order sees Russia doing what it pleases in its self-declared region of influence. There is no place for functioning multilateral institutions of global governance in such a world.

Most Canadians will never understand the difference between a $30 billion and a $40 billion defence budget.

China's Xi Jinping is attempting to transform the US-led order into a Chinese one, packing international organizations with partisan appointees; launching new institutions to compete with America's; creating economic dependencies among the smaller states; and revising global rules to privilege Chinese-favoured outcomes.

Finally, what Nossal calls the "Trump cession" (55) of 2017-2020 saw a US president deliberately withdraw from global negotiations and undermine the stability of America's own alliances. The Biden administration has re-established the United States' traditional leadership role, but the self-centred quasi-isolationism of the previous administration remains popular with a large segment of the American people. Should President Trump return in 2024, Nossal envisions a protectionist, unilateralist United States detached from its Western allies and consequently with less sway in the world. "In the post-American era," he writes, "the United States will be an ordinary power — still a great power, but an *ordinary* great power, no different than the other great powers that will struggle with each other for dominance in the years ahead" (134).

A Russian victory in Ukraine would be tragic and the successful expansion of Chinese political and economic influence would be destabilizing, but the impact of another Trump White House on Canada would be particularly severe. Political extremism would flourish on the pro-MAGA right and the anti-American left. Bereft of the reliability of its most significant trading partner, Canada's economy would weaken and Ottawa's already limited impact at international economic tables would shrink. With the multilateral architecture built by the United States either dysfunctional or co-opted by the Chinese, there would be less room for Ottawa to maneuver diplomatically. The pressure to increase defence spending, especially in the north, would be overwhelming, yet without any guarantee of US cooperation.

Nossal is not convinced by the two most common prescriptions for a Canadian response. Sure, Ottawa could cultivate ties with like-minded states to diversify its economic portfolio and build coalitions to sustain as much of the current global order as possible. Historically, however, such efforts have never succeeded; geography suggests that they never will. Nossal's prediction that a revived and strengthened America First foreign policy would leave Canada "stuck as little more than a geostrategic appendage of the United States" (157) is therefore compelling.

Alternatively, Ottawa could revive the "all-hands-on-deck" (160) strategy of the current Trudeau government during the NAFTA negotiations. Focus any expansion of Canada's diplomatic footprint on the United States. Revitalize the Canada-US relations "war cabinet" in the Prime Minister's Office. Identify allies in Congress, among US business leaders, and throughout American civil society. Reach out to officials in NORAD, the Department of Defense, and the Department of Homeland Security, the majority of whom still recognize the mutual benefits that bi-

lateral cooperation brings to the security sphere. But even that approach can only do so much. The currency of political lobbying in America is votes, and the Canadian government doesn't have any to offer.

Nossal's own suggestion, and the idealism that seems to underlie it, surprised me. He proposes to start "a conversation with Canadians about their changing geostrategic environment" (162). He thinks that being clear with Canadians about the challenges they are facing in the world (for the first time since Jean Chrétien and Bill Graham tried and failed to do so in 2003) might actually work. At the very least, it would grant any future government social license to launch a full-scale — and likely expensive — transformation of Canada's global posture. Nossal envisions a process reminiscent of the Royal Commission on the Economic Union and Development Prospects for Canada (1982-1984). Well-funded and independent, the commission would be free from the political hands of elected officials and the risk-averse public service. Even if Trump is not re-elected, a royal commission would engage more Canadians than ever before in thinking about an international order that appears increasingly less stable, secure, and friendly to Canadian interests.

I HESITATE TO DISAGREE with Nossal too strongly. He has thought seriously about these issues for almost as long as I have been alive, and his analysis of the dangers of another Trump administration is spot-on. But I still can't help but wonder whether this is really the time for a royal commission on Canadian geopolitics. For one, too much uncertainty remains. The Biden administration has been remarkably traditional in its approach to world affairs and it could very well be returned this November. Ukraine might be struggling to push Putin back, but Russia is not winning either. China's economic prospects are also looking less intimidating of late. There is risk in telling Canadians that the world as they know it is over when Nossal himself admits that it may still have "some life left in it after all" (171).

Any serious investigation of Canada's future place in the international order will also result in recommendations for significant increases to the foreign affairs and defence budgets that I'm not sure Canadians are prepared to countenance. Nossal is hopeful that a national conversation might change public thinking. I am more inclined to believe that most Canadians will never understand the difference between a $30 billion and a $40 billion defence budget, or between a diplomatic footprint of 145 or 165 embassies. Put more crassly, if Ottawa commits to funding our security apparatus properly, the hawks will cheer and the doves will cry no matter the actual numbers. If I'm right, the findings of a royal commission won't make any difference.

We elect governments and fund a meritocratic civil service to administer public goods like security and defence responsibly. Delegating such decisions to representatives from the political and policy classes who have the benefit of Top Secret security clearances is consistent with the basic tenets of Canadian liberal democracy. If I were to accept Nossal's argument that Canadians are due for a reckoning in the form of a royal commission, why not focus on something that affects each of us personally and is fully within Ottawa's control: the tax system. Regardless of the identity of the next President of the United States, Canada will continue to exist within an increasingly competitive international economic environment and our national productivity numbers are abysmal. A streamlined tax system, free of boutique credits, inefficiencies, and loopholes, would lead to an immediate increase in productivity, the results of which might ultimately be funnelled into a more robust foreign and defence policy. While such a commission is underway, why not also launch an internal *national security policy* review. Our national security apparatus is disjointed and underperforming. Responsibility for intelligence collection is spread among numerous departments and agencies, few of which work well together. Coordination with the provinces is ad hoc and uneven. Much of the public practises blissfully ignorant cyber hygiene while money laundering flourishes, and our librar-

ies and hospitals are under perpetual attack from ransomware. As Nossal's book demonstrates, in global affairs, Canada's posture is inevitably reactive, but there is still space for original, independent thinking in the domestic sphere. It seems to me, then, that the first step towards an effective and revitalized Canadian foreign policy would have to be a clean-up of our security posture at home.

Perhaps I am putting too much faith in the resilience of the American people. Maybe I am underestimating the speed at which a new America First administration would withdraw from the international order that the United States has worked so hard to build and maintain. It's possible that I'm wrong about the inability of the Canadian public to take world affairs as seriously as Nossal would like them to. Regardless, Nossal and I agree on what's most important: Canada has some serious growing up to do. The world is not getting any easier for us.

In Defence of Westminster

from Philippe Lagassé's Substack

Canada's Supreme Court recently reinforced the fact that our system of government has a separation of powers doctrine. In a judgment last week in *Ontario (Attorney General) v. Ontario (Information and Privacy Commissioner)*, the Court found that the Ontario government could keep ministerial mandate letters confidential. The Court held that Cabinet confidence is essential for the functioning of the executive, just as parliamentary privilege is necessary for the legislature's work. These findings align with earlier cases on parliamentary privilege, such as *New Brunswick Broadcasting* and *Vaid*, which held that the branches of the states must be able to fulfill their essential functions without improper interference from the other branches. Preventing the branches from autonomously performing their essential functions would undermine their "dignity" and "efficiency." While the Canadian separation of powers doctrine isn't akin to the stove-piped checking and balancing between the branches that we find in the United States, it does recognize that each branch has its own sphere of responsibility that the other shouldn't muck around in.

What does this separation look like in practice? A good example lies in exercises of Crown prerogative by the executive. When the executive deploys armed forces overseas, it does so under the authority of the prerogative — the powers that the Crown enjoys in its own right — as recognized by common law. Parliament could displace this prerogative with statute, but it hasn't. Until the law is changed, the executive can deploy armed forces internationally without consulting Parliament. It also means that Parliament can't prevent the executive from exercising the prerogative through motions alone. If Parliament is determined to stop a military deployment, the House of Commons can withdraw confidence in the government, or the houses can try to legislate controls on the prerogative. Yet even these options have limits. The executive can still legally exercise the prerogative for military deployments after confidence has been withdrawn, and the military will be well under way by the time legislation to control the prerogative gets royal assent — if it ever does.

The fact that Parliament can legislate away the executive's discretion shows that we don't have an American-style separation of powers. But the process that Parliament must follow to bind the government demonstrates that the mere presence of the ministers in the legislature does not negate the boundaries that exist between the branches. While ministers may choose to back away from a discretionary decision if they face significant opposition in Parliament, it's important to recognize that this involves a political choice, not a legal obligation.

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From Wacousta to Superbike

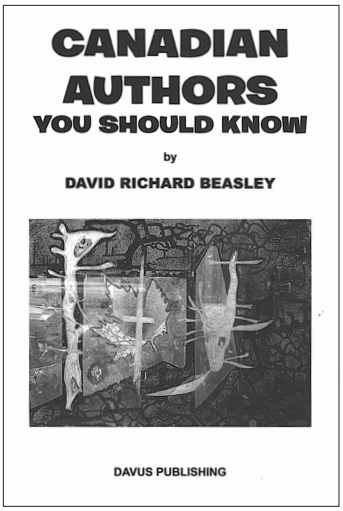
Brian Busby

Canadian Authors You Should Know. David Richard Beasley. Simcoe, ON: Davus, 2023.

Canadian Authors You Should Know is a self-published book written by a man who counts himself amongst those you should know.

Is that not absurd?

It was doubly so for this reviewer because I do know David Richard Beasley. This is not to suggest that we've met, broken bread, or raised a glass or two, rather that I'm familiar with his work. *The Canadian Don Quixote*, Beasley's exhaustive 1977 biography of early 19th-century soldier, novelist, journalist, and publisher Major John Richardson, proved invaluable throughout my university years. Beasley's determination to get at the knowable truth of Richardson and his extraordinary, improbable life proved an inspiration when writing my own biography *A Gentleman of Pleasure: One Life of John Glassco, Poet, Memoirist, Translator, and Pornographer* (2011). Where I've moved on, Beasley has sprinted in dogged pursuit of his subject. In 2004, he financed a revised and expanded edition of *The Canadian Don Quixote* — which he describes in this book as a "work-in progress" — and has for two decades since continued to publish essays about Richardson's life and writing.



I admire Beasley's work greatly and feel I owe him a debt of gratitude but will not pull back on criticism. My greatest and most longstanding issue concerns variations of a claim repeated on the first page of this book's preface, in which Beasley references Richardson as a writer who he "brought out of the past in … *The Canadian Don Quixote*."

This is, quite simply, false.

Richardson's most famous novel, *Wacousta: or, the Prophecy; a Tale of the Canadas* (1832), had enjoyed several editions in the first half of the 20th century, and by 1967 was well entrenched in the New Canadian Library (albeit in bowdlerized form). Richardson himself had been one of twelve writers honoured with a volume in the Ryerson Press "Makers of Canadian Literature" series published from 1923 to 1941. The years immediately preceding Beasley's biography saw the publications of Carl Ballstadt's *Major John Richardson: A Selection of Reviews and Criticism* (1972), and Patricia Morley's *A Bibliographical Study of Major John Richardson* (1973). In 1974, book retailer Coles revived Richardson's *War of 1812* (1902), a posthumous collection of the Major's writing about the conflict, as part of its bargain book Canadiana Collection. Or am I misinterpreting the words? How can an author who has been "brought out of the past" also be one "you should know?"

I expect the answer has something to do with my second longstanding criticism of Beasley, this having to do with contempt expressed toward editors and the editorial process.

The sad truth is that for all the Beasley's good efforts, Richardson remains largely unfamiliar to this country's reading public, never mind the public as a whole; it is understandable that he chooses the Major as the first of the nine authors covered in this book:

John Richardson
Herman Whitaker
Frederick Philip Grove

Wyndham Lewis
Malcolm Lowry
Norman Newton
Thomas B. Costain
Jaimie Brown
David Richard Beasley

Beasley explains this selection thusly: "My choice of authors tend [*sic*] to the little known whom I consider important, not just because we can see the connection between the writer and the work but because their works are so interesting and varied."

The first section, that concerning Richardson, is both the strongest and the weakest. Consisting of five pieces, two previously unpublished, they are examples of exemplary independent scholarship of a kind all too uncommon in this country. The fault lies in the absence of an introduction to Richardson and his work. We begin with a review essay of the 1988 Centre for Editing Early Canadian Text edition of *Wacousta*. Originally published in *The American Review of Canadian Studies*, it was clearly written for an audience familiar with Richardson whereas the reader of *Canadian Writers You Should Know* is presumed to be unfamiliar.

To be fair, subsequent essays in the section do contain brief overviews of Richardson's life and work. Of these, I think the best is "The Search for Major John Richardson's Unknown Writings," not only for what it says about Richardson, but for the glimpses it provides into Beasley's process.

Of course, this is personal opinion, as is this entire review. The nine authors Beasley chooses is a personal decision — in the inclusion of David Richard Beasley, *very* personal — but I do question the inclusion of Grove, Lewis, and Lowry. All three men are known to the literary-minded; they continue to be studied and read. Though it's unlikely that the three ever met, one thing they have in common is that they all have novels in the Penguin Modern Classics series.

How can a Canadian author who has been 'brought out of the past' also be an author 'you should know?'

This reader was more interested in the authors of whom I was previously unaware, beginning with Herman Whitaker (1867-1919). A Brit who lived only nine of his 52 years in Canada, should we consider him Canadian? I don't, but then I reject Dollarton squatter Malcolm Lowry as Canadian, despite his having received a Governor General's Award (posthumously).

Beasley's argument as to Whitaker's nationality is a touch involved:

> I claim him as Canadian because he did most of his fiction writing, which is set in both Canada and Mexico between 1901 and 1914 when he identified himself as Canadian and much of his inspiration came from his Canadian experience.

See what I mean about the editing?

Still, I was interested in reading the results of Beasley's research on Whitaker, was entranced by the painting of the author's daughter Elise Whitaker and was intrigued enough to spend good money on a 1914 edition of *Cross Trails*, which I'm led to believe is set in a Quebec lumber camp.

Also new to me was Norman Newton (1929-2011), a writer I really should have known. Inarguably Canadian, Newton was born in Vancouver and spent almost his entire life in this country. He's one of those odd writers whose work was more attractive to foreign publishers than Canadian. This may have something to do with the settings of his novels, beginning with the novel *The House of Gods* (1961), most of which are set in Mexico or concern Mexican history, thus attracting British publishers.

Go figure.

Of all Newton's books, the one I most want to read is the novel *The Big Stuffed Hand of Friendship* (1969), which Beasley describes as a "satirical exposure" set in a British Columbia coastal town. His four-page description had me sending money to another used bookseller.

Thomas B. Costain (1885-1965), the seventh of the nine Canadian authors we should know, was known to me; in fact, he was very familiar. My father owned books by Costain. Between 1945 and 1957 the author had a string of historical novels that made their way to the year-end *Publishers Weekly* Top Ten list. The most notable in this respect is *The Silver Chalice* (1951), which concerns Basil of Antioch, a sensitive silversmith who is commissioned to decorate the chalice used by Christ in the last supper. *The Silver Chalice* was a best-seller in the United States; the next year it was in second spot. Costain's is an enviable achievement, but I was not sold on Beasley's argument that he is as a writer we should know. Beasley himself writes: "Artists whose works are seen as not relevant in their time or who avoid enticements of best-sellerdom are more likely to produce timeless literature."

Costain's presence in this book may have been influenced by personal connection; in 1959, Beasley interviewed the author at his Park Avenue apartment. Advice was given.

Jamie Brown is the most surprising inclusion. It amounts to fewer than eighteen pages, most of which consists of quotes from IMDb [the Internet Movie Database — Ed.] and Brown's five books, the most recent being *Superbike* (1981). Beasley's synopsis begins:

> The fourth novel by Brown is a detailed, fascinating story of how a teenager falls in love with a second-hand racing bike. From knowing nothing about the subject he learns from experienced drivers. At first exposed by his stepfather he convinces him of his talent and abilities when he wins his first race. The precise narration of the tools, the bike parts, the knowledge of racing does not slow the story but enhances it.

There's more.

Is Jamie Brown a Canadian author we should know? Because I haven't read his work I cannot say, but I do question his place in this book.

My suspicion is that the author of *Superbike* was included for no other reason than Beasley purchased a house once owned by Brown. When Beasley came to sell the same house, twenty-nine years later, the connection was noted in the real estate listing, as is quoted over two pages in *Canadian Writers You Should Know*.

Again, is it not absurd?

This reviewer is of two minds. The greater part *Canadian Writers You Should Know* is intriguing and informative. The part that is smaller — in both senses of the word — might've been cut. This is what a good editor does.

I will not comment on the final section, "David Richard Beasley, the Self-published Eccentric."

Early in *Canadian Authors You Should Know*, Beasley describes a 2023 visit to the Archives Nationales in Paris as "a sort of last hurrah in my search for information on Richardson."

I hope not.

Long may he run.

Hastening Decay

Michael R. Jackson Bonner

Justinian: Emperor, Soldier, Saint. Peter Sarris. Basic Books, 2023.

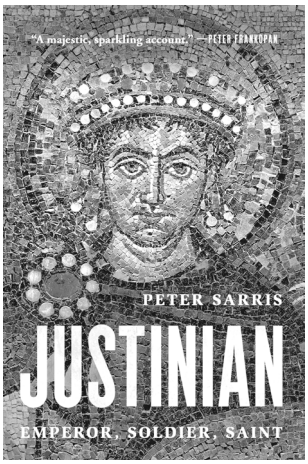
Dante Alighieri describes in his *Paradiso* an encounter with the Emperor Justinian, who reigned from 527 to 565, on his journey through the heavens:

> Caesar I was, and am Justinian,
> Who, by the will of primal Love I feel,
> Removed from the laws the useless
> and redundant …

In life, Justinian had had a rather high opinion of himself, and would have been pleased to be remembered nearly a millennium later

Michael Bonner*'s most recent book is* In Defense of Civilization: How Our Past Can Renew Our Present *(Sutherland House, 2023). He lives in Toronto.*

by a poet from the land that Justinian had tried so hard to conquer. Dante made Justinian the narrator of the sixth canto of the *Paradiso*, and placed him in the second sphere of heaven — probably an insufficiently exalted position from the emperor's point of view. As for Justinian's subjects, they would have been surprised and disappointed to find him anywhere outside hell. He was, after all, the emperor who, after a shaky beginning, maintained his authority by the indiscriminate massacre of some 30,000 protesters. In the words of historian James Howard-Johnston, my former supervisor, "Justinian's image should perhaps take on the lineaments of an amalgam of Idi Amin and Saddam Hussein."



This was certainly the way many of Justinian's contemporaries thought of him. The 6th-century historian Procopius, who knew the emperor, is utterly scathing. Justinian was the author of "such manifold and grave calamities as had never been heard of before." He was an innovator and "destroyer of established customs." He was like a pestilence that afflicted the entire human race, leaving no one unharmed and killing many. He was a squanderer of public money and a thief of private property for no good reason. He was called in Greek a morokakoëthes, or "moral pervert," as well as insincere, crafty, and hypocritical. He was a "red-hot lover of murder and theft," utterly without compunction about burning whole cities to the ground or enslaving entire peoples for no reason at all. It was as though "nature had removed all depravities from all other people and concentrated them in Justinian alone," and all the slaughter and misfortunes that had occurred throughout all human history were dwarfed by those inflicted by Justinian. Oh, and the emperor (who never slept) was also often seen walking about the palace without his head in the middle of the night, and he was sometimes transformed into a demon.

Strong and strange words! They come from the notorious *Secret History*, a work which Procopius kept hidden during his lifetime. The existence of this book was nevertheless known to Byzantine authors, but all copies were thought to have been lost until a manuscript resurfaced in the Vatican library and was published in 1623. Other works of Procopius — his histories of Justinian's wars and the buildings that he commissioned — were more laudatory, and for good reason. As Dante implies, Justinian's ambitions included a project of organizing and clarifying the huge mass of Roman law which had fallen into disorder. The result, the so-called *Codex Justinianus* or Code of Justinian, became the basis of European civil law and is still used as far afield as Quebec and Louisiana.

Justinian quickly became the model of a Christian prince, inspiring everyone from Charlemagne to Napoleon — not to mention all the Byzantine emperors who succeeded him. Moreover, Justinian's legacies as a champion of Chalcedonian orthodoxy, as a correspondent with popes, and as builder of churches are still current events. European Christianity still affirms Justinian's preferred Christology, and Justinian's attachment to the papacy ensured that the Bishop of Rome would emerge as the singular religious authority in the sub-Roman West. And Justinian's greatest structure, the Hagia Sophia basilica, still features in contemporary Turkish politics; it was converted back into a mosque in 2020 having been a museum since 1934. And so, Justinian is a man firmly rooted in Late Antiquity, but also one who points both backwards across the wreckage of Roman imperial and republican history and forwards across the Middle Ages and early modernity to the present. Few ancient figures can claim such a legacy.

This is why Peter Sarris' new book *Justinian: Emperor, Soldier, Saint* is so engaging. The book opens with a panoptic summary of Eurasian history leading up to the sixth

century: Roman and Iranian conflict, the migration of northern Germanic peoples, as well as Hunnic and Turkish nomads into the settled world of the south, and the collapse of Roman power in western Europe. Considerable space is given to the theological disputes that bedevilled Christendom from the reign of Constantine onwards, and Sarris describes in detail Justinian's networking, alliance-forming, and probable assassination of his main rival, on his way to the throne. The rest of the book pursues the principal features of Justinian's reign thematically: the awkward beginning, the Roman aristocratic rejection of him as an upstart, his marriage to the much-maligned Theodora, the famous Nika Insurrection, his overhaul of the legal system, his wars, the conquest of North Africa and Italy, his policies on Christian doctrine, the outbreak of the plague, and his decline and death. And there is a chapter on Justinian's legacy at the very end.

The book is not directed at academics but the general public. It makes for good reading. Sarris presents a series of engaging narratives in accessible prose, unencumbered by scholarly debates, but the primary sources — Procopius, John Lydus, Agathias of Myrina, and John Malalas chief among them — are followed closely but not uncritically. If anyone wants to check up on them, each chapter has a thorough set of end notes. These pleased me greatly, because I like to be able to look up sources, but I also enjoyed the conversational yet serious tone of the book, as well as Sarris' anecdotes regarding his personal explorations of archaeological sites, 6th-century Egyptian papyri, and Justinian's later laws, the Novellae or 'Novels' as they are called in English, which Sarris had translated and commented on in an earlier publication.

The book is timely in the sense that the 6th century has begun to feel more and more familiar. Many of us in the West now recognize failing state capacity, strain on resources, military overstretch, the constant and growing threat of warfare, demographic decline, and unmanageable immigration into large cities. Each of these contemporary problems has a 6th-century parallel which Sarris explores in detail. But if anyone now expects a Justinian-like figure to set things right, the 6th-century lesson is that the supposed cure will only worsen the disease. For all Justinian's ambitions to Make Rome Great Again, he left the state impoverished and bogged down in warfare nearly everywhere. Worse, the effort to reattach the West to the Roman government failed, and did more to destroy and depopulate Italy than any barbarian army. The upheavals that followed the reconquest made Italy inhospitable to scholarship and learning, put the old grammarians out of business, and snuffed out the Roman Senate. What used to be called the Dark Ages can largely be blamed on Justinian.

The Justinianic concept of personal rule and personality cult also feels current. If Justin Trudeau is a trivial case, the manifestations in Moscow, Peking, and Washington offer great danger. Perhaps the one saving grace is that today's would-be tyrants have only a Justinianic self-conception without any of the emperor's alacrity, fervour, and competence. But a great deal of damage has already been done in our own time. The unsuccessful military adventures of Justinian, the original neoconservative, should have been a warning to the West in the early 2000s. As for Justinian's policy of total religious conformity, Sarris reminds us that it served mostly to alienate the empire's non-Greek-speaking subjects — the richest portion of the empire — who eventually came to prefer Arab rule to the authority of the emperor in Constantinople. Let this be a warning to all contemporary ideological purists.

Speaking of disease, our own experience of a pandemic puts the so-called Justinianic Plague into new perspective. Sarris understands this and the book itself is, he says, a product of the Covid lockdowns. Incidentally, Procopius describes what we would now recognize as a lockdown: the pyjama-clad people of Constantinople sitting in their houses, refusing to go outside or even to answer the door. No one will ever read that passage as they did before Covid. Our recent pandemic did not have a gigantic death-toll, it is true, but we now understand that a plague does not need to kill vast numbers in order to be

disruptive. But the Justinianic Plague did carry off enormous numbers of people, and left urban centres devastated. I think we now have at least a sense of the fear and confusion that would have gripped the Roman Empire at the time. And as long as the memory of Covid remains vivid, scholars won't doubt 6th-century testimony. Sarris convincingly connects that outbreak with a series of volcanic eruptions and climatic disturbances in the 530s — events which seem to have resulted in the right conditions for an outbreak, and Sarris will have the last word on this topic for some time.

His will also be the last word on Justinian. Read the book, and reflect that decline may be inevitable. Sometimes, as with weather and disease, the cause and cure are beyond us; but very often our efforts, like those of Justinian, only end up hastening the oncoming disaster. ⚜

The Vindicated CANZUK Crown

John Fraser

The Enduring Crown Commonwealth: The Past, Present, and Future of the UK-Canada-ANZ Alliance and Why It Matters. Michael J. Smith and Stephen Klimczuk-Massion. Rowman & Littlefield, 2023.

There had been nothing like it in any of our lives. From Sep. 8, 2022 and the death of Queen Elizabeth II, the longest reigning sovereign in British, Canadian, and Commonwealth history, to May 6, 2023 when St. Edward's Crown was placed on the head of King Charles III, the entire world was given a front seat to a history lesson on everything from the durability of hereditary monarchy to the enduring strength of Westminster-style parliamentary democracy. For some, the "colonial" history of the Crown jewels was enough to focus on and malignantly; for others — people like me — watching the flesh and blood reality of our constitution working the way it was evolved to work was both revelatory and moving.

Part of the lesson, which was mostly positive, included rumblings of either imminent or eventual departures from the remaining realms who recognized the British sovereign as their own. This was particularly true amongst some of the realms in the so-called "new" Commonwealth, especially after Barbados's House of Assembly elected to become a republic within the Commonwealth. Despite the apparently wretched past, the Empire-turned-Commonwealth had evidently progressed to the point that even its angriest republican members want to stay in the club. Apparently, social evolution *works*.

The head-of-state issue was different, curiously, in the older realms: Canada, Australia, New Zealand and, of course, Britain. Well, there were rumblings here too, but almost exclusively from predictable sources with no particular powers of persuasion. I say curiously because in the cases of both Australia and New Zealand there were national leaders just a short time ago predicting the "inevitability" of republicanism once Elizabeth II departed her mortal coil who either backed off or lost their high offices.

What was never questioned or placed in any serious doubt was the Westminster system or "model" of governance which, despite its flaws, has very much stood the test of time thanks to a combination of practical reality and — most recently — the spectacle of seemingly debilitating flaws in the republican system shockingly exposed during recent presidencies in the United States. The much vaunted constitutional protections — those famous "checks and balances" — turned out to be more fragile than we were led to believe.

John Fraser *is executive chairman of the National News Media Council and former Master of Massey College. He is the author of many books of fiction and non-fiction including* The Secret of the Crown *and* Funeral for a Queen (Sutherland House). *From 1987 to 1994 he edited* Saturday Night.

American turmoil has been particularly sobering for the four oldest realms, the ones which had the happiest historic links with Britain and the international monarchy it has given the world. Why was this, and what did it mean for the future? Almost as if on command, a new and comprehensively informative book exploring the historic and possible future relations between these older realms has appeared at the right moment.

In *The Enduring Crown Commonwealth,* Michael J. Smith and Stephen Klimczuck-Massion make a strong case for the revitalizing of relations — trade, parliamentary, judicial and educational — between Britain, Canada, Australia and New Zealand (CANZUK for short, or C-A-NZ-UK if you were wondering) where ties of language, parliamentary democracy and a shared head of state offer something more than a glimmer of hope in an emerging world order.

The world was given a history lesson on the durability of hereditary monarchy and enduring strength of Westminster-style parliamentary democracy.

We are talking about a new world order that, from many angles, looks alternately ominous and unavoidable. The authors do not claim that a quietly emerging convergence by these older realms suggests something akin to Joseph Chamberlain's "Imperial Preference" trade schemes of the late 19th and earlier 20th centuries. Instead they argue that circumstances seem to be conspiring to make such a convergence not exactly inevitable but well worth examining and pursuing where it makes common sense. This is a useful and welcome alternative to the despair accompanying most international issues these days.

Part of the reason for the speculation on the possible selective convergence between the four realms, curiously, can be ascribed to the diminution of Britain's role in the world. As Canada's population is within striking distance of 40 million and the combined antipodal realms passed the 30-million mark a while ago, a new kind of parallelism has emerged economically with Britain's 67 million. This coupled with Britain's departure from the European community following the Brexit vote brings some compelling reality to the authors' conjecture that an emerging common ground is worth exploring. Well, much more than exploring: worth developing and fortifying. The fact that all four realms share the same head of state is more than a curiosity of history. It is, in fact, damn good luck and crowns the whole notion of convergence.

This theoretical convergence comes as the United States seemingly retreats from world dominance allowing for a more threatening global power arrangement, alarming for Canada and Britain because of geographical and historic links to the United States, and particularly concerning for Australia and New Zealand in face of the geographical proximity to the rising power of Communist China.

It also comes, as the authors are right to point out, during an emotionally complicated and challenging era of "colonial reckoning" where countries that were once all part of an empire where the sun never set now find themselves balancing the often uncomfortable terrain of coming to terms with a history of slavery and Indigenous degradation. The balancing act is crucial because the four "old Commonwealth realms" have a particular responsibility to champion this crucial evolutionary progress into a fairer and more generous reality, a reality much of the world still has such trouble achieving. They believe the Crown itself has a crucial role to play in bridging the still unconnected gap between Indigenous and "settler" realities thanks to "a deep sense of connection that has long existed and continues to exist between the First Nations and the Crown."

The role of the Crown in these four realms

is extensively analyzed and it is a very clear-eyed analysis. For example, the authors note the irony that Scotland might have proportionately more republicans than Australia, Canada, and New Zealand, and this despite the fact that the royal family religiously spends crucial residential months there. This suggests that residency, which was thought to be so important in Canada, is not necessarily so. In fact, absence in this case sometimes makes the heart grow fonder. The evolution of accepting a non-residential Crown and deploying its physical presence to the vice-regal offices of governor general (and the regional lieutenant governors in Canada and state governors in Australia) has grown and this lack of permanent residence of a head of state is now rarely cited. This may be temporary and republicans can always be counted on to trot out the "foreign monarch" canard if they see any advantage in doing so. It is especially subdued as an argument against the Crown these days thanks to the spectacle of dysfunction in the American republic.

Speaking of which, the book has some sport with the republican option as it has evolved over the years in Australia. It will be well-remembered that a national referendum in 1999 on the future of the Crown defeated the republican option. It had been thought that the spectacle of the new millennium winking just over the horizon would do the job. Similarly, it has been predicted in the media and political science circles for nearly a quarter of a century ever since, that the moment Queen Elizabeth died the republican option would be back on the national agenda and fast-tracked to reality. Guess again.

And, as the book points out,

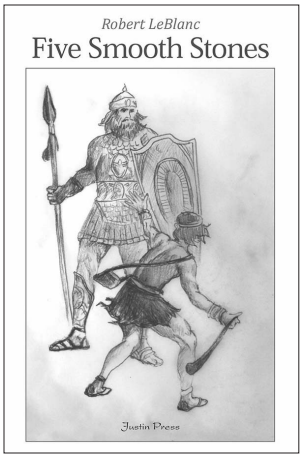
> in time, Paul Keating, the political godfather of the Australian republican movement of the 1990s, has denounced the latest proposal to have an elected head of state, saying the country would be better off keeping its constitutional monarchy: 'Australia has no requirement of a U.S.-style presidency with its grandiosity and pomposity to throw up individuals of the Donald Trump variety.'

The irony here is that the American head of state model is actually based on the Hanoverian monarchy. Not having other appropriate models for a head of state, the Founding Fathers simply wanted to have an elected king subject to some congressional control. In fact, the Americans keep re-electing George III every four years and it is a sobering spectacle when it is realized that American citizens can do very little about changing their constitutional system thanks to the rigidity of its amending formula. The Westminster system evolved in a different way and its superiority becomes more evident with every passing president and congressional impasse.

The authors are not naïve about supposing that a new "entente cordiale" between the four realms can easily be brokered. Instead, they point to signs of convergence where cooperation and mutual benefit seem to be heading:

> The future is very hard to predict, of course, but one need only think of all the things people would never have imagined since the late 1980s – the fall of Soviet communism, 9/11, Brexit, the coronavirus pandemic, the rise of China as a belligerent superpower, Russia's brutal invasion of Ukraine, a new age of raw power power politics and great-power rivalry, not to mention a new reign without a seemingly permanent Queen. As for the future reconverging ties, the current trend towards 'friend-shoring' (as expressed by Canada's Chrystia Freeland and other politicians in the West) means that in the geopolitical environment of the present time and future, countries are now seeking to expand trade and a variety of other ties with like-minded countries, and this augurs well for the CANZUK country ties.

The Enduring Crown Commonwealth is a thoughtful, provocative but ultimately very sensible look at a possibility of collusion that has been winking on the horizon for well over a century. It will be a failure of leadership if the fortunate countries of the old Commonwealth don't finally get it. The moment for sensible convergence right now is ideal, but it won't last forever. There is an urgency to the argument in this book that is both compelling and convincing.



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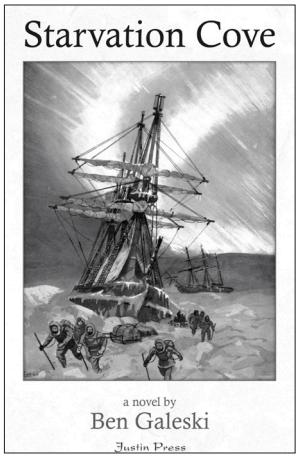

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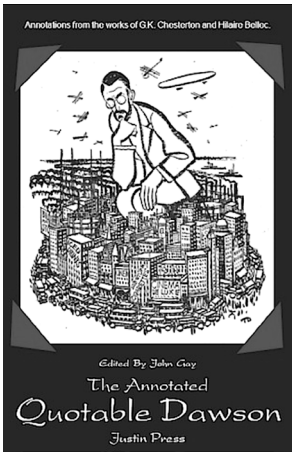

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FILM

Brutality & Distortion

'Not in front of the servants, dear'

— *By* The Hon. Serge Joyal, P.C.

Napoleon, a film by Sir Ridley Scott

"Napoleon," a film by the British producer and director Sir Ridley Scott, released in theatres in November, is certainly the most violent portrayal of the French Emperor since the first film depiction of him directed by Abel Gance in 1927.

The core theme of the film is revealed in the opening sequence, "An ambitious man seeking to be great ..." bookended at its close by the tally of deaths from the battles Napoleon fought: three million. Should there be any doubt as to what Sir Ridley wants the viewer to believe, a sneering Duke of Wellington states after the victory at the Battle of Waterloo, "Napoleon is no more than vermin," to be eliminated at all costs for there to be peace in the world.

As depicted by Scott, the history of this adventurer begins with the unstable leadership of the Revolution begun in 1789, when in Nov. 1799 Napoleon took the opportunity to seize power for himself without any scruples or morality, and absent any trace of humanity. He is shown from the beginning as a bloody tyrant. And the path of Napoleon's career continues this way to its end, raising the question whether he is the sort of national hero who should continue to be admired and acclaimed by the French and the wider public.

The film ends with a black silhouette of Napoleon wearing his bicorne hat, the image disappearing slowly from the screen like a ghost. This image summarizes the conclusion to be drawn from this film — CQFD.*

To develop his thesis, Scott takes every opportunity to exploit to maximum effect the brutality of the times, beginning with the beheading of Marie Antoinette, on Oct. 16, 1793. Nothing is spared to evoke the psychological trauma of the guillotine, the head of the proud Queen forced into the pillory before the blade drops; her bloody head shown to the jubilant crowd by her executioner, Simon. In that crowd at some distance is Napoleon himself, who has come to witness the spectacle of this brutal execution. This is first of many liberties Scott takes with historical accounts, since Napoleon could not have been in the crowd as he was engaged in the siege of Toulon.

From the outset, then, we realize that Scott is willing to bend the facts. In answer to his critics, he has demanded angrily, "How can you know? Were you there?" and so we are presented throughout much of the film with Scott's "alternative facts" to validate his critical image of Napoleon. As biographer Andrew Roberts has pointed out, we know the events and personalities of Napoleon's life in great detail; Scott's "were you there" is an asinine publicity stunt.

At the end of the film, when in exile on St. Helena, a defeated Napoleon is shown falsely explaining to two young girls, who knew better, that he had burned Moscow in 1812 as part of his campaign to seize the city. However, there is no evidence, including in the memoirs he dictated to Las Cases in 1815-16, that Napoleon ever ordered Moscow to be destroyed by fire.

Such a gratuitous scene has no other purpose than to depict the "Napoleonic Era" as a shameless construct promoted by Napoleon to

Serge Joyal *is a lawyer and expert collector and appraiser. He served as a Liberal MP and cabinet minister under P. E. Trudeau, and was appointed to the Senate in 1997. His book* Le Mythe de Napoléon au Canada français*, was published by Del Busso in 2013.*

* "Ce qu'il fallait démontrer." Readers may be more familiar with QED, *Quod erat demonstrandum.*

display his own genius and military prowess.

From beginning to end, there is scene after scene of bloody gore. At Toulon, with his face splattered with blood, Napoleon is shown plunging his hand into the chest of his dead horse to extract the ball that killed it, which he then hands to his brother to give to their mother as a memento. This scene is complete fiction. But it is used to underscore the savagery of Napoleon's entire family, including his mother. To make the scene work, Scott again takes liberties: though neither I nor you, dear reader, were present at Toulon, we know that none of Napoleon's brothers were there with him either.

In another incident involving the fall of Robespierre at the end of the Reign of Terror, he is shown trying to evade his assailants and attempting suicide by firing a pistol in his own face. True, there are contemporary accounts from Courtois and Barras of Robespierre's attempted suicide. But the film gratuitously depicts one of his attackers gleefully pushing a finger into Robespierre's jaw, playing with the bullet to increase the pain.

Napoleon's brutality, according to Scott, was not limited to battle but also characterized his relationship with Josephine.

The viewer is left speechless before such scenes of murderous violence that are entirely imagined and without historical foundation.

Napoleon himself is depicted as an enraged participant. From the beginning at Toulon to the end at Waterloo, Napoleon is shown, sabre in hand, charging into battle, slashing in all directions, cutting arms, piercing chests, killing with the abandon fury of an ogre, butchering all within his reach.

In reality, Napoleon never deliberately endangered his life by exposing himself in combat. Indeed this was a practice followed by all senior commanders in the field, including the Duke of Wellington at Waterloo.

But what is important to Scott is to project an image of Napoleon as a man possessed of near-limitless psychopathic cruelty, consumed by blind savagery and bloodlust.

This brutality of Napoleon, according to Scott, was not limited to the field of battle but also characterized his relationship with Josephine. Napoleon's sexual appetite is presented as base and animal-like. Little is spared in showing his aggressive sexual behaviour towards her. There is no sign of respect, mutual affection, or tenderness. He is seen tapping his feet like a stallion in rut before forcefully mounting Josephine. And Scott invents a scene where he crawls under the table while at breakfast, in the presence of servants, and drags her by the feet for congress on the floor.

In another act of cruelty, at the ceremony executing their divorce, in the presence of family, his mother and sisters, Napoleon strikes Josephine across the cheek when she hesitates to read the text consenting to the end of their marriage. But there is no evidence that Napoleon was ever violent or aggressive towards Josephine in front of any witness and certainly not during so public an event as the proclamation of divorce.

Early in the film, when they first meet, Josephine is seen by Napoleon with shaggy short hair not much different from today's street punks. For her part she resembles a prostitute when, in reality, Josephine grew up in an aristocratic milieu. The film gives a crude representation of her in the salon of Mme. Tallien in the company of Juliette Récamier who was herself the epitome of style and refinement, as seen in contemporary paintings. In place of the lady Josephine we are presented with a woman not much better than a slut, provocatively dressed, spreading her legs immodestly like bait to lure and trap. The vulgarity is unrestrained and completely ignores the formal etiquette of the era, which French society was at that time restoring in reaction to the excesses of the Revolution.

Many supposedly historically accurate scenes are little more than grotesque caricatures like the comic scenes of Cruikshank

and Rowlandson. This is particularly notable in the treatment of the fall of Robespierre, the forced retirement of the members of the Directory, the scene from the 18th Brumaire when Napoleon seizes power, or the image of Louis XVIII at the Tuileries, puffed up and ridiculous, wearing an outlandish wig, when informed that Napoleon has escaped from Elba. The tone throughout these scenes is more one of contemptuous mockery than an effort to evoke the truly intense drama of the moment.

Such distortions permeate the film, even the often-praised battle scenes. At the battle of Austerlitz, we are shown Austrian and Prussian forces preparing for an attack across an icy surface which is then bombarded by French cannon fire. As the ice breaks up under the artillery assault, many soldiers, officers, and cavalry fall through and drown. The film dramatizes the event in horrific splendour with clouds of blood and men and horses sinking slowly in the deep icy waters. The camera follows all of this as if depicting a gory ballet. The historical record is somewhat different. The handful of soldiers and cavalry who did drown were Russians, as they were retreating across the frozen Satschan pond, more a swamp than a lake, in the direction of Vienna. The French bombardment did hamper the retreat and it was a successful rout. But it was no ballet.

Napoleon's gross insensitivity is on full display in the retreat from Russia and the long march in the depths of a bitter winter. The Emperor is seen protected from the elements in a heavy wool coat with fur collar, or enjoying the comforts of a meal in a well-furnished and heated tent. Meanwhile his soldiers are dying by the thousands, exposed to the cold with little to eat but the flesh of their dead horses.

Napoleon appears totally indifferent to the fate of his troops exposed to cold, famine, and abandonment. He is presented as an abysmal egotist, concerned only with himself and holding onto power. There is no effort to explore or understand the real compassion he is known to have had for the officers close to him who in turn were completely devoted to Napoleon.

Scott does not miss the chance to poke fun at Pope Pius VII who was obliged by Napoleon to be present to witness the latter's coronation as Emperor at Notre Dame de Paris. The Pope is shown making an awkward declaration praising the Emperor and glorifying his reign. Again, this is another leap of fiction; there is no contemporary evidence that the Pope uttered a word of praise at the ceremony. It is known to history that Pius VII was present under duress.

The dual focus of the film remains fixed on the military campaigns of Napoleon and his obsessive relationship with Josephine. With respect to the latter, after their divorce and his subsequent marriage to Marie-Louise of Austria, Napoleon is portrayed as introducing his son, the King of Rome, to her at Malmaison. Nothing of the sort ever took place and Josephine never saw the child or held him in her arms.

Whatever one might think of Sir Ridley's account of Napoleon, it is certainly not a biopic. There is little effort to explore the totality of Napoleon's personality or his achievements beyond the battlefield or the bedroom, however distorted. In summary, Scott seems intent on depicting Napoleon as a sort of comparable personality to Vladimir Putin with his barbaric invasion of Ukraine, seeking validation through wars of aggression.

Why pile up such a mountain of twisted misrepresentations? It seems that Scott has as his main objective to undermine the legend of Napoleon as an historical figure who remains much-admired by the French and many others around the world, a hero and general who still commands fascination today.

Scott may have still another allied purpose: to fortify a particularly British historical view that it is the Anglo-Saxons who have the mission to bring peace and understanding to the civilized peoples of the world — in short, the old cry of "Rule Britannia!" that gets tiresome for the rest of us.

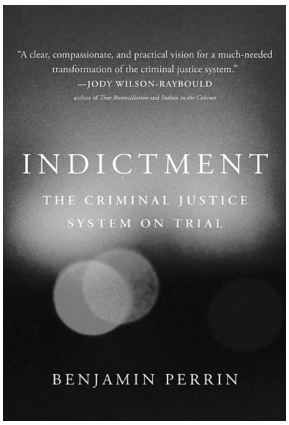
At the very least Scott's attack bears similarities to the online world of false facts, alternative realities, and contrary theories to justify eccentric claims. The film is thus an appropriate reflection of our times.

It's All Been Done

A law professor's ideas have already been tried — writes JOHN ROBSON

Indictment: The Criminal Justice System on Trial. Benjamin Perrin. University of Toronto Press, 2023.

Criminal justice is one of the parts of government in Canada that are clearly broken. Procedurally it is agonizingly slow, expensive, and unpredictable and it does not deter crime, punish it, or rehabilitate wrongdoers. And Ben Perrin seems just the guy to make original, thoughtful and fundamental proposals for change since he used to be a standard "tough on crime" guy (p. 197) as a standard bare-knuckle right-wing partisan but after a Christian conversion (p. 326) he had second thoughts that led to the book *Indictment*. Alas, the verdict is that he needs to have third thoughts because the book is a massive, agonizingly woke, unhelpful, and unreflective disappointment.



It was especially disappointing because, contrary to what he seems to think, the approach he takes here is dominant intellectually and practically in virtually all Canada's official institutions. Recently the official *Canadian Military Journal* devoted an entire issue to trashing Canada and its military in particular as a nightmarish swamp of "patriarchy, colonialism, white supremacy, heteronormativity, ableism, and classism" where racism "is not a glitch in the system; it *is* the system" and offering a "feminist intersectional trauma-informed approach to reimagine and transform CAF culture." That it will result in no soldiers and no equipment and, unless someone else bails us out, the conquest of Canada by foreign enemies who really are that way doesn't begin to interest the authors calling for things like "meaningful, sustained culture change" based on "a recognition by the white majority of the way in which whiteness organizes lives" and of how "acts of 'othering' can result in responses typically associated with post-traumatic stress disorder."*

It may prompt acts of oh brothering, also doubtless patriarchal, heteronormative, and probably white as well. But it's real and it's in charge. Including in the legal system, where judges now undergo indoctrination, the chance of someone with any sort of conservative approach to reading statutes or passing sentence being appointed to the bench is minimal, and yet the Law Commission of Canada is advertising for part-time commissioners (with $350 to $500 *per diems*) who would like to deal with such key issues as "systemic racism in the justice system, access to justice, legal issues around climate change, establishing a new relationship with Indigenous Peoples and rapid technological shifts in the world." (That the legal system is about the last bastion of the fax machine in Canada makes the last particularly feeble.)

It's also the case that most of what Perrin suggests is old hat in the world of judicial reform activism, even if the latest glittering woke coat of paint is fairly new. It hasn't just been activist or academic orthodoxy on crime for a century or more, it has been gov-

JOHN ROBSON *is, among other things, executive director of Climate Discussion Nexus.*

* *Canadian Military Journal* Vol. 23, No. 3, Summer 2023.

ernmental orthodoxy since at least the 1960s and it has not worked. To be fair, he does mention that Ruth Morris came up with the term, and idea, of "Transformative Justice" years ago. But of course he invented it independently (p. 203).

If he had thoughts on why, they might be worth listening to. But he doesn't even acknowledge the fact, let alone try to explain it. And the fact that he doesn't realize all this stuff has been tried — and indeed to a significant degree has caused the mess it's meant to fix — also makes one wonder what else he doesn't know. And it's a long list. For instance he rhapsodizes about "Safer communities through 24/7 non-police mobile crisis teams, community-level governance over police services, and enabling people who have been harmed to obtain civil emergency protection orders and longer term protection orders. This means a reallocation of resources away from policing towards non-police responses that are better equipped to deal with a wide range of community needs." (pp. 205-06) And he favourably cites a Eugene, Oregon non-police mobile crisis team of this sort. (p. 253) But Eugene has a crime rate 63% higher than the American average.

THE TONE IN WHICH HE makes various unfair assertions is also offputting. For instance, at one point he quotes approvingly that, "'The criminal justice system doesn't know anything about trauma,' said Myrna McCallum, a Metis-Cree lawyer who has experience as both a criminal defence lawyer and Crown prosecutor." (p. 11)

Oh really? If you actually talk to the people involved, as he boasts of having done, are none of them aware of the extent to which trauma underlies criminal activity and victimization, heartbroken over it, and frustrated that they can't make it stop? No judges? No lawyers? No social workers involved in the justice system? No parole officers? Nobody but Perrin and um well this lawyer and prosecutor who does know about it?

He also seems to have no idea that hard drug decriminalization has led, in places like B.C., to a catastrophe for users and communities alike. It turns out that easy access to the thing you're addicted to is not a great cure for addiction driven by trauma. Mind you difficult access and a life of crime, and somehow finding drugs even in prison is also horrible. But again, he divides the world not into those with good ideas for tricky situations and those without, but into good people like him and a bunch of wretches. And of course it will all be cheaper (p. 323) provided it works. Where have we heard that one before?

For all that, the book is not useless. Its first part makes a number of pertinent criticisms of the system, and its second makes several valuable suggestions, with periodic remarkable insights scattered throughout. But having gone enthusiastically to hear him speak on the book and then ordered it, I would be asking for my money back if I hadn't been engaged to review it because most of his remedies are both wildly impractical and conventional wisdom, a terrible combination, and he doesn't even seem to know it.

So what are the book's strengths? To give credit where it's due, a key pertinent criticism in Part I is that most of the people who become chronically entangled in the justice system have broken lives, very often due to traumatic childhoods, and our prisons and post-incarceration support systems do not seem to help. And as one example of a surprising and very useful insight he notes, in trying to explain the often repetitively dysfunctional behaviour of such unfortunates, that the conventional trope of a "fight or flight" response to danger excludes two others especially common and significant in those with trauma that can look odd and prove misleading in legal proceedings: "freeze" and "fawn" (p. 12-13).

He is also right that police emergency response procedures are not always ideal in dealing with people who are currently engaged in trauma-driven aggressive criminal conduct and frequently also hammered. So yes, a major problem with law enforcement, and not only here, is that it treats symptoms and not causes. But it's not exactly news, and as one who wears his compassion on his sleeve Perrin especially ought to have some sympathy for those who must, at consider-

able personal risk over and over in a highly stressful profession, deal with those symptoms whatever else might then happen.

On the other hand, he is right that a related problem with getting tough on crime is that while it makes good intuitive sense, especially if you grasp that incentives matter, to ensure that "Crime does not pay," most chronic criminals are very short-sighted people. As the lead character in the old TV series "The Rockford Files" responded, when told that when the villains thought twice they'd change their behaviour, such people don't think twice. If they did, they'd be in a different business. (I quote from memory and without being able to find it online.) And trauma doesn't improve the matter, especially in a crisis.

Most of what Perrin suggests is old hat in the world of judicial reform activism. It has been governmental orthodoxy since at least the 1960s and it has not worked.

Years ago at the Macdonald-Laurier Institute I had the pleasure of working on crime issues with Scott Newark, who repeatedly said instead of being "tough on crime" or "soft on crime" we should try to be "smart on crime." Also valid and also, as Kenny Stabler used to say, "Easy to call, hard to run" because a sad result of being smart on crime is recognizing that it is an intractable problem and not because of the cruelty or other self-inflicted blindness of those in authority. If crime results from broken lives, fixing crime means fixing or preventing broken lives. But only a fatuous analyst would suggest that either is easy or in many cases possible.

It's not that ideas like restorative justice and rehabilitation aren't good. On the contrary, just about everybody knows it and favours them. The hard part is making them work. Which doesn't mean we shouldn't try. But it does mean we should do so in a compassionate, open-minded, and yes humble way, including setting limited initial goals and working our way toward utopia one successful step at a time.

A practical if partial solution is to make punishment swifter because the certainty of long-term consequences has little influence on most criminals. Instead, trials drag on for years and sentencing is both light and arbitrary. But Perrin isn't making that kind of recommendation. On the contrary, he has achieved full woke cosmic awareness and would deal with crime by totally changing everything so it wouldn't be an issue.

> #MeToo. Black Lives Matter. Defund the Police. Decriminalize Drugs. No More Stolen Sisters. These aren't just slogans, protests, and movements. Discontent about the criminal justice system is not only a growing social and political force — it's backed up by statistics, reports, inquiries, commissions, and scholarly research that is shaking its very foundations. (p. 21.)

The first warning sign that the book is not going to be useful or sensible is his parade of references to a settler-colonial legal system, "lived experience" and other woke terms. In his Ottawa talk I thought a few scattered mentions might be an attempt to meet critics half way. But in the book it becomes clear that he doesn't do half-way. Indeed, for all his talk of inclusion, and the supposed compassion of this avowedly transformed soul who in his "journey" has "found freedom and peace in Jesus Christ," in his world you're either with him or in the outer darkness, just as in his bad old days.

There's an element of unreality about it including that aboriginals seem to have no failings, except those imported from or inflicted by whites. In fact one becomes uneasy early on with his constant parade of virtuous, noble, non-binary, spiritually reconnected aboriginal criminals. As with a book by a noted Canadian feminist I read decades ago in which it felt as though every woman she liked was described as smart, funny, and down-to-earth, Perrin exhibits a curious lack of genuine empathy, a tendency to regard humans as cardboard cut-

outs in a spectacularly unsubtle morality play, not as individual people with real individual strengths, weaknesses, and quirks.

He seems to believe that whites have no virtues unless they wear sack-cloth and ashes and go fully woke, like him: "I'm a white male law professor and a settler." (p. 5.) If not, well, his outer darkness is dark indeed. "The settler colonial criminal justice system does not, and cannot, adequately serve Indigenous peoples, no matter how many tinkering reforms are made. A wolf may dress up like a lamb, but it will still behave as a wolf when free to roam among the flock." (p. 149)

Oh dear. There's no fixing it. We must destroy it. But then what? At one point he even seems to have problems with crime being an offence against the state rather than private individuals, which he traces back to Henry II. (p. 185.) But if we're going to go back to the other system, are we talking private vengeance? Or are we just vaporing? As to solutions, my time machine is broken and so is his, so lamenting various aspects of our history, which he does in an exceptionally one-sided way, is not a practical solution.

It gets worse, because this kind of cosmic awareness comes at a high price including a kind of analytic paranoia that cannot fail to result in malicious assessments and prescriptions. He writes that "'Every system is perfectly designed to get the results it gets.' This simple but powerful idea explains the pervasive and insidious nature of the problems plaguing the criminal justice system." (p. 193.) Or it expresses the pervasive and insidious nature of left-wing ideology, which denies the very possibility of human error and attributes all mankind's difficulties, from poverty to war to crime, to deliberate malice. Yet surely a true Christian, of all people, ought to recognize the existence of human frailty. Including, dare I say it, in oneself?

Nope. Not happening. Instead he regards Canada as an irredeemably illegitimate racist project and praises aboriginal systems of justice (see for instance p. 141, where he seems to favour segregated prison systems, and p. 302, where he apparently agrees with all-aboriginal courts, law-making bodies, etc.) without seeming to have any knowledge of or interest in how, say, the Mohawks actually dealt with transgressions against the community prior to European contact. They did not, for instance, have jails, so it's a little hard to tap into their traditional wisdom on the subject.

He also doesn't even try to explain to benighted chumps like this reviewer how such a system could coexist practically with one for white people. It shows just how far he's plunged into identity politics that he doesn't address why, if the aboriginal way really is better, we shouldn't all adopt it. And he also doesn't mention what to do with the mixed-ancestry people who are very common nowadays. Which laws would apply if an aboriginal assaulted a non-aboriginal, for instance, or vice versa. Or whether black persons if convicted would go to aboriginal rather than white jails or alternative institutions, or whether they'd get their own purely black set under a comprehensive, multi-tiered system of legal apartheid.

At one point he writes approvingly "'For racialized folks, for me, the starting point is that this was a system that was never designed for racialized people, and Black folks in particular,' said Brandon Rowley with Nova Scotia Legal Aid." (p. 133). And if it had been, how would it be different? How exactly do you design a justice system suitable to um uh whatever it is that makes blacks different from whites, whether or not they also differ from other "racialized" people.

Which brings us to his remedies. And again there are a few genuine insights that only create more false promise followed by bitter disappointment. For instance Perrin makes the legitimate point that prisons should not be horrible places. It's easy to take the opposite view, explicitly or tacitly, on the grounds that people convicted of serious crimes have mostly done pretty bad stuff and do not command our sympathy.

Perhaps they would if we better understood their past and its traumas. And not everyone in prison is guilty. But prisons are expensive enough, and law-abiding folks are having enough trouble making ends meet,

that it's easy to summon a grumpy populist response about not coddling them if anyone suggests treating inmates better.

Naturally the public is not sympathetic to lavish spending on prisoners, especially when we are going through hard times which seems to be just about always. Nobody will care if Paul Bernardo is fed stale cheese sandwiches until he dies and the sooner the better. But if we really intend to inflict harsh treatment routinely, as a matter of at least informal policy, it should be part of the formal sentence. And if not, is there any reason the kinds of work programs in a jail should not include being able to make better food, furniture, and so on if they choose? Even for people who are never getting out? What exactly is the point, other than petty vindictiveness?

Prisons are necessary because prison sentences are necessary for some people to keep them from harming others, however they got there. And some of them need to have very strict measures to prevent the occupants from escaping and also from inflicting mayhem on one another because, however they got that way, they are often very dangerous people. But none of that is to say they must be, or even should be, dehumanizing places.

It does not service justice or rehabilitation. Indeed when you are sentenced, it is to incarceration, not to mistreatment of other sorts. You are not sentenced to eat bad food, live in constant stressful danger, or be bored in surroundings with all the charm of an underground parking garage. On the contrary, our fundamental law rejects the notion of torture, and we no longer even sentence people to hard labour. And if we do not do it in principle, to do it in practice simply adds hypocrisy to all the other drawbacks.

Perrin even suggests that, as in Norway (p. 286), prisons could behind secure walls have something of a park atmosphere except for the bit where the furniture is securely attached so it can't be weaponized. And it seems a very sensible proposal, not only for those whose crimes while serious do not indicate that they can never become useful free citizens again but also for those who, though entitled to the basic dignity of all those made in the image of God however they behave, must never emerge.

Unfortunately the kind of vital insight totally missing from the book includes a key practical point that I asked him about, to no avail, in his Ottawa talk. It's the crucial and powerful insight, or rule of thumb, from the economist Vilfredo Pareto that 80% of anything, good or bad, is done by 20% of the people.

It's surprisingly consistent across activities and places, on everything from income earned to work done in an office to crimes committed. And the justice system would function at least marginally better if it focused rehabilitation on the 80% who are in trouble and incarceration on the 20% who are trouble. It's all fine and good to say both are often victims of trauma. But if the consequences are very different in some cases, and they are, it's no good just wishing the world were different.

Ruth Morris, who inspired him, wanted to get rid of prisons. What an insane concept. Though if this this book is, in part, preparation for returning to his once-glittering political career as precocious Preston Manning protégé, Supreme Court law clerk, and special advisor to Prime Minister Stephen Harper — though from a very different angle — such an approach may burnish his political credentials.

Not in my view his intellectual ones. For instance, it also does not seem to occur to Perrin that the police are not well-positioned to carry out gentle, thoughtful social work while rushing from one 9-1-1 call to another encountering one hostile, out-of-control person after another whose conduct is manifestly dangerous to others and to themselves due to problems the cops didn't cause and can't fix. Indeed, they might even become jaded. And being underfunded, overstretched and constantly insulted is unlikely to improve their mood or the sensitivity of their conduct in a crisis.

Nor is it clear that it would be safe for the rest of us to demand that they try to, as recent experiments in defunding and otherwise incapacitating the police in American cities has starkly revealed. In Canada, too, crime really is a massive problem and it's not fair

to the victims. As Perrin himself notes, "One in five Canadians are victims of crime every year, according to Statistics Canada, with 8.3 million reported criminal incidents." (p. 158). Which dramatically understates the problem because, as he also concedes, "the majority of criminal incidents go unreported to the police" (p. 160).

It's all fine and good to wish criminals, most with tragic pasts, could be healed by more gentle treatment. But what if they can't? Do we just let them rampage and traumatize more people who in a vicious circle then become criminals, before themselves coming to a sorry end? At one point he mentions (p. 17) the insight, or cliché, that "hurt people hurt people." But while it seems to be true and should inspire sympathy, it must not blind us to the fact that they do hurt people and that those people deserve protection, both inherently and so they won't in turn become hurters. It's a difficult situation. And what if none of the options is very attractive?

Perrin seems oblivious that these policies have been tried by supposedly enlightened governments all across North America for a half-century now.

Perrin says, on p. 112, that even the Supreme Court has recognized that prison is often "a finishing school for criminals" not a place of rehabilitation. Which it is, and which is very bad, and all decent sensible people wish it were otherwise. But the alternatives are not jailing people convicted of serious crimes, which fails to deter, protect, or satisfy the very strong human desire for condign punishment, or imagining a world with prisons quite unlike our own that nobody knows how to create and retreating into that fantasy.

Perrin chooses the latter option — again a remarkably common and anti-useful progressive approach to real-world problems. Instead of facing hard and often unsatisfying tradeoffs he achieves full cosmic awareness, saying (for instance, p. 205) if we could fix poverty, addiction, and child abuse the crime problem would be far less problematic. Which is indeed true, in the same sense that it would have been easier to win the Second World War if Germany had not been on the Axis side. And that I could dunk a basketball much more easily if I were 6'10" and under 30. So what?

The old conservative Perrin (if he ever really existed) might have been better placed than the new improved one to grasp Thomas Sowell's key insight that "reality is tricky." There might be no easy, effective solution to lives gone wrong. Not just those that end in crime; there might despite the best will in the world, lots of funding and a great big pile of academic studies and accounts of "lived experience," be no simple or reliable way to end deprivation, drug use, and family violence.

It is very easy to tell someone else how to fix their problems and their character. It is a lot harder to get them to do it as, indeed, it is a lot harder to mend our own ways than to give helpful advice to others. And try getting even a non-criminal alcoholic to stop drinking.

His default direction is to veer into the banal. He begins Chapter 11, "A New Vision," by saying, "It is far easier to tear down than to build up." (p. 201). But instead of basing his analysis on this obvious point, Perrin makes prescriptions that are old and tired and while they sound convincing (and it would be genuinely heartwarming if they worked) trying them for decades because they sound good has not brought good results. Like so many on the left, he seems oblivious that these policies have been tried by supposedly enlightened governments in cities all across North America for a half-century now.

For instance, he makes a big hoo-hah about disproportionate rates of aboriginal incarceration. Well, yes. It is a tragedy and we all know about it. But the tragedy isn't that some racist system is framing people. It's that there are very high rates of crime in aboriginal commu-

nities driven, in large measure, by trauma and addiction. And the victims, overwhelmingly, are themselves aboriginal. Which means that to fail to separate out violent repeat offenders would not be compassionate, nor would it break the cycle. It would just create even more hurt people who then hurt people.

If someone (in Perrin's world, definitely a man) regularly gets drunk and beats his girlfriend, are we to keep him away from her or not? Since he also says women and minorities are hardest hit (p. 159) you'd think it was another example of the tension between more trauma-informed responses to criminals and preventing trauma, or more trauma, to victims. Instead when discussing criminals he asks why they aren't treated more gently, then in discussing victims he demands to know why they aren't protected better (see, for instance, p. 155). But you can't have it both ways; either the police respond aggressively to 911 calls, and the system to convictions including for domestic violence, or they don't.

Still, he does want it both ways. And in both cases, the reader gets no points for guessing that the explanation is "settler-colonial racism." Even though, as he says, the Supreme Court ruled years ago that aboriginals should get lighter sentences than non-aboriginals, not heavier ones as a "settler" system would presumably mandate. Although treating crime against aboriginals as less serious than other kinds is arguably "structurally racist" — a point he ignores when discussing aboriginal criminals, then rediscovers, in a gingerly fashion, when discussing aboriginal victims.

The weirdest thing about the book is its broad, off-putting streak of intolerance. To hear Perrin tell it, he was once that way in his smug partisan Conservative days but repents himself of it; his confession quoted above about being a "settler" continues:

> I have had challenges in my life but have also benefited enormously from that privilege. I've also been educated and indoctrinated into the Canadian legal system at some of the country's top law schools. I've spoken at judicial conferences at five-star hotels. I've attended beautifully catered Cabinet meetings on Parliament Hill. I've sat fireside at the Supreme Court of Canada listening to great speakers. I've schmoozed at academic cocktail receptions. The food I ate at such events surpassed what is served at many weddings. These are elite places that exclude the people impacted by the criminal justice system whom Harold [a downtrodden aboriginal Harvard-educated lawyer] calls on us to welcome inside and hear from. (p. 5.)

So back in those days he despised the people he now admires. Fine. But now listen to this scathing dismissal of those he does not:

> Most corrections officers under the status quo certainly couldn't be expected to adapt to a new approach based on rehabilitation and healing. It is a bridge too far. I heard time and again that no amount of policies or directives make a big enough difference in corrections. Instead, it is necessary to disband federal, provincial, and territorial corrections departments and staff. Start fresh with new people, not tainted by the status quo. This is controversial, but necessary. Organizational 'culture,' as it is often called, runs deep and is rarely amenable to reform. Many of these status quo staff and employees, particularly corrections officers, will need their own support to recover from these jobs where they too experienced trauma, and they should be provided that help. They will need to receive educational opportunities and retraining to take up new jobs in other fields. We will all be better for it, including them. (pp. 328-29)

As with Eustace in C.S. Lewis's *The Voyage of the Dawn Treader*, a source that should appeal to the new Perrin as a self-proclaimed redeemed Christian, it seems it's easier to wish away the dragon's hide than get it off oneself. And the apparent bottom line is that his substantive opinions have changed dramatically. But not his conviction that anyone who disagrees with him is essentially human debris.

By the end, I felt cheated by this book. Not just cheated of its significant hardcover purchase price, but of the thoughtful, helpful, and compassionate rethinking and redesign of its criminal justice that Canada unquestionably needs.

Words of War

Lawrence Uzzell

On Weaponizing Language

Sad is Ukraine's current intensification of linguistic bigotry. Too many Ukrainians are now determined to hate not only Putin's regime but also all Russian culture. One is reminded of America's hysterical Teutonophobia during and after the First World War: German names of American towns and streets erased, hamburgers relabelled as "liberty steaks," German books removed from libraries and German-language classes from public-school curricula.

One third of Ukraine's population are native Russian-speakers — significantly larger than the French minority in Canada. Although post-Soviet Ukraine officially recognizes only one state language, Ukrainian, in practice it tolerated a brittle balance between the two languages during its first two decades of independence. The Russian tongue informally continued to thrive in eastern Ukraine, and regional civil servants often used it. Even more strikingly, that language continued to dominate the popular media — books, TV, films, internet social media — in the entire country except for the far western provinces. A decade ago almost 90% of books sold in Ukraine were in Russian. More than two-thirds of circulation of newspapers were in Russian. The main TV channels produced about half of their programs solely in Russian, about one-third bilingual and only about one-fifth of their programs solely in Ukrainian.

One wildly popular TV program (2015-19) was typically in Russian; its creator, producer and key actor was a native Russian-speaker. Its title: "Servant of the People." His name: Volodymyr Zelensky. In 2019 Ukraine's new president said that his "level [facility with] of the Ukrainian language, in my opinion, is growing. I know that there are mistakes with accent marks and some words. I want to speak better. Perhaps, one can't know the language one hundred percent. But I'm trying to master it."

Sadly Zelensky's government is now coercively marginalizing his own native language. His Education Ministry has declared that Russian-language courses are to be removed from the country's school curricula. Ukraine's libraries have jettisoned more than 10 million books in Russian. Popular Russian websites such as the search engine Yandex are blocked. Private restaurants are forbidden to use the Russian language in their menus. One prestigious university (Kyiv-Mohyla Academy) has banned any use of that language even including private conversations among students or teachers anywhere on its campus.

Dozens of Ukrainian towns have grotesquely demolished statues and busts of Pushkin — as if the American Revolution had censored Shakespeare. Imagine America's government forcing all private radio or TV stations, including Spanish-speaking broadcasters in southern California, to produce at least 75% of their contents in English. Of

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course any such policy would be correctly denounced. But sadly Kiev's 2022 enactment against Russian-speaking broadcasts is mostly whitewashed by the West's mainstream media.

On the other hand one should recognize that Moscow's linguistic policies are also fanatical. Putin's current regimes of Donbas and Crimea have forced their public schools to end their Ukrainian-language classes.

Especially disgusting in Donbas is Russia's deliberate 2022 demolition of a memorial to the Holodomor's victims, the millions of peasants killed by Stalin's artificial famine. For decades the Soviet regime had tried to cover up that atrocity; finally Moscow recognized the truth only during the Gorbachev years. But Putin now prefers Stalinist propaganda.

Kyiv-Mohyla Academy has banned any use of Russian on campus, even in private conversations.

Consider the fates of statues and monuments of Lenin under Kiev's and Moscow's current governments. Before 1991 Ukraine's town squares and similar public spaces used to have more than 5,000 Lenins; by now all of them have been removed or destroyed. In contrast now Putin's southeastern Ukraine is celebrating that dictator, physically re-erecting statues of Lenin.

SHOULD WE THUS SEE Zelensky as a reliable anti-communist? Not really: His "Servant of the People" program acclaimed Che Guevara. Apparently he opposes only Leninist killers in or near his homeland, not those in exotic places such as Latin America.

Every Sunday the Eastern Orthodox Liturgy reminds Ukrainians and Russians: "Trust ye not in princes, in the sons of men, in whom there is no salvation." They should concentrate on second antiphon (Psalm 145), not on the *agitprop* of their secular governments.

A TANGLED WEB

BEHIND THE ORANGE SHIRT

NINA GREEN finds

Phyllis Webstad's backstory

has little reality to it

Phyllis Webstad's *The Orange Shirt Story*, published in 2018, is in school libraries across Canada. The cover depicts young Phyllis in an orange shirt confronted by two black-habited Catholic nuns, one with scissors in her hand, the other clutching a rosary behind her back. Inside the book, illustrations show four black-habited nuns greeting her outside the school, a nun removing her orange shirt, a nun cutting her hair, and a nun hovering over her while she prays at bedtime. The text states that the nuns made her shower, took her orange shirt away, gave her other clothes to wear, and cut her hair short.

This was a routine procedure when children arrived at residential schools across Canada in September. In his book *From Truth Comes Reconciliation* (co-authored with Mark DeWolf), Rodney Clifton, who worked at Stringer Hall, the Anglican student residence and hostel in Inuvik, explains that it was a practical necessity for the students' health and well-being. He noted that the Truth and Reconciliation Commission Report failed to state that:

> Some of the children arrived at Stringer Hall in September wearing the same school clothing they wore when they went home in the spring, not having bathed or changed in two months. Some of these children had been standing in smudge fires, trying to escape the hordes of blood-sucking insects, and a number had arrived with infected bug bites on their scalps. A

> few children arrived with ear infections so severe that pus was running down their necks. At the beginning of the year, these children cried themselves to sleep. As you might expect, the first priority of the residential school staff, particularly the nursing sister, was to clean up the children, and treat their infections.

To put the students' living conditions and infections into context, anyone reading this account needs to realize that it wasn't until the early 1950s that a weekly bath with a change of clothes became the norm for most urban Canadians. For people living on farms and in small communities where water had to be hand-pumped from wells and heated on coal and wood stoves, a bath with a change of clothing was a luxury reserved for special occasions. In the North, it was even more difficult to bathe and change clothing, especially for the children who were with their parents in tents at hunting and fishing camps.

There is little doubt that the hostel children appreciated ending a busy week with a hot shower, clean pajamas, and a chance to slip between clean sheets in their very own beds, just as other Canadian children did. (pp. 281-2)

The Orange Shirt Story does not provide this much-needed context, and makes it appear that giving Phyllis Webstad and other children from remote Indian reserves in the Cariboo a shower, a change of clothing, and a haircut on their arrival at St. Joseph's in September were callous acts perpetrated by 'cold and unfriendly' nuns.

How many nuns?

The fact that Phyllis Webstad puts nuns at centre-stage on the cover and in the text and illustrations of *The Orange Shirt Story* contrasts rather markedly with her failure to mention nuns in her other accounts of her year at St. Joseph's, which, to clarify, was no longer a school when she arrived there in 1973, but a student residence or hostel in which students lived while attending public schools in town in Williams Lake.

As the federal government's policy of integrating status Indian students into provincial public schools and turning the former residential schools into student residences or hostels progressed during the 1950s and 1960s, nuns were no longer required as teachers, and many had left by the time the federal government formally took over administration of the schools from the churches on 1 Apr. 1969. Thus, if there were still a few non-teaching nuns working alongside lay staff at St. Joseph's residence-hostel during Phyllis Webstad's one-year stay there in 1973-74, it does seem a rather glaring omission that she never specifically mentions nuns in other accounts of her life there.

In a subsequent book, *Beyond the Orange Shirt Story*, published in 2021, she merely refers to the persons who took away her orange shirt as "them":

> I can remember arriving at the Mission. The building was huge, unlike any building I'd ever seen before. I remember lots of crying and the feeling of terror, pee your pants terror! When my clothing, including my orange shirt, was taken, it didn't matter how much I protested or told them I wanted it back, they didn't listen.

On the Orange Shirt Society webpage, she merely says "*they*":

> I went to the Mission for one school year in 1973/1974. I had just turned 6 years old. I lived with my grandmother on the Dog Creek reserve. We never had very much money, but somehow my granny managed to buy me a new outfit to go to the Mission school. I remember going to Robinson's store and picking out a shiny orange shirt. It had string laced up in front, and was so bright and exciting – just like I felt to be going to school!
>
> When I got to the Mission, they stripped me, and took away my clothes, including the orange shirt! I never wore it again. I didn't understand why they wouldn't give it back to me, it was mine!

In a recent CBC Kids article and interview, she merely says "*staff*":

> But once she got to the school, Webstad said staff took away her clothes, including her orange shirt. She never had the chance to wear it again.

Why does Phyllis Webstad shy away in subsequent accounts from stating that it was nuns who took her orange shirt away when she had stated so emphatically in *The Orange Shirt Story* that nuns were responsible?

In that regard, it may be significant that in *Beyond The Orange Shirt Story*, Phyllis Webstad mentions Gloria Manuel, an Indigenous staff member who she says was kind to her:

> I remember that a Native woman who worked there was kind to me. She had long hair and a loving face. At the time I didn't know her name, but since then, I've met her again and have learned her name is Gloria Manuel.

In fact, there were many Indigenous staff throughout the years of the residential school system. The schools couldn't have run without them.

In fact, there were many Indigenous staff throughout the years of the residential school system. The schools couldn't have run without them. In 1961, 8.9% of the total teaching staff were Indigenous. Ninety-six status Indian teachers were employed in day schools, and 25 in residential schools. Those figures, of course, do not include the many hundreds of Indigenous staff members like Gloria Manuel who were employed in other capacities in the schools over the years.

The foregoing facts raise an obvious question: Was it actually lay staff members, and perhaps even Indigenous lay staff members, who gave Phyllis Webstad a shower and haircut, and took her orange shirt away when she arrived at St Joseph's? If so, *The Orange Shirt Story* has clearly misinformed the Canadian public, and in particular, Canadian schoolchildren.

It's even possible that Phyllis Webstad's orange shirt was eventually returned to her. She can't say for certain that it wasn't, because she admits to having no memory of going home at the end of the school year: "I don't have a memory of getting my shirt back, or going home when school was out."

There are other aspects of Phyllis Webstad's story about which the public has not been accurately informed. For example, the CBC Kids article erroneously states that she attended school at St. Joseph's: "In 1973, when Webstad was six years old, she started attending St. Joseph's Mission Residential School near Williams Lake."

As noted above, the CBC is in error. St. Joseph's was no longer a school when Phyllis Webstad arrived there. It was a student residence and hostel where students lived while attending public school in Williams Lake:

> The Mission was the place where we slept and ate. When I attended in 1973, there were 272 students in total, boys and girls. All of the students were bussed into Williams Lake to attend public school, about 20 minutes away. ... I liked my teacher there, she had crazy red curly hair, she smelled good, and she was kind — I wished she could take me home with her.

Moreover it seems Phyllis Webstad's experience in public school in Williams Lake was a pleasant one. She has positive memories of it. Her teacher, Lynn Eberts, has positive memories as well; she wrote in *Beyond The Orange Shirt Story*: "It was a very happy group of children in that primary classroom. We had a great year!"

A horrific experience?

Phyllis Webstad has been telling her story for a decade:

> Ten years ago, Phyllis Webstad spoke about her residential school experience in front of an audience of residential school survivors in Williams Lake, British Columbia.
>
> From there, Orange Shirt Day was born. Since then, it has grown into a cross-Canada movement.

People mark Orange Shirt Day on Sept. 30 by wearing orange.

During that decade, Canadians have come to believe that Phyllis Webstad's experience at St. Joseph's was a horrific one. In fact, in the CBC Kids interview, Webstad herself used the word "horrific," and she has on some occasions made horrific claims based on hearsay, not on the basis of what she herself experienced as a six-year-old in 1973-74.

But in believing that Webstad had a horrific experience at St. Joseph's, have Canadians been deceived? Her detailed account in *Beyond The Orange Shirt Story* reveals nothing which would justify the use of the word "horrific." She missed the grandmother who had raised her, which is understandable. She obviously did not miss her parents, who had both abandoned her. She did not know who her white father was until long after she became an adult, and she says she never lived with her mother. But at St. Joseph's she had her cousin as a companion, and it seems she had a happy school year with a teacher she liked. And at the end of that one year, she went home, never to return to St. Joseph's again.

In contrast, life for children living on the Dog Creek Reserve could be truly horrific. In *Beyond The Orange Shirt Story*, Phyllis' aunt, Theresa Jack, writes:

> There was lots of violence and drinking on the reserve. Many times at Granny Suzanne's, we had to hide ourselves for our safety, usually in the sweat house or the haystack by the creek. My two uncles lived with us. One of them abused me sexually, and the other abused me mentally and physically. He would beat me and my brother with sticks and anything he could get his hands on. He even bullwhipped us once.

So which experience merits the epithet "horrific" — Webstad's year living at St. Joseph's while attending public school in Williams Lake in a class of "very happy" children taught by a teacher she liked, or her aunt Theresa Jack's experience of drunkenness and violence, and being beaten, bullwhipped, and sexually, physically, and mentally abused by her uncles on the Dog Creek Reserve?

Phyllis Webstad needs to level with Canadians, and tell them (1) whether it really was nuns who greeted her at the school, forced her to shower, took her orange shirt away, and cut her hair, or whether it was lay staff members, and perhaps Indigenous lay staff members, (2) that her school year with a teacher she liked in Williams Lake was a happy one, (3) that her parents had both abandoned her, and that she had no one to care for her on the reserve apart from an aging grandmother, and (4) that childhood on the reserve, as experienced by her aunt, was horrific, as opposed to her own year at St. Joseph's, which was not horrific at all.

Nina Green is a regular contributor to The Dorchester Review. *This article was published online Sep. 28, 2023 and has had over 8,000 hits.*

Will Surrey dare to entertain,
'Gainst Marmion, charge disproved and vain?
Small risk of that, I trow.
Yet Clare's sharp questions must I shun;
Must separate Constance from the Nun—
O, what a tangled web we weave,
When first we practise to deceive!

— from 'Marmion', Sir Walter Scott

Report on the 'Culture Wars'

Professor Eric Kaufmann has partnered with **Brian Lee Crowley**'s estimable **Macdonald-Laurier Institute** to publish a survey, *The Politics of the Culture Wars in Contemporary Canada*, into what Canadians believe about "cancel culture … freedom of speech, equal treatment, and objective truth." For convenience he contrasts "cultural socialists" with cultural liberals and cultural conservatives.

Kaufmann is Professor of Politics at the University of Buckingham, the author of *Whiteshift: Immigration, Populism and the Future of White Majorities* (Penguin 2018), and recently joined the Advisory Board of The Dorchester Review.

He finds that "the vast majority … do not endorse activists toppling statues without permission, and considerably more oppose the removal of statues of **[Sir] John A. Macdonald** than support it." Most Canadians "do not think their country is racist and lean toward emphasizing the positive in our history over the shameful." The report is based on a survey of 1,503 adults contacted between Sep. 18 and 20, 2023.

Kaufmann concludes that most Canadians are far less politically correct or "liberal" on cultural war matters than the legacy media seem to assume. He writes:

> *In nearly all instances, the public finds itself opposed to the system of activists and administrators who set the tone in our cultural institutions. These officials are acting against the democratic will, insulated by a political culture that sidelines such questions as well as by euphemisms such as "anti-racist" or "gender-affirming" (read: anti-white, opposed to certain rights for women) and the associated threat of being accused of racism, transphobia, or other taboo violations. The public are sympathetic to minorities … Still, by a considerable margin, they prefer a colour-blind over a colour-conscious approach. They want diversity training that shames white employees into confessing their privilege … banned.*

> **[O]ne of the most striking findings is that the Canadian public holds very similar culture war attitudes to the British and American public. Where Canada differs is in its connection between public and elite opinion, which is weaker than in the US and UK. This appears to be related to the relatively high trust that Canadians place in the country's largely progressive media and institutions, which helps insulate elite culture from public disagreement. …**

> *Comparing younger and older Canadians, I find a larger gap by age on woke-related issues … with young Canadians more woke than older Canadians even when accounting for self-ascribed ideology, education, and other factors. This is especially true within the left, where young leftists exhibit considerably greater progressive illiberalism and historical revisionism than older leftists. … The international difference between Canadian and American or British young people is especially noticeable on the question of whether the country is racist, with young Americans and Britons far more likely to say this than young Canadians. French Canadians are surprisingly similar to Anglophones on many of the questions considered here.*

Kaufmann recommends that "conservative politicians should more forcefully defend Canadian history and symbols. Decisive and swift punishment for those who seek to topple statues should be combined with a vigorous defense of **Sir John A. Macdonald** and other historic Canadian figures. Their flaws should be acknowledged, but only in the context of a clear-eyed, unromantic view of nonwestern groups and civilizations."

> *To wit, most Canadians continue to believe in a highly moralized and decontextualized rendering of the country's record on residential schools. The task of right-of-centre media and political innovators should be to try and use facts and evidence to deconstruct myths encoded in this progressive narrative, which underpins the woke cultural revolution which is setting the official elite institutional agenda on many issues. This can then empower centre-leftists to challenge the radical left in institutions, establishing new elite norms. The goal should be to return to what Jonathan Rauch terms a "truth-based order" in law, science, and journalism, allowing for maximal human flourishing and progress.*

... Continued from page 72

A Backyard Buck

some imposing timbers.

I loaded my wheelbarrow with all that I'd need for a day's worth of bucking logs. On top of the chainsaw, axes, and canisters of chain-lubricant and gas I put the crossbow, cocked and now loaded — not with a target tip but with a razor-sharp hunting broadhead. For all of their size and might, a well-placed bolt in the region of the heart and lungs kills a black bear quickly.

For me, the woodlot is a particularly pleasant place to spend the day. So much so that I sometimes get on my knees and kiss its mossy floor in gratitude. There in the dapple-light presence of hundred-foot trees, I think my better thoughts, or at the very least refrain from thinking my worst.

Until I bind my saw, that is. Then it's right to savage indictments of modernity. When we first bought the property, my Luddite leanings had my sons and me cutting our firewood by cross saws and axes. After the first season, however, the toughness of the work set in, and I purchased an industrial-strength chainsaw.

I also realized that not all the wood on the lot needed to be burned to heat our house. With the assistance of a portable sawmill, the lot could provide building materials for all sorts of fun projects like a sauna, not to mention wood for the future homes of my kids. Such thoughts made logs like the one at hand slightly more inviting.

I intended to cut the hundred-foot fir that had mistakenly been felled into ten-foot logs. Whatever fears I had of the bear surprising me from behind a huckleberry bush were transferred to the tree, parts of which hovered above the forest floor and flexed with unreleased and potentially deadly tension. From a safety standpoint this was a sound psychological transfer, since not even a bear as cheeky as ours would get anywhere near me with the noise I was about to make.

But the local deer would. About an hour into my work as I was limbing a tree with an axe, a fawn emerged from some nearby thickets, stopped and glanced at me before prancing over to a grassy opening where the autumn sun had warmed her lunch. When I looked at the opening again, the fawn had been joined by another as well as by a sizeable doe. Their large ears didn't seem at all bothered by the whine of my saw, and it was only when I turned it off and cast a few friendly words their way that they stopped eating and took notice of me. It being buck hunting season only, these three were safe from the predation of my bow. I continued with my work until the saw began pouring out fine dust, indicating a dull chain.

I returned from the shed with the chain sharpener, and on the way back to the lot stopped at the grass clearing. The deer were gone, but the clods of grass under which I had buried yesterday's kitchen scraps had been brushed aside. Until now, my theory was that it was the bear that was rooting up my compost, but apparently the deer too were helping themselves to the rotting scraps.

As I walked along the forest line back to the woodlot, my eyes were for some reason drawn deeper into the trees. No turn of a tail nor snap of a twig drew them there. But immediately upon looking into the shadows, I spotted a doe, nestled up against a berm. She didn't move as I ventured closer, which is in line with the nonchalant behaviour of deer who casually eat their way across every flower bed and vegetable garden of Powell River. Next to the doe were two fawns, and there was another doe next to them with a fawn or two of her own. All lay terraced along a small hill, enjoying the full repose of a fall siesta. Only their noses twitched.

Their eyes, of course, were fixed on me. My eyes shot towards the creature standing above them. At the summit of this undulate pyramid stood a broad-chested buck whose big eyes enveloped both me and the sun behind me and whose multi-tined antlers mingled with the tree tops above. The sultan twitched his nose but otherwise stood his ground. I slowly backed out of the woods. I ran for my bow, my thoughts barely keeping apace of my heart. If only he'd stay so bold above his harem, until I returned.

Ducking under the tree limbs into the stillness of the forest, I worked on regaining my composure. Last year, I had shot my first buck and not cleanly. My excuse to myself was the

Kentucky windage of my old Mosin-Nagant infantry rifle. What I now gripped, and in slightly more experienced hands was a precise weapon topped with a scope.

The buck was there, exactly where I had first spotted him. "Ok, my friend," I whispered as I placed his chest in the crosshairs. I squeezed and he leaped. Then the pyramid beneath him came to life. There were fawns and does moving every which way. The buck began to retreat deeper into the forest. I picked up the discharged bolt and felt blood along the shaft. That my shot had indeed been fatal became evident when the buck's front leg buckled. A few steps later, he sank from my sight down into the moss and foliage that covered the forest floor.

I walked through the circle of other deer who appeared more confused than scared, and soon I stood above the buck. I knelt down and saw myself in his now lifeless eye. Then I patted the fur on his neck. It was engorged, a sure sign that the buck was in rut. He had dropped his caution and had come down from the deeper woods to pursue the does. Never before had I seen a buck like this crossing the streets of town, nor passing through our property to eat the grass in the graveyard across the street.

Whatever fear I had of the bear was transferred to the tree which hovered above the forest floor and flexed with unreleased and potentially deadly tension.

Sad elation filled me as I pulled the buck out of the forest and past the other deer. They had now moved onto exploring beneath the clumps of sod. I pulled, rested, then pulled harder, knowing that the bear could be somewhere nearby and that my bow had been discharged.

I dragged the buck right up to the side door and, chest heaving, popped into my house. I returned with the telephone, a can of bear spray, and a heaping tumbler of rye. As a boy I wounded a pigeon once with a slingshot and after that wouldn't shoot an animal for almost forty years. Indeed, for many of those years I was convinced that I'd easier have shot a human. I had made it through some intensely dark and misanthropic times. Could I shoot a human now? Not likely.

With joy, I called a local dentist who I knew would enjoy my success. Dr. Ashok Varma had taken me for my first hunt last year. During his lunch break, Varma came by to size up my buck. I now had a centre of operations established in my backyard gazebo which included several knives, rubber gloves, buckets, and a piano winch that a dear friend had recently left behind after tuning our piano. "That's a fine buck!" appraised the seasoned hunter. "Now the work begins."

I had secretly hoped that Varma would stick around to help me with the deer. With precise hands, he had done such a fine job gutting and skinning my first buck. Of course, I had forgotten most of what he had shown me then. He suggested that I YouTube the process and when I informed him that my house was not connected to Wi-Fi, he offered to guide me though it over the phone in between patients. "Now top up your whisky and set to it," he laughed as he jumped into his Porsche.

I winched the buck up a cross beam of the freshly white-washed gazebo and rolled a wheelbarrow beneath him to catch the spill. Then with my sharpest knife I began to cut open his chest. What would the Strata Council of my former townhouse unit say about this? I envisioned the finely-worded letter. "Wow, Dad..." was all my oldest daughter Francesca said upon seeing the grisly scene and turning back into the house. Like our other kids, she had taken well to eating venison and approved of ethical hunting. But the sudden sight of me involved in this dance of the macabre in our backyard gazebo must have strained even her expectations of our still relatively fresh country life.

The boys, however, joined me in the business

immediately upon returning from school. Happily I watched their small, but already hardened hands shearing off skin and cutting through tendons. The things that they were experiencing and learning in Powell River between ocean and woods were priceless. With Varma's periodic and clear instructions and our combined hard work we had the deer gutted and skinned just as the sun set behind the western hills.

The bear would soon be making his rounds, so we had to take every precaution to ensure that our buck would feed us and not him. The boys winched the animal down into my arms, but my knees buckled under his weight. Instead, we tied him to a dolly and rolled him into the shed. While the boys cleaned up the knives and dumped the bucket of blood, I hammered plywood across the shed windows and door in order to bear-proof it. Next we filled the freezer with the organs, the still-antlered head and the hooves, annoying my wife. Then we wheel-barrowed the guts out into the forest. In the dark, I lit up a Pom Pom.

Early the next morning I checked the shed and then the gut pile. The deer was still there cooling out, but the gut pile was gone. All of it — right down to the bladder. In fact, the bear had done such a job licking the plate clean that I had to reaffirm the location with my sons. They confirmed that we had indeed dumped the guts where I thought we had.

Winter now approached and we had several cords of wood laid up to warm us against it. We also had close to 90 lbs of venison, cubed and ground, in the freezer to help absorb the rising cost of food. The bear, too, had been looked after, although not in the fashion that I had originally planned. His hide would not grace our fireside. Not this year, at least. Instead, the bear was somewhere deep in the woods, resting perhaps on a bed of hay and most certainly with a full stomach.

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A Bow, a Bear, & a Backyard Buck

Peter Valing

The bear had torn up our bow target. Sometime during his nocturnal rounds, he took notice of the new structure in the yard, rose up on his grand haunches, snatched the hay bale from within the wooden tower that my sons and I had only recently built, gripped the large plastic-covered bundle somehow with his jaws and, trophy thus secured, lumbered an acre or so to his hideout, a trampled-down dirt patch in the forest behind our house. The first bale he enjoyed so much that he returned for the second, leaving in his wake bunches of golden hay and piles of scat.

I bought the crossbow partly to do away with this bear, who had been routinely vandalizing my property and our neighbours' for a few years now. Last summer, he dragged my garbage can in from the street all the way back to the potato patch. He threw the bin through the deer fencing and proceeded to trample down much of the patch just as my well-tended plants were beginning to sprout. Before departing, he left behind his signature: enormous piles of droppings around the outskirts of the now devastated patch.

He was even more forward with a neighbour. Just before dinner, the bear entered the back door of the kitchen and pinched a chicken cooling on the counter. There, too, he returned for a second round, carrying away a stick of butter to grease his greedy gullet. His revisit was witnessed by a conservation officer who, to my neighbour's dismay, watched the bear and butter disappear into the woods. Having small kids himself, my neighbour purchased a crossbow with a similar motive to mine.

Before moving to the town of Powell River I would perhaps have thought such measures too drastic. (I do even now find bears quite adorable.) But tale after tale regarding the dangers of black bears from loggers, hunters, and the local schoolchildren, made me reconsider. Only last year, one such bear had eaten a vagrant on the outskirts of our town, and the last and only time I tried to chase our bear away from performing yet another act of hooliganism on my property, he turned on me with such speed and ferocity that backing away with rake in hand, I abandoned my city-bred eco-sentimentalism.

Thus, this year, along with my mule deer tags I bought a tag for his hide. I was now Ahab and he the White Whale, possessed of an ill-will towards me and I towards him. A few days after I had purchased the tags and measured my property to ensure that it was legally the right size to bow hunt within town limits, the bear destroyed my target. Coincidence? Bears don't generally eat hay, yet man uses hay to sharpen his aim. In this contest, the bear was one move ahead.

Since boyhood, I've been a reasonably good shot with a gun. Presently, I realized that the basic principles of marksmanship — Breath, Relax, Aim and Squeeze the trigger — applied equally to a bow. My sons were intrigued by the new bow, and we shot it daily from when they returned from school until sunset, pulling buried bolts from within the bales, before the bear put an end to our fun. At this point, I felt quite confident with the new weapon and consequently safer from the machinations of the bear while working my woodlot.

The tree faller had been back there the previous week and had made a mess of things. He had taken down four of the five trees I had selected for next year's firewood before hanging the last one up on a massive Douglas fir. Then instead of telling me what had happened, he attempted to fix the situation by cutting down the fir tree. He then got the fir hung up on a massive cedar. The near doubled-over cedar was ultimately saved, but by a more experienced faller. My lot was now criss-crossed with

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