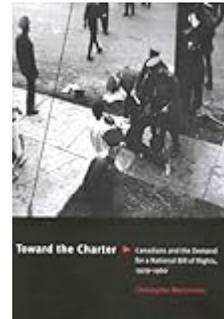


**Christopher MacLennan.** *Toward the Charter: Canadians and the Demand for a National Bill of Rights, 1929-1960.* Montreal and Kingston: McGill-Queen's University Press, 2003. xii + 234 pp. \$70.00 (cloth), ISBN 978-0-7735-2536-8.



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## Charting the Foundation of the Charter of Rights and Freedoms

Throughout the latter half of the twentieth century, the international community has viewed Canada as a proud supporter of democratic and fundamental human rights. This does not mean that Canada has an untarnished human rights record; any progress made has been through the tireless efforts of many great and generally unacknowledged Canadians. These individuals and the organizations to which they belonged developed in the 1930s and 1940s in response to many human rights abuses that took place both domestically and internationally prior to and immediately following World War II. In his book, *Toward the Charter: Canadians and the Demand for a National Bill of Rights, 1929-1960*, Christopher MacLennan examines the development and expansion of the human rights movement in this country.

*Toward the Charter* is a narrative of the events leading up to the Canadian Bill of Rights. As such, it is difficult to pinpoint MacLennan's specific thesis. But one thing is clear: MacLennan strives to show that in the wake of World War II, domestic (from civil liberties organizations) and international (the United Nations Charter and the United Nations Universal Declaration of Human Rights)

pressures led the Canadian government to adopt the Bill of Rights in 1960. MacLennan views the Bill of Rights as the end of his narrative because it signifies the victory of those who wanted a clearly written set of human rights over those who believed that the British tradition of common law and legal precedence were adequate in protecting Canadian civil liberties.

MacLennan divides his book into seven chapters, each one dealing with either a specific subject or period of time in the lead-up to the Bill of Rights. His work examines many issues, including R.B. Bennett's use of section 98 of the Criminal Code to prosecute communists in 1931 and the use of the Defense of Canada Regulations (DOCR) during World War II. He also examines the proposed deportation of Japanese Canadians after the war, the Gouzenko affair, and Quebec's use of the Padlock Law, all of which highlight abuses of civil liberties in the immediate postwar period. He introduces the reader to many of the key leaders and proponents of dissent from 1929 to 1960, including: lawyer Frank R. Scott; the editor of *Saturday Night*, B.K. Sandwell; Jewish Labour Committee of Canada director Kalmen Kaplansky; and of course,

the author of the Bill of Rights, Conservative M.P. and Prime Minister John Diefenbaker.

*Toward the Charter* offers a new perspective on Canadian human rights history. MacLennan convincingly relates the movement for a bill of rights to the events that took place in the United Nations. Many scholars have noted Canada's role in drafting the United Nations Universal Declaration of Human Rights and its impact at home. MacLennan takes this a step further by showing how such events changed the nature of civil liberties organizations in the 1950s and beyond. The impact of the League of Nations is also noted in the minority protections within the mandates system; MacLennan sees this as the first step toward recognizing the universality of human rights.

Another strong feature in this work is the examination of the relationship between civil liberties organizations and the state. *Toward the Charter* is very political in that it focuses most of its attention on the fight between civil libertarians who desired a bill of rights and politicians who resisted placing limitations on their lawmaking power. MacLennan excels in demonstrating how civil libertarians and their organizations became more politically astute as the movement progressed, and how their political tactics became much more professional in the postwar period. He also reveals how frustrating it was for political organizations to rely on wavering public opinion; it was this fact that allowed Louis St. Laurent to resist calls for a Bill of Rights in the late 1940s and early 1950s. MacLennan clearly respects John Diefenbaker's role in the Canadian human rights movement. At times it seems as though the author holds back from criticizing his book's hero. It was Diefenbaker's electoral success that allowed for the passage of a Bill of Rights, which is why Diefenbaker's role as a civil libertarian is important. But perhaps *Toward the Charter* overestimates Diefenbaker's contribution.

Although the Bill of Rights does mark a certain victory for civil libertarians, it should not be seen as the ultimate goal. Securing federal protection of human rights was a cause that most civil liberties organizations supported, but many of these organizations' top priority was

to ensure the victory of their own specific cause. Ross Lambertson's *Repression and Resistance: Canadian Human Rights Activists, 1930-1960* (2005) is a notable commentary on this topic. Many of these organizations were simply trying to get their provinces to adopt measures at protecting and promoting the rights of their membership. Considering the weakness and inadequacy of the Bill of Rights, civil libertarians were more concerned with ensuring legal protection of jobs and access to services as opposed to a federal Bill of Rights.

Considering the title of MacLennan's book, *Toward the Charter*, there is a lack of discussion on how the events from 1929 to 1960 relate to what took place in 1982 with the Charter of Rights and Freedoms. Although he briefly mentions this in his introduction and conclusion, further explanation is necessary to relate how the work of civil libertarians in the 1930s, 1940s, and 1950s influenced Pierre Elliot Trudeau and the Charter of Rights and Freedoms. MacLennan states in his introduction that "some of the issues that occupied the framers of the 1982 constitutional amendment were anticipated and informed by the movement for a national bill of rights in the 1940s and 1950s," and that "advocates of the 1940s and 1950s worked much of the same soil that later activists and politicians worked" (pp. 5-6). However, there is no discussion of these "activists and politicians" and their role in the lead-up to the Charter. Since *Toward the Charter* does an excellent job of identifying the key players, organizations, and movements that inspired the Bill of Rights, it would have been interesting to see those same elements identified in the period prior to the adoption of the Charter in 1982.

For anyone hoping to learn more about the history of Canadian human rights, the ability and tactics of social movements to effect political change, or the influence of international factors on Canadian politics, *Toward the Charter* is a must-read. It serves as an excellent introduction to studying the Canadian Bill of Rights and the processes that led to its inception. That being said, readers should be skeptical as to the relative importance placed on the Bill of Rights, both in the minds of civil liberties organizations in 1960, as well as its impact on the development of the Charter of Rights and Freedoms.

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