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Copyright: Australasian Canadian Studies and Contributors 2014
ISSN 1832-5408
Printed by: Print and Distribution Services, University of Wollongong

Australasian Canadian Studies

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AUSTRALASIAN CANADIAN STUDIES
Volume 31 Number 1-2, 2013-14

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“L’histoire dira que Lord Durham a préféré une petite faction, et l’exposera comme une des aberrations humaines de notre époque.” How Lord Durham lost French-Canadian Support, June to October 1838

MAXIME DAGENAI
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Abstract: In the final weeks of his mission in Lower Canada, Lord Durham often complained that his task had failed because of the actions of his enemies back in England. Their constant criticisms, he argued, had significantly weakened his position in the colony, forcing him to prematurely end his mission and return to England. Durham maintained that his authority had been so morally and politically weakened that he did not believe that remaining in Canada would yield any benefits. Furthermore, the population of Lower Canada, he explained, had lost faith in him and his mission. This article will examine Durham’s mission and explain how he lost French-Canadian support. It will show that although Durham blamed his enemies for his failures, there is only one person to blame: Durham himself. Evidence suggests that when Lord Durham first arrived, he had the support of French-Canadians. He arrived as a saviour and as the man that could resolve the problems that plagued Lower Canada. However, this support ended when he started to associate himself with the opponents of French-Canada, the Constitutionalists. Soon after, French-Canadians started condemning him, calling him a traitor.

Keywords: Lower Canada; British North America; French North America; 1837 Rebellion; Lord Durham; Special Council; Patriotes; Constitutionalists; Lord Brougham; Lord Ellenborough; George Grey; Australasia; South Africa; Liberalism; Imperialism; Assimilation
The effects upon the public mind was instantaneous and most remarkable. The disaffected [...] were encouraged to believe, that as any authority was so questioned, the manner in which it had been, or might be exercised, would to a certainty be vigorously assailed by the Opposition, and feebly defended by the Government. And they inferred that the success of my mission, which as all parties at home had allowed when the danger was imminent, and all here still felt, depended upon the vigorous exercise of an extraordinary authority, was thus rendered next to impossible.¹

In the final weeks of his mission in Lower Canada, Lord Durham complained to Lord Glenelg that his task had failed (or was failing) because of the actions of his enemies (Lords Brougham and Ellenborough) in the House of Lords. Their attacks, he complained, had significantly weakened his position, therefore forcing him to prematurely end his stay. Durham maintained that constant criticisms and, more specifically, the disallowance of the Bermuda Ordinance had weakened his authority, and that, consequently, any further law that he passed would be challenged by the colony’s population. Durham went as far as accusing his “selfish” enemies in England of endangering the colony’s welfare.² His authority seriously undermined, Durham resigned from his now “useless office,” which has “become thoroughly inadequate to the ends for which it was created, and on quitting a post which has been rendered altogether untenable by those from whom I expected every possible assistance in maintaining it.”³ Durham believed that his position had been so morally and politically weakened that he did not believe that staying in Lower Canada would yield any benefits. The people of Lower-Canada, he explained, had lost faith in him and his mission. These claims—that interference in his affairs undermined his authority and ultimately led to his failures—will provide the focus of this article. More specifically, I will demonstrate that, with regards to French-Canadians, they were quite simply false.

When Lord Durham came to Lower Canada in late May 1838, he arrived with tremendous responsibilities on his shoulders. In the wake of the 1837 Lower Canadian Rebellion—in which the Patriotes revolted against what they perceived was an unjust colonial administration—Durham was sent to figure out what had caused the armed insurrection and provide resolutions that would fix the colony. While in Lower Canada, Durham had another job: he was expected to pass laws and ordinances that would help restore order and prevent further bloodshed. To facilitate his
job, the British government dissolved the colony’s Legislative Assembly, suspended its constitution and appointed a Special Council that governed the colony for the time being. The council itself was “conceived as a tool for Lord Durham to use for the passage of necessary provincial legislation while he investigated and reported on the constitutional problems of British North America.” It was hoped that the council would enable Durham to pass any law or ordinance that would assist him in his difficult task. Lord Durham arrived at Quebec on 27 May 1838 and immediately started to familiarize himself with local issues and concerns. After spending five months in Lower and Upper Canada—touring both colonies and discussing with local leaders—Durham prematurely returned to England where he published his findings in his now famous Report on the Affairs of British North America. In it, he recommended the Union of the Canadas, the assimilation of French-Canadians and the establishment of responsible government.

More than 150 years after his mission, Lord Durham still remains a divisive and debated character. Almost every element of his mission, report and political ideology has been debated; his rapport with French-Canadians, the impact of his report and his relationship with politicians in England have all been the source of numerous studies. Amongst these, historians have attempted to explain why Lord Durham's mission failed in Lower Canada—more specifically, why his mission ended prematurely and why he lost the confidence of the local population. Lord Durham, as explained, blamed this on the selfishness of his enemies in the House of Lords: they undermined his authority leading many to lose faith in his mission rendering his position in Canada useless. Were these claims just, however? Some historians, like Chester New, have sided with Lord Durham and concluded that his mission did prematurely end because of the actions of his enemies back in London. More recently, historian Jarett Henderson elaborated on the issue and concluded that Durham was right. Lower-Canadians, he explains, lost faith in him and his mission because of “meddling” on the part of the Empire. Accordingly, Durham had initially gained a “conditional loyalty” from the people of Lower Canada, promising to reform colonial administration. However, “meddling” in Durham’s affairs on the part of the House of Lords tarnished his reputation and weakened in position in Lower Canada, leading French and English-Canadians to lose faith in him and his mission. Other historians do not agree with Durham’s accusations and blamed him for his failures. For example, Ged Martin believes that the mission was doomed from
Durham’s negative attitude towards French-Canadians was especially responsible as it resulted in a “missed opportunity,” an opportunity to make great changes and gain the support of the French population. He explains: “by dashing French hopes, and adding the insult of Anglicization to the injury of repression, Durham made subsequent reconciliations of French and British more difficult.” I.D.C. Newbould also blames Durham focusing instead on his arrogant and generally unpleasant personality during the 1830s. He argues that his arrogance created a general dislike towards him in England, which explains why he was so severely condemned in the House of Lords. Lords Brougham and Ellenborough used the Bermuda Ordinance as the ideal context to attack their hated political enemy.

This article will add to the above and focus on how Lord Durham lost the confidence of the local French-speaking population. In fact, I will demonstrate that with regards to French-Canadians, Durham only has one person to blame for his failures and for loosing their confidence: himself. Available evidence suggests that when Lord Durham first arrived, he had the support of French-Canadians. He arrived as a saviour and as the man that could resolve the problems that plagued Lower Canada. His first acts—getting rid of the Executive Council and Colborne’s Constitutionalist-dominated Special Council—increased this support. However, this support ended when he started to associate himself with the opponents of French-Canada, the Constitutionalists. Soon after, French-Canadians started condemning their former saviour. Evidence in this case is quite clear: French-Canadians did not lose confidence in Durham’s mission because of the actions of his enemies in Britain, but it was because by his own actions in Lower Canada.

Arrival, Hope and Early Optimism

When Durham arrived in Lower Canada in late May 1838, enthusiasm was initially very high amongst French and English-speaking Lower Canadians: he was a man of great reputation and a famed liberal. Newspapers printed articles and editorials describing his political career, his tenure with the Whig party and his role in reforming public education and the franchise in Great Britain. Although French-Canadian newspapers expressed much confidence that he could restore peace and stability to the colony and even possibly reform the current colonial administration and grant the colony more freedoms and responsibilities, the majority above
all hoped that the famed liberal would govern the colony with a spirit of tolerance, neutrality and equality.\footnote{\textsuperscript{11}}

Such hope appeared to have become a reality with Durham’s first two measures. In the first place, dissolving the much-hated Executive Council gained him the support of French-Canadian newspapers.\footnote{\textsuperscript{12}} More importantly, replacing the Special Council further increased this support. When Durham arrived in Canada, he replaced Sir John Colborne at the head of the Special Council. Colborne, whom had been appointed caretaker until Durham’s arrival, was hated by the French-Canadian population since he had chosen the majority of his councillors from a particular group of Lower Canadians, the Constitutionalists. These men were opposed to French-Canada: they sought the assimilation of all French-Canadians through the imposition of British laws and practices and the Union of the Canadas.\footnote{\textsuperscript{13}} Upon arrival, Durham dismissed all of Colborne’s councillors, including the Constitutionalists, and replaced them with British officials. He reassured the local population that this decision was made with the best of intentions; he did so because he wanted to remain neutral and did not want his council to be influenced by any party or race.\footnote{\textsuperscript{14}}

This measure won him the support of many, including all the French-Canadian editors in the colony. For example, editor of Le Canadien, Étienne Parent, praised Durham’s decision to dissolve Colborne’s very unpopular council.\footnote{\textsuperscript{15}} More importantly, by selecting a neutral council, Parent believed that Durham had shown the people of Lower-Canada that he would remain impartial and would not favour the anti-French-Canadian minority.\footnote{\textsuperscript{16}} Similar applause was echoed in Le Populaire and Le Courier Canadien. On 2 July 1838, editor of Le Populaire, H. Leblanc de Marconnay explained that “[Durham] a nommé un Conseil Spécial qu’on ne peut accuser de préventions contre aucun parti dans la province. Ce sont tous des hommes étrangers aux intrigues qui ont eu lieu sous tous les gouvernements passés […] et qu’on ne peut soupçonner d’être préjugés pour ou contre aucune des races, pour ou contre aucun des systèmes suivis jusqu’à ce jour.”\footnote{\textsuperscript{17}} Even François Lemaitre, editor of La Quotidienne and Le Temps, applauded Durham’s actions, albeit he was still somewhat weary.\footnote{\textsuperscript{18}} Although he approved of Durham’s promise of impartially, Lemaitre nonetheless criticized his first speech for being a little too friendly towards the Constitutionalists.\footnote{\textsuperscript{19}} Lemaitre did admit, however, that he may have read a little too much into his tone. He maintained that Durham’s actions spoke louder than his words, and therefore applauded his first act, which was to dissolve Colborne’s council.\footnote{\textsuperscript{20}}
MAXIME DAGENAIS

Such enthusiasm was not limited to the colony’s newspapers. Perhaps most surprisingly, even some exiled *Patriotes* were enthusiastic. For example, after initially criticising Durham, arguing that he would surely side with the British population, Louis Perreault applauded the governor’s neutrality.\(^{21}\) In a letter to fellow exiled *Patriote* Dr. Edmund Bailey O’Callaghan, Perreault was happy to note that Durham not only spoke French, but also often met with the colony’s Catholic clergy.\(^{22}\) To Perrault, this suggested that Durham would act without prejudice. By sending Col. George Couper, his military secretary and a member of his Special Council, to meet with representatives of the Catholic Church, the spiritual leaders of French-Canada, Perrault believed that Durham would seriously consider the concerns and opinions of French-Canadians. In another letter to Dr. O’Callaghan, Perrault explained that *Patriotes* prisoners also approved of Durham’s first acts. Not only did they applaud his promise of leniency, but they more importantly applauded the fact that he was opposed to Colborne’s council.\(^{23}\) Even former party leader, Louis-Joseph Papineau, initially shared such enthusiasm, albeit his came with a few conditions. In a 12 May 1838 letter to his wife, Papineau mentioned that he would be willing to support Durham, so long as he acted in an impartial manner.\(^{24}\) Durham, he maintained, could do “un bien infini” for the colony as he had the power to remove judiciary power from all political influence and meddling, reform the current legal system and make it closer to the Napoleonic code and prepare the end of the seigneurial system.\(^{25}\) Although Papineau was obviously acting with his and his own party’s interests in mind, laying out the conditions for his support, the important point here is that Papineau was not precluding the possibility of backing Lord Durham. Despite his many demands, he still believed that Durham’s tenure had the potential of having a positive impact on the colony.

Louis-Hippolyte La Fontaine was also very enthusiastic, but unlike Papineau, his was not conditional.\(^{26}\) In fact, he had been a supporter of Durham since the Imperial Parliament passed the proclamation suspending the constitution, dissolving the Legislative Assembly and creating the Special Council. While in London, following the 1837 Rebellion, he had several discussions with Edward Ellice, Lord Durham’s uncle and member of the English Reform Party, which gave him even more reasons to be confident. La Fontaine explained that during their two hour conversation, “il m’a assuré que celui-ci agirait libéralement envers les Canadiens, et ne proposerait aucun plan de constitution qui donnerait le pouvoir à la minorité.”\(^{27}\) Although La Fontaine feared that all factions of Lower-
Canadian society—whether loyalists, Constitutionalists or Patriotes—would try to influence the governor, he was convinced that Durham’s mission and council would not fall in the same trap as Colborne’s. La Fontaine had not been impressed with Colborne’s pro-constitutionalist council, and believed that his partiality had done nothing to pacify the colony. Rather than establishing peace or even “produire une législation utile,” Colborne’s council had simply generated anger and mistrust. La Fontaine was confident that the new governor and his appointees would listen to the people, and avoid such favoritism.

Early, Modest Criticism: Bermuda, Work Ethic and the Police Ordinance.

Other than Lemaitre’s concerns that Durham was a little too friendly with the Constitutionalists (which he admitted were surely false), reactions to Durham’s first month in office were quite positive. Most approved of his initial displays of neutrality and his decision to dissolve and replace both the Executive and Special Councils. Despite this good start, some modest criticism did appear after the passing of the Bermuda Ordinance on 28 June 1838. In general, the ordinance aimed to resolve the problem caused by the large number of prisoners in Lower Canada following the rebellion. What to do with them? Should they be treated like rebels and punished severely or should they be dealt with more leniently? The answer was to exile and banish all prisoners that he believed played a leadership role in the rebellion (men like Wolfred Nelson and Siméon Marchessault), issue warrants of arrest to those that had escaped Lower-Canada (men like Louis-Joseph Papineau and Georges-Etienne Cartier) and allowed all others to return home.

The French-Canadian press was generally very satisfied with the ordinance; most editors were pleased with the governor’s clemency. For example, on 4 July 1838, L’Ami du Peuple argued that the ordinance was a great example of the governor’s promise of clemency, and applauded the fact that prisoners were treated a lot more leniently than they would have under ordinary British law. The newspaper even added that the deportation of the eight prisoners was not that bad since they were sent to a “pays fort agréable.” On 2 July 1838, Lemaitre added that the Bermuda Ordinance was proof that Durham came to do good and would benefit the French-Canadian population. Although he admitted that he would have preferred a general amnesty for all prisoners, he accepted the council’s
decision and believed it was a wise one. Similar praises were found in Le Canadien and Le Populaire. Le Canadien was especially pleased with the amnesty shown to the majority of prisoners. Although the newspaper was aware that some would undoubtedly be disappointed with the fact that eight men were sent to Bermuda, the newspaper asked them to compare the situation in Lower Canada with that in Upper Canada. In comparison to Upper Canada, Parent explained, prisoners in Lower Canada shared a much better faith. While there had been several executions in Upper Canada, there had been none in Lower Canada where the majority of prisoners were simply sent home.

The only criticism came from the satirical Le Fantasque (produced by Swiss-born Napoléon Aubin). Le Fantasque is one of the most intriguing newspapers of the era because of its style: it used satire, irony and fiction. Aubin fabricated fictional discussions with fictional characters to discuss current events more freely; satire had been employed in Europe to trick censors for centuries. Although Aubin applauded the governor’s mercy, he did have concerns with the deportations to Bermuda. Following the passing of the ordinance, he published a fictional discussion with his neighbours. Although some of his “neighbours” applauded the bill’s clemency, most were angry about the banishments. One explained,

quant à moi je n’vois pas queu mal qu’y aurait eu pour le gouvernement de les laisser z’aller dans leu famille, ben tranquillement, ça nous aurait montré et à eux aussi que n’y avait rien à gagner à vouloir faire des révolutions dans ces tems-ci et ils auriont dit à tout l’monde qu’était comme eux dans la trompe que ça valait mieux d’mander la justice poliment que d’l’attendre des américains qui n’en ont pas trop pour leur part. J’sais ben qu’si le gouvernement d’actuellement avait été aussi mauvais qu’l’autre y’aurait eu ben du monde de jugé […]

Using a joual dialect, Aubin could not understand why the governor opted to ban eight men to Bermuda rather than returning them to their families. Aubin believed that further clemency on Durham’s part would have shown the people of Lower Canada that there was no need for a revolution and that they had nothing to gain from revolting. In comparison to the government of the United States (which many had hoped to emulate), the British Government would have appeared much more reasonable and just, thus ending all talks of a revolution.

Despite the general support it received from the press, the population of Lower Canada did not unanimously applaud the ordinance. There
was some criticism from the populace, saddened by the fact that eight families were being torn apart. For example, on 4 July 1838, the people of St-Roch held a protest in support of the prisoners that were about to be sent to Bermuda; they wanted all prisoners to remain in Lower Canada and eventually be allowed to return to their families. After clarifying that this was not a political protest in opposition to Lord Durham, but simply a demonstration of sympathy towards the prisoners and those in exile, they demanded that all prisoners remain in Lower Canada and pay for their crimes on their native soil. Once their crimes paid for, they could return home and to society as noble, honourable and peaceful individuals. The demonstrators believed that this would increase the population’s confidence in Durham and his government and help restore peace, stability and goodwill to the colony.⁴²

The honeymoon between the French-speaking press and Lord Durham did not last forever, however. The first wave of negative comments in the press occurred in late July 1838, but was limited to trivial matters. Aubin complained, for example, that Durham and his council had done very little work to date, and was starting to get a little impatient. He wanted Durham’s promises to reform the colony to materialize. For example, on 4 August 1838, Aubin mockingly described his work as follows:

l’administration […] a déjà fait beaucoup depuis son arrivée et, outre les voyages, les bals, les levers, les diners, les revues, elle s'est occupée tout particulièrement des chevaux étiques dont elle prend un soin vraiment touchant. Espérons que le tour des hommes viendra bientôt, et que notre Excellent gouverneur fera ses efforts pour que le bon peuple de cette province ne soit plus, aussi bien que les pauvres chevaux, surchargé au-dessus de ses forces et de sa patience.⁴³

However, more serious criticism appeared (but still remained limited to a few newspapers) when Durham passed an ordinance creating a police force in Montreal and Quebec City.⁴⁴ Once again, these attacks were not aimed at Durham himself, but were aimed at an ordinance he passed. Although the ordinance itself was passed on 28 June 1838, it became a source of anxiety when the police started to abuse its powers. Aubin was the first to attack such abuse. To Aubin, the police’s abuse knew no bounds. He mockingly explained: “Tantôt ils verront quelques enfants conduits en prison comme des malfaiteurs pour avoir irrévérencieusement ricané des gentilshommes de fraîche aristocratie; tantôt ils verront quelque bon habitant entrainé au bureau pour n'avoir point appris sur le bout du doigt
l’ordonnance du Conseil Spécial [...]

Le Fantasque was soon joined by another newspaper, La Quotidienne, which even claimed that all French-Canadians hated the police force. He explained that “[d]e toute part on n’entend que ces mots; “maudite police, infernale police, exécrable police, insupportable police, s....c.... police, &c. &c.” Although it is difficult to prove whether Lemaitre’s claims that all French-Canadians opposed the police force were accurate, it does appear that both he and Aubin were right and that the police did abuse its authority. In early December 1838, a General Order was sent by police headquarters attempting to resolve one of the most pressing concerns with the police force: unauthorized and illegal arrests. Guidelines were thus sent advising all officers that there would be no arrests without the authority of a Magistrate and without sufficient evidence.

The “Thom Affair” and the End of French-Canadian Support

Until August 1838, Durham either had the support of most or was given the benefit of the doubt; although some criticized his ordinances and his work ethic, the man and his mission, in general, were not. What turned French-Canada against Durham was his association with the opponents of French-Canada, the Constitutionalists. Despite his promise to remain neutral, Durham continued the friendly relationship with the Constitutionalists that started during Colborne’s tenure. According to Ronald Rudin, constitutionalism was an important rallying point for English-Canadians in the late 1830s. Along with fighting the Patriotes, Constitutionalists wanted to rid the colony of French-Canadian political influence. They argued that French-Canadian political power had to be eradicated, as it “has been the fruitful source of much evil and injury inflicted upon the Province.” French-Canadians had not only attempted to “annihilate the political rights of the inhabitants of British origin,” but also sought to “abate [the] commercial spirits” of its loyal inhabitants, and “separate that connexion” with the Mother Country. The only sure way to eliminate French-Canadian political power was through the union of both Lower and Upper Canada. It was hoped that union would drown French-Canadians in a sea of British subjects, laws and institutions.

Durham had his first contacts with the Constitutionalists before he set foot in British North American. On 5 April 1838, George Moffatt and William Badgley presented a list of grievances on behalf of the colony’s loyal inhabitants listing the reforms they wished to see implemented.
These included the need for a permanent land registration system, the end of “feudal” tenures in the colony, the implementation of British laws and institutions, and more specifically, the end of French political influence through the Union of the Canadas. Durham supported most of these demands, as many were included in his final report. While in Lower Canada, Durham continued to meet with them. During the preliminary discussions that led to the creation of the Bermuda Ordinance, he often considered the opinions of the Constitutionalists, which he referred to as the British Party. His government made sure that “the proposed mode of dealing with them [the prisoners] would not be condemned by the leading members of the British Party.” Such meetings proved extremely significant as they shaped Durham’s opinions on how to fix Lower Canada. According to Charles Buller, Durham’s friend and secretary, it was during one of these meetings that Durham “developed for the first time an outline of his views with respect to the permanent settlement of the Colonies.” Durham sought to resolve the many “irritating events” that had plagued the Constitutionalists in the colony. Amongst other things, he vowed to reform the colony’s seigneurial (land tenure) system, proposed “the commutation of these tenures in the City of Montreal, where their operation was most injurious […]” and promised to introduce a proper, modern land registry system, which the Constitutionalists believed had been blocked by the perpetuation of the colony’s “feudal” system. However, as a result of Durham’s unexpected resignation, these measures had to wait another 18 months to be implemented.

What especially turned French-Canadians against Durham, however, was his association with Adam Thom, whom he made his confidant and an assistant-commissioner in the municipal commission, headed by Charles Buller. Though Thom was not an official member of a constitutionalist party, he was an important ally. At an October 1837 rally, he gave an “electrifying speech,” which praised the Constitutionalists. Thom also published several pamphlets, such as the Anti-Gallic Letters and the Remarks on the Petition of the Convention, and on the Petition of the Constitutionalists, in which he championed the Constitutionalists. Thom also shared many of their opinions and concerns regarding British North America. He promoted the establishment of British laws and institutions to improve the political and commercial interests of the colony’s loyal citizens and the assimilation of French-Canadians through a union with Upper Canada. According to Thom, all French-Canadians were traitors and yearned for the destruction of the British Empire. He was especially hostile to their
political leaders: “[t]he French demagogues […] have long professed the most rebellious repugnance to British authority and the most deadly hatred of the British name […] The ungrateful traitors have substantially said to the imperial authorities, ‘If you do not by law render us independent from Great Britain, we shall render ourselves by force.’”

Aubin was the first to strike. On 25 August 1838, after learning that Durham had associated himself with Adam Thom, he asked:

Supposons une rupture, supposons que Lord Durham échoue dans son entreprise, pourrait-il répondre hautement à cette question que lui poserait le peuple: Avez-vous été impartial? Pourrait-il dire: j’ai rempli mes promesses, je n’ai rien fait pour heurter, aigrir les sentiments intimes du peuple? 

No, he answered. Durham can no longer claim to be neutral and impartial. He allied himself with the Constitutionalists and favoured a party that sought the destruction of French-Canada. In late September 1838, *Le Courier Canadien* also expressed its disappointment with the man that had brought so much hope to the colony. The newspaper even claimed that French-Canada had lost all hope and confidence in Durham and his mission because he associated himself with “le parti qui a toujours nourri et exerçé une haine atroce contre la population canadienne.”

Even *l’Ami du Peuple*, a newspaper that was a loyal supporter of Colborne’s Special Council, questioned Durham’s sincerity, and hoped that Thom’s appointment was only a curious mistake: “une de ces bizarreries naturelles à l’esprit humain…”

Not every French-Canadian newspaper immediately turned its back on Durham. In fact, it took weeks for *Le Populaire* and *Le Canadien* to follow. Even with rumours that Durham had allied himself with Thom and the Constitutionalists, these newspapers gave him the benefit of the doubt, and continued to have faith in the man that was supposed to save and reform Lower-Canada. Both feared that his departure would simply mean that the reforms, peace and stability he promised would never materialize. However, when it became evident that Durham had given up his impartiality and allied himself with the opponents of French-Canada, they turned on him and asked for his departure—calling him a traitor and his mission a failure. *Le Populaire*’s turn was especially vicious. Although there had been rumours that Durham had allied himself with Constitutionalists circulating since August 1838, in early October, the
newspaper finally admitted to itself that Adam Thom had indeed become an associate of the Governor General. Leblanc de Marconnay was shocked and begged Durham to return to his initial promise of impartiality and stop exclusively consulting and associating with the Constitutionalists. These efforts were in vain, however, as Durham continued to surround himself with Constitutionalists. Along with Adam Thom, James Stuart and George Moffat also became advisors. As a result, the newspaper’s tone changed from supporter to implacable opponent. After weeks of defending Durham as a saviour, the newspaper now labeled him a despot and a traitor; he had betrayed his impartiality and French-Canadians. According to Marconnay, while Durham never once uttered a single positive thing about French-Canada, he openly favoured and privileged their opponents, and appointed them as his councillors and closest advisors. His tenure is Lower Canada had been tainted by “un favoritisme désespérant […].”

Like *Le Populaire*, Étienne Parent’s support began to fade in early October 1838. On 8 October, he discussed Durham’s controversial association with Adam Thom with great disappointment. Although Parent remained hopeful that Durham could somehow fix his mistake and return to his initial promise of neutrality, he heavily condemned Durham for lying to and betraying French-Canadians. Rather than coming up with a plan that would please both solitudes, he opted to favour Adam Thom and the Constitutionalists’ tyrannical aims: “[v]oyez, toute la solitude de Son Excellence s’est portée à satisfaire les désirs des partisans de l’Union des Canada, plans odieux dont l’exécution serait un parjure et l’acte de tyrannie la plus insigne.” This is why, Parent told Durham, the people of French-Canada remained silent on the day of your departure; this is why you lost the confidence of the people. Like many, Parent was happy to see him leave.

Why would Durham ally himself with the Constitutionalists knowing that he would alienate French-Canadians in the process? How can such a famed liberal associate himself with a group with such seemingly illiberal goals? The answer is simple: Durham also aimed to assimilate French-Canadians. Prior to arriving in Canada, Durham discussed his thoughts on French-Canadians with his friend and secretary Charles Buller. According to Buller, it was clear that the governor aimed to turn Lower Canada into a proper British colony. He explained that Durham “had made up his mind that no quarter should be shown to the absurd pretensions of race, and that he must throw himself on the support of the British feeling, and aim at making Canada thoroughly British.”
Most historians support Buller’s claims. Chester New even argued that this should come as no surprise. He explains that Durham was influenced by the common view, among the English Upper Class, that the French-Canadians were “a disloyal and lamentably inferior people who could never fit to the providential scheme of things until in some mysterious manner they were made into Englishmen.” According to Fernand Ouellet, Durham believed that assimilating French-Canadians was essential. French-Canadians, he maintained, were the “defenders of an old order” whose beliefs were antithetical to progress and incompatible with British society. Janet Ajzenstat, on the other hand, compared Durham’s attitudes with 19th century liberal standards and concluded that his aims to assimilate French-Canadians were consistent with 19th century liberalism. She argued that Durham aimed to assimilate them into British culture because he wanted to ensure that French-Canadians would not be relegated to the bottom of the socio-political ladder. He hoped that by adopting British practices, they would be on an equal playing field. To Ajzenstat, Durham believed that “particular traditions and particular loyalties must be discarded if liberal beliefs are to be disseminated and liberal values to prevail.”

To historians of the British Empire, Durham’s stance is no surprise. Although Durham and his report have become a mythical episode of our history, his actions in Lower Canada were quite the norm in the greater scope of British imperial history. Durham actions in Lower Canada were not the acts of a man with a personal vendetta against French-Canadians, but were those of a typical 19th century liberal. In fact, Durham was not the only colonial administrator to side with the local British populace and aim to assimilate the people of the empire into British culture and society. Similar, albeit bloodier, episodes occurred all around the empire, including India, Australasia and South Africa. According to historians of the British Empire, there are other instances in which reputed liberals, like Lord Durham, acted in what could be perceived in an illiberal manner. This was the case with Sir George Grey. A man that historian Richard Price even called the “perfect representative of the liberalism of the nineteenth century empire,” arguing that although Grey believed in liberty and equality, his actions reveal the “dark side” of British liberalism: “he had no compunction about using the methods of despotism to bring liberal freedoms to the people of the empire.”

Born in 1812, George Grey spent much of his career in Australia, New Zealand and South Africa. A universal humanitarian, Grey did
not believe in the superiority of races over others; he believed that all races could be equal, albeit some needed a little push. While in Australia, for example, he worked tirelessly to transform the native population into proper British colonists: he opened western schools and hospitals, encouraged relationships (albeit not legal marriages) between British colonists and natives and even used violence to achieve his goal. In 1854, Grey arrived in South Africa as the governor of the Cape Colony and started to work on assimilating the native Xhosa population. Grey believed native African culture was hostile to “enlightened progress” and did not think it was compatible with British practices and society. As such, he believed that “a program of social, political and cultural intervention was necessary” if the Xhosa people were to become proper British colonists. Grey thus put into motion a plan to integrate the Xhosa into British society: he promoted crop farming, opened western schools for the natives and built hospitals to undermine the influence of witchdoctors. Grey even “allowed” the Xhosa Suicide—wherein the Xhosa destroyed their own crops and cattle—in the hopes that it would lead to the degradation of the Xhosa’s wealth and political authority, which, he hoped, would render them dependent on British authorities and facilitate their assimilation.

How can two known liberals adopt what one could perceive as illiberal aims while acting as governors? In order to comprehend this, one must come to terms with the close relationship between imperialism and liberalism in 19th century Britain. Liberals during this period were not opposed to imperialism and assimilation, but even saw it as a necessity in bringing liberal ideals and freedoms to populations that did not enjoy them. In *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought*, Uday Mehta explores the issue and explains that ideals of liberty, equality and fraternity often went hand in hand with empire, assimilation and “liberticide” during the Victorian period. Liberals embraced imperialism and assimilation because they believed it was their duty to guide the “backwards” people of the world to “a higher plateau of stability, freedom and purposefulness [...]” Liberals felt that as a people with “a superior knowledge, a more credible science, a more consistent morality, and a more just and free politics,” it was their duty to share this progress with lesser cultures. It appears that, as liberals, Grey and Durham were therefore doing what was “expected” from them.
Durham’s Final Days: The Once Great Hope becomes the Enemy of French-Canada.

Although Durham’s aims meant “granting” French-Canadians a superior culture, to French-Canadians this meant one thing: assimilation. Thus, in the final days of Durham’s tenure, attacks came from everywhere, including every French-Canadian newspaper and even the populace. As explained above, newspapers were especially ruthless; most were saying their final goodbyes to a man that had broken their hearts. A mission that started with such optimism and hope, ended in regret and anger. Even the usually satirical Aubin took a more serious tone on the eve of Durham’s departure. Aubin argued that although Durham may feel cheated and blame his departure and failures on the fact that his enemies in London usurped his authority and destroyed the faith that Lower-Canadians had placed in him, he believed that there was only one person to blame: Durham himself. He explained that when Durham first arrived, he had the support of all of French-Canadians. However, as a result of his alliance with the Constitutionalists and the fact that he aimed to give Lower-Canada “un caractère tout-à-fait Britannique,” he lost it. French-Canadians could not support him after he had broken his promises. Lemaitre, for his part, said goodbye with the following:

Lord Durham n’a rien fait pour mériter la confiance du peuple, son administration est un tissu de duplicités, de ruses, d’intrigues, de spoliations, de folies et d’imbécilités [...] Nous défions qui que ce soit de nommer un acte de l’administration marquée de lord Durham qui ne soit pas né au coin du toryisme colonial [...] L’histoire dira que Lord Durham a préféré une petite faction, et l’exposera comme une des aberrations humaines de notre époque.

Like the French-Canadian press, Papineau painted a very negative portrait of Lord Durham: the portrait of a man that was hated by all Lower Canadians.

Chacun des actes et des propos de Lord Durham, au lieu de respirer
la libéralité, est marqué au coin d’une violence brutale, d’une morgue insolente et d’une rare inéptie; néanmoins, il a été un homme estimé et admiré chez vous, immédiatement haïs et méprisé chez nous.  

Letters sent to the colony’s newspapers also bear witness to the frustration and sense of betrayal that was felt by French-Canadians. Like the press, French-Canadians lost faith in Durham when they found out about his association with the enemy of French-Canada, and sent letters condemning him. *Le Populaire* printed a number. For example, an individual calling himself “Un Tory” sent a letter criticizing Durham’s rumoured association with Adam Thom. The writer was frustrated with this appointment as he considered Thom not only an enemy of French-Canada, but an enemy of the British Empire in general. Accordingly, Thom was “[c]elui qui s’est toujours montré le fougueux adversaire du ministère Whig, celui qui a prétendu que la Grande Bretagne était perdu sans ressource du moment où elle mettait à la demie solde les ultra tories [...]”  

On 14 September 1838, the newspaper published another critical letter. Signed by “E.F., un laïque qui c’est déjà signé «un abbé,” the letter criticized Durham’s associations. To the idea that Durham had remained neutral throughout his tenure, he said the following: “Si le gouvernement a les vues qu’on lui suppose, il faut au moins qu’il connaisse qu’elles seront les suites, et ce n’est pas Adam Thom qui le lui apprendra.”  

During Durham’s final weeks in Canada, French-Canadians found another way to express their displeasure with Durham: applaud the actions of his enemy, Lord Brougham. Since the Bermuda Ordinance’s creation, Brougham had attacked its legality and constitutionality and was one of the main causes of Durham’s premature departure. To Brougham, the ordinance was illegal because Durham banned prisoners to a colony where he had no jurisdiction. He even introduced a motion to disallow it and to restrict Durham’s authority in Lower Canada. The ordinance was annulled in August 1838. French-Canadians were quick to support their new champion in his fight against Durham. A number of letters were sent to newspapers applauding his actions. For example, a man referring to himself as “un spectateur” sent a letter to *La Quotidienne* that thanked Lord Brougham in his attempts to defend French-Canadians against Lord Durham. A writer called “Un bureaucrate patente” also sent a letter to *La Quotidienne* that criticized the governor, championed Lord Brougham and applauded Durham’s resignation. He explained: “Lord Durham s’en va pour se venger des griefs qu’il peut bien avoir contre Lord Brougham, [qui] a fait très bien […] Je bénis la providence de ce qu’il quitte ce pays […]”
Along with letters to the editor, French-Canadians also displayed their frustrations with Durham and support of Brougham with local protests. When compared to English-Canadians, French-Canadians did not hold as many public demonstrations. In fact, in the final month of Durham’s tenure, loyal English-speaking inhabitants held several pro-Durham rallies expressing their support, begging him to stay and condemning Brougham. French-Canadians did not participate in or hold such rallies; silence is a very powerful tool of opposition, and this silence, as was suggested by several newspapers, clearly hints at their opposition to the governor. It can be easily argued that compared to French-Canadians, the loyal British population had much more to gain with Durham’s mission and a lot more to lose with his departure. They were losing an important ally in their goal of making Lower Canada British and assimilating French-Canadians. Consequently, French-Canadians did not have much vested interest in Durham’s stay, especially since he had allied himself with the Constitutionalists and promised the end of French-Canadian political influence and institutions.

Though some newspapers claimed that this silence was a clear expression of their opposition, it is worth noting that on a few occasions, French-Canadians did take to the streets and vocally expressed their opposition. The most significant of these took place on 7 October 1838. According to Le Canadien, 5,000 people gathered at the doors of the church in Saint-Roch in support of Lord Brougham, who had been burnt in effigy a week earlier (25 September) by the loyal English-speaking population of Quebec City. Headed by Charles Drolet, a Patriote and ex-representative at the Legislative Assembly, the demonstration aimed to show Lord Brougham that French-Canadians, unlike the colony’s English-speaking inhabitants, did not hate him. They wanted to show that those that burnt him in effigy were a minority and that French-Canadians supported him. They applauded his efforts against Lord Durham and wanted to thank him for his tireless work in defending the constitutional rights of French-Canadians and for causing Durham’s hasty departure. The French-Canadian press, not surprisingly, supported such a demonstration. La Quotidienne, for example, applauded it with an article entitled, “Houra pour les Quebecquois!! Vive Brougham!” To La Quotidienne, this assembly was much more than an assembly of a mere 5,000 people from St-Roch. It represented all of French-Canada.
Conclusion

As noted at the beginning of this article, in his final weeks in Canada, Durham often complained in his private correspondence with Lord Glenelg, Secretary of State, that his mission had failed because of the actions of his enemies in England. Lord Brougham’s attacks and the dismissal of the Bermuda Ordinance weakened his position and mission in Lower Canada. He thus lost the confidence and support of Lower-Canadians making his tenure untenable. However, were his claims correct? Did his mission fail because of the selfish actions of his enemies in Britain? Although Durham may have felt cheated by his enemies in Britain, evidence clearly suggests that they did not cause his failure with French-speaking Lower Canadians; they were not the cause of their loss of confidence. It is true that there were some concerns that imperial meddling had tarnished Durham’s reputation and had compromised his mission. However, these predominantly came from the English-speaking press, political elite and populace. With regards to French-Canadians, Durham’s failures resulted from his own actions.

When Durham arrived in Lower Canada, he initially received much support because of his promise to govern the colony with a spirit of equality, impartiality and toleration; he was a famed liberal and all expected great things. After the blatant favouritism that was practiced by Colborne, there was much to be hopeful for. His first act—riding the Executive and Special Councils of local influence—appeared to have justified these hopes; newspapers and even exiled Patriotes applauded these measures. However, the honeymoon did not last. Although 19th century liberals such as Durham championed ideals of freedom, equality and fraternity, they were not opposed to using despotic methods (as assimilation) to pass these ideals onto the lesser fortunate peoples of the empire. As a result, throughout the period, famed liberals used their positions as colonial administrators to assimilate native populations into British society. Durham did the same in Lower Canada. While his work ethic and ordinances did receive some criticism, the initial confidence and support he gained from French-Canadians completely disintegrated when began to favour the Constitutionalists, the opponents of French-Canada. The saviour was now a despot and a traitor. Newspapers wrote articles and editorials condemning him, and the populace sent frustrated letters to their local newspapers and held public protests in favour of his enemies, more specifically, Lord Brougham. More importantly, when Durham decided
to leave, his decision was met with a deafening silence; a silence that *Le Fantasque* described as the result of his betrayal.\(^{101}\)

This study has sought to add insight into Durham’s mission, its difficulties and demonstrate why he lost French-Canadian support. Although some, including Durham himself, have argued that interference from politicians back in England tarnished his reputation, leading many to lose faith in him and his mission, forcing him to leave, this was not the case with French-Canadians. It was the Thom affair that caused Durham’s failures. Evidence in this case is quite clear: it was Durham’s own actions (not that of his enemies in Britain) that tarnished his reputation and ultimately led to his loss of support.

**Acknowledgements:** I would like to thank Dr. Peter Bischoff, Dr. Béatrice Craig and Dr. Viv Nelles for their professional, editorial and financial support. I would also like to thank the two anonymous reviewers for their kind words and useful suggestions. I also owe an immense debt of gratitude to the Social Sciences and Humanities Research Council (SSHRC) and the Wilson Institute for Canadian History at McMaster University for their financial support. Finally, I would also like to thank Seve for her patience and support.

**Endnotes**

1 Dispatch from Durham to Glenelg, September 25, 1838. Library and Archives Canada, MG 24, A 27, Vol. 13, pp. 74-76.


11 *L’Ami du peuple*, June 2 & 9, 1838; *Le Canadien*, June 1, 1838; *Le Populaire*, June 6, 1838; *La Quotidienne*, June 5, 1838.


15 A moderate *Patriote*, Parent opposed any type of armed insurrection and believed that the people of Lower Canada were not ready for independence. By Durham's arrival, Parent had a well-established political career and was one of the colony's most influential minds. According to historian Jean-Charles Falardeau, while “Papineau was the political leader of the *Patriote* Party, Parent [was] its intellectual leader.” This information was taken from *Dictionary of Canadian Biography Online*. “Étienne Parent.”
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16 Le Canadien, July 2, 1838.

17 Le Populaire, July 2, 1838. A moderate Patriote, Leblanc de Marconnay did not support an armed insurrection and believed that those who did were fools. He thus became one of Papineau’s most vocal critics. This information was taken from Dictionary of Canadian Biography Online. “Leblanc de Marconnay, Hyacinthe-Poirier.” Claude Galarneau. Vol. IX. http://www.biographi.ca/en/bio/leblanc_de_marconnay_hyacinthe_poirier_9E.html.

18 A more radical member of the Patriotes, Lemaître supported an armed insurrection and was an active member of the Association des Frères-Chasseurs, which worked alongside Robert Nelson in planning the 1838 insurrection. Unfortunately, there is not a lot of biographical information on Lemaître himself. As a result of his close association with Denis-Benjamin Viger, however, information on Lemaître was available in the former’s biography in Dictionary of Canadian Biography Online. “Denis-Benjamin Viger.” Fernand Ouellet and André Lefort. Vol. IX. http://www.biographi.ca/009004-119.01-e.php?id_nbr=4760&interval=25&PHPSESSID=dnnqhu3ii0cjttr4p54n6m7d4

19 La Quotidienne, June 15, 1838.

20 Ibid.


23 Letter to O’Callaghan, June 22-23, 1838, Ibid., p. 114.


Ibid., p. 139.

Ibid., p. 140.

For more detailed information on the passing of the ordinance and the discussions that took place between the governor, the eight prisoners and Lord Glenelg, refer to Henderson, “Uncivil Subjects.” Thomas Gunn has also examined the subject of the Bermuda Ordinance, focusing instead on the debates it created in the House of Lords. See Thomas Gunn, “Convicts to Bermuda: A Reassessment of Earl Durham’s 1838 Bermuda Ordinance,” *Australasian Canadian Studies*, Vol. 25, No. 2 (2007), pp. 7-28.


In fact, the majority of criticism towards the bill came from the English-speaking press. Most were disappointed with the Governor’s clemency, as they wanted the rebels to suffer for their actions.

*L’Ami du Peuple*, July 4, 1838.

Ibid.

*La Quotidienne*, July 2, 1838.


*Le Canadien*, July 2, 1838.


*Le Fantasque*, July 14, 1838.

Joual is a traditional French-Canadian dialect that was (and still is) common with working-class and rural Quebecers.


*Le Fantasque*, August 4, 1838.

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45 *Le Fantasque*, August 4, 1838.
46 *La Quotidienne*, August 14, 1838.
58 The commission itself investigated and reported on the state of municipal institutions in the colony.
64 *Le Courier Canadien*, September 28, 1838.
65 *L’Ami du peuple*, 15 August 1838.
66 *Le Populaire*, October 8, 1838.
68 *Le Canadien*, October 8, 1838.
24
Australasian Canadian Studies


79 The following information was taken from Price, *Making Empire*.


81 Mehta, *Liberalism and Empire*, p. 190.


83 *Le Fantasque*, October 13, 1838.


85 *Le Temps*, October 30, 1838.


88 *Le Populaire*, August 15, 1838.


92 *La Quotidienne*, 16 October 1838.


94 *Le Fantasque*, October 13, 1838 & *Le Canadien*, November 2, 1838.

95 *Le Canadien*, October 10, 1838.
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96  Ibid.
97  La Quotidienne, October 11, 1838.
98  La Quotidienne, 18 October 1838.
100  As described in Henderson, “Uncivil Subjects.”
101  Le Fantasque, October 13, 1838.

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*Le Populaire: Journal des Intérêts Canadiens*, June to October 1838.


*La Quotidienne*, June to October 1838.


Canada and the United States share one of the most complex, interdependent, and asymmetrical relationships in the Western world. In 2007, the Canadian conservative historian J.L. Granatstein argued that “anti-Americanism was the founding myth in Canada, and it remains the state religion – accepted, tolerated, and even encouraged.” If sexism and racism are longer acceptable, anti-Americanism, he argued, remains the only legitimate prejudice in a generally tolerant and multicultural society (Yankee Go Home, 78). Does Granatstein overreach himself? Is
anti-Americanism a primary pillar of Canadian identity? In this article I answer a highly qualified “yes” to Granatstein’s accusation. However, I similarly demonstrate that there are strong, even at times legitimate, reasons why forms of low-grade, relatively benign, anti-Americanism continue to resonate in Canadian public life. This article focuses on the presidency of George W. Bush as the recent high water mark of anti-Americanism. 

This article is divided into three parts. The first part critically engages with definitions of anti-Americanism. Alongside Peter Katzenstein and Robert Keohane (2007), I see the phenomenon as polyvalent, and advocate the use of non-essentialised typologies. I recognise that anti-Americanism possesses some unique aspects, derived from the uniqueness of the US as a “comprehensive superpower”. Further, “Americanism” is not just a form of nationalism, but also figures as a model of governance, an ideology, and as a parcel of cultural, commercial and other characteristics which are exported world-wide. Being anti-American thus implies far more than simply disliking a particular country or its current policies (Azaryahu 41-42).

The second part presents an overview of some empirical and interpretive research on Canadian anti-Americanism. There is a high degree of some anti-Americanisms in Canada which can be ably understood using the Katzenstein and Keohane typology. Specifically there are widespread examples of legacy, social, liberal, and sovereignty nationalist forms, but little of the radical variety. Some good work has already been done applying the typology to this case (Bow, Katzenstein, and Santa-Cruz, ‘Anti-Americanism’). Current manifestations of the phenomenon are closely tied to anti-Bush sentiments and a fear of ‘deeper integration’ with the US. The third part interrogates whether anti-Americanism is in part fuelled by American attitudes and actions. I endorse the comments made by Linda Jewell, Deputy Assistant Secretary of State, that while there “has always been a current of anti-Americanism in Canada”, a “narrow, but intense anti-Canadianism” has also developed “in parts of the U.S. media”. She concludes that, “While disturbing, both these sentiments are in many ways emblematic of the hugely successful interdependence and interpenetration of our two nations” (Jewell 5).

The Canada-US relationship is interdependent and polyvalent. On the positive side, Carment, Hampson, and Hillmer note rightly that the relationship has been “remarkably free of linkage, the practice of making threats and tying policy performance in one area to another.” Indeed: “Canada has pursued its policies without fearing reprisals or sanctions from its neighbor when priorities clashed. The two countries shared values,
interests, and goals during the long darkness of the Cold War and into the 1990s...’ (12).

Yet the relationship is also highly asymmetrical. America now accounts for 83% of Canada’s trade; 33 states claim Canada as their major export market, with a further five states sending more than 50% of their goods north of the border (Carment, Hampson, and Hillmer 16). Canadian provinces export more to the US than to the rest of Canada. Indeed, they export more to Home Depot in the US than to France. Four in ten Canadian jobs directly rely on trade with the US (Granatstein 84). Even during the Trudeau era, which might be considered the most nationalist era in recent history, bilateral trade jumped from 65% to 80% (Gotlieb 20). Militarily, the relationship is also close, with almost 90 treaty-level agreements, alongside the Canada-US Bilateral Planning Group, established in 2002 in response to 9/11 (Bercuson 122). Fears for Canadian sovereignty and independence invariably flow from discussions of this relationship (Safire 764).

Understanding Anti-Americanism

Terms like “anti-Americanism” and “un-American” go back to nineteenth century domestic political debates. The first recorded uses were in pamphlets against the anti-Catholic, anti-Semitic “Sams” of the 1840s. By 1896, the Democratic Party’s election platform called gold bimetallism “not only un-American but anti-American” (Meunier, ‘Anti-Americanisms’). Of the better recent definitions of anti-Americanism, Sophie Meunier sees it as:

An unfavorable predisposition towards the United States, which leads individuals to interpret American actions through pre-existing views and negative stereotypes, irrespectively of the facts. It is based on a belief that there is something fundamentally wrong with the essence of what is America. This unfavorable predisposition manifests itself in beliefs, attitudes and rhetoric, which may or may not affect political behavior. (Meunier, ‘Anti-Americanisms’)

Doran and Sewell also provide a useful definition in their now classic study of Canadian anti-Americanism. They see it involving:

Perceptual distortion such that a caricature of some aspect of behavior or attitude [that] is raised to the level of general belief. In addition, based
on that perception it involves hostility directed toward the government, society, or individuals of that society. (106)

This article is loosely centered around the typology created by Katzenstein and Keohane, which sees anti-Americanism as polyvalent. The authors divide anti-Americanisms into several non-essentialised types, which can exist on their own but more often have a tendency to bleed into one another. The model includes “Liberal anti-Americanism”, defined as criticism of America’s perceived failure to live up to its liberal ideals. “Social” forms occur where people “share democratic principles with the United States but hold some values that differ markedly from those of Americans, typically rejecting America’s lack of an extensive welfare state and various of its social policies, including the death penalty.” “Sovereignty-nationalist” forms seek to protect the nation against American intrusions against national sovereignty; while “Radical Anti-Americanism” sees American influence as dangerous, and seeks to weaken or attack the country or its form of government sometimes through recourse to terrorism. “Cultural Anti-Americanism” focuses on perceived American threats to national or local cultures, a view strongly associated with France. “Legacy Anti-Americanism” highlights unresolved grievances – US interventions in Mexico, Cuba, or Iran for example. There are also “Elitist” forms, where national elites disdain America, believing their society is inherently superior in ethnic, linguistic, cultural, or other ways (Katzenstein, and Keohane, Introduction; Ch. 1).

The merit of the typology is that it does not dwell on claims of American victimisation after 9/11 but examines negative predispositions that might be countered by changes in US policy or more engagement with allies and rivals. The model also differentiates between critics of specific US policies like the war in Iraq, and critics with an allergic reaction to all things American, from Hollywood movies to California zinfandel. The model also recognises contextual factors, which might explain the presence of some types of anti-Americanism (Katzenstein, and Keohane 9-12; 273-75). Legacy anti-Americanism for example is often based on past US misdeeds which have contemporary ramifications. Legacy forms may be used instrumentally by despotic elites like the Castro brothers or the Iranian theocracy, but the model recognises that America is not always a benign actor. Legacy anti-Americans may have legitimate unresolved grievances.
Legacy Anti-Americanism in Canada

Much of traditional and contemporary Canadian anti-Americanism is bound up in protecting Canadian identity and sovereignty against a perceived onslaught of Americanisation. Fears of American culture, business practices, private health care, crime, and forms of governance are framed in terms of inoculating Canada (the patient) against a virulent (American) pathogen. Since 2001, George W. Bush has been a catalyst in helping Canadians form rather jaundiced stereotypes about what Americans are and represent, and has helped essentialise and reify national identity.

When the first conferences to unite the British North American colonies were planned, Prime Minister John A. Macdonald famously wrote a friend: “A great future would await our country if it were not for those wretched Yankees” (‘Canada Discovers Itself’). Such opinions prompted historian Frank Underhill to remark during the 1950s, that the Canadian was “the first anti-American, the model anti-American, the archetypal anti-American, the ideal anti-American as he exists in the mind of God” (Goldberg, ‘Bomb Canada’). Underhill’s turn of phrase is amusing enough. It is accurate in so far as a pro-British elitist anti-Americanism was common during the 19th century. Americans were presented as uncouth renegades seeking to destroy Canada and unleash an inferior form of government (Granatstein, Yankee Go Home? Ch. 1).

However, if we concede that Canadian identity was rooted in anti-Americanism, this tells only half the story. The American Revolution was an attack on the status quo which Canadian colonists continued to favor. Anti-Americanism was pro-British; pro-Americanism was anti-British (Moore, The Loyalists). Granatstein puts it that “British North America was seen as the repository of European values and institutions, by definition evil, in the New World” (Yankee Go Home? 14-15, 20). Canadian colonists were more often the victims of American aggression rather than the reverse. Legacy anti-Americanism stems in part from memories of US efforts to invade and annex Canada. Such annexationist plans are now little more than historical footnotes south of the border.

However, in Canada, the legacies of US annexation attempts remain salient. David Orchard in his strongly worded The Fight for Canada (1993) highlights some of major flashpoints in Canada-US relations. In November 1775, 8,000 troops were dispatched to invade the Canadian colonies. General Montgomery called on the settlers to elect delegates to send to the Continental Congress to make Canada the 14th colony. Congress
prepared a leaflet enjoining Canadians to join the revolution and thus “have all the rest of North America as your unalterable friends”. The other option was to resist, creating “inveterate enemies” (Orchard 15). The War of 1812 was promoted by Congress, which authorised a force of 35,000 troops, with a further 100,000 in reserve. The invasion was ultimately unsuccessful (23-24).

The Fenian raids of the 1860s further buttressed a nascent sense of Canadian nationalism. Supported by Secretary of State William Seward and President Andrew Jackson, Irish militia units coordinated a series of raids in 1866, seeking to take over British North America and provoke a war with Britain (Orchard 48-49). As the Civil War waned, the New York Herald and the Chicago Tribune pushed for annexation. It would be, the Tribune put it, as easily done as a “hawk would gobble up a quail”. The state legislature of Massachusetts also passed a resolution calling for Canada’s annexation (Orchard 44-45).

Later invasion plans include Secretary of the Navy William Whitney’s proposal in the late 19th century to use four armies, each with 25,000 men to finally takeover its neighbor to the north. By 1891, the Continental Union League promoted political union with Canada, by force if necessary. The League featured such notables as Andrew Carnegie, Theodore Roosevelt, and his future Secretaries of State and War John Hay and Elihu Root (Orchard 74, 78-79). Somewhat later, the Department of Defense developed a contingency plan in 1930 (updated during the mid-1930s before being declassified in 1974) to invade Canada. The 94-page document was entitled ‘Joint Army and Navy Basic War Plan – Red’, and has been described as “a bold plan, a bodacious plan, a step-by-step plan to invade, seize and annex our neighbor to the north” (Carlson, par. 2).

Annexationist fantasies have a very limited following. However, from a Canadian perspective, no American leaders have ever repudiated these desires to annex Canada, nor have any apologies been issued. This reinforces the view that Canada’s sovereignty has never been taken seriously. Doran and Sewell note that:

Canada has long striven to be accepted as a foreign country, preferably as an independent foreign country, and this modest ambition seems often to go unrecognised in the acts and words of those who appear to believe they can have only Canada’s and others’ best interests at heart. (108)
Indeed, annexationist fears continue to animate popular and scholarly discussions of American interests and motives. Consider a recent and fairly standard undergraduate textbook entitled *Canadian Foreign Policy* (2006). Dealing with questions of national security, Steven Kendall-Holloway makes the following point, perhaps a little too well:

> There is no denying that the greatest danger of potential attack is posed by the US … the Canadian population tends to be clustered near the American border, easily reached by American strikes, whereas most American targets are far back from the Canadian border and widely dispersed. In the rubric of nuclear deterrence, a much greater proportion of the Canadian population lies hostage to a potential strike by America. (38)

In economic terms, the author suggests: “the threat to Canadian autonomy is real so long as there is such a huge asymmetry in power relations between the two countries.” He then interrogates the charge that “Canada has become a political appendage, satellite, or protectorate of the American superpower” (132-32). From a strategic studies perspective, Kendall-Holloway’s observations are factually correct, although his work conveys the sense that America, rather than a long-standing ally, is a potential menace.

**Understanding Canadian Identity**

Arguably, an aspect of Canada’s identity problem concerns its similarity to the US. While there are many differences, Canadian and American language, culture, common law traditions, forms of governance, and history have much in common. This has at times led to the operationalisation of Sigmund Freud’s “narcissism of minor differences” – where rather banal forms of differentiation are magnified to demarcate one nation from another. Consider for example Samuel Huntington’s reading of the “American creed”, which comprises a parcel of characteristics, including Christianity, the English language, English commitments to the rule of law, responsibilities for rulers, and forms of “dissenting Protestantism” including a strong work ethic, and a sense of individualism. Other than America’s “ability and duty to create heaven on earth, a ‘city on a hill’”, and Canada’s French Catholic population, Canadian national identity is strikingly similar (Huntington vxxi).

Canada in comparison to European nations has had a more difficult time
developing a *separate* identity. Anthony Smith suggests that most European nations evolved from pre-national *ethnies*, with strong cultural traditions and ties to territory, who through a complex process formed the “ethnic cores” of modern nations. As such there was an organic development of national identity as similar peoples were drawn into the nation. Its borders were demarcated later (Smith, *Ethnic Origins*). As Peter Alter has argued of *Risorgimento* nationalism in Europe, nationalists had a certain respect for the distinctiveness and differentness of other nations. They dreamed of a world of complementary nations, even forming fraternal unions and collaborating to help promote national independence for small nations from larger empires. As such, internal to their borders, nation-builders were able to select raw material from their national past and create their own collective identity, often with the respect and help of their neighbors (Alter 59-90). After all, Guiseppe Mazzini not only founded the Young Italy movement; he helped create Young Poland, Young Germany, and Young Switzerland, all part of a larger Young Europe movement devoted to the spread of fraternal and complementary nationalisms (Burnett 502-26).

*Risorgimento* proved difficult in Canada. Unlike European nations which strove to differentiate themselves one from another, American nationalism was assimilatory and expansionist. Living to the immediate north of the “great assimilating people” as Oliver Wendell Holmes called Americans, had its problems. America was not in the business of recognising linguistic or cultural differences as a barrier to expansion – Mexico was a prime example, repeated attempts to invade Canada another. America absorbed difference. As William Appleman Williams recalls, this legacy was buttressed by the view that “the only way to avoid trouble with neighbors is to acquire or dominate them – a conception of security that has little to do with strategy and much to do with paranoid acquisitiveness” (117).

The fact that Americanism was also an ideology did not help the prospects for Canadian national identity. Seymour Martin Lipset observed some time ago:

*Born out of revolution, the United States is a country organised around an ideology, which includes a set of dogmas about the nature of a good society. Americanism, as different people have pointed out, is an ‘ism’ or ideology in the same way that communism or fascism or liberalism are isms. (31)*
From the beginning, Canada faced an expansionist country with no real territorial, demographic, or ideological limits.

From a domestic perspective, Canada’s national identity has also been weaker and more fragmented, due to cleavages between English and French Canada. Ray Conlogue has drawn distinctions between the Canadian acceptance of separate linguistic and cultural identities (which rendered Canada an “impossible nation”) versus American nation building, where the state figured as “an enormous machine for atomising communities” (21-22; 26; 30-31). Quebec nationalism has bedeviled attempts at a unified national identity. French Canadian separatists continue to see themselves as an authentic linguistic, ethnic and cultural nation, and reject the legitimacy of Canada’s emphasis on civic virtue and liberal citizenship (Conlogue 20-21; 43-50).

On the other hand, Canada’s residual ties to Britain also weakened emerging forms of independent identity. Canada remained closely tied to Britain until the early 20th century. The first treaty signed between Canada and the US was in 1909, while it was only in 1923 that Canada received its first official visit by a US President, the same year it obtained official representation in Washington. Canada only gained full foreign policy autonomy after the passage of the Statute of Westminster in 1931 (Kendall-Holloway 124-26). Canadian national identity is not “exceptional” in the sense that the country has strong myths of divine protection or manifest destiny. It can be better characterised as a form of “banal nationalism” (Billig 6-9). This in-and-of-itself would not present a problem were it not for the much stronger form of patriotism in the US, which, together with the history of relations between the two countries, has fomented an identity crisis and an abiding sense of national insecurity.

Contemporary Anti-Americanism

For much of Canadian history the major form of anti-Americanism might be defined as sovereignty nationalist, co-existing with elitist and legacy forms. Kim Nossal has characterised Canadian anti-Americanism from 1783 to 1989 as “economic anti-Americanism” (11-12). This, as he describes, was “grounded in opposing the spread of a particular kind of political formation and a particular kind of economic integration”. This fits the Katzenstein and Keohane definition of sovereignty nationalist anti-Americanism reasonably well. For Granatstein, early anti-Americanism was characterised by a distaste and fear of American “military, cultural, and economic activities”, coupled with a degree of “envy at the greatness,
wealth, and power of the Republic”. While anti-Americanism in Canada has tended to be benign, it has also been operationalised at various times by elites seeking to gain or cement their political or economic power (Granatstein, Yankee Go Home? 4).

By the late 1990s, both Nossal and Granatstein downplayed contemporary expressions of economic and sovereignty nationalist anti-Americanism. Granatstein claimed these had largely disappeared as both economies became more integrated. Granatstein observed in 1996 that “the idea and images of anti-Americanism were no longer the keystone of the Canadian identity” (Yankee Go Home? 248, 281). Nossal too dismissed sovereignty nationalist forms as being largely irrelevant. This was in contradistinction to Europe, which has strong philosophical strands of anti-Americanism, “associated with the rejectionism of the nature of the American polity by European thinkers” and cultural dimensions expressed as “concern over Americanisation of local culture and mores”. Nossal observed that these “European” forms were not readily apparent in Canada, since Canadian culture was far more similar to American than European varieties (7-8).

Social, Liberal, and contingent Anti-Americanism

The more dominant form since the 1990s, Nossal argues, has been a “contingent anti-Americanism”, contingent on political events in the US and “stimulated by the dislike of particular policies or personalities in any given U.S. administration” (7-8). This form:

Tends to manifest itself in public anger against an American president and/or some act of commission or omission of the United States governments, sometimes involving direct Canadian interests, sometimes involving American policy on issues that do not have a direct bearing on Canada or Canadians. (17)

This type seems to have become increasingly salient during the Liberal prime ministerships of Jean Chretien and Paul Martin from 1993 to 2005, accelerating after the Bush administration took office in 2001. For both Nossal and Granatstein, this form of anti-Americanism marked a departure from the past. If earlier governments “tried to manage and downplay” anti-Americanism, Nossal concludes that Chretien “oxygenated anti-Americanism” promoting it as a form of “good politics.” It became a means of reaching out to the electorate (8-9). Granatstein’s recent perceptions
are near identical on the issue, and he too has traced the return of anti-Americanism to the Bush administration (Whose War is it? 81).

Nossal’s contingent form closely reflects Katzenstein and Keohane’s social and liberal anti-Americanisms, which target the seeming illiberal hypocrisy of the Bush administration and draw distinctions between social policy on both sides of the border. This is sometimes manifest in personal attacks. For example, Chretien’s communications director Francine Ducros publicly called Bush a “moron”, cabinet minister Herb Dhaliwal called him a “failed statesman”, while MP Carolyn Parrish made a number of highly disparaging remarks such as “Americans! I hate the bastards”, while calling the Bush administration a “coalition of idiots” (Jackson, ‘Canada’s Liberals’). In an open letter to Condoleezza Rice, former Liberal Foreign Minister Lloyd Axworthy lambasted the Bush administration for its “gargantuan, multi-billion-dollar deficits” used to fight in Iraq, and its strategy of “giving massive tax breaks to the top one per cent of your population while cutting food programs for poor children.” Axworthy suggested that Bush was operating a “virtual one-party state”. Canada, by contrast had a superior system of government, one where “those in the executive are held accountable by an opposition for their actions”. Further, the government was far less animated by “ideological, perhaps teleological, fantasies” (Axworthy, ‘Missile Counter-Attack’).

While this contingency/liberal form has been “oxygenated” by Liberal Party elites, survey data indicates that this rhetoric matched mainstream Canadian perceptions. As Environics Research observed: “Bush is the personification of every negative stereotype Canadians have of America”, and has given Canadians “a smug sense of superiority, because he lends himself to obvious forms of ridicule. He has been the best thing to happen to Canadian nationalism in a long time.” Polls by Environics and Pollara indicated that only 15 per cent of Canadians would have voted for Bush in the 2004 elections (Lackner, ‘George W. Bush’). A further poll in 2005 revealed that 38% of Canadian respondents claimed Bush was “more dangerous to world security than Osama bin Laden”. At the same time, 68% had favorable impressions of Americans. The Dominion Institute interpreted the results as follows: “[they] show that the rising tide of anti-Americanism in this country is driven not out of a dislike for the American people but as a visceral dislike of Mr. Bush and the war in Iraq” (Humphreys, ‘Bush disliked’).
DAVID B. MCDONALD

Sovereignty National Anti-Americanism

While Granatstein largely dismissed sovereignty national anti-Americanism, reducing its manifestations to the “political left”, some “cultural groups”, and “a few intellectuals”, this form of anti-Americanism remains salient (Yankee Go Home? 277). Aside from anti-Bush sentiments, anti-integrationist literature, reflecting general fears of economic and cultural integration, is arguably the most important aspect of Canadian anti-Americanism today.

While the aforementioned polls demonstrate a high degree of anti-Bush sentiment, more traditional anti-integrationist fears remain. A 2002 Ekos poll demonstrated that 52% of Canadians wanted Canada to be less like the US, while 58% thought the country was becoming more American (Adams 3). A Dominion Institute poll in 2004 suggested that 40% of Canadian teens agreed that “America is force for evil in the world”. In Quebec the number among youth was 64% (Griffiths, ‘Five Minutes on Fox’). By mid-2006, 51 percent of Canadian respondents felt the US was the greatest threat to world peace, well ahead of Iran at 20 percent, North Korea at 23 percent and Russia at 4 percent (Granatstein, Whose War is it? 80). By 2007, Pew reported that 42% of Canadians had an unfavorable view of the US. 59% also disliked “American ways of doing business”. In cultural terms, 73% had a positive view of American movies and TV, 74% liked American science and technology, while just 22% liked the fact that “American ideas and customs are spreading here” (Pew Research Institute, ‘Global Unease’).

Anti-integrationist literature over the past fifteen years has changed little in thematic content or style: Canada is a great country with a distinctive culture and heritage, worth preserving. However it remains imperiled by American annexationist impulses, and Canadian quislings, eager to collaborate in the destruction of their country for personal gain. The basic thrust of David Orchard’s The Fight for Canada was that Canada has been resisting American annexation in various forms, military, economic, and cultural since the 1750s. Writing during the Prime Ministership of Brian Mulroney, his primary attack was not so much against Americans, but against the perceived anti-Canadianism of various national Judases (Orchard, Fight for Canada).

Mel Hurtig’s The Vanishing Country (2002) is similar in many respects. Hurtig too takes aim at Canada’s business elites (or as he calls them: “the selfish, grasping, and greedy plutocracy”) who see economic and even political union as good for business. They have co-opted politicians
(“cowardly public servants”) and “myopic academics” to help sell the merits of integration to Canadians (Hurtig, xiii). Canadian “Vichy”, “Quislings” or “collaborators” in the “European tradition” abound amongst elites, who collude with the US to destroy the “last vestiges of our sovereignty” (124). Through such publications as the National Post, the “Tokyo Rose of American assimilation”, Canadians are being encouraged to give up their national identity (145).

Maude Barlow’s Too Close for Comfort (2005) also presents a detailed analysis of how Canada and the US are being drawn too close together, largely as a result of political and corporate elites on both sides of the border. This is to take the form of a security and economic partnership, as promoted through various organisations like the Council of Canadian Chief Executives, and the US Council on Foreign Relations, which helped create the Independent Task Force on the Future of North America, tasked with generating a well known report promoting “deeper integration” (Barlow, Too Close 5-6).

Is anti-integrationism anti-Americanism? Intrinsically not. The writers are Canadian nationalists. They are well meaning in the sense that they love their country and seek its preservation. Their primary concern is the lack of public debate over deeper integration. They argue that Canadians are opposed to both the spirit and the practicalities of the process, which will further erode national sovereignty. However, it is in their interpretation and selection of the facts, and in their constant comparison of Canada-the-good with America-the-bad that we see elements of liberal, social, and sovereignty nationalist anti-Americanism. Americanism becomes a form of “moral evil” in a Manichean dichotomy which demonises America and what it represents.

Hurtig for example, labels the US a “rogue state” after producing a catalogue of Cold War-era dirty deeds, in a style little different to that of Noam Chomsky (233, 238-39). Barlow too features lengthy and factually rich indictments of various aspects of US society, from the widespread belief in creationism to the powerful hold of the defense industry on politics. Much of this is situated within a more general discussion of deteriorating living standards, the rise of violent crime, and other indicators. Barlow also privileges Canada’s more communal traditions, of “sharing for survival,” which she contrasts to the American narrative of “survival of the fittest” (Too Close for Comfort, Ch. 2-3; The Canada We Want 23).

The strongest examples of liberal and sovereignty nationalist anti-Americanism can be found in Michael Adams’ Fire and Ice (2005), which
draws out a series of cultural and social differences between Canadians and Americans. Adams uses survey data to show that Canadian and American social characters are diverging—which he sees as a fundamentally positive development. Adams promotes the merits of national inoculation. America is a dangerous and relatively homogenous place—a society where “untrammeled individualism” can turn the “Dream into a nightmare” (5-6). Americans seek safe havens, such as churches, which constitute a “refuge from Darwinian competition and conflict in an increasingly dangerous world…one of the few places, if not the only one, where many Americans feel truly safe—where guns are left at home or under the seat in the 4X4 or checked at the door” (Adams 41).

American society is an ugly place relative to Canada: “more violent and more racist”, where “Americans worship money and success,” while engaging in “trivial and narcissistic pursuits”:

Strange and saccharine theme parks, mindless television and movie fare, addition, gambling, substance abuse, and even the other pathetic pursuit of salvation promised by huckster Christian evangelists—all diversions to compensate for a deep spiritual deficit… (Adams 115-16)

Compared with Canada: “the country is also a vastly more dangerous place, not only because of its glut of guns, but because it has refused so consistently to value any common good, and has, over time, become something of a war of all against all.” Cities decay as everyone, including Blacks and Hispanics, try in vain to “escape the wasted Blade Runner jungles their inner-city neighbourhoods have become” (Adams 117, 121).

This urban decay, lack of moral values, shallow materialism, and stark social Darwinism means that Americans are more imperiled, living with an “intense, often dangerous struggle for survival—or a winner-take-all quest for success.” Invariably this has eroded democracy and community, resulting in forms of patriarchy and hierarchy where:

Traditional authorities serve as anchors: a strong father, a strong police force, a strong military, a strong nation, the president and commander-in-chief. In such a world there is little tolerance for subtlety, nuance or shades of grey. Life is a Manichean struggle between good and evil, winners and losers… (Adams 123-24)

In light of such musings, it’s clear that Canada is unfortunate to share a common border with the US. This should not, however, preclude such activities as abrogating NAFTA or otherwise erecting economic and
cultural borders to US expansionism (Hurtig, *The Vanishing Country*; and Barlow, *Too Close For Comfort*).

While anti-integrationists have some valid concerns, and rightly point to some aspects of sovereignty being sold downriver by Canadian elites, they also gloss over several realities. First, despite NAFTA, Canada’s quality of life remains higher than that in the US, and increased access to the US economy has helped the modernisation of the country and its economy. It has resulted in lower inflation, a higher level of productivity in the private sector, and increases in the overall standard of living (Fagan 34–35).

Second, while anti-integrationists fear US domination, they have little interest in promoting Canada’s military defense, and seem content to leave national security to the Americans, while ironically bemoaning their lack of control over such issues. John Ibbitson points out the problem:

The very nationalists who were determined to resist foreign domination of the Canadian economy, and who trumpeted a distinct, if amorphous, Canadian identity, happily surrendered Canadian sovereignty over its airspace and coastlines to the United States by eroding the Canadian military to the point of irrelevance. (177)

Frank Harvey has dubbed this a “weak state strategy” of putting national distinctiveness first and security second (206, 213).

Third, the authors tacitly suggest that deeper integration is something Americans want, when in fact for many Americans, the idea is deeply controversial. This is because the project would also involve a loss of American sovereignty. As described to the Canadian Parliament by Robert Pastor, one of the key architects of North American integration, the process includes building common institutions as well as “an inclusive identity that would inspire citizens of all three countries to think of themselves also as North Americans” (Pastor, ‘Invited Testimony’ 2). Pastor proposes a “North American Commission”, to consist of “a continental plan for infrastructure and transportation, a plan for harmonising regulatory policies, a customs union, a common currency.” The “Amero” as the common dollar is also mooted (5–6).

Pastor – a species of bogeyman for many Canadian anti-integrationists – is also disliked by many Americans, particularly conservative nationalists. He has been accused of anti-Americanism, for trying to relinquish American sovereignty, binding the US to a multinational framework in the same way that West Germany was bound to the European Economic
Community after World War II. Underlying deeper integration, one conservative commentator revealed, was Pastor’s view of the US “as a North American bully that needs to be restrained, for the good of the region and possibly even for the good of the world” (Corsi, ‘Meet Robert Pastor’).

In general, Nossal’s conclusions are persuasive that Canadian anti-Americanism tends to be “low-grade and ultra-lite contingent” and is to some extent “contingent on political developments in the United States”. As such, it makes sense to argue that anti-Bush and anti-American sentiments are “all too often intertwined and not easily separable” (22). However, in addition to this liberal form, social and sovereignty national anti-Americanisms are hardly dead. The debates on deeper integration are vibrant and sometimes resort to generalisations and stereotypes about American culture and society, as survey data and a review of anti-integrationist literature and selective political speeches make clear.

Oxygenating Anti-Americanism

South of the border, some Americans display a negative predisposition towards Canada, which only adds fuel to the fire. In general, Americans seem to like what they know about Canada, although approval ratings declined during the Bush era. For example, studies by the Pew Research Institute indicated that in 2002, 83% of US respondents held a favorable view of Canada. By 2003 this fell to 65%, due to the fallout from Iraq (‘Americans and Canadians’). A 2004 Harris poll indicated that relative to European countries, Americans had a favorable opinion of Canada. They even preferred Canada’s health care system to their own (The Harris Poll, ‘Americans’). Other polls however suggested that Britain was held in far greater esteem. In 2006, 63 percent of Americans called Britain America’s best friend, versus 17 percent for Canada (Granatstein, Whose War is it? 78).

Moreover, surveys such as these fail to give us a sense of whether Americans take Canada seriously as a sovereign country, value its culture or traditions, or whether indeed Americans know much about Canada at all. For example, while Americans are relatively positive about Canada, many would also welcome Canada’s annexation. In a 2002 poll conducted by Leger Marketing, 38% of US respondents said they would be “in favour of Canada being annexed to the United States”. 58% of Americans also favored Canada adopting the US dollar as its currency. Commentators in the US interpret this as an example of friendly relations. Canadians, by contrast, are apt to see these views as a sinister reminder of the past (‘Annexing Canada’).
Another problem often brought to light in the Canadian media is America’s seeming ignorance of Canada. Robert Gilpin noted some time ago: “We Americans have remained too long in ignorance of our northern neighbors and have too long been insensitive to their concerns…” (118). For Doran and Sewell, Americans:

Do not seem to realise how Canadians regard this elephantine shadow, cast so often across them. In fact, Americans seem to Canadians always to be facing in another direction, ignoring Canada. Together these sins are difficult to forgive. The emotional result is troublesome for both Canada and the United States. It also is not subject to easy correction. (109)

Certainly few Americans, indeed only 14%, knew in 2002 that Canada was their biggest trading partner. Over half erroneously believed it was either Japan or China (Hurtig 249). In 2000, only 8% of American adults could name Canada’s Prime Minister (including presidential candidate Bush), while only 20% knew the capital city was Ottawa (Engel, ‘Canada?!’). Canadian comedian Rick Mercer even made a television series “Talking to Americans”, designed to “expose ridiculous degrees of American ignorance about Canadian issues”. Highlights included Mike Huckabee’s belief that Canada’s Parliament was housed in an enormous igloo, or Al Gore’s belief that Canada’s capital had relocated to Toronto (‘Talking to Americans’).

This sense of ignorance helps fuel anti-Americanism because it reinforces the perception that Americans do not take Canada seriously. Because of this underlying view, Americans are often perceived as ungrateful. Anti-American resentment builds up after 9/11. In Operation Support on September 11, 2001, 142 flights with 23,921 passengers on board were diverted to Canada following the attacks. Passengers were diverted to Newfoundland where they were welcomed into people’s homes. At Parliament Hill, 100,000 Canadians gathered to show their solidarity with US victims. These overtures were largely ignored by the American media. Bush’s failure to mention Canadian help during his September 20 Congressional address was a shock to many Canadians, fuelling a sense of being taken for granted (Dawson 183, 185).

Another example occurred in April 2002, when four Canadian soldiers in Afghanistan were killed by US “friendly fire”. President Bush made five public appearances that day but did not comment on the incident or express remorse, and ignored a question on the subject from a Canadian reporter. As Adams outlined the Canadian attitude: “Was it too much to expect
that that the American president would at least *pretend* to be dismayed, expressing at least some modest words of empathy and regret?* (Adams 48-49). Bush also snubbed Canada by applauding Tony Blair and singling out Britain for high praise in its support of the US, while Canada was ignored (Engel, ‘Canada?!’). These are small matters by US standards. Yet they matter to Canadians, and confirm the long held belief that Canadians are taken for granted.1 Granatstein is right to argue that “Canadians are used to being ignored by their neighbours,” but this does not mean they like it (*Yankee Go Home?* 3).

Canadians are also apt to have their perceptions of America reinforced when conservative commentators wax lyrical about Canada’s military weakness or its “softness” on terrorism. Canada, in many conservative accounts, is seen as a weaker more feminine country. If we follow J. Ann Tickner’s lead, traditional masculine attributes are often defined stereotypically as “power, autonomy, rationality, and public” versus purportedly feminine characteristics like “weakness, dependence, emotion, and private.” Tickner notes that “definitions of masculinity and femininity are relational and depend on each other for their meaning; in other words, what it means to be a ‘real man’ is not to display ‘womanly’ weaknesses” (614). Sexism implies a relationship of domination, and a disdain for the opinions and independence of the dominated party.

A gendered reading of the relationship appears in a number of conservative publications and is used to express derision for Canada, as either a “prissy aunt” or a frustrated “wall flower” who pines after an unattainable suitor. A typical example is John O’Sullivan’s work. Editor at large at the *National Review*, he has noted how “boring” Canadian politics is, seeing the country as “the nation-state equivalent of a maiden aunt — prissy and disapproving but no real trouble.” He continues:

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1 In 2004, Bush did offer his thanks, saying: “Three years ago, Halifax and other towns and villages -- from Newfoundland to Manitoba to the Northwest Territories to British Columbia -- welcomed, as the Prime Minister mentioned, more than 33,000 passengers on diverted flights. For days after September the 11th, Canadians came to the aid of men and women and children who were worried and confused and had nowhere to sleep. You opened your homes and your churches to strangers. You brought food, you set up clinics, you arranged for calls to their loved ones, and you asked for nothing in return.... And so let me say directly to the Canadian people, and to all of you here today who welcomed Americans, thank you for your kindness to America in an hour of need.”
Canada were brilliantly summed up in the Monty Python song that begins ‘I’m a lumberjack and I’m okay’ and gradually develops into ‘I put on women’s clothing and hang around in bars.’ In other words, not necessarily someone you would like on your side in a barroom brawl. (O’Sullivan, ‘Lumberjack’)

Canada’s gender identity is questionable, its ability to function independently suspect. Other commentators have similarly couched their derision in gendered language. As Matthew Engel opines, Canada can be likened to a “homely kind of girl - well-liked but usually ignored - who lives next door to the town hunk.” America of course is the hunk, “the centre of all her thoughts”:

She peers through the net curtains as he swaggers out for a night on the town. She reads major significance into every gesture: every time he ignores her on the street; every time he gives her an affectionate pat. She despises his unruly ways but, deep down, desperately wants to believe this is true love. He barely even gives her a thought. In romantic fiction, you end up with a white wedding and happy-ever-aftering. In international diplomacy, you get the US-Canada relationship. (Engel, ‘Canada?!’)

For Jonah Goldberg at the National Review, Canadian identity is reactive, the product of “[f]eeling swamped by U.S. culture”, which has motivated Canadians to “stitch together a national identity from whatever’s lying around” (‘Bomb Canada’). If the Soviets had a form of “superior” anti-Americanism, with a blueprint for replacing the US system, Canadian anti-Americanism consists of empty criticisms: “It is anti-American by reflex, which is to say that when America goes about its business, Canada flinches and calls this tic ‘the Canadian way’ … The very formation of the Canadian state was, quite literally, a flinch in response to America’s muscle-flexing” (‘Bomb Canada’). From behind a cover which pictured four Canadian Mounties labeled “Wimps!” Goldberg opines: “A full-scale conquest is unnecessary; all Canada needs is to be slapped around a little bit, to be treated like a whining kid who’s got to start acting like a man” (‘Bomb Canada’).

Jamie Glazov, editor at large for FrontPage Magazine echoes a similar theme – there simply is no Canadian identity or culture: “Without anti-Americanism, Canada would cease to exist” (‘I Have A Dream’). Canada for Glazov is little more than “an artificial structure that is kept intact by nationalist and socialist elites who exploit their own citizens for the sake of
keeping themselves in power.” Glazov enjoins Canadians to abandon their “pathetic fantasy of having a unique culture, let alone a unique anything. It’s time to become who we always were: Americans” (‘End of Canada’).

Conclusions

Canadian anti-Americanism during the Bush era was hardly radical in the sense that it was violent or dangerous to US interests. However forms of elitist, legacy, social, and liberal anti-Americanism helped bolster Canadian nationalism. Anti-Americanism cuts across divisions of right and left, and can focus on issues of national identity, or the provision of social services, or is manifest in fears of US domination. It can appear as stereotype and caricature, or as conspiracy theory. During the Bush era, it became an important if unfortunate ingredient in shaping national identity. In Canada, anti-Americanism was used to demarcate by differentiation what Canadians were and were not.

Prejudice and forms of schadenfreude eat away at social identity, rotting bilateral relations. Larry Zolf, a commentator at the CBC, is right to comment that “Anti-Americanism can be racist. It is a disease. It should stop being so essential a part of the Canadian identity” (‘Anti Americanism’). However as I have also argued, negative anti-Canadian attitudes amongst American conservatives provide too much grist for the mill. While the Canada-US relationship remains strong, and will continue to be so for the foreseeable future, there will always be a level of lingering resent in the relationship which will rise and fall over time.

Works Cited


Australasian Canadian Studies


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From large to small classes:
A classroom window

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Over the past three decades the class size debate has been prominent in not only educational discourse but also the subject of public opinion and politics. While much has been debated about the instructional benefits and the financial implications of low teacher to student ratios, little has been written about how teachers teach when they teach smaller classes. Do they continue to use the same teaching strategies employed to teach larger classes or do they use different strategies and if so, what are those teaching strategies and why are they used? This study examined over one thousand teacher responses to this question. The majority of those who said they used different teaching strategies said they used a broad range of strategies to promote the use of high-order thinking skills. Those who did not change their strategies appreciated the benefits of teaching smaller classes and talked about quality teaching rather than limiting their comments to class size. This paper also discusses the implications of the 'class size debate' for professional learning and future research.

Key words: class size; small classes; teachers' perceptions; instructional strategies; pedagogies; teaching and learning

Introduction

Most of the research about class sizes has focused on determining quantitatively whether smaller teacher to student ratios yield gains in student academic performance. Although findings tend to support such a premise in the case of disadvantaged groups and in the early years of schooling, researchers have not dealt in-depth with the teaching styles used by teachers when teaching a small class (Hattie, 2009). Most of the studies that are cited in the literature were not designed to show how or why smaller class size improved student achievement. Establishing how
and why smaller classes improve student learning outcomes is important for three reasons. Firstly, quality teaching is reported to exert the greatest influence in improving student achievement while the size of the class is somewhat less important (Hattie, 2009; Watson, Handal, & Maher, 2014). Secondly, Blatchford, Russell, Bassett, Brown and Martin (2007) claim that improved student learning, as a consequence of teaching smaller classes, is best achieved using specific teaching strategies. The third reason for examining how and why smaller class sizes improve student learning is to evaluate its cost effectiveness in improving student achievement as “class size does have a considerable impact on the level of current expenditure on schools” (NSW Department of Education and Communities [DEC], 2013, p. 6).

In New South Wales, Australia (NSW), classes do not normally exceed 30 students from Years 7 to 10. The maximum class size for Years 11 and 12 does not normally exceed 24 students and the average class size for NSW primary classes from Year 3 to Year 6 is 24 (NSW DEC, 2012). The averages class size for the Department of Education and Communities in Kindergarten, Year 1 and Year 2 are 20, 22 and 24 students, respectively (NSW DEC 2012; 2013).

The Class Size Debate

Since the 1970s there have been many studies about how class size has influenced student academic achievement. These studies have varied in their reliability, design, sample, data collection methods and analyses, and interpretation. Nevertheless, the vast majority concluded that by reducing the number of students in a class, learning increases (Larkin & Keeves, 1984; Pritchard, 1999; Harker, 2003). It is these early studies, in conjunction with a ‘common sense’ expectation that smaller classes will increase student academic performance that laid the foundation for government initiatives, particularly in the United States, to reduce class sizes in the 1980s and 1990s.

Robinson and Wittebols (1986) conducted a review of over 100 studies using ‘related cluster analysis’ (Pritchard, 1999). They grouped together (clustered) similar studies based on a diverse range of features such as student characteristics, grade and subject area (Pritchard, 1999). They concluded that student’s grades were positively influenced when class size was reduced. They found the achievement of primary aged students
increased far more than the achievement of older students and that the greatest increases were for kindergarten to third grade students. In addition, they also found that even greater increases in academic performance were evident for disadvantaged and minority students (Pritchard, 1999). An important caveat stated by Robinson and Wittebols was that the potential for increased student achievement was reduced if pedagogy and classroom procedures did not reflect the smaller classroom environment (Pritchard, 1999). Essentially, Robinson and Wittebols’s analysis made the connection between reduced class size and the opportunity this provided for associated changes in pedagogy. They foreshadowed that reduced class size provided the opportunity to implement pedagogical change.

The ‘best evidence synthesis’ carried out by Slavin (1989) analysed the findings of studies about smaller classes that met three criteria. Firstly, the ‘smaller’ classes had to be compared with ‘larger’ classes. Secondly, the reduction in class size had to take the number of students below 20 and this reduction in class size had to be for at least a year. Thirdly, apart from the number of students in the class, the ‘smaller’ and ‘larger’ classes had to be comparable in other respects. Slavin’s (1989) study found that there was a small increase in performance for students in ‘smaller’ classes but this effect did not continue after the reduced class size experience was over (Finn, 1998).

Although the above studies indicate that reducing class size increased, or provided an opportunity to extend student performance, other studies have indicated no such relationship. Tomlinson (1988) examined American data from the 1950s up until 1986 and concluded that there was no consistent relationship between class size and achievement in standardised test scores (Pritchard, 1999). As more studies were conducted, more data became available and analyses became larger and more complex across large timeframes and diverse data sets. Ferguson (1991) analysed a large data base from the Texas education system and found significant relationships between class size and student achievement from first to seventh grade. Ferguson (1991) found that student achievement fell as class size rose, student by student, above a student to teacher ratio of 18 to 1 (Pritchard, 1999). However, Ferguson (1991) also found an even stronger relationship between student achievement scores and teacher quality as measured in terms of teacher literacy skills and professional experience.

Wenglinsky (1997) conducted a meta-analysis using data from three national data bases. He found there was a correlation between school education spending and performance in mathematics. The mathematics
achievement of fourth grade students in classes with lower student to teacher ratios achieved higher scores. He also found that the achievement of eighth grade students in classes with lower student to teacher ratios improved the social environment of the school. It was the improved school social environment that then led to improved achievement. However, Hanushek (1998) conducted a number of data analyses across a range of school resourcing initiatives that influenced student achievement. These initiatives included resourcing that enabled class size reductions. Throughout his many studies, Hanushek concluded that class size reductions should not be expected to improve student academic performance and that the relationships between class size reductions and student improvement are relatively weak (Pritchard, 1999).

Three large case studies were conducted towards the end of the 1990 and into the 2000s in the United States. These include the Student-Teacher Achievement Ratio (STAR) project, the Student Achievement Guarantee in Education (SAGE) project and the California Class Size Reduction Program (CSRP). These three studies were carried out to examine quantitatively the relationship between class size and academic achievement but did not articulate how one influenced the other. In general, putting aside methodological controversies, the results showed that smaller classes led to increasing academic achievement with particular gains for students from low socio-economic backgrounds and disempowered minorities (Watson, Handal, Maher & McGinty, 2013; Cho, Glewee, & Whitler, 2010).

There are two major Canadian studies that concluded that reducing class size leads to increased student performance. The Lesson Study conducted in Alberta (Bascia & Fredua-Kwarteng, 2008) included the creation of classes of less than 15 students in public schools where emphasis was placed on integrating reading, writing and speaking. A fundamental feature of this intervention was a professional development program that mapped to the goals of the program. Five months after the intervention was initiated the researchers noticed an improvement in classroom management. This was partially attributed to a decrease in disruptive classroom behaviour. Gains in academic performance were measured through the Canadian Test of Basic Skills (CTBS), the Developmental Reading Assessment (DRA) and the Highest Level of Achievement test (HLA). The study recommended class size reduction interventions for disadvantaged populations, associated staff professional development,
class reduction initiatives should be financially sustainable and that class size reductions should be gradual progressing from the early school years.

The second major study was conducted in Ontario (Bascia, Connelly, Flessa & Mascall, 2010). The purpose of the intervention studied was to create elementary school classes where 90% of them had fewer than 20 students and 100% had 23 or fewer students. Qualitative results obtained through interviews and classroom observations revealed encouraging improvements in teaching and learning such as improved communication, ability to engage in personalised instruction, improved student cooperation, better student behaviour as well as the capacity to enact a larger variety of literacy teaching strategies. Like the Alberta study, the Ontario project was accompanied by professional development programs and targeted the earlier years of schooling and disadvantaged populations.

Finally, Hattie’s (2009) synthesis analysis found that class size reductions influencing student academic performance were ‘systematically small’ (Hattie, 2009, p. 86). Hattie (2009) concluded that the positive effects often attributed to reductions in class size may be more related to teacher and student work-related conditions and that the small effects found may, but also may not, translate to student learning (Hattie, 2009, p. 89). The studies Hattie drew on were from a number of countries associated with the Organisation for Economic Co-operation and Development (OECD) with research from across all grades and a range of different types of studies including previously discussed meta-analyses as well as more recent studies (Hattie, 2009).

Class Size and Quality Teaching

Hanushek (1998) claimed that the greatest influence schools have on student academic achievement is the quality of the teacher. Hanushek (1998) argued that it is teacher quality that influences student academic achievement and changes in class size function to influence teacher quality. He further argues that it is this aspect of the ‘class size debate’ that needs further exploration. Hanushek (1998) added that the research into the impact of class size reductions is incomplete and that it should include classroom observations of teacher performance. It is not until this aspect of the class size debate is undertaken that the complete picture of the impact of reducing the number of students in a class will be fully understood.

West and Woessmann (2003) argued that it is the quality of the teacher and not the size of the class that drives student achievement. Consequently,
West and Woessmann (2003) concluded that studies singling out class size as a single factor capable of influencing student achievement are limited in their ability to be interpreted accurately. Davies (2003) states that researchers who argue in favour of small class sizes do so because they:

1. allow students more individual time with the teacher;
2. enable ‘better’ teaching methods to be implemented;
3. reduce the incidence of non-productive class time; and
4. increase learning time because there are less classroom management issues.

It is noteworthy, that the 2000s and onwards were influenced by qualitative research studies seeking to describe the relationship between class size and achievement while focusing on other contextual mediating variables. Class size reduction seemed to be better understood in the context of other school reforms that influence academic achievement such as new views about curriculum, emerging pedagogies, the introduction of standards-based testing and teaching quality. Such a shift towards qualitative analyses revealed the complex interaction of the class size variable with other teaching and learning elements showing improvements in group work, student behavior, student-teacher communication, teaching workload and satisfaction as well as student engagement (Blatchford, Goldstein, Martin & Browne, 2002; Bascia, Connelly, Flessa & Mascall, 2010). Overall, as Bascia and Fredua-Kwarteng (2008) noted, “Class size does not influence student achievement directly: it is what teachers and students do in smaller classes that matter” (p. 21) and, sadly, there is clear evidence that a number of teachers teach smaller classes using strategies more suitable for larger classes (Evertson & Randolph, 1989; Hattie, 2006; 2009).

Successful class size reduction initiatives appear to have a strong staff professional development agenda embedded in their implementation (Bascia, Connelly, Flessa, & Mascall, 2010). It is noteworthy that the need to plan for sustainable class size reduction programs should be a long term strategy and focus on gradual implementation throughout school education (Bascia & Fredua-Kwarteng, 2008). In particular, such programs should include teachers being taught about strategies appropriate for smaller classes and how to implement them. As suggested by Blatchford, et al. (2007), teachers teaching small classes should make more use of differentiated instruction, provide non-routine learning situations that require exploration and discovery learning, employ cooperative learning strategies, engage in remedial planning, emphasise greater in-class interactions and foster student help-seeking behaviours. Either as a consequence of teachers
being unaware of the need to use pedagogies appropriate to small classes or because they simply follow customary traditional teaching behaviours, teachers may be unintentionally limiting the academic achievement of students in small classes. As Betts and Shkolnic (1999, p, 169) stated when they referred to class size reduction programs “there is no guarantee that smaller classes will automatically lead to more productive work in groups”.

**Background to the Study**

The findings in this paper complement the quantitative analysis of a questionnaire study reported elsewhere (Handal, Watson & Maher, 2014) that found smaller classes enhanced student learning outcomes. Specifically, Handal, Watson and Maher (2014) concluded that teachers perceive that small classes increased student learning outcomes for low achievers, students whose first language was different from English and students from low socio-economic (SES) backgrounds. There was also the perception that smaller classes had their greatest impact in the earlier years of schooling. The study concluded that one reason for this was that teachers were more sensitive to the needs of students who are socially and economically disadvantaged. The same study also found that primary teachers preferred to teach classes of less than 20 students while secondary teachers preferred classes of over 20. The study also concluded that, in general, there was not a consistent statistical pattern across all variables as a whole suggesting that the search for an optimal class size should be examined in the light of teacher choice of teaching strategies. This latter aspect of the quantitative component of the study is the focus of the qualitative analysis as reported in this paper. For the purpose of the study, the term small class was explicitly applied to classes with 20 or fewer students (Mitchell & Mitchell, 1999; Stecher & Borhnstedt, 2000).

The participants in both, the quantitative and qualitative component, of the study were teachers in 808 NSW Department of Education and Community (DEC) schools distributed proportionately between priority and non-priority schools in order to account for socio-economic disadvantages (please see Table 1). There are about 2,444 DEC schools and therefore the sampling represented one-third of the total population. There were four different types of schools spread across ten DEC regions, namely, Hunter / Central Coast; Illawarra and South East; New England; North Coast; Northern Sydney; Riverina; South Western Sydney; Sydney; Western NSW; Western Sydney. The sampled schools also represented proportional ratios of schools per region.
Table 1: Sampling

<table>
<thead>
<tr>
<th>Type of School</th>
<th>Priority Schools</th>
<th>Non Priority Schools</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central/Community</td>
<td>7</td>
<td>15</td>
<td>22</td>
</tr>
<tr>
<td>Infants Schools K-2</td>
<td>0</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Primary Schools K-6</td>
<td>93</td>
<td>535</td>
<td>628</td>
</tr>
<tr>
<td>High schools</td>
<td>20</td>
<td>133</td>
<td>153</td>
</tr>
<tr>
<td>Total</td>
<td>120</td>
<td>688</td>
<td>808</td>
</tr>
</tbody>
</table>

1,192 teachers from 321 schools responded to the survey representing a response rate of 40% of the 808 targeted schools. Thirteen per cent of the teachers were from schools serving high concentrations of low socio-economic status (SES) communities (priority schools) while the remaining 87 per cent were from non-priority schools. Approximately three-quarters of the participants were female. The median years of teaching experience was 16 to 20 years. Most teachers had a Bachelor of Education or a combination of an undergraduate degree (across a variety of disciplines) and a Diploma in Education as their teaching qualification. Table 2 shows the percentage of responding schools:

Table 2: Type of school

<table>
<thead>
<tr>
<th>School</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central and Community schools (K to Year 12)</td>
<td>1.8</td>
</tr>
<tr>
<td>Infants (K to Year 3)</td>
<td>0.5</td>
</tr>
<tr>
<td>Primary (K to Year 6)</td>
<td>65.4</td>
</tr>
<tr>
<td>High school (Years 7 to 12)</td>
<td>32.3</td>
</tr>
</tbody>
</table>

Research Questions

The purpose of this qualitative study was to follow-up the results of the quantitative analysis. More specifically, it sought to investigate:
1. How do larger and smaller class sizes influence teacher choice of teaching strategies?

2. What are the implications of these beliefs for teaching and learning?

Methodology

Research Instrument

The questionnaire instrument, from which data for this paper were extracted, was in three parts designed to explore teacher perceptions of class size and associated pedagogies. The first part consisted of questions about teacher demographics and educational background (teaching degrees, years of teaching experience). The second part was composed of attitudinal Likert-type scales which sought teacher opinions about the impact of class size on learning and teaching and are quantitatively reported elsewhere (Handal, Watson & Maher, 2014) and summarized in the Background to the Study section above.

The final part of the instrument was an open-ended question where teachers were asked the question *When you taught a smaller class did you change the way you taught?* and the choice of Yes or No boxes to tick were provided. Followed by a open space where respondents were requested *Please give reasons for your answer.* A total of 1,061 open-ended responses were received.

Procedure

Questionnaires were mailed to the principals of the targeted schools for distribution to teachers. Self-addressed pre-paid envelopes were provided and respondents were asked to, once completed, return the questionnaire by mail to the chief investigator.

Data Analysis

Responses were grouped by Yes and No answers to the aforementioned question *When you taught a smaller class did you change the way you taught?* Subsequently responses were coded and analysed thematically using
the elements of small class pedagogies which Blatchford et al (2007) summarized as “personalized, appropriate instruction; more adventurous teaching that extends the teaching repertoire; and a more active (less passive) role for pupils, which includes more opportunities for help seeking” (p.168). Such parameters assisted in establishing themes which were divided into emerging sub-themes conveying single meaningful concepts. Similarly, each sub-theme was identified by the main ideas underpinning the data as described below.

Discussion of Findings

Analysis indicated that teachers could be placed in one of three groups when teaching smaller classes although there was some overlap across these groups. The first group was composed of teachers who said they did change their teaching strategies when teaching smaller classes. Two sub-groups were identified within the group regarding who would not change their teaching strategies: This included a group of teachers who found individualised teaching strategies beneficial and another third group consisting of teachers who used the same teaching strategies for both small and large classes.

Group 1: Teachers who changed their teaching strategies when teaching smaller classes

Eighty-eight percent of participants said they changed the way they taught when teaching smaller classes. These teachers described their teaching strategies for smaller classes as well as writing about the advantages of teaching small groups. One teacher said: “I tend to use more ‘hands on’ activities rather than rely on the text (book) for tasks.” A second teacher said she was “able to do more innovative and hands-on tasks as are manageable with that number of students.” Another teacher reported:

Generally with smaller groups, students will have more opportunities to work through problems using concrete, hands-on materials where, in larger classes, I tend not to use them (hands-on materials) because it can be difficult at times to monitor whether they (materials) are being used properly.

Furthermore, participants perceived there were benefits when they individualised their teaching:
My teaching is more individualised when catering for various needs and abilities, particularly for students with difficulties and providing alternate activities to cater for individual learning styles.

Similarly, teachers in this group said they provided more frequent higher order learning experiences by “giving more individual time to students and (doing) more group work using self-exploratory learning” and “investigating and discovering things for themselves instead of me being out the front doing all the talking”.

Group work was described as essential when teaching small classes because “smaller classes allow time for individual and more small-group work with less interruption” and “I am able to provide more small-group work and children can rotated through a number of activities when the class is smaller.” Teachers also found they were able to differentiate the curriculum more effectively with small classes because “remedial work, when needed or extension work needs to be tailored to individuals.”

Opportunities to provide activities using technology were also mentioned:

- Smaller classes makes practical work (in science) easier to supervise because students can work in groups and are less restricted by access to equipment, space, IT etc. It also means I can cater for individual needs more easily than I can with larger classes.

One teacher reported she was “able to implement work centers around the room with units of work” enabling “genuine peer tutoring.” Learning improved because students “got more individual attention for tasks and seemed more engaged” since “I was able to help individuals when they engaged in self-directed learning.” In particular, there was “more flexibility with the physical structure and arrangement of the learning space.” “I have 31 children in my class at present and we barely have enough room to sit in the classroom let alone move around” and “many behavioural issues in the classroom can be solved by separating students with greater space.”

A teacher observed that students participated more because there was “less teacher talk and more student talk”. According to one teacher, “it is much easier to complete tasks that involve in-depth group work, problem solving, project-based learning, games-based learning and group discussions.” Gifted and talented students were “able to receive much more attention and scaffolding with extension tasks.” Teachers who said they changed the way they taught when teaching small classes reported that “smaller classes allow for substantial feedback to students” and “less marking time meant there was more preparation time” and “time to edit
their (student) work and mark on the spot rather than after the lesson (compared with a larger classes).” Another teacher added “I was able to take time to analyse individual results very effectively and prepare specific content at an appropriate level.”

Classroom management was mentioned by teachers several times: “A smaller class enables increased one-on-one interaction with all students, but especially those with learning and / or behavior difficulties.” In particular, small classes helped students to “learn about their teacher before they learnt the subject content.” Essentially, the majority of teachers surveyed changed their teaching strategies when teaching smaller classes. They used hands-on activities, promoted the use of higher order thinking, used small group strategies, peer tutoring, gave students more individual attention, employed differentiation strategies, catered for different student learning styles and were generally more student-focused in their teaching. This group of teachers generally used a number of these ‘student-focused’ strategies and in so doing employed a more ‘student-focused’ pedagogy.

**Group 2: Teachers who did not change their teaching strategies but who found individualized teaching beneficial**

Twelve per cent of participants did not change their teaching strategies when they taught smaller classes. However, two thirds of these teachers did qualify their response and are the subject of this part of the discussion. The remaining four per cent who did not qualify their response and said they taught small classes the same way as they taught large classes are discussed in Group 3.

At one end of the spectrum of those who did not change their teaching strategies, apart from teaching in a more individualised way, were teachers who simply spent more time with each student because there were fewer students. As one teacher said, “You get to know each student better but you still teach the same way.” In other words, this group of teachers did not change ‘much’ while teaching a smaller class but they did take advantage of the smaller numbers of students.

Further up this scale were teachers who, although they said they did not use different teaching strategies, did provide students with more feedback. Smaller classes meant there was “time to provide immediate and informative feedback. To me, this is more important than changes to teaching strategies” and “my pedagogy remained the same, I just increased the amount of feedback.”
Irrespective of the degree of individual attention provided to students, the teachers in Group 2 all commented on the reduced time they spent on classroom management. One teacher said:

I didn’t have to deal with as many behaviour issues and classroom management was minimal. … There was greater time on task and more time spent with students. … [I] was able to focus more on teaching and learning rather than behaviour management.

Another teacher commented: “I didn’t change the way I taught except for getting to know more about each student and being able to include more group work because the class was more manageable.”

Another comment made by teachers in Group 2 was that they either covered more content or covered the content in more depth when teaching smaller classes. “Sometimes I covered the same amount of material but spent more time with individuals but at other times I was able to teach more content”. Other teachers said they were able to engaged the class in “more complex activities because classroom management was easier.” This was particularly important when teaching gifted and talented students because “I was able to teach more one-to-one for both gifted and talented students and those at risk of not reaching benchmarks.” As another teacher put it “the way I teach doesn’t really change. However, I can give more individual attention, provide more variety in activities and consolidate understandings for individual students when there are less of them in the class.”

Overall, teachers in this group did not change their teaching strategies. They did not change their pedagogy. However, they did take advantage of fewer students in the class while employing the ‘usual’ pedagogy. They were able to provide more feedback to students, get to know students better, cover more content and deal with that content in more depth. Teachers were able to do this because there was time in which to do it. This was because there were fewer classroom management issues since there were fewer students.

Essentially, these teachers felt there was no need to change their pedagogy because smaller classes enabled them to modify their existing pedagogy to improve student learning outcomes. They valued smaller classes for their ability to enhance their existing pedagogy. There was no reason to consider alternative pedagogies.

**Group 3: Teachers who did not change their teaching strategies and teach small and large classes the same way**

Group 3 teachers either “use the same teaching practices regardless
of the number of kids in the class” or “can’t see that it [class size] makes much difference”. These teachers justified their view in different ways such as “children all need the same ground rules and the same expectation of working independently so my teaching doesn’t vary” and “many activities [in a large class] work well when students work independently, which is a good skill to learn, while I assist the more-needy.”

However, a careful examination of their responses helped understand why these teachers used the same strategies for both small and large classes. They valued class differentiation and quality teaching. They recognised the importance of individualised learning and believed that teaching approaches can be easily transferred across different class sizes. One teacher said, “I teach to the student – not the group”. It seems that for these teachers the choice of appropriate teaching and learning strategies is not determined by class size because “the influences on student achievement and performance are many and cannot be limited to one factor such as class size” and “class size doesn’t really affect my overall teaching. Instead, things like group structure, one-on-one assistance, less time spent on behaviour management and more individualised curriculum are more important.” However, one teacher summarized the view of many by saying “class size doesn’t really matter – teacher quality and student engagement do. If you are a good teacher who knows their students, class size won’t play much of a role in student achievement.”

Overall, according to the teachers in Group 3, effective teaching can occur regardless of class size because quality teaching is what matters, “I use effective teaching strategies regardless of the number of students in my class” because “teacher experience, effectiveness and quality teaching have a greater influence than class sizes. I know this from years of teaching experience and PD.” Similarly:

No matter what the size of the class is, I still use the best strategies I know. The learning experiences are the same no matter how many kids are in the class. The difference that a smaller class makes is that I have more time to get to know them and meet their needs.

These teachers also believe that differentiation can be effective in both small and large classes because “even though a teacher may have a smaller class, there are still a variety of learning styles and abilities that need to be catered for” and “I still manage my class the same way. For literacy and numeracy, students are grouped according to their ability”. Other teachers commented:
The most important influence on student outcomes is teacher quality. A creative, dynamic and organised person can easily improve student outcomes – especially children who are ‘low-achievers’. Differentiation is easier in a bigger class because you can manipulate groups for different purposes. Smaller classes leave less room for effective differentiation.

[I] continue to differentiate, use small focus groups and provide support for lower achievers. I think it is important to personalise and differentiate learning in any class, regardless of its size. Children are individuals with different needs.

You still have to group students according to their ability. You need to differentiate your program to address individual learning needs. There is no point giving every child the same task as the task could be too easy or too hard.

I find that in every class, and it doesn’t matter what size it is, there will always be a range of abilities. I use ability groups for reading and maths. It is also good to use writing groups in K to 2 because they help with more explicit teaching.

Overall, the small number of teachers in this group believed that both small and large classes benefit from a range of teaching strategies, “no matter the size of the class, you will still use a variety of teaching methods”. They believe that large classes are just as effective as small classes for group work:

All children should and are taught as individually as possible in my classes. I do lots of small group-based activities where all students get an opportunity to be involved. This helps me know exactly where each child is at so that none ‘slip under the radar’.

The teachers in this group also believed that quality learning depended on variables other than class size. One teacher said, being “explicit about what is being taught, and having high expectations of children is important”. This is because “the same learning outcomes need to be achieved” and “structured lessons with appropriate levels of support that benefit all students are not significantly affected by the number of kids in the class”.

Teachers in Group 3 used the same pedagogy for smaller classes as they did for larger classes. They did not see that there was any advantage in teaching smaller classes. This was because they could not see that smaller classes made any difference to the way they taught. They reasoned that class and curriculum differentiation, quality teaching, individualised learning
environments and student engagement were transferable across different sized classes. They were not determined or modified by class size.

Conclusions

The three different groups described above emerged from a pool of over one thousand teacher responses. These three categories were not mutually exclusive but overlapped in various ways. The first group, representing the majority of teachers, changed the way they taught when teaching a small class. They used more student-focused pedagogy in their teaching. The second group did not change their pedagogy. However, they did recognize that smaller classes enabled them to improve the quality of their teaching while using the same pedagogy they used for larger classes. They valued smaller classes for their ability to enhance their existing pedagogy. Consequently, there was no reason to consider alternative pedagogies. Group 3 teachers used the same pedagogy for smaller classes as they did for larger classes. Essentially, they thought there was no advantage in teaching smaller classes because the way they taught was transferable across different class sizes. Pedagogy and individual teaching strategies were not determined or modified by class size.

These findings show that the vast majority (96%) of teachers who participated in this research said they either changed their pedagogy when teaching smaller classes or improved the quality of their teaching as a direct consequence of a smaller class. In other words, participants reinforced the dominant view in the literature that class size matters. The teachers in this study overwhelmingly said they preferred to teach a smaller class. It should also be noted that it was beyond the scope of this study to draw any conclusions about the relationship between class size and student academic achievement. This present study was concerned only with the way teachers taught smaller classes and not their impact on learning outcomes.

It is noteworthy that while a number of teachers did not report substantive changes to their pedagogy there was evidence that some teachers did make changes to assessment practices. Some teachers began to use formative assessment such as providing immediate feedback to students. The connection between assessment and pedagogy is well documented in the literature (Brophy & Good, 2007). However, it can be concluded that teachers who took part in this study did not view a change in assessment practices as a modification of pedagogy. Or, if they did see a connection between assessment and pedagogy, the relationship had not matured to
the point where using formative assessment was viewed as a change in pedagogy. Rather, it seems that just as teachers make use of ‘teachable moments’ they also made use of ‘assessable moments’.

A limitation of this study was the self-reported nature of the data. The significance of this limitation is that teachers will present a view about small classes that is informed by evidence from the literature as well as a ‘common sense’ view (Watson, Handal, Maher & McGinty, 2013). It may be that their ‘common sense’ view cannot be rigorously argued and therefore the findings of this study may not be based on reliable data. The only way such data can be validated is through classroom observations which are beyond the scope of this study.

The findings indicated that teachers in Groups 2 and 3 did not implement small class pedagogies. Essentially, they thought small class teaching strategies were not necessary. This means that teachers may be expressing views for which there was little real experiential basis. In other words, if teachers do not know about or have not implemented small class strategies, their views may not be well informed. In a similar way, it may be that when teachers refer to the quality of their teaching they are subconsciously equating this to student learning outcomes. Again, further research will be required to answer this question.

The findings from this study also suggest that some teachers were either not familiar with classroom differentiation or were not skilled in strategies for their delivery (Blatchford et al., 2007). Alternatively, some researchers (Bascia & Fredua-Kwarteng, 2008; Evertson & Randolph, 1989; Hattie, 2009) have suggested that the ability to adapt and change pedagogy and implement a broad and purposefully selected range of teaching strategies be viewed as a function of teaching quality rather than as a teaching variable. If that is the case, professional development which targets teacher quality may be a more cost-effective strategy for improving student learning experiences than reducing class sizes with the associated consequences to school funding when employing more teachers, building more classrooms and adding more auxiliary and administrative staff (West & Woessmann, 2003; Davies, 2003). What is being advocated is that teaching strategies that are normally implemented in small class environments be adapted for use in larger classes.

While the public class size debate focuses on reducing teacher to student ratios and associated budgetary considerations, very little attention has been given to the possibility of instructing teachers how to implement pedagogies normally associated with teaching smaller classes. It may
be that such pedagogies can be successfully used when teaching larger classes. The strategy of using small class pedagogies across a range of class sizes would need to be considered and trialed before moving to a regime of smaller classes and their associated costs and infrastructure (Watson, Handal, Maher & McGinty, 2013).

Finally, the lack of Australian research about class size, with the exception of Larkin and Keeves (1984) thirty years ago, is disappointing and unhelpful when it comes to informing policy decisions. Understandings about the influence of class size reductions are highly contextualised. Such understandings are linked to cultural contexts through worldviews and the values, attitudes and belief systems derived from them. They are also connected to the development of the school curriculum in the last decades within and across disciplines such as standards-based education, criterion-referenced assessment, general competences and the integration of information and communication technologies in teaching and learning.

Consequently, although class size reduction data and the subsequent interpretations of findings derived from them are useful indicators, they are not a substitute for actual and current Australian data and interpretations. Australian class size policy needs to be contextualised by, embedded in and informed by, the culture in which the data are collected and interpreted so that subsequent policy decisions reflect the web of influences that are unseen and undetected yet are so powerfully reflective of the uniqueness that is Australian (Watson, Handal, Maher & McGinty, 2013). This study adds weight to this view and confirms that additional research that includes classroom observations across a range of different class sizes needs to be conducted.

Works Cited:


Protecting Minority Interests: A Comparison between Ascribing Group Rights in a Liberal Society and the Fiduciary Obligation owed to the Canadian First Nations

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This paper is concerned the protection of the interests of indigenous peoples, with the way we use law to protect those cultural interests and to compare what we do in New Zealand with the way these issues have been addressed in Canada. There is one major difference and that is in the area of protecting the interests of indigenous peoples. Whereas the Supreme Court of Canada has adopted the principles of fiduciary duties and has found that the government must act in a fiduciary capacity with respect to aboriginal peoples, the NZ courts and government have rejected this view outright. In Canada the case of Guerin v R in 1984 found a fiduciary relationship rooted in the concept of aboriginal title. This was extended in R v Sparrow in 1990 where it was said that section 35 of the Constitution Act 1982 meant that government has the responsibility to act in a fiduciary capacity with respect to aboriginal peoples. I intend to show why the principle of fiduciary duty cannot apply in New Zealand. I will go on to examine the theory of Rights-based jurisprudence in Liberal theory of law and show why it cannot be readily applied to indigenous minority groups. Finally I will suggest that the principles in the Treaty of Waitangi, if properly utilised, can address the issues of protecting minority cultures.

Keywords: Indigenous rights – Canada, New Zealand; fiduciary obligations; communitarianism; liberalism; society, individual, group interests & principles; philosophy; law; resources; morality; culture; minority; Maori; justice; Treaty of Waitangi

The Court of Appeal in New Zealand Maori Council v Attorney-General (“Te Arawa Cross Claim case”) [2008] 1 NZLR 318; emphatically rejected the notion that the Crown has a fiduciary duty in a private law sense that is enforceable against the Crown. The law of
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fiduciaries, it held, informs the analysis of the key characteristics of the duty arising from the relationship between the Crown and Maori under the Treaty; good faith, reasonableness, trust, openness and consultation. But it does so by analogy and not by direct application. The fiduciary concept implies a relationship between the Crown and Maori which is incompatible with the perception of a compact based on the equality of the parties and the recognition of mutual obligations.

It is not uncommon to turn towards the equitable principle of fiduciary duty to resolve a problem arising in an area of law not traditionally associated with equity. For some years now there has been a tendency towards a crossing over between areas of law, particularly where remedies are concerned. If it is not possible to get the remedy you want in common law, for example where only damages are available then it has become the custom in NZ to look at other areas of law, particularly Equity for a remedy that you prefer. This is one of the ramifications of having accepted that there is a fusion between common law and equity. (See Aquaculture Corporation v NZ Green Mussel [1990] 3 299 where breach of an equitable duty was remedied by common law damages). In New Zealand over the past few years we have had a number of cases where people have invested in finance companies who were lending money without ensuring proper security, for example on second hand cars, (Finance and Investments, 2007). The risk was offset by very good interest rates. When insolvency ensued many of the investors felt that they had been misled into believing that the company was solvent and are trying to find a remedy in equity based on breach of trust. In one particular example it was a family company where one director had great power and influence over the others who had been quite content to let him run things. This director also has a family trust which holds his family home and most of his assets. In this kind of case where investors stand to lose a lot of money due to the insolvency of the company it has become popular to try to show that a fiduciary relationship exists between the director and the investor. If a fiduciary relationship exists we can look beyond the remedies set out in company legislation and turn to equitable remedies. The equitable remedy of account for profits would see the director personally liable to make good any losses which were incurred as a result of reliance on the director. Under the current Property Law Act 2007 it may also be possible to open the family trust and make assets available to creditors, (s 348 Property Law Act 2007).

In company law the director does owe fiduciary duties to the company but not automatically to the investors or creditors. To prove a fiduciary
relationship existed with the investors it would have to be shown that there was something extra—like a promise made personally, or some inducement made to encourage the investor to rely on the director and trust him. This is the basis of any fiduciary relationship, where a person, X undertakes to act for another, Y, and where Y trusts X not to do anything that would be to Y’s detriment. The most easily recognised of the fiduciary relationships are those of trustees who owe fiduciary duties to their beneficiaries, doctors to patients, solicitors to clients and employees who are in a position of trust to their employers. In recent years in NZ the categories of fiduciary relationship have been extended and in all of the cases where the fiduciary relationship has been extended in order to afford protection to the weaker party it is clear that there is usually an imbalance of power between the parties to the fiduciary relationship. Fiduciary relationships may even be found to exist between parties to a business, where one is using the property of the other to make profits (for example patterns and moulds). This was seen in Watson v Dolmark Industries [1992] 3 NZLR 311 (CA).

Fiduciary duties are also now seen to exist between professional persons engaged in or making preparation for a joint business venture. This is in contrast to the traditional view that a relationship that was regulated by contract could also attract fiduciary duties to the extent that in one case a businessman who entered into preliminary discussion to join with another in a venture to develop a retail site received nearly one million dollars from the venture after being cut out of the deal and doing nothing. The preliminary discussion plus the previous working relationship enjoyed between the two was sufficient to set up mutual trust and a duty that neither would do anything that was detrimental to the other. (Chirnside v Fay [2007] 1 NZLR 433). In Canada, although the position regarding joint ventures is not so well settled, similar extensions to the categories of fiduciaries have recently been seen in Evans v. The Sports Corporation, 2013 ABCA 14. The jurisdictions have mirrored each other in many ways so that the courts ensure that a just result comes about, using remedies from the law of equity to satisfy common law wrongs.

While considering the means by which to protect the interests of indigenous peoples, it may well be that the fiduciary concept would be pertinent in New Zealand but only if the context were to be the customary law preceding the Treaty, but the Treaty forged a new beginning in the relationship of the Crown and Maori based on their respective interests and perceptions at the time and their expectations for the future. The core fiduciary standard charging the ascendant party to act selflessly with
undivided loyalty to the interests of the other does not fit comfortably with the relationship established by the Treaty. So, too, the language of exploitation on the part of the fiduciary and vulnerability on the part of the other party is inapt.

Liberal theories of justice seek to guarantee freedom from oppression by assigning to each person inviolable rights to ensure that no individual is dominated by other individuals or any group. Foremost and most influential in the modern jurisprudence of our time is the work of liberal philosophers like John Rawls and Ronald Dworkin. The liberal concept of justice is usually taught as being paramount and any law based on shared community values is regarded as oppressive because one person's right may be postponed to the interests of society (Dworkin, 1989:480). When decisions have to be made and one side declared the winner under the adversarial adjudication process, the side who can demonstrate the most powerful and compelling right will be victorious. However, there are failings associated with rights-based theories of law. They can produce conflict and competition between competing rights-holders. Harmony within a modern multicultural society would be enhanced if its government was committed to make laws based on what is best for the whole community, nevertheless able to make provision for the benefit of minority cultures within the community. However, the natural focus of liberalism is the autonomy and freedom of the individual, (von Seters, 2002: 373). The analysis of adjudication of cases in Court based on rights tells us that adjudication in court is about winning and losing, pitting one set of rights against another. The winning party is the one who has shown that he or she has the greater right. Liberal principles of justice dominate the liberal theory of society to such an extent that it is the liberal claim that this concept of justice ought to govern society.

This concept of justice has a predominant theme: that priority should be given in every case to the individual's right to freedom. The state should remain neutral and not impose a collective morality since liberal theory focuses on moral autonomy. Communitarians do not reject or loathe autonomy, because autonomy is not synonymous with doing as you please, (Selznick, 1998:15). Personal autonomy does not oppose the idea that communities are settings in which people can rationally pursue diverse interests and plan largely independent lives. However humans are integrally related to the communities of culture and language that they create, maintain and inhabit. Freedom of choice may be important but social preconditions are necessary to make it possible. It has been said, for example by Kymlicka (Liberalism, Community & Culture, 1989:}
that modern liberal theory is incompatible with recognition of the importance of membership of a cultural community. For a rights-based theorist such membership of a cultural community is considered to be a mere social interest and therefore not powerful enough to override the liberal claim of personal inviolability founded on justice, with which even the welfare of a whole society cannot compete. Communitarians cannot detach rights from corresponding responsibilities. The theory of rights as ‘trumps’ over other societal interests was espoused by Ronald Dworkin in Taking Rights Seriously (1977:introduction xv), but is considered to be an offensive concept to the communitarian. Instead the communitarian would attempt to reconcile competing interests with respect to diversity but without allowing the claims of diversity to override those of humanity and justice.

When we are making the decisions about our choice of way of life, we do not do so from a position of carte blanche, but from within the options available according to our own cultural structure. We do have a certain amount of freedom of choice but the options are not universal. Instead they are seen from the perspective of our own experiences. When we decide what has value for each of us as individuals we are assessing the options according to the choices that are available. The range of options that are available is determined by the limits of what we can see or imagine. These limitations are the result of when and where we are born, the circumstances surrounding our existence that may be called our cultural heritage. In order for us to make intelligent choices it is important to have a stable cultural structure, where the cultural heritage is secure with values that are set out very clearly, and where role models exist to be considered as viable alternatives when choosing which path to follow. This is important especially for the young who, when they lack adequate role-models, have a tendency to sink into despondency and make bad choices as to their way of life.

Many Canadian scholars, for example Will Kymlicka (2004:113) and Charles Taylor (1994:55), reject the Liberal theory of justice where justice can only be satisfied by conferring equal rights on every individual without considering what that means in terms of the greater society in which we live. Liberals draw a line between the idea of justice and the idea of the good society, where justice is independent from a good society, but is antecedent to a good society. Charles Taylor considers that, as humans, we strive for moral self-realization. This is our nature. We act as individuals, certainly, but only while we retain a sense of equality and rights. However this sense
of autonomy has been stressed to the point of losing what Taylor refers to as ‘social mediation’ (Taylor 1993:72). The exercise of our personal freedom and individual self-determination should be exercised as part of a system of social attachments in families, neighbourhoods and communities. Instead, we have been persuaded that society is merely the result of a contract between individuals. We consider ourselves to be autonomous; individuals, self-interpreting, choosing our own values in life. Identity consists of free citizenship as an economic agent.

A permissive, self-indulgent lifestyle can be tolerated because we are determined by our own self-direction and we have become convinced that it is only through this self-direction that we can find our own fulfilment and purpose. For many the acquisition of goods is the priority in life. Society is generally considered good when it allows for the production and consumption of goods. Continued increase in consumption is justified as revenue earning national productivity and we are encouraged to acquire ever bigger personal space in which a family can flourish surrounded by goods, cars, barbeques etc. The more affluent can then buy summer houses to hold more goods complete with labour-saving devices. Things are often seen as fulfilment.

Part of the problem society faces is that the wealth is all concentrated in a small segment of society – the ’top end’ and the wealth doesn’t easily trickle down to the less affluent. There is a tendency to resist the politics of re-distribution of wealth and those who can do so avoid re-distribution through taxation where possible. The advent of technology has made things worse for the less well off. If it is assumed that everyone has a car and a computer with internet access, cities can be arranged with greater distance between homes and workplaces. Consumerism does nothing to alleviate anyone’s suffering and does nothing to improve things that obviously need improvement. Fulfilment as an individual can even override family commitment and boundaries formerly imposed by a duty of loyalty. If a person doesn’t find his/her individual sense of fulfilment within the family, then family is not serving that person’s needs. The persistent promotion of individual rights, the protection of which is the paramount function of law, leads to a false but common belief that desires or needs are at the basis of rights. For example the desire to bear a baby is often misinterpreted by some women as the foundation of a right to bear a child which in turn leads to the expectation of public funding for infertility treatment.

An individual who enjoys the protection of his/her rights in liberal society may measure his/her sense of ‘self’ by their social standing. Family,
for these individuals, is no longer the locus of identity and therefore abandonment of the family can be justified on the basis of the need of the individual to achieve self-determination. The problems increase when cities get too big, too expensive to run and wasteful of valuable resources. Bureaucracy is increased along with costs. The stress of the workforce is increased by the competition for space, for example car parking. The decline of the family means that the community has to take care of the sick, disabled and aged. However the individual, self-determining consumer is reluctant to foot the bill by way of increases in taxation because he needs all his money to fund his way of life and consume more consumer goods. Furthermore there is the danger of detriment to the smaller communities who lose amenities to the larger centres, the occupants of which may then feel ostracised and diminished in value.

So this leads to the question of where any law to protect group interests would possibly reside in this society of individuals; how a liberal society would proceed with the determination of the function of such a law and the basis on which any statutes to promulgate the law might be passed. The difficulty with these questions arises because liberal principles have a predominant theme; that priority must be given in every case to the individual’s right to freedom. Justice in this theory is independent of ideals of the good society so decisions made by the state must be restricted to the realization of the principles of justice, the central tenet of which is that the right is prior to the good (Rawls, A Theory of Justice, 1971:562). This means the state must restrict its activities to the realization of principles of justice, not promote what is considered to be good, nor impose a system based on what is thought to be good. The state must be neutral and all its citizens have moral autonomy. So the principles of justice and conception of what makes for a good society are kept completely separate. So any law based on community ideals to protect a group’s communal interests must fail as being contrary to the basic values of the society the law is intended to serve.

Liberal principles of rights say that all individuals are entitled equally to the goods of society, for example the opportunity for education, for health care. If some members of society are to be entitled to university places reserved on a basis of membership of a group, this means that those outside the special group are disadvantaged. Liberal principles of justice could not condone the sacrifice of some people’s opportunities for the sake of promoting the interests of a group. Even if it was claimed to be for the sake of the general good that Maori should receive a greater level of
primary health care to prevent the later onset of disease such as diabetes, the liberal philosophy would deny the claim. Individual rights cannot be set against a social policy. As Ronald Dworkin says, rights trump policy every time (1977: introduction xv). No one person should be entitled to more than any other because all individuals are essentially equal. The only dispute that can be considered is one where one person claims to have a greater right than another. The court can consider only the strength of the right, not the context of the different claims nor any policy that would be satisfied if one person were to be given preferential treatment.

We may agree that all groups should be recognised as having an equal claim to respect and support from society at large. However as we have seen, rights are difficult to ascribe to groups in Liberal theory. James W Nickel considers that groups as right-holders are lacking in the characteristics of competent right-holders. Problems arise, for example; establishing identity as to who is in which group, multiple group membership simultaneously, who is responsible in the group and how responsibilities are shared (Nickel 1994:635. It has to be determined just how benefits are to be shared and who has a say in the group’s affairs. Clear identity and effective agency are needed for groups to benefit from rights. Cultural majorities often express concern over group rights that have political or legal implementation such as official language status, subsidies from taxes to keep culture alive, expanded educational and economic opportunities that are exclusive to such groups.

Thomas Pogge, in Group Rights & Ethnicity, (Pogge 1997:188) says that in an ideal society all citizens would be treated as equals regardless of their identification and affiliation. In the political domain all groups should be recognised as having an equal claim to respect and support from society at large. No group would be more valuable than others. I consider that this position is in line with Liberal deontology – giving priority to the right over the good. The difficulty occurs when you consider groups that are less acceptable socially, or even reprehensible. Gangs are certainly groups with a recognisable identity but I would not consider them of equal value to, for example, a religious community. Aspects of the group’s activities need to be examined such as use of a common language, shared traditions and the value that the group places on certain practices before the state can decide whether this is a cultural structure that should be preserved. Exceptions include immigrant populations which, while they share a language and other characteristics, are expected to integrate to some extent into the existing community, so theirs would not be a cultural structure that would be supported by the state. Once the state accepts the
obligation to sustain a minority cultural structure this may be close to giving a group rights in a way that liberal tradition is not able to do. Most post war liberals, especially in the US, have opposed giving recognition to national minorities or to giving services such as schooling on the basis of group membership.

I want to consider whether it is possible to pass laws or interpret existing statutes in a way that will give effect to the aspiration to pursue individualism without resulting in repression. It is generally accepted that law has an aspirational aspect; it can be the focus and the medium for change in the quest for justice and ideals. I am suggesting here that law is more than simply power; it is believed to have a greater role to play in society. In reality we may perceive law as aspiring to create a society that is more than the ‘socially and morally unconnected, rights possessing’ individuals that Roger Cotterell says the liberal philosophers would have us believe, (Cotterell 1995:18). There are plenty of occasions when legislatures have used law to restructure and influence society. An example is the passage of legislation to stop parents using physical chastisement to control children, laws to shape the direction of educational provision, laws to stop racial or sexual discrimination, even laws to prevent smoking or the proliferation of fast-food outlets in low socio-economic districts. But it is a vast task to expect the law to express the bonds and values of an entire community. A nation is capable of being pluralistic. Structural differentiation can be sustained within the community without any of the components giving up their integrity or institutions.

Kymlicka says that part of what it means to have equal respect for others is to take into account the cost of one’s choices to others in terms of the resources everyone else has to forgo in order to allow one to have what one wants (Kymlicka 1989:21). There may be connotations with Utilitarian teleology in this interpretation. Jeremy Bentham would formulate the same concept in terms of weighing the overall effect of one’s actions using the Felicific Calculus, by which one can project the longer term and wider implications for the action (see Of Laws in General Ed HLA Hart, 1970:294). These are also the ideals that are already being used within the Maori community when deciding issues that affect any aspect of community life. Consensus after rigorous discussion of the issues preserves good relationships between actors more than any competition between rights holders can ever accomplish. Similarly, much of Aristotle’s writing is predicated on the idea that Justice is rooted in a community whose
primary bond is a shared understanding both of the good for man and the good of that community (Nicomachean Ethics Book v, Ch 11:1137b).

Taylor attacks atomistic liberals who try to defend the priority of the individual and his rights over society, (Taylor 1985:187). I would also agree with Alasdaire MacIntyre (Is Patriotism a Virtue? 1999:307), who argues that a person is fully human only within a coherent tradition since it is through a tradition that an individual gains self-understanding and it is through social practices that he or she is able to live a meaningful life. Morality is a function of this self-understanding within the social practices. If morality is only a matter of individual opinion it is not morality at all. It is not reasonable to suggest that our personal identities are entirely divorced from our communal attachments. Membership of a culture is important. The life of a person is seen as a narrative set in a particular cultural group, each casting himself as a character in the life of my community and adopting a life plan. I am not only the main character in my own narrative: I am also a character in the narratives of other people. Morality originates in the accountability of each of us vis a vis others in these narratives. The individualism, acquisitiveness and adversarial relations found in liberal societies undermine the traditions through which people develop the social virtues which are necessary to their own well-being and the proper functioning of their community. New Zealand and Canada have found different routes to build values and principles into law that reflect and express the requirements of the diverse cultural interests within the greater society.

Although the New Zealand courts have rejected the existence of a fiduciary duty which would protect the interests of Maori, an obligation of “good faith” permitting each party to act self-interestedly while at the same time requiring that party to have regard to the legitimate interests of the other, does arise logically and naturally out of the Treaty. So the next step in exploring the way in which the interests of Maori are protected in New Zealand is to examine the terms of the treaty of Waitangi. As is famously known, there are two versions of the Treaty, and neither is a direct translation of the other. The treaty contains three articles. The following is a brief explanation of the relevant parts of the Treaty of Waitangi:

**Article One: English version**

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely
and without reservation all the rights and powers of Sovereignty which the said confederation or individual Chiefs respectively exercise or possess over their respective Territories....

**Article One: Maori version**

Instead of Sovereignty the term kawanatanga is used, which translates as governance.

Very few Maori commentators believe that it was ever intended to cede absolute authority over Maori to the Crown. There has been much debate but there is no definitive answer as to what was intended.

**Article Two: English version**

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full and undisturbed possession of the Land And Estates Forests Fisheries and other properties which they may collectively or individually possess.......

**Article Two: Maori version**

In place of the expression undisturbed possession of their Lands and Estates Forests Fisheries and other properties the Maori version says te tino rangatiratanga o ratou wenua o ratou kainga me o ratou taonga katoa, the loose translation is chiefly authority over lands, villages and all things precious. The term taonga or treasure, applies to children, culture and language, not just property Article Three: English version

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the rights and Privileges of British Subjects

**Interpretation of Article Three**

The debate about the meaning of Article three centres on the issue as to whether citizenship guarantees social rights. Being treated equally is
of little use unless there is equitable access to society’s goods, including health and education

Shared Vision

Neither signatory to the Treaty envisaged Maori becoming an underclass in their own lands, but had in mind the opportunity for positive development and strengthening of communities.

The Treaty has never been formally incorporated in New Zealand’s constitution but it is generally regarded as a founding document. Maori, like all NZ citizens, also derive rights from common law, the body of law that has grown through the centuries in the English legal system and which was inherited by the Commonwealth countries. The common law contains a range of guarantees of aboriginal rights including rights over land and food sources. However the common law has never been widely used as a basis for litigation of traditional Maori rights, as it has been in Canada and Australia. Examples include Calder v British Columbia (A-G) [1973] SCR 313 and Mabo v Queensland (No 2) [1992] HCA 23.

The Treaty is enforceable domestically to the extent that it is incorporated in various pieces of legislation. The Treaty of Waitangi Act 1975 gives the Waitangi Tribunal the power to investigate whether legislation or executive actions contravene the principles of the Treaty, (Schedule 2 clause 5A). The findings of the Tribunal are weighty but not binding on the Government. The State Owned Enterprises Act 1986 s 9 states “Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi. The NZ Maori Council successfully brought an action under this provision in 1987 (A-G v NZ Maori Council [1991] 2NZLR 129 (CA). The Court of Appeal said the Treaty must be interpreted as a living document capable of adapting to new circumstances and that the principles underlying the Treaty were of greater importance than its actual words. The debate over the meanings of the two versions of the document is insignificant in the face of the fundamental principles that are embodied in the Treaty.

Treaty principles are said to be constantly evolving and must be considered within the context of the issue at hand. Overriding everything is the notion of reciprocity which created a partnership. The needs of both cultures must be respected but the Treaty demands that the things that are precious to Maori must be protected.

For any cultural group the right to use and protect a common language is important. Under Article two, language is a toanga or prized
possession, treasure, and an essential part of Maori culture. Legislation protects the language, te Reo, of Maori but even when there is no direct protection in legislation it is possible to use the Treaty as an aid to statutory interpretation. If we use the Treaty as an extrinsic aid to interpretation the court chooses the interpretation of the provisions in question which best upholds the principles of the Treaty. The first case to do so was in 1987 where an environmental issue had to be decided. The case was called Huakina Development Trust v Waikato Valley Authority [1987] 2 NZLR 188 (HC). The court said the Treaty was essential to the foundation of New Zealand and part of the fabric of NZ society. In that case Mr Justice Chilwell ruled that in considering an application for a water right under the Water and Soil Conservation Act 1967 the court could resort to extrinsic aids, including the Treaty.

The case is a striking example of the changing attitude of courts, counsel and the wider public to Treaty of Waitangi issues. It reflects an increased willingness to read legislation in its wider context.

At the time it may have been possible to argue that the Water Act is clear in its own terms; if that is the case then what is the reason to go outside it especially to make reference to Maori values? Some may suggest that Parliament has included Treaty and other references in many other statutes and done that progressively, but not in this one; is not that silence significant? The case appears to reflect a general public perception of the Treaty; but in the end isn’t the Treaty being enforced - recognising rights and duties - contrary to the general principles about treaties and to particular decisions on the Treaty over many years which say Treaty obligations are not enforceable? Despite this criticism the approach continued to be used in public law decisions, for example in A-G v NZ Maori Council [1991] 2 NZLR 129 (CA), where the Court of Appeal held that the Crown was required under the Treaty of Waitangi to protect the Maori language and culture and to consider this duty when making its decision to allocate radio frequencies. Here then the treaty was considered to be a mandatory consideration in making administrative decisions. The same approach has been used in private law matters, for example in Barton-Prescott v Director General of Social Welfare [1997] 3 NZLR 179 (HC) which was an adoption case. Adoption had always been known to Maori society and was subject to detailed regulation. Maori culture would insist that no child be left without a loving home but the preference would be for a child to be adopted by a member of his or her own hapu, or extended family. This is to avoid problems of succession as it would be unacceptable
to the tribe if a stranger were to inherit lands that should stay within the hapu. It is also customary for informal arrangements to occur among members of a family or whanau where a child may be sent to live with an aunty or grandmother to be brought up. However s 19 of the Native Land Act of 1909 extinguished the right of Maori to continue to deal with their own adoptions according to their own well established customs and only adoptions registered prior to 1909 would be valid. The Guardianship Act 1968 eventually superseded the Native Land Act and the case of Barton-Prescott challenged a decision made under that act. The court agreed that Maori interests needed to be considered and the welfare of the child was paramount however the need to keep the Maori child within his or her wider family may be outweighed on the facts.

I think my conclusion has to be that this method of protection of Maori interests is not certain enough to be the primary one. It might be more successful to protect interests by establishing a system of rights. Liberal theories of justice seek to guarantee freedom from oppression by assigning to each person inviolable rights to ensure that no individual is dominated by other individuals or any group. Liberalism is a political philosophy concerned with the relationship between the individual and the state. In a liberal state individual choice is valued to the extent that morality and religion must remain the domain of the individual. It is not the place of government to say what is ‘good’. However when the nation has an obligation to sustain minority culture does it follow that the state has to give and protect ‘group rights’? Another serious issue is the problem of what rights could actually be given. For example it is unlikely to be permitted for the indigenous group to engage in nation-building within the larger state. If this were to be allowed, the issue would then arise whether every member of the group should be guaranteed autonomy and the right to refuse to affiliate with the new nation. We must consider how much weight should be given to individual choice. If, as I have proposed above, we make choices against a background of social preconditions, it is these social preconditions that make choice possible for any given actor. I have termed these social preconditions ‘cultural structures’ and individual choice is connected to cultural structures. For Maori, pre 1840, the cultural structures would be expressed as “Tikanga”. Tikanga embodies not only the method of conducting actions in Māori society but also the beliefs and underlying values, which accompanied the particular actions.

Traditionally Māori practice collective decision-making at all levels of their society, preferring consensus decision-making to majority rule.
Debate is encouraged in formal settings such as the marae. (Durie 1994:326) To take one example, when a decision must be made concerning the environment and its management a consensus (kotahitanga) is reached following robust discussion among individuals, families and communities. The debate often includes social, cultural, spiritual, economic and political dimensions. All these are brought to bear on the environmental issue under discussion. One facet of environmental concern is recycling and the Community Recycling Network holds a national hui each year to discuss its work and plan for the future. Hui may meet to discuss and make decisions on all manner of issues concerning the community, from Maori in tertiary education to national politics. Aristotle would say that justice is rooted in a community whose primary bond is a shared understanding both of the good for man and the good of that community. This approach to decision making would appear to be at odds to the liberal view of the individual because the liberal individual would have rights that are considered more important than considerations of community good. We should consider the way in which we could use these competing strategies to decision-making and apply them to a real question. For example the New Zealand Parliament has often been asked to consider the question of whether it is proper for there to be a Maori flag which would fly in conjunction with the New Zealand flag. In 2008 Helen Clarke’s government was asked to intervene after Transit NZ declined a request from Te Ata Tina Toa to fly a Maori flag off Auckland harbour Bridge on Waitangi day. This is an important issue because a culture can attach meaning to practices and a flag can be as expressive of a shared heritage as much as language or tradition.

If the issue is looked at from a rights perspective we would first have to consider the issue of community rights, whether it is possible to assign rights to Maori as a cultural structure rather than ascribe rights to every individual. A nation may be obliged to sustain minority cultural structures but does that necessarily lead to “group rights”? Most post-war liberal writers, particularly those from the US, have opposed giving recognition to the rights to national minorities on the sole basis of group membership. There are many reasons for this. The most pressing seems to be the issue of identity – who is in which group? If a group is going to be given rights it must be clear exactly who comprises the group. Up until the end of the Second World War it would have been true to say that Maori identity was according to his tribe. Treaty settlements, based on historical claims, are settled with the tribe, not individuals. But these claims are based on situations where it can be proved that a particular tribe suffered injustice.
which contravened the Treaty of Waitangi with regards to communal land rights or rights to harvest parts of the coast. From the nineteen fifties onwards Maori became urbanised and many lost touch with the traditional tribal lands and the marae. The 2013 census showed that of 668,724 Maori living in NZ 110,928, approximately 1 in 6, did not know their iwi. New groups have formed comprising urban Maori who are seeking to find a new identity, including building new marae in towns and cities. For the most part these new groups are not recognised by the tribes and iwi. For example in 2006 leading members of the recognised tribes were invited to a succession of meetings around the country to discuss the future of Maoridom. The urban Maori were ignored and excluded from the meetings. Many of those who were not invited were among the most vociferous for the protection of Maori culture. So the problem seems to be that if group rights are conferred communal solutions such as compensation for lost land works if the compensation is available to all the members of the groups, or if it is used in a way that benefits everyone. Where there is no recognised group this form of compensation isn’t possible.

Besides this, deciding issues by pitting one set of group rights (to have a specific flag) against another set of group's rights (to maintain the single flag that represents the majority culture) leads to sides adopting adversarial stances. This is not likely to lead to good relations between the opposing cultural groups while the decision is being made. The minority cultural group may claim autonomy to fly its own flag based on the rights that they ascribe to themselves, but it is not enough to say that one is a member of a group in order for the group to be able to exercise autonomy within the wider society. If this were true then it would add fuel to the argument used by gang members that they also constitute a recognisable cultural group. The community which is protected by society is more than just a number of persons who share some commonality. For example if a shared language were to suffice as the basis of a cultural structure then every immigrant group would enjoy the same privileges as an indigenous nation. This is not the case. We expect immigrant groups to integrate into the larger society (Janson 1998:4). The identity of a cultural community is more complex and involves clear identity, which includes language, but also entails shared responsibilities and benefits, involvement in the group’s affairs; a belief in the value of cultural practices and to understand the meaning of those practices.

The pre-colonial social structure among Maori could not have been more different to that of the incoming settlers. The communal ownership
of land was the most obvious difference between the two communities. It was clear that the attitude of the colonists was that the existing socio-legal systems were in need of modernisation and, indeed, civilisation. Collective ownership of land was essential for Maori but was viewed as primitive and irrational to law-makers who considered the free alienation of land to be the cornerstone of property law. The imposition of individual ownership of the majority of New Zealand land after the Native Land Act 1909 epitomised the irreversible loss of the Maori communal way of life. The European preference of the Liberal tenet of individualism over communitarianism saw the demise of community values and began the destruction of the Maori relationship with the land of his family. The liberal theory of rights proved to be very destructive.

I would like to suggest that if we put aside liberal theory of rights we can formulate a way to protect the interests of indigenous people by ascribing to the theory of Communitarianism. When the incoming English governors of New Zealand looked at existing systems of governance and justice in New Zealand in the mid nineteenth century they were acting under the influence of their own legal education and heritage. For example when Chief Justice Prendergast was deciding in the case of Wi Parata v Bishop of Wellington in 1877, that there was no system of legally recognisable law evident in New Zealand before the European settlers arrived was, I believe, clearly showing the influence of the works of John Austin (1885:523), whose theories would have been taught to Prendergast as the accepted authority in his day on the criteria for the existence of a legal system. These criteria included a sovereign figure who was empowered to issue commands; an enforcement agency to ensure adherence to those commands; and a body authorised to adjudicate and set punishment. Chief Justice Prendergast in making his judgment according to his own beliefs was reiterating and re-establishing the authority of the men and experiences that influenced his own way of thinking. His ideas were acceptable in his time and were in accord with the theory of law being taught in the universities as the prevailing paradigm.

In the middle of the nineteenth century there was also disquiet about what was seen to resemble communism at work in New Zealand. This was a time of unrest in parts of Europe just after the publication of the Communist Manifesto by Marx and Engels in 1848. Revolution arose in Paris only days after the pamphlet was released. Ownership of property that was based in the rights of the wider community and a system of justice
which required the culprit to show contrition and remorse to his victim were
too similar to Communism for the English ruling class to be comfortable.

The existing, traditional system of justice was a reflection of the way that
social, economic and political matters were managed through reciprocal
exchanges of hospitality and kindness. These were accompanied by the
giving and taking of tangible goods and services and fractured relationships
could be mended through compensation, restoring the balance in society.
Instead of using an engine of the State to seek redress for a crime, the
practices of Utu and Muru represented the means by which a wrong
might be rectified by the community itself. Utu is the exercise of a right
to compensation which might be a response by way of payment, or a blow
or even killing to effect retribution for the wrong. Muru is the wiping-
out or forgiveness of the wrong through the plunder of the wrongdoer’s
goods and those of his family. This was essentially a peaceful form of utu
allowing for the redressing of a grievance or correcting a social fault without
bloodshed. The early colonial government thought that muru should be
firmly suppressed (F.D. Fenton, 1858: 33) but Frederick Manning, in
1863, likened muru to the Western remedy of damages (F.E. Manning,
1863: 103). Muru was accomplished through a process called Whakawa
(similar to the Western concept of a trial) which ensured that the dispute
was resolved and the person upon whom the muru had been performed
accepted blame for the offences. These means by which retribution could
be achieved, coupled with a detailed system of dispute resolution that
depended on the context of the issues as well as the issues themselves, are
now being adopted as mainstream alternatives to the modern New Zealand
Court system. A system of restorative justice has been established where
appropriate, usually for young first offenders who are made to meet their
victim and make reparation. Support from family and friends are able to
support the offender. The Maori practice of Muru has given rise to a flexible
means of dispute resolution available to New Zealand society.

Another way in which Maori tikanga can be acknowledged is in
legislation, either directly or through interpretation of the statute. This
usually expressed as interpreting the law in accordance with the principles
of the Treaty of Waitangi. For example The Resource Management Act
1999 is intended to allow development of natural resources in a manner
compatible with principles of sustainability and the overall context of the
area. Section 8 of the Resource Management Act states that “In achieving
the purpose of this Act all persons exercising functions and powers under
it….shall take into account the principles of the Treaty of Waitangi”.

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The Education Act states that it is the duty of councils of educational institutions to “acknowledge the principles of the Treaty of Waitangi”. (Education Act 1989 s 181). In 2011 over 30 pieces of legislation referred to the principles of the treaty. Most of those acts related to natural resources, but a few, like the Education Act 1989, were about social policy. The Local Government Act 2002 obliges local authorities to maintain and improve opportunities for Maori to contribute to decision-making processes. The principles of the Treaty of Waitangi are not defined by legislation or the courts. The 1988 Royal Commission on Social Policy suggested three broad principles could be extracted from the Treaty. These are partnership, protection and participation. These principles are fully achievable only in a society where political equality is guaranteed to every member of the community in order to form a partnership of equals, where the beliefs and aspirations of members of the community are treasured and safeguarded and when all individuals enjoy the right to have his or her voice heard in the collective decision-making process.

This interpretation of the principles of the Treaty is idealistic and does not represent the reality of the political, economic or social structure of pre-1840 New Zealand. However the pre-European social, political and economic structures of New Zealand would appear to be close to what we would now call Communitarianism. The interests of individuals were considered to be included in the overall interests of the community in which the individuals lived. It was not necessary for individuals to declare themselves vested of inalienable rights because their rights would be protected by the community. Decisions would be made that took into account the welfare of the whole society, not the rights of a few. It is this Communitarian approach to theories of society and governance that could supply an acceptable response to modern, practical issues.

In fact, some proponents of Communitarianism have claimed that it could offer a useful response to damaging circumstances that prevail in the world like unbridled capitalism, erosion of the welfare state and problems in the spheres of family, education, drug addiction and crime! (Selznick, The Communitarian Persuasion, 1998:15). Teubner says that what is sought is the well-considered design of organisational structures which make the institutions concerned, (companies, public associations, trades unions, mass media and educational institutions) sensitive to the social effects which their strategies for the maximisation of their specific rationality trigger (1987:3). Sandel (1999:179-180) suggests that liberalism rests on a series of mistaken views including, for example, that the claims
of justice are absolute and universal. He also says the claim that we cannot
know each other well enough to share common ends is false as is the claim
that we can define our personal identities independently of socially given
goods. If the foundations of liberalism are flawed I suggest we should we
give up the politics of Rights and substitute a politics of the common
good or community defined virtue. As former US President Bill Clinton
summed up in his 2009 address when he received his honorary doctorate
at McGill University, Montreal, “We live in an interdependent world and
we have to see ourselves as a communitarian people, and look out for one
another or the nature of the universe in which we live with its instability,
injustice, inequality and the like will take us down the road to disaster”.

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When Canadian Literature celebrated its 50th anniversary in 2009, an international group of scholars representing 21 universities arrived in Vancouver, Canada, to discuss the future of Canadian literature, both the journal and the field. Associate Editor Laura Moss writes: “It seems relevant that in our gathering we made no giant proclamations about the future of Canadian writing, created no lists of key words or authors, damned no forms of writing as old-fashioned, and came away with no group manifesto.”

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Selling the Cure: Quebec’s *Parti Pris*, the Disease of Colonialism and the Nationalist Remedy

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Drawing inspiration from psychological discourses prominent in Francophone decolonization theory and Quebec’s homegrown tradition of medicalized political rhetoric, *Parti pris*—a socialist journal advocating separatism—used tropes of physical and mental illness to draw attention to national problems and to position the ideologies supported by its editors as the only effective cures to these national ills. This study takes a medical humanities approach to the problems with this rhetorical strategy to argue that an over-emphatic outlining of problems and the choice to prioritize schizophrenia as a national diagnosis for the ills of neo-colonialism generated its own resistances to the proposed solutions. Of particular concern are issues of sensationalism with regard to the medical and public health realities of Quebec at the time, a blurring of the connotative and denotative functions of medicalized language, and inconsistencies within the overall discursive strategy, particularly in relation to postcolonial intertexts and mental health discourse.

**Key Words**: *Parti pris; post-colonial intertexts; public health Quebec; mental health discourse*

Québécois literary and political journal *Parti pris* began publishing in 1963 in protest of what it perceived to be missed opportunities for substantive change during the province’s Quiet Revolution.¹ Not content to wait patiently for another generation-defining shift akin to the one that was currently underway, a group of largely middle-class students in their twenties began *Parti pris* to stir up support, principally among a working class audience, for a fully secular and socialist Québécois nation-state. Like the assemblage of political writers at the federalist and anti-clerical journal *Cité Libre*, against whom these new commentators defined themselves, dissatisfaction with the state of the nation was often
expressed in medicalized terms. In particular, tropes of sick nationhood and disabling colonial legacies were deployed to rail against those who had (or were perceived as having) squandered their opportunity to effect meaningful change as well as against the institutions and mentalities that held the Québécois back from taking their place among the other nations that were gaining independence in the 1960s. The medical rhetoric deployed was particularly virulent, overtly psychological, and loaded with especially negative cultural associations. This discourse was intended to foster the impression of a nation direly afflicted and insinuate that only strong medicine could remedy the nation’s ills.

Parti pris drew inspiration from psychologically-informed theories of decolonization such those of Albert Memmi and psychiatrist-turned-revolutionary Frantz Fanon to bolster its rhetoric of sick nationhood. It also stepped beyond tropes in an effort to convince its readership that it was—in all actuality—ill. The “hard sell” of the menacing and severe ailments evoked was figured as the necessary precondition to getting the population to accept the sure cures that even the Partipristes recognized as radical, although not unproven or ineffective, treatments for the ills of “colonial” societies like Quebec.

While the journal proved influential within the contemporary literary scene, in which authors embraced of tropes of madness and even specific mental health diagnoses like schizophrenia, the strident articulations of a severely mentally ill nation failed to elicit the desired response of populist and profound socio-political change. Despite the journal’s claims about the efficacy of their proposed remedies of decolonization and economic revolution, only a relatively small and radical group of sympathisers was willing to put their faith in the promised cure. It would only be when the far less interventionist prescription of Sovereignty-Association was offered in 1968 that the cure of sovereignty would find traction with the broader electorate. I contend that this initial reluctance on the political front (in addition to being a case of preaching to the choir rather than the congregation) points to a failure of a central rhetorical strategy for those early sovereigntists. The severity of the medical rhetoric, which diagnosed the nation as sicker—and potentially beyond cure—than it actually was did not provoke the decisive and even courageous action it called for and arguably proved self-defeating, both in terms of the conventions of medical rhetoric in political contexts and in relation to the postcolonial resonances that the Partipristes emphasized.

This analysis specifically considers two currents within the journal’s
use of medical terminology and tropes. On the one hand, there is an indictment of the nation’s current “doctors” and on the other there is an effort to convince the population of their sickness and need for cure. This latter aspect, which represents both the majority of the uses of medical rhetoric in the journal and the bulk of this article, is examined in detail in relation to uses of the term schizophrenia.

**Parti Pris: An Overview**

*Parti pris*, published between 1963 and 1968, began as both a literary and political project of André Major, Paul Chamberland, Pierre Maheu, Jean-Marc Piotte, and André Brochu. It emerged from the activist circles of universities and the trade union movement and conceived of itself as an instrument of a particular social and political cause more than as a forum to discuss ideas and to stimulate a climate of public debate. Despite its attempts to reach a wider public, namely the working-class population of urban and semi-urban Quebec, the journal generally failed to spread its estimated readership of 4000 beyond the Montreal area and the university campuses in other cities. Despite its publishing house, which put out many radical novels and monographs, was decidedly more successful in garnering interest (if not readership) in the endeavour and its ideologies. The anti-clericalist, socialist, and sovereigntist journal drew much of its inspiration from the international scene, particularly from the decolonization movements sweeping Africa, Asia, and Latin America. The works of two French postcolonial theorists, Frantz Fanon and Albert Memmi, were of particular and obvious importance, especially in the journal’s turn to characterizing the injustices of colonization in psychological and psychiatric terms.

Given the literary orientation of *Parti pris*, it is hardly surprising that there was a great deal of overlap between the concerns taken up in fictional narratives and other forms of literary expression and the publication’s more resolutely political rhetoric. Pierre Nepveu argues that madness, along with exile and lack, were the defining tropes of Quebec’s national literature in the 1960s. Robert Viau elaborates that although madness had always been a theme in Quebec’s literary self-representations, the 1960s brought a new rationale for fictional cases of insanity. He contends that in contrast to earlier eras where madness was a sort of punishment for actions that defied the social order, the mentally ill characters of the 1960s (and beyond) were revolutionary types who were deemed insane by a society that had lost touch with reality or what should be: “Le fou n’est plus un paria, un débauché, mais se transforme en un homme révolté, au sens camusien
du terme, conscient de ses responsabilités, œuvrant pour son bien-être et celui de ses compatriotes, souvent contre et dans la société.\textsuperscript{8} The same tropes and rationales for mental illness among literary characters are evident in \textit{Parti pris}' political articles. Like the “mad” characters fighting against a sick society that Viau describes, the journal’s mission was to sway the public into action and to agitate for changes that would improve the health of the nation. In order to bring about the kinds of transformations taking place elsewhere (decolonization, nationalization of industry), the overt demonstration of monumental problems—grave (social) ills—to the relatively well-off Québécois became a prerequisite.\textsuperscript{9}

The need to impress upon readers the truly weakened state of the nation in its still colonized position played out both with physical and psychological tropes. Over the journal’s six-year run, the writers and contributors produced 199 medical tropes.\textsuperscript{10} The intensity of these tropes peaked in the first years of publication and then tapered off. The first full calendar year the journal was published–1964–contained 81 medical references compared to the 72 that were printed from 1960 to 1966 in \textit{Cité libre}.\textsuperscript{11} Nearing the end of the newer journal’s run in 1967, there were 20 tropes and by its final half year in 1968, only 17. Even at these “low points” in the pathology of the rhetoric, readers would be reminded at least once (and almost twice) an issue that their nation was diseased, ill, or otherwise in need of intervention.

Many of the medical tropes in the journal were notable in their implied severity or stigma. Schizophrenia and syphilis, for instance, emerged as common metaphors. This strategy of using drastic rhetoric as a call to arms in defense of the nation had been a favorite of clerico-conservative nationalists, who in the nineteenth and early twentieth centuries used strong metaphors, thinly veiled allegories, direct exhortations in sermons and essays, and moralizing novels such as \textit{L'Appel de la race} (a story of a bilingual family ripped apart by the Anglophone parent’s refusal to accept the rights of Francophones) to incite the erstwhile rural, Catholic and Francophone Québécois to see their nation at risk from urbanism, exogamy, and emigration to the United States.\textsuperscript{12} Terrifying medical allegories had also been used to take a stand against the loss of national self-determination, a phenomenon exemplified by Albert Camus’ \textit{La peste}, a novel that features an outbreak of plague in French Algeria during the 1940s, which is often read as a critique of the Nazi occupation of French territory.\textsuperscript{13} \textit{Parti pris}, while rejecting the reactionary nature of the earlier French Canadian nationalism echoed its approach of using extreme
rhetoric to incite people to action in defense of the nation. The state of the French language, economic inequalities, and the institutions that had promoted social problems were decried as threats to the nation’s continued existence. Indeed, the writers argued, these troubles had so damaged the nation that nothing short of its reinvention under new terms—a sovereign, secular state governed according to socialist principles—would have any hope of remedying its many ailments and infirmities. This recognition of the potential for cure is reflected in the journal’s increasing percentage of health-oriented references: the share of health-oriented tropes went from 12.3 percent in 1964 to 30 percent in 1967. Many of these more optimistic references are to potential treatments, albeit of the radical sort that would be difficult to carry out.

This combination of menacing illnesses and tropes of treatment suggests that the solution lay in recognizing the current situation as deeply problematic and accepting the journal’s proposed remedy as the best one available. Thus much like the pharmaceutical commercials which list symptoms of a “disease” that the listener has never heard of until the ad promoting its life-altering treatments airs, Parti pris was selling a cure, though it had to first convince the nation that its symptoms were part of a serious—and more importantly—treatable disease.14

Diagnosing the Doctors

The first phase in Parti pris’ rhetorical project involved discrediting the nation’s previous leaders or physicians, those designated responsible for the metaphorical health of the nation. The writers therefore accused their liberalizing predecessors, be they public intellectuals and writers such as themselves or the politicians elected to inaugurate the Quiet Revolution, of failing to recognize phenomena as harmful, of misdiagnosing some chronic and systemic problems as uncomplicated acute episodes, and of unsuccessfully treating others. The Lesage government’s policies and initiatives were seen as deeply problematic, for while they reformed the institutions and the way in which they operated in Quebec, they were still failing to see and react to the deeply seated problems foundational to the institutions themselves. In pointing out these deeper problems that were being ignored by both the government and the prevailing currents of critique, Parti pris emerged as a largely unsolicited, but still forceful second opinion on the subject of the nation’s ills. Moreover, the individuals, groups and institutions responsible for the nation’s health were decried as poor
doctors who through their misunderstanding, inappropriate responses, or inaction caused the nation to sicken (further).

Among the Partipristes’ preferred tactics for proclaiming themselves effective national physicians was an insistence on differentiating symptoms and underlying causes. This preoccupation with superficial diagnoses and ineffective treatments had initially helped the journal position itself in the public sphere, most notably in opposition to Cité libre, which also fancied itself a national physician in that it, contemporaneously with Parti pris, lamented national ills (clericalism, racism, insularity, the dominance of foreign business interests) and proposed solutions. For the more radical publication, however, ineffective and surface-level cures proliferated and needed to be redressed.

In December 1964, Jacques Trudel argued that Montreal had mistakenly solved its problem of a lack of distinctly French Canadian architecture with responses that were “futiles et malsaines: ainsi, le régionalisme, en architecture et les opérations ‘visage français’ ou ‘quartier français’, remèdes superficiels et illusoires.” Similarly, in an article dedicated to the stigmatized status of the language of the working class, Gérald Godin responds harshly to those who criticize the language spoken by the people without truly acknowledging that language is but a reflection of other, deeper factors: “Nos élites, qui ont la vue courte, agissaient en somme comme si c’était la langue qui était malade, alors que c’est la nation qui est mal en point, la culture nationale qui est pourrie, l’état québécois qui est infirme et l’âme québécoise qui est blessée jusque au plus profond d’elle-même.” Godin belabours his point about diagnostic ineptitude by using such hyperbolic language about the extent to which Quebec itself is afflicted that it would take a particularly ignorant diagnostician not to recognize the infirm, wounded, and rotting nation before latching onto the idea of a sick language as the “real” problem. Michel Guénard had similar concerns with respect to crime, for he maintained that “La criminalité est semblable à un thermomètre médical; et présentement on peut diagnostiquer une infection grave de notre malade. Cette contagion est directement issue de la lutte des classes.” Labeling the class struggle the disease and the crimes the tools with which we can diagnose the deeper problems, Guénard twists the conventional metaphor of symptoms and root causes by substituting a diagnostic tool for a symptom. The criticism is nonetheless the same as in earlier instances; the root causes must be presented and debated openly and given that Parti pris concerns itself with class struggle, questions of criminality (which are often intrinsically related
to socioeconomic status) are best addressed in such a forum. The reiteration of the problem of inadequate diagnosis in these various contexts indicates that the journal views the national leadership’s widespread inability to respond properly to Quebec’s deficiencies as its chief concern.

In making this point about the quality of the leaders in the way it does, the journal unwittingly indicts the poor diagnosticians at the expense of the nation itself. Michel Van Schendel’s “La Maladie infantile du Québec” amplifies this sentiment when the author labels Quebec a nearly terminal case. He begins by stating, provocatively: “Le mot ‘Québec’ est depuis 1837 le nom d’une maladie.” He goes on to use as synonyms for “Quebec,” “fungus,” “sclerosis,” “eczema,” “tuberculosis,” and “malaria.” Although such dire pronouncements seem to speak to a desire to impugn the nation, they are more accurately reflections of a deep investment, one not uncommon in Quebec’s history, to motivate change. One of the journal’s aims was to create an awareness that the Quiet Revolution under Lesage and the Liberals was not ushering in the kind of reforms that would sufficiently influence Quebec’s systemic problems, such as economic neo-imperialism, political subservience, and cultural insecurity. The matters to which the writers drew attention therefore had to be bigger than the ones being identified and addressed by the Lesage government and its ideological allies. Diagnosis, and specifically the diagnosis of numerous, severe or particularly shocking ailments, consequently served to promote *Parti pris* as a better national diagnostician and, moreover, to further the social and political goals that were cast as the necessary remedies to conditions that could no longer be kept in check with band-aid solutions.

Despite the apparent clinical logic and undoubtedly familiar rhetoric, this strategy had its risks. The first was that in establishing diagnostic superiority, those they sought to convince of their greater medico-national ability would see the nation as irremediably stricken and beyond the reach of any intervention, let alone one so challenging as that proposed by *Parti pris*. The second has to do with the tension between the subject position taken up by the *Partipristes* and their message. As the ones advocating radical therapies (and indeed the group that most took up the journal’s message was the nascent Front de Libération du Québec, or FLQ, terrorist organization), *Parti pris* risked being seen as the insane or mentally ill entity, not the more trustworthy or competent physicians, who saw clearly what was afflicting the nation. With such doubt in play, their diagnoses were likely to be taken as symptoms—proof of their paranoia—than as lucid assessments of others’ medico-national competence.
JULIE ROBERT

Claiming and Popularizing the Sick Role

One of the more unconventional ways in which the journal sought to foster the belief in sick nationhood, and thus in the necessity for the medicines of sovereignty and socialism, was by impressing upon its readership the realities of illness in the province. Contrary to Quebec’s earlier history, in which public health statistics warranted concern about the actual health of the nation, the contemporary realities of physical health did little to support such theses. This did not, however, stop Michael Draper from penning an exposé on Quebec City that discusses the dismal “facts” of the city’s public health insofar as they relate to the state of accommodations for the working poor. “Ces logements malsains sont fréquemment cause de maladies telles que la tuberculose, l’anémie, le rhumatisme, et de mauvaise hygiène; on peut y trouver aussi un important élément d’explication du taux élevé de mortalité infantile; de plus, il s’agit d’une plaie morale qui favorise la délinquance, l’alcoolisme, etc.” Draper’s direct attribution of the range of ailments and conditions to the shoddy dwellings could justifiably be disputed by any epidemiologist, for the link between the imputed cause and the listed effects is more aptly correlative than causative. The association of poor health, vice, and the historically troubling infant mortality rate would nevertheless have struck a chord with readers who rightly associated poverty, poor diet, more limited access to medical care, psychological problems, and unemployment with drafty, dirty, and insufficient lodgings. Some of the journal’s readers (and some of its writers) were likely to have grown up in similarly dilapidated tenements in Montreal and if the relative youth of the Parti pris readership would have spared them from seeing the worst ravages of communicable diseases and infant mortality in the province, the other unsavory aspects of life in such neighborhoods would undoubtedly have been familiar. Yet for as much as the nation’s poor physical health may have been a powerful image, one anchored in the collective imaginary, if not in individuals’ own experiences, it belonged ever more to the realm of the nation’s history than to its present and the paucity of articles directly addressing the subject attests to this.

With mental health, on the contrary, the contributors seemingly found ample evidence of Quebec’s lingering and perhaps even growing sickness. The combined summer 1964 issue was dedicated to “les problèmes de la psychologie de l’indivi-colonisé” and each article focused on the mental illnesses and complexes—both at a figurative and literal level—caused by Francophone Quebec’s social, political, and economic situation. These articles used a certain amount of scientific data, and a good deal more
argumentative support, to show that Quebec was not simply figuring itself as sick as a rhetorical exercise, but that there was literal truth to the journal’s tropes of psychopathology.

Andrée Benoist’s data-driven contribution to this issue presents the preliminary findings of a scientific study on the rates of clinical depression among French Canadians and falls into the first category of articles. Benoist reports that French Canadians showed increased admissions to hospital for depression between 1894 and 1958, but that during this same period English-Canadian rates of hospitalization for the same condition in the same geographic area (Montreal) were in steady decline. One of the proffered explanations for the 9 percent increase (from 11 percent of admissions to 20 percent for the period in question) was the “sentiment très profond d’infériorité, lié à la situation de minorité ethnique à l’intérieur de la Confédération canadienne.”

Although Benoist’s article is provocative, particularly for a journal that did not often publish such (ostensibly) empirical studies, its uniqueness works both for and against it in convincing the Québécois that colonialism has made them ill. After all, if the Québécois were as literally sick as Parti pris made them out to be and for the reasons they described, it would make sense that the publication would not ignore such concrete, statistical evidence of their fundamental point.

Since the journal did not, with any regularity, use public health data to convince Francophones in Quebec of their collective illness (and consequently of their need for cure), it relied more on the traditional tactics of persuasion and argumentation. These more numerous articles drew on the global currents of decolonization and the psychologically oriented essays about the alienation of the colonized man penned by the theorists of these revolutions. Inspired by those they saw as documenting and explaining the ethos of the revolution abroad, the Partipristes used the same rhetoric of psychopathology and mental illness to rail against the systems of neo-colonialism and economic domination that hampered the Québécois and their (presumably shared) dreams of independence.

Leaving the implications of the Partipristes’ adoption of a rhetoric based on psychology aside for the moment, the very fact that they looked to ally their writing with that of other newly independent and/or socialist nations implies that they see these nations as testament to the viability of the kind of revolution they desire for Quebec. When the journal changed formats and increased its international focus in its final year, the articles on countries like Cuba trumpeted the victories “of the people” over the foreign control
of the economy. The overall effect was one of getting readers to recognize that Quebec’s situation was analogous to those in which “cures” had been successfully implemented. Anecdotal evidence of the remedy’s success, a key strategy used in the sale of patent medicines, herbal preparations and alternative therapies underpinned Parti pris’ marketing of their specific brand of cure.

If the readership—or more importantly those the journal hoped to count among its readers—could accept that treatment had been effective in other contexts, this was not to say that they necessarily saw Quebec as having much in common with those directly described in anti-colonial texts. Indeed, Bouchard-Saint-Amand argues that Parti pris frequently overestimated Quebec’s state of readiness for a revolution and was overconfident in the people’s desire for one. The cases of impotence, total withdrawal, and aggression that sprang from the horrors of war, torture, and rape in Algeria that Fanon described in the “Colonial War and Mental Disorders” chapter in The Wretched of the Earth were, after all, far from the realities of daily life in Canada and most of the population recognized this fact. Many of the arguments relating to the psycho-pathologization of the nation therefore, consciously or not, sought to find the essential shared inhumanity in the systems that oppressed and “sickened” both the Québécois and those with whom they stood in solidarity.

Pierre Lefebvre’s “Psychisme et valeurs nationales” draws directly on the ideas of the pathological psychology of the colonized discussed in the works of Fanon and Memmi in order to apply such theories to the Québécois. The author describes his compatriots as “une communauté nationale qui subit pendant plusieurs générations les effets du colonialisme” and goes on to opine that this long suffering produces “[des] conflits psychologiques et des tendances qui réduisent l’aptitude collective au progrès.” Lefebvre’s article does not deal with the psychological aspects of colonialism in a way that suggests that he views these symptoms and diseases as anything but veritable clinical cases, albeit at epidemic levels. He also closes his article by discussing treatment: “La décolonisation et son terme naturel, l’indépendance, doivent être vues comme la guérison d’une maladie sociale, tout comme l’abolition des inégalités de statut et de droits au sein d’une même société.” By outlining the symptoms, causes, and treatments for Quebec’s ills, Lefebvre’s article provides a snapshot of the journal’s overall rhetorical strategy of marketing revolution as the actual cure for the real—and not metaphorical—ills of colonialism.

The relatively understated references to social illnesses and psychological
conflicts, while likely more reflective of the state of affairs in Quebec, are far from the kind of attention grabbing metaphors that were frequently used to draw attention to and legitimate the nation’s inherent sickness as a colonial society among the general public. As has occurred in many evocations of a sick body politic or nation, the more incendiary rhetoric tended toward tropes of specific diseases and alarming symptoms.\textsuperscript{31} It thus drew attention to itself as a trope and broke with the strategy of convincing people of their actual (collective) maladies. In a later anti-clerical article, for example, Pierre Maheu likens the impractical demands the still influential Catholic church places on people to one of the most misunderstood and stigmatized mental health conditions of the day, schizophrenia: “La vie d’un côté, Dieu de l’autre, les exigences de la réalité opposées à celles de la morale, ce dédoublement tirel le Canadien français, en fait une sorte de schizophrène.”\textsuperscript{32} Maheu’s choice of this particular mental illness clearly plays on both popular and clinical notions of the disease at the time. The etymology of the diagnosis (coming from the Greek for “split mind”) was often confused with what are now recognized as other conditions such as dissociative identity disorder (the so-called multiple personality disorder). The untenable splitting of the life and minds required of French Canadians by their Church is thus responsible for turning the people into not only a very seriously ill population, but also into a people with a disease that was, starting in the 1960s increasingly associated with social exclusion and violent behavior.\textsuperscript{33} As the conditions that lead to the disease worsen, so too does the illness and the risk of violence becomes more probable—and arguably more “medically” expected—in the minds of the readers, which would have served as an explanation for the emergence of violent actions from the FLQ.\textsuperscript{34}

**Schizophrenia or Hypochondria: Parti pris and the National Diagnosis**

The connotation-rich, feared, and misunderstood schizophrenia played a significant role in *Parti pris*’ medical rhetoric and thus serves as an interesting case study for the journal’s taking up of mental health issues and questions of disease more generally. With eleven specific mentions, it is the second most popular named trope of disease or infirmity (only paralysis, with thirteen, plays a greater role) and is perhaps also the most provocative. In some contexts, such as the one cited above, it is cast as the human consequence of an unfortunate cultural climate. In others, such as a 1967 editorial, it is practically acknowledged as a pre-requisite trait of
any society’s imminent decolonization, a form of growing pain on the way to independence: “C’est l’étape décolonisatrice, pré-requis à toute prise de conscience collective ultérieure: prise de conscience de l’exploitation des travailleurs, de l’aliénation religieuse et culturelle, d’une schizophrénie collective, etc.” If nothing else, these contradictory uses show that the trope is anything but a stable signifier in the journal. The incongruities also imply that the rhetoric surrounding schizophrenia, like that around paralysis, sclerosis, and psychopathology, which are the other frequently used “named” conditions in Parti pris, is about figurative effect more than about the actualities of the disease.

There is nothing surprising in the choice of bold rhetoric given the larger history of dramatic metaphors in Quebec’s political writing. The publication nevertheless alternates between the connotative and denotative functions of the term, but never really recognizes the play of ambiguity in its prose. Given the earlier strategy of trying to convince the Québécois of their actual mental illness, the disambiguated rhetoric creates some confusion about whether or not it sees the nation as figuratively or literally ill. In the case of a nation whose major problems include its lack of effective diagnostic skill among its leadership, this uncertainty as to the actual health of the nation seems particularly damaging to the esteem the journal would cultivate with respect to its ability to discern and care for the nation’s ills. Moreover, the inability to consistently differentiate reality from the figured, a kind of delusional thinking characteristic of certain types of schizophrenia, implies that the journal’s contributors are more in need of care than those who can effectively parse their rhetoric.

The haziness with regard to the nation’s (mental) health likely has much to do with the fluidity of the literal and figurative registers (with regard to disease) in the broader currents of psychologically oriented anti-colonial rhetoric and the racialization of schizophrenia in the United States at the same time that the Partipristes were writing. Psychiatrist and historian Jonathan Metzl argues that that 1960s were a turning point for America and for its influential mental health system because “whether intended or not, psychiatric discourse co-opted the protesting voices of social others, and then encoded the protest rhetoric into new definitions of schizophrenia.” Schizophrenia, as Metzl’s subtitle states, “became a black disease” at precisely the moment that the American media muddled the diagnosis’ connotative and denotative meanings. The reaction against this stigmatization was a repurposing of the term’s connotative function from within both the more mainstream and the radical civil rights movements.
“Schizophrenia was more than a mental illness; it was also a critique of white society, and an identity forced through time and experience and then worn as a mark not of stigma, but of strength and survival.” As a movement that in many ways saw itself as a Francophone and northern version of civil rights, Quebec’s young sovereignty movement and Parti pris were able to draw on these rhetorical examples to bolster the impact of their own writing.

The American situation, while perhaps more immediate in the context of media influences and indeed medical practice in North America, lurks in the shadows of the journal’s more overt associations of the collective and not always metaphorical evocations of anti-colonial texts issuing from the Francophone world. Memmi’s *The Colonizer and the Colonized* affirms itself as a diagnosis, albeit one without remedies, for the colonial situation. Memmi’s explanation of what he calls the “the Nero complex,” while drawing on the language of psychological complexes, nevertheless acts more as an allegorical intertextual reference than as a veritable explanation of colonial relations in the terms of clinical psychology. With Fanon, the interplay between the literal and figurative uses of disease is more complex, as might be expected from a practicing psychiatrist. Hussein Abdilahi Bulhan notes that Fanon’s major works “either had psychology as their major point of departure or they incorporated psychological dimensions to complement, illustrate, and concretize the macro-social experiences he sought to unveil and transform.” In both *Black Skin, White Masks* and *The Wretched of the Earth*, Fanon talks about individual cases from his psychiatric practice and clearly draws on actual cases of mental illness caused by colonialism. When not discussing specific cases, however, it is unclear when Fanon is speaking of literal mental illness and when he too slips into a figurative language nearly identical to those clearly identifiable accounts of clinical pathology observed in his medical practice. Even when discussing patients he treated, Fanon often avoids medical jargon and opts for vague indications of pathology, thus making it difficult to differentiate between the analytical and expository modes.

If Fanon in particular managed to *understate* the demonstrable clinical pathologies produced by colonialism in spite of the rather extreme situations about which he writes, Parti pris found itself having to justify how the far less obvious pathological effects of colonialism in Quebec were similarly damaging. Whereas Fanon exposed the lasting psychological consequences of torture, rape, murder, and total war in Algeria without resorting to figurative uses of alarming and connotation-rich diagnoses, the Partipristes
concerned themselves with the subtler psychological scars of economic inferiority (within a first-world context) and the impoverishment of the French language, but amplified the kind of rhetoric used elsewhere. In their desire to align the cause of Québécois independence with the larger anti-colonial struggles worldwide, the Partipristes became problematically overzealous in their diagnoses of Quebec's ills.

In Fanon's three major anti-colonial works, two of which deal explicitly with the pathological psychology of the colonized, the references to schizophrenia are, if we are to use Parti pris as a predictor, all but absent. In *Black Skin, White Masks* (1986), Fanon tackles the issue of the duality of life for the colonized under foreign rule and argues that this strange reality "has created a massive psychoexistential complex." He nevertheless goes on to explain what will follow in his treatise and concedes:

Many Negroes will not find themselves in what follows.

This is equally true of many whites.

But the fact that I feel a foreigner in the worlds of the schizophrenic or the sexual cripple in no way diminishes their reality ... this book is a clinical study. Those who recognize themselves in it, I think, will have made a step forward.

By using the schizophrenic as one of two examples of psychiatric patients whose reality he cannot comprehend, Fanon—a Martinican allied with Algerians who clearly identifies with the colonized—differentiates the psychoexistential complex of colonialism that he feels and comprehends from schizophrenia. The diagnosis of schizophrenia in *Parti pris* consequently pushes Fanon's points about the division of subjectivity in colonized peoples to a point that would have appeared—particularly to a trained psychiatrist—illogical and prejudicial, rooted in stigma and stereotypes.

Similarly, if we are to read the journal's evocations of schizophrenia as analogous to the "reclaiming" of the diagnosis by African American civil rights leaders, something there also rings hollow. As Sean Mills argues, the racialization of the French-Canadian ethnic experience could (and did) only go so far. Perhaps the greatest reason was that the conditions of both groups differed so much. Black activists in Quebec, influenced by the American movement and in concert with them, rejected many of the overtures of solidarity from the sovereignty movement. The far more contentious claim that the Québécois were also "black" (as
Pierre Vallières famously claimed in *Nègres blancs d’Amérique*) was also rejected because whites in Quebec, both French and English, had long been discriminating against the small black community in Montreal. While schizophrenia may have been the protest psychosis, it was also, overwhelmingly, racialized. For French Canadians who characterized their oppression as largely socioeconomic, but also political, in nature, the affinity to the plight of African Americans—particularly those associated with schizophrenia because of their activism—unreasonably stretches the limits of the trope. Here again, the journal’s contributors push the rhetoric of illness considerably beyond its antecedents and the diagnosis of schizophrenia acts as a problematic way to confer “intellectual and moral legitimacy” on problems that had previously been dismissed as part of the nation’s collection of more or less benign symptoms.

The rhetorical zeal of the writers notwithstanding, their accentuation of Quebec’s and the Québécois’ degrees of affliction also recreates and retrenches the very flaws with the mental health systems that Fanon campaigned against and reformed in his work as the *chef de service* at the Blida-Joinville hospital in Algeria and that Metzl exposes in his study. One of the critiques offered by Fanon, and echoed by ethno-psychiatrists since, is that colonial or racially prejudicial mental healthcare systems tend to systematically and often groundlessly diagnose persons of lower socioeconomic status or of a different ethno-cultural or racial background with the most severe problems and they in turn tend to be rated as the most adversely affected among patients being treated for similar conditions. In North America, roughly around the same time that Fanon was realizing the extent to which colonial psychiatry discriminated against the colonized, research was finally being undertaken into how the poor were diagnosed with mental illness by including them in comprehensive studies of mental health. Not surprisingly, the poor were found to have higher rates of mental illness and were often diagnosed with the most serious condition possible for a given group of symptoms. By reproducing the tendency toward over-diagnosis of the French-Canadian elements in Québécois society, the journal’s writers—albeit with a curative aim—tried to convince the people that they were sick rather than remaining adamant that it was the system itself that not only caused the sickness, but which was responsible for them being recognized or recognizing themselves as excessively ill. In this, they slip from being real-life *hommes révoltés* speaking out against a society gone mad, akin to those in the era’s novels of madness, to perpetrators of this larger social disease.
This “overselling” of the sickness creates doubt as to whether or not the Partipriste’s appeal to legitimate psychiatric authority, in their adoption of Fanonian rhetoric and emulation of the civil rights movement to the south, ultimately helped or hindered their cause. Hyperbole of all sorts, when it is recognized for its excess, draws attention to the lack or insufficiency of the object of the aggrandizement. The plausible vagueness of mental ills of many kinds experienced in colonial situations or under other forms of oppression was transformed into overdetermined and stigmatized diagnoses, and metaphors like schizophrenia announced their incommensurateness with the actual situation. The often erroneous public perception of the condition underscores its unbelievably, for while it may be widely accepted that the Québécois had to straddle mental chasms between different parts of their identities and social roles and that such a splitting of the psyche produced psychological instability, it was a stretch to believe them collectively capable of some of the widely-broadcast symptoms of the disease (aggression, hostility, unprovoked violence, paranoia) that made it such a feared diagnosis.

Conclusion

If the severe diagnoses Parti pris issued could be called into question and the writers had previously rejected other diagnostic approaches as too moderate and inaccurate, one begins to wonder whether the sovereigntist journal was ultimately emptying the rhetorically useful “sick” signifier of its meaning. While still recognizing that tropes are inherently about creating expanded, amplified, or even fictional meanings, is it possible that Parti pris had called the legitimacy of the illness it had sought to diagnose and publicize among the population (for the sake of inciting them to action) into question? In short, was it drawing counter-productive attention to its rhetoric and its metaphors, which could all too easily be seen as figures of speech? To return to the thrust of Léon Dion’s prescient 1957 article in Cité libre, one could perhaps ask whether the sovereigntist journal was cultivating a case of hypochondria and in fact contributing to the belief that the nation was sicker than it was.51

Given that hypochondria is clinically defined by the disproportionate response to bodily sensations and events rather than an absolute belief in one’s illness when there is no objective disease, it would seem that the Partipristes had in fact engaged in the classic hypochondriacal behaviour of communicating displeasure, anxiety, and a host of other psychological disturbances as symptoms and illnesses that they sought to legitimize.52
As the new self-styled national physicians, however, the journal and its writers become both cause and cure for the nation’s ills, thereby creating a cycle of iatrogenic dependency perfect for advancing a political agenda. The implications of promoting a national pedagogy of pathology and advancing one’s ideas as the necessary remedy predictably jeopardize the stability of the nation in the collective consciousness. The primary difficulty was striking the right balance between cultivating a national prognosis that was dire enough to provoke action, but not so fatalistic as to promote resignation. As Susan Sontag notes of the sick political or social entity, the rhetorical creation of those disaffected with the status quo, “the prognosis is always, in principle optimistic. Society, by definition, never catches a fatal disease.”

In light of the advances in medicine and public health, this task was decidedly simpler in the 1960s than it would have been a century (or even 30 years) earlier, for the public imaginary had already embraced the idea (or hope) of magic bullet-like miracle cures. Syphilis, which appears as a trope on two separate occasions, thanks to the advent of antibiotics, would not instantly be read as a lifelong affliction on both the social and medical stages. The same can be said of the many other vague infections and contaminations evoked in the journal. Despite the publication’s references to treatments, which were equally inexplicit, the proposed remedy was left unspoken or alluded to via general ideological context of the journal. In the case of many of the tropes selected, the stigma of the disease was all but impossible to counter with an allusion to a remedy. The necessary balance between the need for and the possibility of cure, the basis of Parti pris’ rhetorical strategy of medicalization, thus comes up short. The four most common disease-tropes in Parti pris—schizophrenia, paralysis, psychopathology, and sclerosis—are conditions that remain very difficult to treat and are largely incurable, even by today’s standards. The severity of these conditions suggest, at least at first glance and in the “serious medicine for serious ills” tradition, that radical treatments will be needed, and even then risk failure.

If Parti pris set out to trumpet the imperative of an independent and truly democratic Quebec, its decidedly pessimistic view of the province as it existed in the 1960s seemed to run counter to its end purpose, which was to convince people that a sovereign Quebec was not only necessary, but also viable as a nation state in its own right. The image of a sclerotic, schizophrenic, paralysed, and otherwise diseased nation was hardly one that would inspire the masses to initiate the called-for revolution, motivated by the promise of success in their undertaking. Parti pris’ positing of the
nation as sick consequently calls attention to itself as a paradoxical and fundamentally flawed evocation of the national body, one that imagines itself sicker and more resistant to treatment than it is. It imposes too great a conceptual distance between the popular imagining of the nation as troubled but improving and the two concurrent visions of nationhood—one irremediably ill and another Lazarus-like—being posited by the journal. If the Québécois were by and large willing to accept the decolonized ideal, they seemed to be unwilling or unable to embrace it, mediated as it was, by a pedagogy of profound and stigmatized national illness.

(Endnotes)

1 The Quiet Revolution was a period of rapid social and political change that began with the election of the Liberals under Jean Lesage to the premiership of Quebec in June of 1960. Key transformations occurred in regard to the secularization of institutions of health and social welfare, such as hospitals, social services and education. Significant investments in higher education for the province’s Francophone majority were made and important economic resources such as the facilities for the generation and transmission of hydro-electric power were nationalized.


3 For more on the influence of Parti pris on Quebec’s literary scene, see Pierre Nepveu, L’écologie du reel: Mort et naissance de la literature québécoise contemporaine (Montreal: Boréal, 1988).


7 Nepveu, L’écologie du reel, 212.

8 “The madman is no longer a paria, a depraved man, for he has become a rebel (in Camus’ sense of the word), conscious of his responsibilities, toiling for his welfare and that of his compatriots, often within and against society.” Robert Viau, Les Fous De Papier. (Montreal: Méridien, 1989): 223. All translations, unless otherwise stated, are my own. Where published translations are available, these have been cited to facilitate reading.

9 Likening Quebec, an affluent, industrialized and overwhelmingly white province in Canada to the emerging nations in other parts of the world was (and remains) controversial. The Partipristes themselves, however, made this connection and insofar as the Francophone majority in the province occupied an economically subordinate and politically compromised position relative to the Anglophone majority in both the province and Canada as a whole. See

Figures for the trope count were derived using the following criteria. Any metaphorical or otherwise rhetorical invocation of the body, its processes, and/or its pathological states as well as references to medical care and its outcomes were included. The reference need not be developed to the point of constituting a structuring metaphor for the article as a whole, but only references in which it is clear that the subject at hand is being discussed in clinical terms are included. Brief mentions of a specific disease that convey clear medicalization are granted equal weight as fully developed metaphors and both mental and physical conditions are considered. The tropes in question are all drawn from the feature articles and editorials. The choice to limit consideration to these types of contributions owes to the fact that these articles tend to be longer and more substantive stand-alone essays than the kinds of contributions that comprise the rest of a typical issue.

Since much of the analysis that follows involves delineating semantic differences between tropes, I employ a simple system of classification. Negative or ailment-oriented tropes are tallied by counting mentions of specific diseases or conditions (i.e. cancer, paralysis) or medical processes that are the likely result of a diagnosis (i.e. amputation being the result of gangrene). This category also includes vague references to sickness (designated by the French terms *mal, maux,* and *maladie*), symptoms (i.e. fever, atrophy), and references to diagnosis. Positive or treatment-oriented tropes are those that mention cures, treatments, remedies, good health, or vitality.

Both journals were publishing 10 issues per year at this time, although in subsequent years *Parti pris* did publish fewer issues (but not necessarily less content) because it put out a number of double (and in some cases triple) issues.


Direct to consumer pharmaceutical advertising, which is often packaged as a “disease awareness campaign,” aims to convince a target audience that their particular condition (which they may not regard as a legitimate disease or syndrome but as a collection of minor ailments or imperfections) is “widespread, serious, and treatable.” Ray Moynihan, Iona Heath and David Henry, “Selling Sickness: The Pharmaceutical Industry and Disease Mongering,” *British Medical Journal* 324 (2002): 886.

“Futile and unhealthy; accordingly the architectural regionalism and the ‘French face’ or ‘French quarter’ operations prove to be superficial and illusory remedies.” Jacques Trudel, “Notre environnement urbain: Montréal, ville capitaliste et colonisée,” *Parti pris* December 1964, 31.
“Our elites, who are short-sighted, act as though it were the language that was sick, whereas it is that nation that is in bad shape, the national culture that is rotten, the Québécois state that is infirm, and the Québécois soul that is wounded to its core.” Gérald Godin, “Le Joual et nous,” Parti pris, January 1965, 18.

“Crime is like a thermometer. With it we can now diagnose a serious infection in our patient. This contagion issues directly from class struggle.” Michel Guénard, “Le fait criminal dans la société capitaliste,” Parti pris, October-November 1965, 20.


“The word ‘Quebec,’ since 1837, has been the name of a disease.” Van Schendel, “La maladie,” 25.


“These unhealthy lodgings are often the cause of illnesses such as tuberculosis, anemia, rheumatism, and poor hygiene; we also find a notable explanation for the elevated levels of infant mortality. Moreover, it acts as a moral wound that favours delinquency, alcoholism, etc.” Michel Draper, “Le visage d’une cité,” Parti pris, May 1965, 26.

The psychological problems of the colonized individual.

“The very profound sense of inferiority, which is linked to being an ethnic minority within Canadian confederation.” Andrée Benoist, “Valeurs culturelles et dépression mentale,” Parti pris, Summer 1964, 31.

Neither the postcolonial theorists, nor their independence-minded Québécois counterparts envisioned the decolonization movement as being one that was particularly inclusive of women or of their liberation as being in any way different or separate from that of the colonized man. See Jarrod Hayes, Queer Nations: Marginal Sexualities in the Maghreb (Chicago: University of Chicago Press, 2000) and Sean Mills, The Empire Within: Postcolonial Thought and Political Activism in Sixties Montreal (Montreal and Kingston: McGill-Queen’s University Press, 2010).

The numerous problems to emerge from the decolonization movements worldwide (corruption, authoritarian rule, a distribution of wealth more unequal than it was before, the suppression of minority rights, etc…) largely escaped the writers’ attention, despite Fanon’s outlining of these risks in The Wretched of the Earth, trans. Richard Philcox (1961; repr., New York: Grove, 2004).


“A national community which has suffered for many generations the effects of colonialism…. psychological conflicts and tendencies that reduce the collective aptitude for progress.” Lefebvre, “Psychisme,” 15.

“Decolonization and its natural end, independence, must be seen as the cure of a social ill, just as the abolition of inequalities in status and rights within this same society are.” Lefebvre, “Psychisme,” 17.


“Life on one side, God on the other, the dictates of reality opposed to those of morality; this doubling tugs at the French Canadian and makes him a kind of schizophrenic.” Pierre Maheu, “Le Dieu canadien français contre l’homme québécois,” Parti pris, November-December 1966, 48.


By 1966, the FLQ was already active and had gained a reputation for armed robberies and bombings. They were also responsible three deaths by this point, the victims being unintended casualties rather than targets of the attacks. While Parti pris did not openly condone the group’s violent tactics, it did sympathize with its aims and share a number of its positions. See Louis Fournier, F.L.Q.: Histoire d’un mouvement clandestin (Montreal: Editions Québec/Amérique, 1982).

“It is the decolonization phase, a pre-requisite for any later collective awakening: an awakening to the exploitation of workers, to religious and cultural alienation, to a collective schizophrenia, etc.” Editorial, Parti pris, January-February 1967, 3.

Metzl, The Protest Psychosis, 108.

Metzl, The Protest Psychosis, 113.

Metzl, The Protest Psychosis, 127.


Frantz Fanon, Black Skin, White Masks, trans. Charles Lam Markmann (1952; London: Pluto, 1986); Fanon, The Wretched of the Earth.

Fanon, *Black Skin*, 14.

Fanon, *Black Skin*, 14.

Mills, *The Empire Within*, 95-118.


Bulhan, *Franz Fanon*, 183.

Susan Baur, *Hypochondria: Woeful Imaginations* (Berkeley: University of California Press, 1988): 142. Although studies were becoming more inclusive of socioeconomic standing, Metzl points out that one of the greatest failings of psychiatric research of the mid-twentieth century was its ignorance to the question of race, in that studies were often undertaken in racially segregated hospitals or wards.

Baur notes that, among other conditions, the poor were frequently found to have the highest rates of hypochondria, which suggests that the over-(self)-diagnosis of disease or sickness operates simultaneously among clinicians and patients and thereby exacerbates the problem of prejudice-driven diagnoses.


Baur, *Hypochondria*, 30, 47.


Jean-Marc Piotte criticized the use of this same strategy in *La Cognée*, the publication of the FLQ, because he saw it as a gambit to keep support by not overtly identifying itself as socialist publication. See “Où allons nous?” *Parti pris*, August-September 1965, 64-85.


Reviewed by John C. Carter

All was not peace and harmony in Upper Canada during 1838. Along the Canadian-American border from New York to Michigan, unrest prevailed. Between December 1837 and December 1838, at least 13 armed invasions from United States into Canada occurred. More than 1,000 men were arrested for piratical invasion and treason, and 92 of these “Patriots” were transported to Van Diemen’s Land. The following two publications deal with events associated with this unrest in the south western part of the colony of Upper Canada. As a result of 8 incursions into the Western District (now the counties of Essex and Lambton and the Municipality of Chatham-Kent), 19 men were sent to the penal colony in Van Diemen’s Land because of their participation. Both the Essex County Historical Society and the History Press should be congratulated for issuing these publications in 2013 to coincide with the 175th anniversary of the 1838 Upper Canadian rebellion.

Sandy Antal’s slim volume is actually a chapter directly extracted from his and Kevin Shackelton’s 2006 Duty Nobly Done. This full length account of the military history in the Western District was generally well received at the time. Unfortunately with the exception of a short preface contributed by retired University of Windsor historian Trevor Price and a brief introduction by the author, what is presented is a word for word duplication of the original without updates or additions. This is problematic.
Since 2006, there has been much more research conducted and articles and books written and published which should have been consulted and used by the author. There are also various period and contemporary works that have not been utilized (see “Bibliography of Published Works Relating to the Upper Canada Rebellion of 1837-1838 and Associated Topics,” in Australasian Canadian Studies (2011), v. 29, # 1-2, pp. 165-231).

The first-hand accounts and period narratives of Robert Marsh, Elijah Woodman, Samuel Snow, Jedediah Hunt Jr., Thomas Jefferson Sutherland, Lucius V. Bierce and Edward Theller, curiously are not mentioned nor included. Two other major contemporary resources not consulted are the Detroit Daily News and the Niles' National Register. Both would have provided useful information from an American perspective. More recent research by Stuart Scott, Cassandra Pybus and Hamish Maxwell-Stewart, John Carter and Tom Dunning has also been overlooked and not used. Inclusion of all these works could have added to the utility of this booklet, and to the contribution of knowledge about events in the Western District during 1838.

To Antal’s credit what he does include in this booklet is well written and documented. He manages to cover all the major events which occurred in the Western District of Upper Canada from January to December 1838, albeit often in a cursory way because of the shortness of the volume. The schooner Anne incident, the battles at Bois Blanc and Fighting Island, the invasion of and Battle of Pelee Island, the St. Clair raids, and the final Battle of Windsor are all described. Various graphics support this text, and descriptive footnotes and a bibliography of sources enhance what Antal has written. The use of military and government documents housed at the Library and Archives of Canada is also worth notice.

For neophyte researchers of the Patriot Wars, this volume might be a good place to start to learn about aspects of the 1838 Upper Canadian rebellion in the Western District. Unfortunately it doesn’t add significantly to the existing body of knowledge about this topic, nor add anything new to the scholarship on these regional events.

A more substantive treatment (both in length and content) of the same topic can be found in Shaun J. McLaughlin’s latest book. The author has improved the overall product from his 2012 publication which dealt with the Patriot War along the New York-Canadian border (see review in Australasian Canadian Studies (2011), v. 29, # 1-2, pp. 233-5). McLaughlin has conducted in depth research to uncover a good selection of first-hand accounts, observers’ recollections and historical works. He skillfully uses
these resources to set the scene for events occurring in the Western District of Upper Canada throughout 1838. He does an excellent job in relating information about these incidents and in describing the incursions in this quarter (see chapters 1 – 10).

In the last two chapters, McLaughlin provides insight into what happened after the rebellion faded in 1839-40, and includes details about the fate of those Patriot exiles transported to Van Diemen’s Land. The conclusion, while brief, does sum up the author’s argument and adequately ties together evidence present in previous chapters. Of special note are two appendices presented at the end of the book. In the first, we find out what happened to 38 individuals who were central to the action associated with this story and its aftermath. The second appendix gives details about the 20 men hanged and the 92 English speaking Patriots transported for their involvement in the 1838 Upper Canadian rebellion. This is a useful format which provides such relevant information to readers. This book is richly illustrated with both period and more current images, which are for the most part properly captioned and credited.

There are several editing/factual errors which need correcting. Michigan Governor Stevens T. Mason is identified as Mason T. Stevens (p. 43). While the assignment system was done away with in Van Diemen’s Land in 1840, the North American political prisoners were not put in “chain gangs” as were all other felons (p. 138). They carried out their sentences in work/road parties at probation stations. It is highly questionable that these men worked “in slave-like conditions, often chained at the ankles” (p.141). Lieutenant Governor Sir John Franklin was given specific directions to treat the Patriot exiles differently from all other convicts. There is no evidence to prove that these prisoners were ever chained or whipped while at probation stations. The American government did not “abandon its citizens in Van Diemen’s Land” (p. 147). In fact, there were concerted behind the scenes efforts made by American representatives in Canada, England, United States and Van Diemen’s Land to effect the release of Patriot prisoners.

In addition the author has overlooked some critical reference material. These include several magnificent research reports done for Parks Canada by Dennis Carter-Edwards and Katherine McKenna, and standard secondary sources written by Stuart Scott, Tom Dunning, John Carter and Cassandra Pybus and Hamish Maxwell-Stewart. A major oversight by the author was not to utilize existing copies of the *Sandwich Western Herald*, the *Detroit Daily Advertiser* and the *Detroit Daily Free Press* for primary
research information. These locally produced and circulated newspapers provide a gold mine of weekly and daily articles about relevant events, actions and response to happenings in the Western District starting at the end of 1837, and continuing on into early 1839. The lack of footnotes/endnotes (apparently a directive from the publisher), is also a major shortcoming of this book.

Aside from these deficiencies, McLaughlin’s work does make a contribution to the understanding of the 1838 Upper Canadian Rebellion in the Western District. It is a volume that should be added to the libraries of those interested in, researching, and writing about the Patriot War. It is a good example of a regional study fitting well into and adding to the national and international history of this era, and is an affordable purchase.
Remembering the Battle of Windsor: Last Incursion in the 1838 Upper Canadian Rebellion

Special to the Star: by John C. Carter

All was not quiet and peaceful 175 years ago in Upper Canada. Between December 1837 and December 1838, at least 13 armed incursions from United States into Canada occurred. Over 1,000 men were arrested on charges of piratical invasion and treason. The Western District of Upper Canada (today’s Essex and Lambton Counties and the Municipality of Chatham-Kent), was not immune from this violence and upheaval. In the winter and spring of 1838, attacks happened along the Detroit River and on Pelee Island, and in the summer along the St. Clair River. Residents of the Western District experienced 8 attempts by the Patriot Army to “liberate” Upper Canada from British rule, overthrow the Canadian government, and establish a republican style of government.

After the St. Clair Raids in late June, no violations of the U.S. Neutrality Act took place in the Western District for nearly six months. However, tensions continued to build in this quarter. Robert Marsh, a Patriot who had been involved at the Battle of Pelee Island, returned to Detroit in the summer of 1838. He described the prevailing mood: “Great preparations were being made all over the country for renewing the war. As many of our citizens were confined, and executions taking place in different parts of Canada...and taunts and threats by tories were daily occurrences, it was concluded best by many from Canada as well as thousands on this side to make one more trial.” British traveller T.R. Preston recorded his thoughts about what was to come: “Under the plausible pretext of regeneration of Canada, it was apparent that an indiscriminate plunder of Canadians was contemplated.” Scottish writer Patrick Matthew also reflected on the situation in the fall of 1838: “The late disturbances have tended much to aggravate the misery; emigration and the foreign supply of dollars has ceased, property has been destroyed, the price of foreign supplies increased, the security of property has been lessened, industry has been checked, and even though the disturbances have been put down
for the present, an anticipation of future mischief continues to prevail.” A
portent of what was yet to come!

While mid-October rumours of a planned attack on Fort Malden did
not prove to be accurate, reports of Patriot forces training near Fort Gratoit
resulted in the Essex militia being called out. Diligent patrols by the
Detroit based Brady Guards thwarted Patriot attempts to hijack steamers
on November 30 and on December 1. A letter sent to American General
Hugh Brady by John Prince on December 1, noted the urgent situation at
hand: “I have ascertained from unquestionable authority that upwards of
1000 men left Buffalo a few days back in Steamers, and that they were to
be reinforced all along the Shore of Lake Erie until they mustered about
5000 men; and that their determination is to make a descent upon Malden
or some part of the frontier tonight. I have also this very afternoon been
informed by one professing to be (but not being in reality) a “Patriot,” that
there is a camp no less than 400 of these Scoundrels in the woods about 2
miles back of Springwells; and that their fixed determination is to attack
us here or at Windsor this night.”

With word received at Sandwich that an invasion was imminent,
defending forces were put on alert. The attack did not materialize as
drifting ice apparently frustrated this attempt. The following evening
Patriot General Lucius Verus Bierce and his followers marched through
the streets of Detroit and took possession of the steamer Champlain. The
rebel party crossed into Canadian waters early on the morning of December
4, landing opposite the lower end of Belle Island. The invasion force made
up of Canadian insurgents and American confederates, was estimated to
be 150-180 men. The Patriot invaders had expected that their numbers
would be augmented by 500 additional sympathizers. This support didn't
materialize. Patriot Samuel Snow recorded his disappointment: “Not a
Canadian met us on our arrival save a few who joined us in Michigan, and
some of these turned traitor soon after.”

The rebel forces came upon a guardhouse occupied by members of
the Essex militia. After a “short but spirited resistance” by the Canadian
defenders, the position was captured and the building burnt. Nearby at
Van Allen’s wharf, the steamer Thames was torched. A company of Patriots
commanded by General William Putnam, advanced down Sandwich Street
and encamped in an orchard behind the Francois Baby house. By 6 a.m.
Windsor was in the hands of the invading rebels. An alarm was raised and
the Essex militia responded. At 6:30 a.m. this force engaged the Patriots.
A “skirmishing fight” ensued. General Bierce did not attempt to assist
his compatriots and could not be persuaded to advance to aid General Putnam’s besieged detachment. Patriot reinforcements tried to cross the Detroit River to join the fray. They were challenged by American federal troops patrolling aboard the steamer Erie and were turned back.

Enthusiasm for the invasion was evidenced in Detroit. Thousands assembled along the river front to vocally show support the fortunes of the Patriot forces. Robert Marsh noted the spectacle that he witnessed from Sandwich: “There were thousands to be seen at day-light, on the tops of buildings swinging their hats and cheering us on our morning’s success.” Without additional military support General Putnam was compelled to order his forces to withdraw. Henry Grant, editor of the Sandwich Western Herald described the scene that he viewed: “The straggling volunteers of Sandwich, of whom we had the honor to constitute a part, came up in time to send a few leaden messengers after the fast-footed pirates, who fled with a velocity unexampled in the annals of locomotion.” Private T. Rose of the 34th Regiment provided further on the spot observations: “How the rebels did run when they saw us come. The poor devils dropped like cocks – when we gave them steel they ran into the woods where most of them were taken prisoner.” The Patriots were caught in a murderous cross-fire, and 26 men including General Putnam were killed. Pandemonium reigned supreme as the rebels attempted to escape.

On December 6, American Brigadier General Hugh Brady wrote from Detroit to his superior General Rogers Jones. Brady provided his personal account of the Battle of Windsor: “...about 240 of these misguided men, effected a landing upon the Canada Shore nearly opposite this City, about 4 o-clock on Tuesday morning, surprised a small guard burnt the building occupied as barracks, & a Steam Boat lying at the wharf. After a slight action, between them and a few Militia hastily assembled, the Patriots gave way, leaving 17 killed, with the loss of but four on the part of the Loyalists. On arrival of a reinforcement of regular troops from Malden, the Patriots broke & took to the woods, with the exception of some forty who escaped in canoes to Hog Island.”

By 8 a.m. the Patriots had been routed. Colonel John Prince sent the militia back to Sandwich to counter another rumoured attack. Initially 25 Patriots were taken captive. Several were ordered executed on the spot by Prince. Other escapees were arrested by American troops patrolling the Detroit River. The remainder of the invading force was tracked down by Indians and British regulars and incarcerated in the Sandwich Gaol. Eventually 44 prisoners were rounded up and sent to London U.C. for
trial by court martial. John Prince’s diary account of December 4 provided chilling details of the Battle of Windsor: “Awoke at 6 a.m. by an alarm gun at Sandwich. Rose & saw a fire at Windsor. Proceeded there with the Militia & found it in possession of Brigands and Pirates. We attacked them & killed 27 and took 20 Prisoners. I ordered the first 5 taken to be shot.” While the controversy over Prince’s summary executions was yet to be judged, and captured rebels faced trials, imprisonment and transportation to Van Diemen’s Land, the Patriot Army had for all intense and purposes been finally defeated and dispersed. The Battle of Windsor was the last incursion of the 1838 Upper Canadian Rebellion. The curtain had fallen on the “last grand act” of the Patriot War. In the aftermath, 18 men captured at the Battle of Winsor and 1 man arrested for his involvement in the St. Clair Raids would be found guilty for their transgressions. Sir George Arthur would send them on a one way ticket to Van Diemen’s Land (now Tasmania). There the Patriot exiles would serve out their sentences as political prisoners.

One year after this incursion and battle, the Sandwich Western Herald assessed the existing state of affairs. Editor Henry Grant wrote that; “We heartily trust that a continuation of the peace at present so happily existing along our borders will make ‘our folk’ forget that anything so dreadful as the ‘Battle of Windsor’ ever happened at all!” General Hugh Brady in November 4, 1839 correspondence to General Winfield Scott, provided an American perspective: “As far as I can learn, and I have made every enquiry, there is not the least preparation making by the Patriots on our side of the line, indeed, the frontier has not been so tranquil for the past two years, as at present, and a communication that I received a few days since from Lieut Col Airy(sic), Commanding at Malden, shows that he entertains the same opinion.” Colchester postmaster and Justice of the Peace John G. Buchanan expressed similar sentiments in his diary: “The Rebells returned again in the fall of 38 & gave some trouble in Windsor when they were routed and some after the Battle were shot down by Col. Prince’s orders and were not troubled anymore.”

The successful repulsion of invading Patriot Army in the Western District and the final incursion at the Battle of Windsor brought the 1838 Upper Canadian Rebellion to a merciful end. Often a forgotten chapter in our history, that we can remember and celebrate some 175 years after these events!
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