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*Claire L'Heureux-Dubé: A Life*

By Constance Backhouse

Vancouver: UBC Press, 2017. 740 pages. \$49.95 hardcover, PDF, e-pub. ISBN 978-0-7748-3632-6 (ubcpres.ca)

This biography of Claire L'Heureux-Dubé was a colossal undertaking. The result of nine years of research and writing, it is based on over 200 interviews with the subject, her family, friends, former classmates, colleagues and law clerks, fellow judges, journalists, and politicians, as well as privileged access to her closed records at Library and Archives Canada. It documents and contextualizes the life of Canada's second female Supreme Court justice from childhood to her retirement, while reflecting on her reputation as the "Great Dissenter."

Constance Backhouse approaches L'Heureux-Dubé as a recent historical figure from two angles that are often intimately intertwined. The first is a personal life marked by her disabled but ambitious mother, a disciplinarian and unsupportive father, and her husband's and son's struggles with mental illness and addiction. The second is her professional life as an outsider, especially on the Supreme Court, as a francophone, a woman, a family law specialist, and a dissenter. This may appear to be a considerable shift from Backhouse's usual technique of using individual legal cases to explore broader themes, but she supplements her approach with a discussion of selected decisions that have marked L'Heureux-Dubé's fifteen years at the Supreme Court. Also familiar is the feminist lens she applies to her examination of the former judge's early life, family history, and career—although it becomes clear very early on that this approach is at odds with L'Heureux-Dubé's own interpretation and understanding of feminism. This difference of opinion is a recurring theme throughout the book, adding much complexity to Backhouse's analysis of cases related to sexual assault or family law.

While L'Heureux-Dubé grew up in a decidedly female environment surrounded by three sisters and attending the Ursuline Monastery, she had few role models when she decided to study and practice law in 1940s Quebec. With the support of a Jewish lawyer who hired her as a secretary during her legal studies and promptly made her a full-time lawyer upon her call to the bar, she specialized in family law and divorce cases. This had long been considered a second-rate area of law, and she attempted to make it more reputable and fair by using social science research and mediation. Despite these significant contributions, as well as her talent and intellect, Backhouse reveals that it was not a foregone conclusion that L'Heureux-Dubé would make it to the bench, much less the highest court in the country. Rather, she was at the right place at the right time as the women's movement started exercising more influence in public life, including in judicial nominations. Ironically, in the process, she "became a standard-bearer for a movement to which she had never belonged" (5).

Indeed, throughout her judicial career, L'Heureux-Dubé insisted that she had never lobbied for such appointments and that they all came as a complete surprise, dismissing her connection to the larger social context of the early 1970s and beyond. A firm believer in individual merit, she also claimed to have never experienced sexism, despite providing vivid

examples in her interviews with the author, a disconnect that has also been observed among other women of her generation. It also reveals that connecting L'Heureux-Dubé's judicial decisions to her personal experiences as woman is not a straightforward exercise. In addition, Backhouse's in-depth examination of seven Supreme Court cases demonstrates how even L'Heureux-Dubé's decisions at the Quebec Superior Court and the Quebec Court of Appeal were not a good predictor of the reputation she acquired as being both a progressive reformer over matters of social justice and a conservative one in matters of criminal law. Through these cases, the author also delves into the social, cultural and political contexts that had an impact on the decisions in which she took part and the sometimes vicious reactions to them. The backlash to her separate concurring opinion in Ewanchuk (1999) on the issue of implied consent in a sexual assault case was especially severe and personal, which Backhouse situates within a "broader pent-up hostility toward feminism" (xi).

This biography demonstrates that L'Heureux-Dubé undeniably contributed enormously to Canadian women's rights through her work in family law, service on commissions, and judicial opinions. She "came to embody the quintessential symbol of 'feminism' in the minds of her detractors and supporters alike" (542) while vehemently rejecting that label. Instead, she described herself as a 'humanist' and Backhouse adeptly demonstrates the limits of her definition of social justice, one that did not problematize race and class or their intersection with gender as further sources of discrimination and inequality. This is clearly demonstrated when she led a federal commission on immigration in Quebec in the 1970s. She did not address race and considered the sexual advances of white immigration officers towards women of colour in a vulnerable situation to be "private matters" (248).

While Backhouse provides another solid contribution to legal history with this book, there are two elements that break the flow of the story. The author explains her choice of keeping some original French phrases as an attempt to "underscore Claire L'Heureux-Dubé's lifelong attachment to her mother tongue" and remind "readers about the challenges of functioning in two languages" (xii). However, bilingual readers may be puzzled as to why some phrases were translated but not others. The choice of images was also surprising at times. A good number of them are of people who are only tangential to the story, often undated or clearly from a time beyond the event or period being discussed.

Overall, Backhouse paints a fascinating portrait of a woman with an "individualist streak" (545), a tendency strengthened by her repeated experiences as a rare female presence in the Quebec legal profession and on three levels of the judiciary. This book is a worthwhile read for anyone interested in Canadian legal history or the history of francophone women in Quebec and Canadian society.

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