

## Book Review

---

Dominique Clément, *Canada's Rights Revolution: Social Movements and Social Change, 1937–82*, Vancouver: University of British Columbia Press, 2008. Pp. 296. \$85.00 cloth (ISBN978-0-7748-1479-9); \$32.95 paper (978-0-7748-1480-5).

The history of rights is often told as a story of parliaments and legislative reform. In *Canada's Rights Revolution*, Dominique Clément offers a fresh perspective centered more upon movements than upon the state. The book effectively fuses detailed historical narrative with keen sociological insight, drawing particularly upon resource mobilization theory, and traces "two generations" of rights activism, from the founding of the Montreal branch of the Canadian Civil Liberties Union in 1937 to the enactment of Canada's Charter of Rights and Freedoms in 1982. It documents a massive shift in these years, both in law and culture, which was partly the result of the collective agency of movement activism.

Clément's analysis emphasizes the fact that movements develop and persist by means of social movement organizations, and that the trend in the twentieth century was toward professionalization, with paid staff mobilizing funds from predominantly passive donors, in campaigns that made increasing use of the developing mass media. He constructs his analysis around four case studies of social movement organizations, each dedicated exclusively to the defense and promotion of rights, but each distinctive in its space/time location and its understanding of the scope of "rights" themselves. This method allows for a good deal of nuance as we come to recognize the rights movement not as a unified entity but as a shifting collection of site-specific groups, often in tension with each other on points of strategy or principle, and more often than not dependent for funds on the very state that forms the target of their activism.

So as not to lose the forest for the trees, Clément prefaces his case studies with a historical overview of the political and cultural developments from the 1930s through the 1950s, which laid the basis for Canada's rights revolution. These chapters argue persuasively that the construction of a welfare state in Canada also engendered, by the 1970s, a "human rights state" and a rights culture that contained "new conceptions of the role of the state and the law" (35). From the late 1930s through the 1950s, the first generation of rights activists helped frame the meaning of rights, primarily around a civil libertarian conception of negative freedoms. Clément's historical analysis, informed by extensive archival research, highlights the key episodes in this formative era, including the struggle against Quebec's anticommunist Padlock Act and protests against the deportation of Japanese Canadians shortly after World War II. Mobilizing in response to repressive state practices such as these, groups like the Jewish Labour Committee (JLC) pressed for antidiscrimination legislation and, ultimately, for a national bill of rights. Clément's decision to focus on "pure" rights associations — those self-identified with either civil liberties or human rights — may have led to an underplaying of

the importance of groups such as the JLC or, later in the 1970s, the National Action Committee on the Status of Women, but he does emphasize the embedded character of rights activism: the complex network of relationships that formed not only among the rights associations but between them and other progressive movement organizations, including the labor and women's movements.

Much of the book is devoted to the four case studies of key organizations based in Vancouver; Toronto; Montreal; and St. John's, Newfoundland. These offer instructive points of comparison, particularly on the distinction between the narrow, civil libertarian conception of "negative freedom" (focused upon basic civil and political freedoms) and the broad human rights discourse that took root in the 1960s, incorporating civil libertarian concerns but widening the lens to include social, economic, and cultural rights. In some cases, the tension between these conceptions was lived within the groups themselves, as in the transition that Quebec's *Ligue des droits de l'homme* (LDH) made in the 1970s, as a new generation of activists shifted the mission from defense of civil liberties to advocacy of positive freedom in recognition of "the economic, social, and cultural needs of the elderly, youth, the disabled, francophones, and others" (135). In contrast, the Toronto-based Canadian Civil Liberties Association (CCLA) exemplifies the predominance, within Anglo-Canadian political discourse, of negative freedom, calling for due process, equitable treatment under the law, and protection of citizens from police abuse, and eschewing civil disobedience and coalitions with other movements. The sharp difference between these conceptions was manifest in 1999 when the General Counsel of the CCLA accused feminists of violating liberal principles by promoting egalitarianism.

Clément concludes, with good reason, that the framing of politics as a quest for rights enabled groups like the CCLA to secure certain legal reforms, enshrined most visibly in Canada's 1982 Charter of Rights and Freedoms, yet also limited such groups to "conservative strategies for change," centred upon the state and "incapable of confronting systemic inequality" (211–12). In this sense, the book bears a paradoxical title: the rights "revolution" was actually a self-limiting process of reform.

**William K. Carroll**  
University of Victoria

---

©2009 American Society for Legal History

Content in the History Cooperative database is intended for personal, noncommercial use only. You may not reproduce, publish, distribute, transmit, participate in the transfer or sale of, modify, create derivative works from, display, or in any way exploit the History Cooperative database in whole or in part without the written permission of the copyright holder.