

Human Rights in Canada: A History

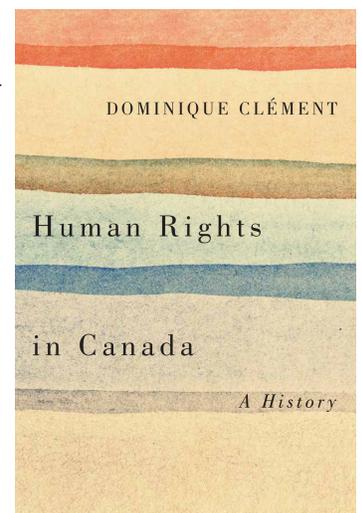
by **Dominique Clément**

If Canadian history were a rug, it would be marred by large lumps from the many less-than-wholesome subjects that have been swept underneath. Unafraid to peer under the rug at those unmentionable topics is Dominique Clément, an associate professor at the University of Alberta, who punctures the sanctified notion of Canada as a peaceable kingdom by exposing a legacy of repression and legally entrenched obstacles that prevent whole groups of people from enjoying the full fruits of citizenship.

Canada's advanced human rights regimes, Clément notes, did not arise in a benign vacuum. They came about in response to a lengthy list of draconian governmental moves and regressive social attitudes. Clément ably reminds us that Canadian history is not a boring, low-rent cousin to that of the French and Americans, but rather one that has witnessed serious social unrest along with significant battles for the rights many of us now take for granted.

After a somewhat clunky and repetitive introduction, which reads at times like an academic paper, Clément dives into a very engaging and accessible presentation combining elements of law, history, and sociology. He brings to life issues from indigenous rights to reproductive health to sexual orientation to barriers faced by the disabled. He addresses the debates between those who view individualized legal battles as a means of advancing social progress versus organizations that tackle larger systemic issues of inequality affecting identified groups. He also illustrates the challenges posed by incorporating social rights (housing, education, water, food) into a legal framework.

In addition to cases of overt racial discrimination and mass internment of Japanese Canadians in the 1940s, the 1970 imposition of the War Measures Act, and inquisitorial social workers checking the position of toilet seats to determine if female welfare recipients were hiding a "spouse in the house," Clément unearths an edict from after the



First World War that allowed courts to intern individuals simply because of “a feeling of apprehension entertained by the community.”

Clément credits a combination of grassroots organizing and pointed legal strategies as being crucial to the eventual development of human rights commissions, anti-discrimination statutes, and the broadening of the Canadian Charter of Rights and Freedoms. He also warns of the danger when human rights claims are used by the powerful to deny equal access to services.

Occasionally, Clément’s book suffers from structural issues. Concepts like Canadian promotion of human rights in foreign policy are introduced but not fully explained until later in the book, which could leave a novice reader wondering about apparent contradictions in Clément’s thesis.

As conceptions of human rights evolve, Clément’s book is a useful introductory tool that, accompanied by his online portal at HistoryofRights.ca, provides an important resource about something that can be so easily swept away.

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Matthew Behrens