

Cet ouvrage constitue une démarche pionnière qui, bien qu'imparfaite, devrait inciter d'autres tentatives en français pour remplir ce besoin criant. Celles-ci seraient grandement facilitées par la réalisation d'une synthèse d'histoire économique du Québec au XX<sup>e</sup> siècle, qui intégrerait les acquis les plus récents de la recherche, reflétés dans les thèses de plus en plus nombreuses et les projets de recherche, notamment en histoire du développement régional.

Comme ce projet n'est pas pour demain, il faut apprécier cet excellent effort de synthèse et inciter son auteur à poursuivre sur cette lancée, au gré des travaux les plus récents d'économistes et d'historiens. Beaucoup reste encore à écrire sur le sujet, en particulier sur la spécificité du développement économique québécois et l'influence des facteurs culturels (voir épilogue, pp. 288-289).

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PATRICK BRODE — *Sir John Beverley Robinson: Bone and Sinew of the Compact*. Toronto: University of Toronto Press, 1984. pp. xvi, 326.

John Beverley Robinson was an anachronism, an eighteenth-century man living in the nineteenth century. For him, "the honourable gentlemen, the gentle-born, had a natural right to govern; the lesser-born, the yeomen, had a duty to obey" (p. 68). Gentlemen, who could be distinguished by their birth, "intelligence, respectability, & property" (p. 68), would form the Upper Canadian gentry. A wealthy commercial class would also evolve, though its members would presumably have the intelligence to leave the business of government to gentlemen.

To the modern mind there is much that is unattractive about Robinson's political and social vision, and any biographer who treats him sympathetically runs the risk of being pilloried. Patrick Brode takes that risk. A lawyer, he has attempted to portray Robinson "as a child of his time" (p. ix); hence most of his judgements about Robinson are favourable ones.

Robinson became acting attorney general of the province in 1812 at the age of 21. Generally, he performed well, opposing the arbitrary imposition of martial law and, contrary to some, acting with reason and due regard for law in dealing with suspected traitors. In the 1820s he became "de facto prime minister" (p. 119), forced to try to sail between the rocks of an obstreperous and none-too-scrupulous opposition and the shoals of an often indecisive and vacillating colonial office. He foundered on the alien controversy. Throughout it, he attempted to extend the property rights of American settlers within the context of British laws concerning aliens. The naturalization bill, finally passed by the assembly in 1827 with the aid of reformers, recognized what Robinson had always maintained, that legally American settlers were aliens. Unfortunately, the British government, pandering to British radicals and double-dealing Upper Canadian reformers, disallowed the legislation, imposed a solution on the province, the basic principles of which it would not have applied at home, and helped create among the Upper Canadian populace and "future scholars" the notion of an "insidious tory plot" in which the Upper Canadian government "had opposed granting civil rights to American settlers and had sought to take away existing rights" (p. 140).

Despite ill luck in the alien dispute, Robinson was no stranger to political success. In 1822-1823 he was instrumental in securing a trade bill favourable to Upper Canada, defeating the proposed union of the two Canadas and framing a scheme for assisted emigration from Britain to Upper Canada. In the assembly he pioneered the expenditure of public monies on important public works. After becoming Chief Justice in 1829, however, he concentrated on his judicial duties. In the Court of King's Bench he won "the respect of the provincial bar" (p. 168). Reform accusations to the contrary,

he was not "partial or despotic" (p. 176), not even in the treason trials of 1838 or the Anderson extradition case. Though excoriated for his decision to extradite in the latter, his rationale was sound and has influenced modern thinking about the criteria for extradition. In fact, the corpus of Robinson's decisions has had great impact. In commercial cases he stuck to the wording of the contracts under scrutiny, arguing that it was not his duty to examine their fairness. Using similar logic, he refused to use his court as a quasi-legislative body. He was ready to interpret statutes, but not to ignore or alter them, as contemporary American courts were. "Even when he considered statutes to be harsh or unjust, they were to be applied nevertheless" (p. 246). His decisions were customarily sound and have been constantly referred to, ensuring that his reverence for common law principles and British traditions generally has been imprinted on the Canadian legal system.

Not all of Brode's judgements are favourable. He notes that Robinson found it difficult to appreciate the perspective or situation of the lower orders. His was an "intransigent toryism," disdainful of democracy and dogmatic about "the right of the few to govern" (p. 36). His inability to take into account public feeling was a political liability, as was his hot temper. He could be intolerant and impractical, as he was when he proposed a programme of assimilation of the French Canadians. His ardent advocacy of the rights of the Church of England helped to keep alive the spirit of Anglican exclusivism and foster sectarian controversy.

As attorney general, he made mistakes. Evidently influenced by past associations with the Nor'Westers, he was too eager to prosecute Selkirk, too reticent to prosecute his adversaries. He hounded Robert Gourlay, though he did not strain the law here as Lillian Gates has suggested. As a judge, his concern for form meant that "consistency overshadowed justice as an objective of the court" (p. 237). He applied English rules and precedents too strictly, creating some absurd situations.

Brode's *Robinson* makes several important contributions, shedding light on Robinson's role in the assembly, indeed on successive assemblies themselves. Brode reminds us that Robinson and other government officials were at times bound by imperial decisions or policies they found unpalatable or unwise. His major contribution, however, lies in his treatment of Robinson's long-neglected legal career. His conclusions here seem generally judicious; for example, he rightly praises Robinson for maintaining that only parliament can create law. This stance, and Robinson's insistence that statutes be strictly applied, "assured the supremacy of the lawmakers" (p. 247) not of non-elected judges.

Brode's analysis does have weaknesses, however. Brode notes that Robinson retreated from politics in the 1840s, still feeling that he and other gentlemen might be called on again to assume their rightful place in the political world. Was Robinson, then, not one of those who had long since come to realize that the gentry would not materialize as a class in Upper Canada? And what of Robinson's own genteel status? Brode's comment that Robinson in the 1850s was very well off conflicts with R.E. Saunder's assertions to the contrary. Exactly how much wealth did he acquire? Further, Brode assures us that Robinson's career "is proof of the usually high ethical standards of provincial government figures" (p. 146). Aside from the fact that one should not attempt to deduce the ethical standards of the whole from a part, how high were Robinson's standards? Was it proper for the attorney general to maintain a sizable private practice? Certainly it was not proper for him to help persuade the Law Society, of which he was an officer, to reject a government grant of land and then to turn around and sell that Society six acres of his own at five times the going price. Too, what were the ethics of one who sold off lots in Toronto in the 1840s with only 20 foot frontages, lots which could not have provided decent housing for those who had to build on them?

Brode also reaches some debatable conclusions in his discussion of Robinson's political career. He argues that the family compact has been misperceived. No tightly knit, inter-related group existed at the provincial level. There was an oligarchy but, dependent as its officials were on the lieutenant-governors, who in "the post-war period were usually strong-willed individuals" (p. 144), it was not self-sustaining. Entrenched local oligarchies flourished across the province. Their existence convinced Upper Canadians that a similar central oligarchy was ensconced at Toronto. Yet, "if the family compact existed at all, it was at the local level" (p. 146). It is not the case, however, as Brode argues, that Robinson's own career provides evidence "of the oligarchy's fragile grasp of power"

(p. 146) and, by extension, the non-existence of the central compact. True, his star was at its brightest under Maitland and then dimmed on Colborne's arrival, but it shone brilliantly once again under Colborne, and under Head and Arthur, demonstrating the essential point that, as governors came and went, capable, talented men like Robinson persisted as each new governor faced the fact that he had to consult closely with officials who could provide local knowledge and sound advice. Further, a Robinson could, as Brode recognizes, exercise considerable power province-wide, inquiring closely into the loyalty of would-be office-holders, even "low-level" (p. 147) ones, or directing the search for capable tory candidates in the elections to the assembly. Perhaps Robinson was, as Brode's subtitle implies, the "Bone and Sinew" of a functioning central compact.

Some of Brode's conclusions about Robinson's legal career are equally debatable. It is difficult to reconcile his assertion that, as a judge, Robinson had "a passionate sense of justice" (p. 169), with his conclusion that in Robinson's court "consistency overshadowed justice" (p. 237). And it is difficult, too, to see the consistency in Robinson's generally strict interpretation of statutes and practices with his leniency towards the railroads. He regarded them as great engines of economic progress and, hence, as special cases in law. Consequently, he characteristically refused damages to those whose property had been set afire by sparks from passing locomotives. Here he was both inconsistent and unjust.

On balance, Brode has written, and written well, an insightful study of Robinson and produced a useful addition to the publications of the Osgoode Society but one that, because of its sympathetic treatment of its much maligned subject, will inevitably excite controversy, even condemnation. Certainly, everyone should condemn the fact that Brode's book, like many recent publications, has no bibliography.

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ROBERT CHOQUETTE — *L'Église catholique dans l'Ontario français du dix-neuvième siècle*. Ottawa: Éditions de l'Université d'Ottawa, 1984. 365 pp.

This seminal volume is the thirteenth in the series "Cahiers d'Histoire" from the University of Ottawa, of which more than half are concerned with Canadian history. The book itself forms a prologue, and a substantial one, to Choquette's earlier and definitive study, *Language and Religion: A History of English-French Conflict in Ontario* (1975) which itself was number five of the "Cahiers". Here Choquette states his purpose precisely — to examine those ethno-linguistic rivalries of the nineteenth century that formed the antecedents of the battle over Ontario's controversial Regulation 17. This study, however, is more, much more, than its title promises. The author has in fact provided us with a very substantial history of the Catholic church in Ontario from the heroic age of the early missionary-martyrs to the eve of World War I.

Only in the last decade and a half have Canadian historians of religion turned their attention to the fascinating theme of the crosscurrents of religion and ethnicity in the conflicting visions of a Canadian nationality, and to Robert Choquette we are indebted for the only monographs on the subject. This second book is divided into two sections — the first, "Les Diocèses et les Évêques", describing the growth of the Catholic church institutionally, demographically and spiritually, the second examining "Les Grands Débats" which arose out of the Irish-French confrontation. The first section — two-thirds of the text of the book — describes the problems of a church in a religiously and ethnically pluralistic frontier society, where great distances and lack of clerical discipline combined to mock episcopal control. Choquette has based this account on unpublished primary sources that