

That's History

by Philip Girard

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Neither Claire L'Heureux-Dubé nor Constance Backhouse probably needs any introduction to readers. What happens when you put these two women together, both icons and iconoclasts in their respective fields? You get a terrific biography of the former by the latter, *Claire L'Heureux-Dubé: A Life*, published by UBC Press and the Osgoode Society last fall.

Some might quail at the size of this book, 545 pages before you hit the footnotes. Don't. There are over 150 photos for one thing, portraying the subject in situations ranging from her appearance in a dramatic production at her convent school, to dancing at her daughter's wedding. Aside from these, however, you will still be left wanting more after reading the last page.

This is a sparkling, intimate account of a woman who always seemed larger than life, not just during her professional career, but to those around her from her earliest days. The intimacy results from the unprecedented access that the author had to L'Heureux-Dubé, her family and friends, professional colleagues, and others. Unlike many biographies which rely heavily on the subject's personal correspondence, this one is based on over two hundred interviews as well as extensive documentary research. By the end, the reader will have no reason to doubt the Winnipeg-born author's wry observation that she came to know more about Quebec than Manitoba, more about her subject's life than her own family, and sometimes more about the judge than she knew herself.

Although it was her awareness of L'Heureux-Dubé's ground-breaking opinions on sexual assault (*Seaboyer* and *Ewanchuk*), s. 15 of the Charter (*Symes* and *Mossop*), and family law (*Moge*) that encouraged the author to think about writing this biography, it is not primarily a study of her case law. Rather, it is a study of the 'making' of a woman who was the second of her gender on the Quebec Superior Court, the first on the Quebec Court of Appeal, and the second on the Supreme Court of Canada. Before that, she was one of only two women in her law class at Laval, and the second woman to enter private practice in Quebec City.

Backhouse richly contextualizes all these experiences, giving us glimpses into the barriers faced by women who were not as confident as L'Heureux-Dubé, who, when told that the study of law was for men and she should enroll in social work, demanded to know whether there was a law preventing her from registering for legal studies. Judges, fellow lawyers and clients were all unhappy with women lawyers in the 1950s, but her reputation as a fighter—she was nicknamed *La Tigresse*, the tigress—eventually won her some respect in these quarters.

Yet, for all these 'firsts,' L'Heureux-Dubé's relationship to feminism was an uneasy one, a common situation with the women who led the way in many traditionally male-dominated occupations. Indeed, her explicit disavowal of feminism on many occasions caused some puzzlement among those who saw her decisions as the very embodiment of feminist values. This disjunction made for some tension with her feminist biographer, but it is a creative tension that informs the work. Backhouse critically engages with her subject on a variety of issues in addition to feminism but always presents L'Heureux-Dubé's views fairly, allowing readers to come to their own conclusions.

L'Heureux-Dubé's professional successes are all the more surprising in light of the heavy burden of personal tragedy that she experienced. Some of the sorrows of her personal life are well-known: the premature death of her troubled son, the suicide of her husband. Yet from the beginning she was exposed to illness, death and family conflict. Her father Paul was a strict disciplinarian, while her mother Marguerite suffered from multiple sclerosis. When she required hospitalization at one point, Paul committed his daughters to an orphanage where they were maltreated by the nuns. He could not accept Marguerite's disability, and they separated. Later, Lucie L'Heureux died of heart failure at the age of twenty, a week after her older sister's bar exams. L'Heureux-Dubé felt these losses deeply, but they seemed only to strengthen her resolve to make the most of her life.

As a judge, L'Heureux-Dubé did not particularly stand out on the Quebec courts. She seemed to find her voice on the Supreme Court of Canada, however, writing forceful, sometimes dissenting, opinions providing redress for those seeking remedies for discrimination based on sex and sexual identity. A risk-taking judge who was not afraid to espouse novel arguments, L'Heureux-Dubé came to be seen as an icon by vulnerable communities.

In perusing this book I was reminded of the paradox of the irresistible force meeting the immovable object. What happens when they make contact? Read it and find out.