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Fights of Our Lives: Elections, Leadership, and the Making of Canada

John Duffy

Toronto: HarperCollins, 2002 (357 pp.)

Reviewed by Jason Brown[†]

Political strategist John Duffy's first book is an ambitious retelling of some of Canada's greatest federal election campaigns. Duffy sets out to illustrate his central premise that elections matter by analyzing what he believed are the five most important elections in Canadian history. To be chosen, the elections could not have had obvious outcomes, they must have involved a critical nation-shaking question, and the election must have changed Canada's political system in a fundamental way. The five elections chosen – 1896, 1925-26, 1957-58, 1979-80, and 1988 – stretch from Canada's early beginnings as an agrarian society struggling to find its political bearings, to a fully-developed democracy embarking on an ambitious expedition into the wilderness of globalization. *Fights of Our Lives*¹ is equal parts revealing history, insightful analysis and entertaining storytelling. Two of Duffy's selections, 1896 and 1925-26, are battles over what were essentially legal issues and a third was fought and won by a politician whose only goal was to patriate the constitution and introduce Canada to the *Charter of Rights and Freedoms*, a piece of legislation that would drastically alter the country's social, political and legal landscape.

The 1896 campaign is Duffy's first example of an election involving a thorny legal issue that Canadian politicians would rather not have faced. Here, in the lead up to his first "great" election, Duffy sets the

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¹ John Duffy, *Fights of Our Lives: Elections, Leadership, and the Making of Canada* (Toronto: HarperCollins, 2002).

scene by describing a Canada still bitterly divided along French and English lines, a wound first torn open by Louis Riel's 1885 rebellion and subsequent hanging. Now, the federal political parties were faced with another highly contentious issue concerning the francophone minority residing outside of Quebec. In February, 1890, the Manitoba government introduced two bills in the province's legislature that effectively abolished the French-speaking minority's Catholic school system, forcing French students to enter the Protestant-dominated public school system. The problem facing Ottawa was whether Manitoba's legislation was in direct defiance of the new *British North America Act's*² constitutional guarantees of minority education rights.

While this is essentially a retelling of the main components of a standard high school history class, Duffy's narrative takes it beyond the stuffiness of any textbook. He carefully combines all the political and legal maneuverings into a coherent, lively story. Duffy crafts the conflicts in *Fights of Our Lives* around the individuals involved and even includes mini-biographies of all the main players. For example, he portrays both Conservative Prime Minister Mackenzie Bowell, and Liberal leader Wilfred Laurier as being less interested in tackling the Manitoba Schools Question head-on, than with keeping their fractious parties united as they entered the election period.³ Bowell would be replaced by Charles Tupper for the election, but by that time it was too late for the Conservatives. Laurier, for his part, skillfully avoided any concrete solutions to the Schools Question by proposing "sunny ways" and more negotiations.⁴ In the end, Duffy argues Laurier opted for political reality over constitutional supremacy. Indeed, Laurier would win by presenting voters with a fuzzy, moderate approach to a legal issue that divided the country along religious, linguistic and territorial lines.

Duffy does an equally good job of describing the perplexing constitutional dance between Liberal Prime Minister William Lyon Mackenzie King and the Tories' Arthur Meighen in the back-to-back elections of 1925 and 1926. These two elections are made all the more interesting because of the role played by Governor General Viscount

² *British North America Act*, 1867, 30-31 Vict., c. 3 (U.K.).

³ Duffy, *supra* note 1 at 57.

⁴ Duffy, *supra* note 1 at 65.

Byng. With a seatless Prime Minister, a second place party refusing to step down and a Governor General with far-reaching constitutional powers, this election makes for an amusing chapter.

From a legal history perspective, Duffy's explanations of the political strategies that were employed in the double elections of 1979 and 1980, particularly by the Liberals' Pierre Trudeau, are also an engaging read. Trudeau lost the 1979 election to the Conservatives' Joe Clark, who went on to form a short-lived minority government. Duffy tells us that Trudeau's losing campaign focused almost exclusively on national unity when the voters he was trying to win over were focused mainly on the suffering economy. Duffy explains Trudeau would run again, but this time would bite his tongue when it came to his two greatest personal priorities – patriating the constitution and introducing the *Charter of Rights and Freedoms*. Trudeau won and the rest is legal history.

The one election that Duffy did not include on his list of top five, but is arguably a fascinating one worthy of an honourable mention is the federal election of 1917, held in the midst of World War One. Between the five main chapters on the chosen elections, Duffy is wise enough to include short narratives on the intervening elections and major developments in Canadian political history. It is in one of these narratives that he briefly touches on the 1917 election and, surprisingly, states that it destroyed the political system that had been in place since Confederation.⁵ It is hard to imagine, then, why it would not be included in his top five. From a legal perspective, this election saw such blatant abuse of legislative powers under the guise of wartime necessity that it stands as a stark reminder of the extreme lengths a government could go to in times of war. At the same time, the election of 1917 saw another equally remarkable progressive event – the first women voters in a Canadian election.

The election of 1917 was again fought with the open hostility between French and English Canada as its backdrop. The need for soldiers in Europe led to the federal government imposing conscription, a move heartily endorsed by the country's pro-British English majority and outright detested by its French minority. Led by Robert Borden, pro-conscription Liberals and Conservatives joined forces under the Unionist banner, leaving the remaining opposition Liberals with their

⁵ Duffy, *supra* note 1 at 102.

old leader Wilfred Laurier. Duffy argues that the pro-British sentiment was so intense among the country's English majority that the anti-conscription Laurier Liberals did not have a chance in the election, and indeed they were soundly defeated. It is because Duffy viewed this election as being so one-sided from the beginning that he chose not to include it on his list. However, the fascinating part of this election was the role two astonishing pieces of legislation played in its outcome: the *Military Voters Act*⁶ and the *War-time Elections Act*.⁷

The inclusion of women in the definition of "Military elector" in the *Military Voters Act*⁸ made nurses in France the first women to ever vote in a Canadian election. This was made possible by advance polls held for personnel serving in the war. But the voting rights of women (during the war, at least) were not restricted to just those women who were actually serving in some capacity on the war-front, but were also extended in the *War-time Elections Act* to include the wives, widows, mothers, sisters and daughters of active personnel.⁹

Despite these social advancements, the *War-time Elections Act* took huge strides backwards by stripping thousands of Canadians of their right to vote. Naturalized British subjects born in a country Canada was at war with were high on the list of people denied the vote, as were people whose mother tongue was simply that of an enemy country, no matter their country of origin. People who were born in countries conquered by the enemy during the war, such as France, Denmark, and Italy, could also potentially have their right to vote stripped if they could not prove they came to Canada prior to their home country being occupied by the Germans or Austrians.¹⁰ For good measure, the *Act* also banned Mennonites, Doukabors and any other conscientious objectors from voting.¹¹

It is unclear whether these restrictions affected the election beyond violating the rights of the individuals affected, but Duffy points out a provision in the *Military Voters Act* that definitely did.¹² The act allowed

⁶ *Military Voters Act*, S.C. 1917, c. 34.

⁷ *War-time Elections Act*, S.C. 1917, c. 39.

⁸ *Military Voters Act*, S.C. 1917, c. 34, s. 1.

⁹ *War-time Elections Act*, *supra* note 7, s. 1(d).

¹⁰ *War-time Elections Act*, *supra* note 7, s. 2(d).

¹¹ *War-time Elections Act*, *supra* note 7, s. 2(d).

¹² Duffy, *supra* note 1 at 102.

soldiers voting overseas to vote for a party instead of an individual. They could also choose any riding in Canada to have their vote counted in.¹³ If they did not choose a riding, it would be up to the party they voted for to choose it. The large number of English Canadians serving in Europe who chose this option allowed the governing Unionists to turn a number of close local elections in their favour. With Conservatives and Liberals working together, Canada's first women voters, wholesale denial of voting rights for minorities and government-sanctioned manipulation at the ballot box, 1917 may not have been one of Canada's greatest electoral triumphs by Duffy's criteria, but it is definitely a memorable one.

Duffy can be forgiven for the 1917 oversight because of the ambitiousness of *Fights of Our Lives*. As voter turnout continues to steadily decline, he seeks to remind Canadians that elections remain the centerpiece of their democracy. He achieves this goal with an admirable blend of history, politics, and, although it was probably not his intention, law. By wrapping the campaigns around the personalities who fought them, *Fights of Our Lives* proves Duffy's contention that elections in Canada do indeed matter.

¹³ *Military Voters Act*, *supra* note 8, s. 1.