Book Review: Brian Dickson: A Judge's Journey

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This important book about the life and contributions of Brian Dickson (1916-1998), perhaps Canada’s greatest judge, is valuable not only because it traces that life but because it analyzes one of the most important periods of Canada’s growth to full nationhood. That makes this not just a lawyer’s book, nor simply a biography, but a book of important modern Canadian political history.

And it is a book about a quintessential Canadian. Brian Dickson’s constant search for “halfway houses,” for compromises, for what the authors call a “principled, middle-ground position” is, and I would argue remains, the classic Canadian way.

Sharpe and Roach ably point out Dickson’s natural focus as a justice of the Supreme Court, on which he served from 1973 to 1990, was to search for the middle ground, always ready to set aside his own personal views to arrive at a position that was best for the nation—predicated on respect for others and the embrace of diversity in a land as vast and complex as Canada. As a man of the Prairies—the Great Plains—he understood only too well the alienation felt by Westerners towards central and eastern Canada. But in the end he considered there to be something more important—the acceptance of the essential nature of the rights associated with freedom of individual conscience, a faith in human worth and dignity, and a commitment to a free and democratic system. He rose above his fellow Westerners’ alienation and strove, and asked them to strive, for something more. He asked them to look at things from the perspective of the disadvantaged—to walk in that other person’s shoes.

This put him in conflict with many of his fellow Westerners—not so much those in the western provinces’ increasingly cosmopolitan and diverse cities, but those in the rural West for whom change, especially involving social values, was particularly hard to take. As Sharpe and Roach effectively point out, he anguished over the impact his decisions had on social conservatives, but thought that, like him, they should not be able to have their views prevail over others who did not share them, no matter how strongly those views were held. This live-and-let-live approach was formed by his life experience as a child growing up on the Prairies, in the armed forces during wartime, and as a lawyer and community leader. In fact, to Dickson, tolerance was insufficient—“differences had to be accepted, not merely tolerated.” In a diverse country “every individual had the right to be fully accepted.”

As a judge, Brian Dickson was an incrementalist, not a radical. Indeed, Sharpe and Roach effectively trace his growth as a judge from his earliest days on the bench onwards, showing that part of Dickson’s greatness was born in him and part was acquired through careful observation and analysis and by dint of hard work.

So this good and useful book takes the reader on a tour of what is unique about Canada through the life of one of its greatest citizens. It does so in a readable and comprehensive manner, highlighting Dickson’s many fine and significant contributions to a wide range of typically Canadian challenges. Women, Native peoples, federal-provincial-territorial relations, language rights, prisoners, workers—equality rights in general—all were touched in a positive, progressive, and lasting way by Dickson. More than anything, the book shows how a great Plainsman, Chief Justice Brian Dickson, had such a major impact on Canada.

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