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Book Review: Arming and Disarming: A History of Gun Control in Canada by R. Blake Brown (2013)

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Arming and Disarming A History of Gun Control in Canada

By R. Blake Brown

(Toronto: University of Toronto Press and the Osgoode Society for Canadian Legal History, 2012)

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Good legal history softens the present. It makes the political and legal world in which we find ourselves seem more contingent, less inevitable. Equipped with good legal history, current reactions to social problems find their place at just one moment — albeit our moment, and therefore uniquely interesting to us — in the flow of larger patterns of thought, concern, and response. Good legal history sets the present in motion, dislodging it from the sense of solidity that its immediacy falsely suggests. Blake Brown's book, *Arming and Disarming: A History of Gun Control in Canada*, is very good legal history.

When I started reading this year's selection offered at no charge to members of the Osgoode Society for Canadian Legal History (still by far the best bargain in legal scholarship of which I'm aware) it was solely out of curiosity and my appetite for the consistently outstanding volumes that the Osgoode Society produces. Reading this rich and informative volume took on purposefulness and an unwelcome significance after the massacre at Sandy Hook Elementary School. Yet again, as Canadians, we looked south and shook our heads, wondering how our U.S. neighbours had found themselves in such a dire state. Many of us exchanged words of smug incredulity about a constitutional order that would block sensible gun regulation, while

counting our blessings that Canada had not indulged in a gun culture akin to the Americans.

Blake Brown's highly readable and comprehensive study is a tonic for such complacency. It tells the story of the remarkably complicated social, political, and legal relationship that Canadians have had with guns since the country's earliest years. With gun control as the anchor point for the volume, Brown is able to draw out distinctive themes and patterns in the country's political and legal development. The volume is organized chronologically, dividing Canadian history into six periods, beginning pre-Confederation and running up to 2006. Brown provides not only an exhaustive legislative history of gun control, but a strong social history of guns in Canada, and even a history of gun technology that would be appealing to many history buffs. Any careful and strongly documented legal history such as this one must steer that difficult path between the sluggishness of detail and the pace of the larger story, but Brown navigates this well, producing a substantial-feeling text that nevertheless moves along nicely through some key thematic developments.

Arming and Disarming does many things very well. It provides the only comprehensive legal history of gun control in Canada and should be, on that ground alone, essential reading to



anyone working or interested in the contemporary criminal regulation of firearms. Its early chapters on the role of guns in Aboriginal-settler relations are fascinating and introduce an important theme in the book: the role of fear of some "Other" driving gun policy in Canadian legal history, from fear of Aboriginal peoples in the early colonial years, to fear of "Bolsheviks" and foreign nationals in the inter-war years. Brown also shows convincingly the way in which gun control debates were very often stand-ins for debates about the developing nature and strength of the liberal state. For a student of more modern Canadian political history, Brown's final chapters offer a particularly intriguing account of the demise of the Progressive Conservative Party and the rise of the Reform Alliance, an account in which gun control is a central factor in shaping the Parliament that we see today. To my mind, there are, however, three themes of particular note and distinctive interest in *Arming and Disarming*.

A reader picking up this volume might not expect to be opening a book that would shed significant light on Canadian constitutional history, but one of the pleasant surprises that Brown has for us is an intriguing contribution in precisely this area. It seems that, as early as 1845, efforts at gun control were impeded, in part, by a rights-based constitutional argument.

Anachronistic though this may sound when the conventional wisdom is that Canada's constitutional rights culture was inaugurated in 1982, early debates about gun control legislation were conditioned by a "perceived constitutional right of British subjects to possess arms for their own defence" (p. 32). Brown notes that the provenance of this right remained somewhat murky, perhaps traceable to the English *Bill of Rights* of 1689, but what he makes very clear is that strong gun-control legislation was delayed in Canada in part owing to legislators' conviction that such a right had existed in Canada. Brown interestingly traces this argument through a number of periods, noting that this British right drops out of Canadian awareness and rhetoric in 20th century debates. In more contemporary times, the constitutional conversation shifts into the register of the division of powers, culminating in the *Firearms Reference* in 2000, and it would have been edifying to see Brown explore the intergovernmental

R. BLAKE BROWN

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play surrounding firearms in more detail. Nevertheless, Brown makes an interesting contribution to our understanding of constitutional thought in the early life of the country with this insight from the history of gun regulation.

Of course this piece of the story disturbs the settled Canadian wisdom that it is only in the U.S. that constitutional rights have stymied effective gun-control legislation. Complicating the relationship — both real and imagined, geopolitical and cultural — between the U.S. and Canada on issues of guns is the second theme from this volume that I wish to emphasize. He accomplishes this in two ways. First, Brown demonstrates the critical role that the threat of U.S. invasion and expansion played in arming the Canadian citizenry and shaping Canadian gun policy. Second, and related, Brown does a superb job of showing that, for significant parts of the history of the two nations, it was in fact Canada that took the lead in the development of what

we might call a "gun culture," nurturing gun ownership and expertise in more forceful and focussed ways than the United States. This is so despite the fact that as far back as the 1870s, as today, Canadians reproved Americans for being "too fond" (p. 68) of their guns. Indeed, the reader learns that rifle associations were prominent in Canada before they were in ascendancy in the U.S. and that Americans "look[ed] to Canada for assistance in establishing the National Rifle Association" (p. 50). Brown explains that "the early success of the NRA was due to the willingness of Canadian shooters to assist Americans" (p. 50). This is but one way in which *Arming and Disarming* does wonderful work using a legal history of the regulation of this potent cultural artefact to invite Canadian readers to test political self-conceptions.

It is ultimately another cultural theme that is amongst the most evocative in this carefully researched and well-crafted book. Early on, Brown points to the connections running between gun ownership, gun control, and conceptions of masculinity. From one historical period to the next, Brown draws attention to the tethering of gun policy and remarkably durable ideas about a particularly brand masculinity, and that such associations between manhood and the use of weapons run deep. Guns are linked to the ideal of the frontier man, are mixed with class-based and even racial politics, and merge with what Brown evocatively calls "muscular Christianity" (p. 101) in the late 19th and early 20th century. At points in the book, the development of this theme becomes a touch impressionistic, but it plays out powerfully in the final pages of the volume. Having walked a long historical path with Brown, with this theme always somewhere in play, his arrival at the 1989 massacre at the École Polytechnique brings the gendered dimensions of gun regulation to a harrowing climax. It is not just the reflection of that violent expression of a disturbed masculinity that makes this moment in the book and the development of this theme so powerful; Brown convincingly argues that this moment sees the shift from muscular masculinity to women's safety as the defining gender dimension in Canadian gun debates.

Reading Brown's book today, one can't help but feel the lessons of the Montreal massacre merge with more recent memory of Sandy Hook Elementary and disturbing gun violence in Toronto, colouring the current federal government's retreat from gun regulation in direful tones. The book's capacity to inflect one's reading of the present is a testament to the quality of this piece of legal history. *Arming and Disarming* is a rewarding read and a strong contribution to Canadian legal history, offering rich political, constitutional, and cultural insights.

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