## **Charleston School of Law**

## From the SelectedWorks of William G. Merkel

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## R. Blake Brown. Arming and Disarming: A History of Gun Control in Canada.

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and the party leadership in Hanoi hoped that the scheduled 1956 elections would result in the peaceful reunification of Vietnam under communist leadership. In accordance, communist cadres in both the North and South were ordered to suspend armed operations, and Hanoi's energies were directed toward domestic economic development. This "North-first" strategy ran at odds with the more militant faction of the party led by Le Duan, which argued that the armed struggle to liberate the south should continue. However, as Ngo Dinh Diem consolidated his regime in Saigon—with the help of substantial support from the United States-Le Duan and the "South-firsters" appeared to have been proven correct. Thus, between 1957 and 1959, the party reluctantly approved sporadic attacks against Saigon. By the end of the decade, a rising southern insurgency was mounting an ever more dangerous challenge to the regime in Saigon. Between 1960 and 1963, Hanoi faced conflicting pressures as the war in neighboring Laos heated up and the Sino-Soviet split trapped the DRV in the middle of a dispute between its two communist patrons. Meanwhile, the scope of U.S. involvement continued to mount in response to the armed operations of the National Liberation Front (NLF).

The climax of Asselin's account arrives in late 1963 at the party's Central Committee Meeting. Held just after the coup that overthrew the Diem regime in Saigon, the meeting marked a turning point in the war. Under the leadership of Le Duan, the militant faction of the party "staged a coup of their own in Hanoi," purging doves and outlining a strategy for sharp escalation in the war in the south (p. 7). In 1964, the DRV launched a full-scale insurgency against South Vietnam in an effort to topple the regime in Saigon before U.S. forces could fully-respond. However, this general offensive-and the 1964 Gulf of Tonkin Incident in particular—provoked a full-scale response from Washington. Hence, far from being an innocent victim, Hanoi was deeply implicated in the process that led to the Americanization of the conflict in Vietnam. Taking a step back, Asselin argues that Vietnam served as a "crucible of the global Cold War": the DRV sat at the juncture of the superpower struggle, the Sino-Soviet split, and the global process of decolonization (p. 4). At the same time, the war in Vietnam came to represent one of the leading wars of national liberation in the post-1945 era, which did so much to shape the politics of Third World-internationalism.

Hanoi's Road to the Vietnam War is a sophisticated treatment of a complex story that has too often been overlooked by historians of the conflict. By returning the DRV to its rightful place as a dynamic agent in the making of the Vietnam War, the book advocates for a more nuanced understanding of the origins of the conflict. Asselin has written a work that is sure to become necessary reading for historians of modern Vietnam and the Vietnam War and deserves an audience in the wider field of international history.

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## CANADA AND THE UNITED STATES

R. BLAKE BROWN. Arming and Disarming: A History of Gun Control in Canada. Buffalo, N.Y.: University of Toronto Press, for the Osgoode Society for Canadian Legal History. 2012. Pp. xvi, 349. \$70.00.

R. Blake Brown has produced a sweeping, thorough, insightful, and well-documented account of gun control in Canada, from the first European contact until repeal of the Firearms Registry by the coming into force of Bill C-19 in 2012. Brown's legal history is neither dry nor technocratic. Instead, the author explores the political, social, economic, and cultural context of lawmaking, law enforcement, and law avoidance bearing on gun possession, registration, and use to produce an eminently readable survey and synthesis that purports to be the first comprehensive account of the history of gun regulation in Canadian law and culture. As such, Brown's book should prove useful and provocative for students and scholars of Canadian and comparative law, society, and politics.

Brown has a great gift for exploring and contextualizing social movements and social tensions, and it is analysis of these cultural forces behind the legislative process rather than a parliamentary insider's perspective that drives his narrative. Three powerful leitmotivs surface repeatedly in Brown's three-centuries-long story: the crafting of Canadian self-images, fear of outsiders and enemies, and regionalism and federalism. Each of these recurring themes in turn manifests itself on both sides of the arming and disarming ledger. Thus, social and political leaders have at times endorsed both the arming of respectable (Anglophone) Canadians (for instance, in defense of British imperialism or as a hedge against U.S. aggression) and the disarming of those perceived as threatening (for example, Native peoples, Fenians, German sympathizers, Communists). And at least from the late nineteenth century onward, urban elites in Montreal and Toronto have tended to take very different views of guns from those that predominated among Native peoples, rural westerners, and, to a lesser degree, residents of the Maritimes. Meanwhile, for much of the twentieth century, these same elites also took very different views of handguns (not desirable in the hands of persons other than the police) and rifles (generally safe enough, at least in the hands of genteel hunters and target shooters).

As well-as-crafting an overarching, thematic historical synthesis, Brown focuses on particular pivotal events with rich detail and insight. For example, his exploration of the Montreal Massacre of 1989, in which Marc Lépine, a deranged twenty-five-year-old male, used a semi-automatic U.S.-made weapon to kill ten women and injure fourteen other people at the École Polytechnique in a calculated attack against "feminism" (pp. 203–210), serves deftly as a segue to a textured account of the interplay between the movement for gender equality, the reification of the modern regulatory state, and the transformation of the Canadian party system in the election of 1993 that culminated in the passage of

the 1995 Firearms Act, pushed hard by the governing Liberal Party and Prime Minister Jean Chrétien. One identity-based impetus to the passage of the Firearms Act was the widespread Canadian sense that, in the words of a well-known television advertisement for Molson beer at the time, Canadians are not Americans, with one of the principal defining distinctions being the perception that attitudes toward gun regulation in Canada are mostly rational, while those south of the border are in general dangerous and disjointed.

There is no little irony, then, that the social movement in favor of gun rights that ultimately succeeded in pressuring Parliament to repeal the long-gun registryprobably the most ambitious facet of the gun control program implemented in the 1995 Firearms Act—has so much in common with Ronald Reagan's America. As tellingly described by Brown, the movement crystallized to fight 1970s gun control measures and then reanimated in the 1990s to resist implementation of the 1995 act, and in particular the registry. Drawing strength especially from the western provinces, Canadian gun rights activists intoned messages about self-reliance, the dangers and inefficiencies of overbearing bureaucracy, and threats posed by criminal elements to channel popular support among white, rural, working-class men for a robust, libertarian right to weapons possession free of undue (or any) governmental interference (pp. 221-233). Slogans such as "When guns are outlawed, only outlaws will have guns" and "Guns don't kill people; people kill people" came directly from the National Rifle Association in the U.S.; so too, perhaps, did organizational know-how and even funding (pp. 175-188). In marked contrast to the situation in the United States, however, Canada's clashes over gun control have played themselves out at the parliamentary and ministerial level, with the Canadian Supreme Court declining invitations to find either a federalism or Charter of Rights and Freedoms basis for limiting legislative authority over firearms (pp. 226-229). In that respect, at least, vestiges of old-style Westminster-model legislative supremacy endure, even absent invocation of Section 33 of the charter, to cast Canadian and U.S. constitutional cultures and gun rights debates in sharp contrast.

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Jan Noel. Along a River: The First French-Canadian Women. Buffalo, N.Y.: University of Toronto Press. 2013. Pp. 337. Cloth \$70.00, paper \$32.95.

It can be a challenge to surmount the image of nineteenth-century women as cosseted, corseted, and confined. When Jan Noel confronted the women of the seventeenth and eighteenth centuries in Great Britain, France, Canada, and the American colonies, she found that while these women did not enjoy equality with men, they were much less confined by a concept of their proper sphere than were their female descendants. They participated in business, property management, and the direction of social institutions. In France and in New France, the particular subject of this book, they enjoyed great civil and property rights within the *ancien régime* system of clientage politics.

It goes without saying that a fur-trade outpost would never have become a settlement colony without women. In the case of Canada, single women sent out by the crown, les filles du roi, played a fundamental role. Some outstanding women who migrated to Canada in the seventeenth century were financially supported by powerful grandes dames in France. Marie de l'Incarnation, founder of the Canadian Ursulines; Jeanne Mance, cofounder of Montréal; Marguerite Bourgeoys, founder of the Sisters of the Congregation; and many hospital nuns established much of the infrastructure of New France. Further, Noel introduces us to women who were active in the import/export and fur trades, the running of sealing stations, a weaving establishment and sawmills, the supply of lumber and foodstuffs to crown enterprises, the building of small ships, and more. Such business opportunities would become closed to women as ancien régime ways faded. This was as late as 1840 in French Canada, much later than in more "advanced" societies.

Noel does an outstanding job of placing women in the context of familial fur-trade enterprises and within noble military families, which were themselves enterprises spanning the generations. In both cases, husbands, sons, and brothers were at the colonial periphery, either trading for furs or fighting the enemies of New France or both. A wife with power of attorney could look after the Montréal or Quebec City end of a business and maintain useful connections with influential government officials in Canada and France. The key to trust was family connection, which trumped gender.

In such a setting, widows and even single women thrived as businesspersons, estate managers, and lob-byists. Noel provides an example from 1716 of women who were among the signatories of a merchant petition. The social recognition inherent in their inclusion in such a select group is well worth noting. An example of a very successful woman in business is Marguerite Bouat, daughter of a Canadian innkeeper. She married Antoine Pascaud, a French merchant in Canada, in 1697 and as a widow came to run the significant La Rochelle business Veuve Pascaud et fils.

While lobbying the high and mighty was not exclusively the domain of Canadian military and noble families, it was especially vital to them. Frequently, it was women who drew the attention of the governor, the intendant, or the minister himself to the merits of male relatives, who were either under arms or ardent for military placement. The prime example is Louise-Elizabeth de Joybert, the Acadian-born daughter of a Canadian mother who became the wife of Governor Philippe de Rigaud de Vaudreuil. She spent much of her life at Versailles, where she represented the interests of her husband and family, proving herself to be an adept at clientage politics.

The many illuminating examples of female endeavor