

REVIEW

The Heiress vs. The Establishment: Mrs. Campbell's Campaign for Legal Justice

C . H . C . E D W A R D S *

The Heiress vs. The Establishment: Mrs. Campbell's Campaign for Justice, by Constance Backhouse & Nancy L. Backhouse (Vancouver: UBC Press, 2004), 313pp.

T*he Heiress vs. The Establishment* is really a book within a book. The original volume, entitled *Where Angels Fear to Tread*, was written by Mrs. Elizabeth Bethune Campbell in 1935 and published by her in 1940. It is a story of the first woman who represented herself in 1930 and won before the Judicial Committee of the Privy Council, which was then the final Court of Appeal for Canada. This of itself is quite rightly Mrs. Campbell's claim to fame, but the story she tells of her years fighting the Ontario legal establishment is what is truly fascinating and enthralling. This reviewer, like those who were responsible for this publication, found it hard to put the book down once he had begun to read it.

The sisters Constance and Nancy Backhouse, one a law professor and the other an Ontario Superior Court of Justice judge, are careful in the concise but factual introduction to leave it to the reader to make his or her own assessment of Mrs. Campbell's story before going on to write their own well researched and very insightful epilogue.

I would recommend this book as required reading to any law student for several reasons. First of all, it gives remarkable insight into the minds and workings of the Ontario legal establishment from the turn of the nineteenth century to the end of World War II. We see a body of men—and they were all men—who were a close knit community that believed in their own integrity and that their vision had to be protected against all outsiders. This bond of self-protection extended to both the bar and bench in the province. Secondly, Mrs.

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Campbell is very clear in her belief that in the province at that time, for an outsider like herself—though she was really not an outsider except as to her gender—justice could only be obtained outside the province by appeal to the Privy Council in London. Too many of us regard the survival of this court as the final Court of Appeal for Canada for so long as an anachronism. This reviewer has come to see that it probably did fulfil a very useful role in the years when Canada was still emerging into full nationhood. Thirdly, the book gives a good description of the workings of the Privy Council as a final Court of Appeal for the millions of people who made up the old British Empire.

Although one has a great admiration for Mrs. Campbell and is kept, throughout the story, in some degree of suspense and anticipation through her struggles for justice, it is in the end hard to assess the character of this remarkable and complex woman. The present authors do an excellent job endeavouring to focus the reader's attention on all facets of this indomitable litigator but in the end they leave it to each reader to make his or her own judgment, aided by the thorough research of her life.

In an effort to be balanced and objective in this regard, this reviewer felt that the long years spent in litigation left Mrs. Campbell so involved in her case that in the end she became consumed with her quest for justice, at the cost of her personal life and possibly her family. She obtained very little financial redress from her victory in the Privy Council but her vindication by that body gave her such an undying respect that she dedicated her book to that court.

Where Angels Fear to Tread is a fascinating book about a truly remarkable woman which gives the reader a new insight into a highly respected legal establishment that appears to have "feet of clay". The excellent introduction and epilogue by the Backhouses in *The Heiress vs. The Establishment* helps to revive this old book in a way to make it refreshing and enlightening reading for the 21st century.