

Foreword

It is an honour and pleasure to be invited to contribute a foreword to this notable collection of essays. That Wes Pue deserves recognition for his outstanding scholarship is without question. This book amply manifests Wes's considerable stature as an academic lawyer and his substantial and enduring contributions to the study and development of law-and-society style legal history. It also affords us an opportunity to reflect on what he has achieved.

In his work, Wes has developed a distinctive, wide-ranging, and subtle cultural approach that places centre stage the role and significance of law, the legal profession, and law schools in shaping, transmitting, and normalizing our assumptions regarding ethnicity, masculinity, class, progress, and colonization. He makes a strong case for seeing law and legal professionalism and education as a means of representing and thus helping to create professional, national, religious, ethnic, and cultural identities. Following those commentators who accord a central place to law in the colonizing process, Wes argues that law, legal education, and the socialization of lawyers seek nothing less than the transformation of souls. For him, legal institutions, practices, and thought are often best understood not simply as instrumental to some set of guild interests, economic self-interest, or even societal change but also as factors that promote and protect images of identity. By examining the legal profession and legal education in their political and, especially, cultural contexts, Wes identifies important questions concerning societal governance.

Wes depicts Canadian lawyers as energetic purveyors of historical myth, building worlds out of words. He identifies key historical errors in a professional apologetics founded on history. Acknowledging the mythic dimensions inherent in the use of history, he seeks to lay the foundations for what he terms "better myth." In these and other ways, he enhances our understanding of the use of history by the legal community.

That his essays are consistently insightful and adroit is also evidenced in the detailed attention he lavishes on the margins of, and the marginalized in, society. As perhaps befits one who spent his formative career living and teaching in the periphery of the United States and Canada, Wes is passionate about the significance of this periphery – from Canada as a mere dominion within the British Empire and the prairie west of Canada, to Queen's College (Birmingham, UK) and Nigeria – and the ways by which they might illuminate the centre. He has sought to show, for example, that lawyers west of Ontario, notably in Manitoba, spearheaded the movement that created modern legal professionalism and education in Canada. It seems likely that this has been much overlooked because it took place in Winnipeg, not Toronto, and during a period (the early decades of the twentieth century) before there was much focus on these matters in Canada. Wes charts Manitoba's effort to adopt the Socratic method and the casebook, sustained by British and American influences but underpinned by the particularities of Canada. More generally, he challenges assumptions by uncovering a neglected or suppressed voice.

His admirable penchant for de-centring extends to those within the legal professional firmament treated as “outsiders” and “folk devils.” His series of essays investigating English barristers who sought to reform English legal education and legal institutions, and who were demonized for doing so, was a first in the modern literature. This work proved revelatory: it has become an important benchmark and role model for other scholars, and remains the most extensive and important set of case studies of its kind. Similarly, his discussion of lawyers and political liberalism in eighteenth- and nineteenth century England problematizes the conventional dualisms that have traditionally separated the English Bar from its Parisian cousin. Wes argues that English barristers, like their counterparts in other countries, were frequently drawn to political action. Although English barristers were less activist than the Parisian bar, neither the political quiescence of barristers nor their supposed conservatism should be overstated. Others topics rescued from the condescension of “winner’s history” include attempts at legal, professional, and educational reform that failed and paths that were not taken. Wes analyzes the earliest attempts to implement the recommendations of the 1846 Select Committee on Legal Education, and the difficulties encountered by Queen’s College and Manitoba in seeking to provide a legal education that transcended mere vocationalism. And in a telling essay, the exclusion of an individual from the legal profession in British Columbia solely because he was a communist provides a striking case study that advances our understanding of professional autonomy and its sensitivity to locale and period.

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As will be evident from my wave-of-the wand treatment of this book, Wes took care to frame his research in a way that was sensitive to the local and the international before this perspective became more widely adopted. The material that he has brought together on legal education and the legal profession in Canada and Britain is unique. It sheds new light on the commonalities, similarities, and the differences that characterized both sides of the Atlantic, while registering their entangled histories. The same is true of his scholarship on Canadian lawyers in the context of the history of the imperial profession – and of Canada as a British dominion – and its impact on the history of the Canadian legal profession. Although too few people outside Canada pay attention to Canada, Wes demonstrates why they should.

Originally appearing in assorted and sometimes obscure publications, these essays have been revised to produce what I believe is a revelatory work that will become a milestone in the study of legal history and the interplay between law and society. Like most cutting-edge scholarship, it raises as many questions as it answers, but in so doing it successfully highlights important themes and issues for future scholarship to consider and assess.

It is remarkable to realize that the essays in this book are but a relatively small proportion of Wes’s published output, and that he has devoted much of his professional life to building institutions and creating the conditions in which scholarship can flourish. Besides being an exceptional scholar, Wes is also an outstanding academic leader, institution builder, and initiator of national

and transnational scholarly associations and networks. He founded and is the general editor of the UBC Press Law and Society series (with more than ninety books published since 2001). He has served on national and international bodies, including the American Society for Legal History, the North American Association for Australia and New Zealand Studies, and, as president for two terms, the Canadian Law and Society Association. He has been a leading light in the International Working Group on Comparative Legal Professions – the principal international body in the field – including establishing and co-chairing subgroups on the “Cultural History of the Legal Professions” and “Lawyers and Imperialism.” He has played a prominent role in creating an international network of scholars on the rule of law and lawyers in British colonial and postcolonial nations, and in organizing conferences and publications that have brought together scholars from Africa, Asia, Australia, Canada, Europe, New Zealand, and the United States. He has been a leader in mentorship and program innovation (including initiating new courses and degree programs, such as the first internationally developed and taught World Wide Web–based law course, “Legal History: Law, State and Society in Canada and Australia,” with colleagues in Canada and Australia) and an indefatigable university administrator (most recently Provost and Vice Principal, University of British Columbia, Okanagan Campus; Vice-Provost and Associate Vice President, Academic, University of British Columbia; and Associate Dean for Graduate Studies and Research, Faculty of Law, University of British Columbia). Above all, perhaps, he has touched an astonishing number of lives as a teacher, colleague, mentor, and friend.

This makes the quality and breadth of Wes’s scholarship all the more remarkable. It testifies to his selfless public-spiritedness and his strong commitment to public education, to broadening and deepening legal scholarship and education, and to bringing people together across national and allied boundaries. Hence, the publication of this book is an occasion to mark Wes’s outstanding contributions across a wide range of roles, and to acknowledge his commitment to the values of collegiality, constructive critique, interdisciplinarity, openmindedness, international dialogue, and transnational perspectives. I am truly privileged to have known Wes as a colleague and friend for over thirty years.

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