JOHN REILLY, *BAD MEDICINE: A JUDGE'S STRUGGLE FOR JUSTICE IN A FIRST NATIONS COMMUNITY* (SURREY, B.C.: ROCKY MOUNTAIN BOOKS, 2010)

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Judge John Reilly's new book, *Bad Medicine*, is not by conventional standards an academic monograph. In fact, Reilly makes no pretence towards his book being a scholarly one, and this is possibly one of its greatest strengths. He has a message to deliver, not just for academics and policy makers, but for Canada and possibly the world at large. He disavows the often mysterious and arcane jargon that academia insists must be correct in order to make his message accessible to anyone who may venture to read it, from the most educated to the least educated.

That message is how the Canadian legal system is just not working for Aboriginal peoples in Canada, and in fact only makes things worse. A focal point of this message is how the usual formula of "law and order" and 'send "em to jail" just does not work for Aboriginal crime, and for crime in general. The whole premise of incarceration is to dissuade people from crime by the threat of punishment as a consequence for committing prohibited acts. The fundamental flaw in this premise, as Reilly well demonstrates, is that many Aboriginal peoples live in extremely horrid personal and social circumstances that easily overpower any hypothetical fear that the criminal law is designed to instil.

But it is not just the criminal justice system. It is the whole legal and political framework in Canada as well, as applied, misapplied, or not applied to Aboriginal peoples. The imposition of certain laws and political structures, like the *Indian Act*, and its attendant band and council system are very much a part of the problem. According to Reilly, this system breeds corruption, dependency, and exploitation of Aboriginal peoples as much as any other oppressive force. A focal point of this criticism is the late Reverend John Snow, former chief of the Stoney people, whom Reilly is adamantly convinced tried to establish himself and his children as a dictatorial dynasty over the Stoney. Of course, Canadian officials do not get to walk away blameless either, since Reilly also accuses them of the time-honoured practice of passing the jurisdictional buck whenever there was a troublesome Aboriginal complaint that called into question the legitimacy of the whole framework.

Reilly offers an intensely personal and compelling account of both past events and the present situation as he sees it. This is part of what I mean when I say he makes no pretence at making this a scholarly work. His work is part social commentary, part political indictment, and part biography. As such, his work is written with an intensely personal style where nobody is spared if there is anything worthy of criticism, not even himself. He is incredibly candid when he describes himself as having been part of the problem, a self-proclaimed right-wing bigoted judge who sentenced many Aboriginal persons to jail because it was what they brought on themselves, it was what the law demanded, and he gave no thought to rocking the boat called the legal system. It took a little longer than overnight to come to different realizations, by his own admission.

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Such honesty is admittedly refreshing. This honesty can be both a strength and a weakness as featured in his writing. One way in which his decidedly personal approach is a strength is that there is no mistaking what he is saying, and where he is coming from. He writes in a clear and brutally honest style so that anybody with a modicum of reading skill cannot mistake his intentions and the message he is trying to convey. In this respect, his mission of accessibility succeeds.

He also shrewdly points out a paradox with the system of today. Reilly still sits as a supernumerary judge, so some people may raise their eyebrows when he makes strong, sweeping, and dare I say political charged, statements in his writing. This can, after all, raise questions about judicial impartiality in an office he still occupies, albeit in reduced capacity. He himself is alive to this, but it only gives him a little more fuel for his fire. The legal and political system places premiums on things like propriety, impartiality, objectivity, and waiting until a complaint is formally established through legal process before the accused can truly be condemned for his or her actions. These features of the system, however, can be exploited to insert so many obstacles in the way of those trying to bring the truth to the light of day. Reilly thus explicitly tells us that, even as he is aware of the constraints that he may be expected to observe, he is going to throw caution to the winds and tell the truth as he sees it. Making sure that people know the truth is more important than his own personal comfort, a lesson he says he learned when he first ordered the Crown to investigate social conditions and allegations of political corruption on the Stoney Reserve over a decade ago.

His intensely personal voice can be both a source of strength, and a source of weakness. There may be instances where adopting a detached scholarly voice would have better served his credibility. Reilly was initially guarded in assessing blame on Chief Snow when he first released his judgment ordering the investigation during a case involving domestic violence by a man named Ernst Hunter. Reilly at this point was aware that the allegations against Chief Snow had the potential to be false, and acknowledged this during his judgment. In the book, however, Reilly makes himself crystal clear that he honestly believes all of the allegations to be 100% true, and indicates that many members of the Stoney nation also believed them to be true. He even goes so far as to call Chief Snow the “most evil man” among the Stoney he has ever met; strong language indeed. There is however another side of the story that Reilly acknowledges only briefly, and in my view inadequately. Chief Snow is, and remains a quite popular former chief among the Stoney. He is still remembered for having resisted the White Paper proposed by Trudeau’s government, for having helped secure a significant land base for the Stoney, for repeated instances of personal generosity towards his fellow Stoney, among other things. Snow’s supporters have also alleged that Snow inherited a massive debt from his predecessor, and was doing the best he could to turn things around when he came back to power. When it is all said and done, the verdict is still out for me on whether Chief Snow is truly what Reilly says he is, and that is partly because Reilly does make a powerful case for substantiating the allegations against Snow. If all of the allegations are true, then Chief Snow was indeed the epitome of what is wrong with giving self-serving Aboriginal elites all the powers and money they need to serve their own self-interest at the expense of their people, and how the current framework fails Aboriginal people miserably. But Reilly barely if at all presents the other side of the story, and in my view it weakens his credibility to some degree.

Reilly, to his credit, is not content to simply describe the problem but also strives to engage in an earnest search for solutions. These include instituting financial accountability mechanisms for Aboriginal peoples overseen by the federal government, revamping Aboriginal education, economic development for Aboriginal peoples, and allocating electoral districts in both Parliament and the provincial legislatures specifically for Aboriginal peoples. Reilly seems content to put these out there as hopeful solutions, but also makes little to no effort to engage in any rigorous analysis of their viability. Any serious proposal has to be accompanied by an earnest effort to analyze its efficacy, and whether it will actually help solve the problem. Efficacy aside, Reilly's book would need to engage with real concerns about whether his solutions would be acceptable to Aboriginal peoples themselves. For example, his financial accountability proposal will readily meet with cries of paternalism and colonialism through bureaucracy. The proposal for greater electoral representation would meet with opposition from some Aboriginal circles that it simply represents overlaying a different kind of colonial structure on Aboriginal communities that used to have their own political systems. Economic development, while ostensibly meant to further the material good of Aboriginal peoples, will engage well known tensions between those Aboriginals who want access to the available benefits and those who believe that economic development often contemplates actions that both violate the natural world and traditional values. Several of the proposals that Reilly makes engage issues that are fundamentally contentious and divisive within Aboriginal communities themselves, and involve a tension between a real desire to preserve Aboriginal cultural values and yet somehow survive in a much changed world. There is however no effort to examine this reality in any depth. Perhaps Reilly simply wanted to put the suggestions out there for food of thought, and that is fair enough, at least for the time being.

Overall I can recommend Reilly's book, notwithstanding some of its problems. It does have an important message that needs to be heard, not just by Aboriginal peoples, but by the rest of Canada and its leaders as well.