

PILARCZYK, PAMPHLETT, + YOUNG, EDS,  
LAW, LIFE, AND THE TRAVELS OF LEARN HISTORY,  
ESSAYS IN HONOR OF C. BLAINE BAKER  
(MILWAUQUEE: UNIV. PRESS, 2021) 7-35

I

## Blaine Baker, a Tribute

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This volume of fourteen essays – nearly a baker’s dozen – represents the efforts of friends and colleagues to both situate and salute Blaine Baker’s life and work. All our contributors were touched by Blaine in some way significant to them: inspired by his teaching, influenced by his scholarship, and stimulated by his generous collegiality. We are grateful that we were all able to meet, in person and virtually, at the University of Toronto in December 2019 – a luxury that was soon to seem foreign as the global pandemic burned its way through all of our lives. If the pandemic has taught us anything it is surely the importance of valuing our relationships. Blaine stirred something resonant in all of us, as this volume demonstrates.

I have no more insight into Blaine, the person or the professor, than others in his circle. Through the vicissitudes of life, I am but one person attempting to delineate who Blaine was. That there is at least a hint of futility to this scarcely needs to be mentioned, as Blaine was a consummate study in contrasts united by his ability to be an enigma to everyone who thought they knew him – because if one thing stands out from the conversations and interviews we had about Blaine, no one really did. It was entirely at Blaine’s design that he was to everyone the same, and to everyone different. As one old friend succinctly put it at his memorial in Muskoka:

[I]t occurred to me that many of us have probably built, in our own minds, slightly different, maybe markedly different composites of Blaine – each with its own validity yet somehow incomplete. It is like the old task of trying to describe an elephant by grabbing its leg – you’re going to be partially correct, but not entirely.<sup>1</sup>

This metaphor strikes me as an apt one indeed, not only because I struggled about whether to allude to the elephant in the room in discussing his life (more on that later). Candidly, I admit to unease about whether Blaine would have welcomed the attempt, even while I am equally sure that Blaine would have been supremely gratified by this *Gedenkschrift*.

I first met Blaine a year after my entrance into the Institute of Comparative Law at McGill in 1995, fresh (or rather exhausted) from having completed my JD and passing the Massachusetts bar exam. Blaine was on leave that year, but I understood from my supervisor Professor Shauna Van Praagh that Blaine was aware of my project and would be delighted to be involved upon his return. The archival research was mind-numbing, desolate, and wonderful – hour after hour entombed in the windowless room that then housed the archives for the Judicial District of Montreal, pouring over moldy documents and reconstructing and analyzing the results. It was the type of solitary and diligent undertaking that Blaine appreciated, and he took an equal delight in my unexpected discoveries as I did. Blaine proved to be a rigorous surrogate supervisor, reading everything with great diligence, providing potential secondary sources, and scribbling liberally in red pen, so much so that at times I quite lost sight of the underlying text. Occasionally he would add an encouraging statement such as “you should explore this more” or “this seems to be an important point” but it was clear that he did not impress easily. Once completed, however, he urged me to publish the thesis, which I did while conducting my DCL studies under his supervision from January 1998 to June 2003 with a one year interregnum in 2001–2002.<sup>2</sup>

If it was my place to remonstrate with Blaine about his unannounced absence (at least to me) during a sensitive time in my dissertation process, it did not occur to me; and like other events in his life it was never discussed. Blaine disappeared and reappeared without a word, and Nicholas Kasirer filled in during his absence. My relationship with Blaine shifted for reasons I never fully understood, even as I recall vividly the moment it did. After the defence was concluded, but I had not yet moved away from Montreal, Blaine called one evening. When I addressed him in the usual manner, he said, “You can call me Blaine – it’s a perfectly acceptable Christian name” – which was as unambiguous as it was awkward. I gather, in hindsight, that Blaine had decided that now that I had entered the Academy we were friends. As others have pointed out, you did not choose Blaine as a friend; he chose you.

Blaine and I stayed in touch regularly and we shared discussions of politics, academia, and the vagaries of life (the latter nearly entirely on my end). Even though I knew there had been some parallels in a few areas of our lives, and Blaine had every opportunity over the years to mention how his experiences had been similar, he never really did, nor did I ever press him. It was always clear with Blaine that the personal was off-limits. He seemed to particularly enjoy speaking while I was in the Adirondacks and he was in Muskoka, as it gave him the opportunity to compare our respective cabin-country experiences. In the main, however, I spent twenty years anticipating a reciprocity which, except for a handful of guarded moments, never really happened. This reserve did not make me admire or like him any less, to which I am sure many of his friends can relate. His droll sense of humour and trenchant observations on politics and seemingly any topic made him an engaging conversationalist, and to amuse him resulted in a very gratifying, explosive guffaw. Conversations focused at least in part on academic projects I was pursuing, and he was unfailingly generous with time and thought on sources to consult, avenues to explore, and appropriate journals in which to publish. It bears mentioning that he wrote and commented on drafts, often multiple drafts, of every piece I published from 2001 onwards (sadly, with the exception of this one). They all benefited immensely from his discerning eye, and for that I am grateful.

I do not really know what Blaine gained from my friendship, or what it was that he needed. Only once do I recall feeling pity for Blaine when I saw him at his most vulnerable, albeit at a distance. I knew then, as I do now, that he would have found that sentiment most unwelcome. Phoning him while he was homebound in Toronto following hospitalization from a heart attack, his voice sounded wappy, his enunciation fuzzy. By happenstance it came out that he was subsisting on canned pineapple and other miscellany in his cupboard. The only thing I could think to do was to hire a meal-delivery service. Blaine called me soon after the meals began arriving and discussed at unusual length and in laudatory terms the efficiency of the delivery service as well as the variety of the meals. He was clearly very thankful, and also nonplussed. At one point he asked, “but why did you do this?” I replied “that’s what friends do.” He was silent for an unnaturally long time, and then said something to the effect of “well, thank you for this. You are very kind” before segueing to another topic. He mentioned the nurse who came on a regular basis

to take blood samples but otherwise had no visitors. In short order a circle of friends, including a fellow editor of this volume, took turns ordering meals for him until Blaine had recovered. In this foreshadowing of the Covid pandemic and our sense of collective isolation also resides an allegory that illustrates several disparate aspects of Blaine's life and personality: the emotional and physical seclusion, the averseness to being vulnerable, the outsider-looking-in aspect of much of his life, and yet also the abiding warmth that he engendered in so many. Blaine could not ask for help even had it occurred to him; but he was sometimes much in need of it, and all of us would have helped him more if we could. For all his generosity of spirit, his omnipresent concern for others and inexhaustible desire to be helpful, he asked for nothing in return.

The main purpose of this introduction is not to provide a comprehensive biography of Blaine, even were that possible. Rather, it is to trace some of the contours of his academic life, using our essays as lodestones. Let us begin with his obituary:

PROFESSOR EMERITUS GEORGE BLAINE BAKER

JUNE 9, 1952–JULY 11, 2018

Blaine passed away at 66 years. Predeceased by his father, George Grant Baker QC, his mother, Muriel Isabel Baker, and his brother, Eric William Baker. He is survived by his sister, Jill Elizabeth Baker. A private family service is being held. Blaine was a professor of law at McGill University for 28 years. During his time there, he served as Associate Dean (academic) from 1999 to 2001, and Associate Dean (graduate studies) from 1997 to 1999. A beloved teacher, Blaine received several teaching awards. His scholarship as an accomplished legal historian earned him encomiums from various learned academic institutions. Blaine wrote many leading and influential articles and book chapters on Canadian legal history. Professor Baker also taught at the University of Toronto and Osgoode Hall law schools. He was also an accomplished adjudicator with the Ontario License Appeal Tribunal. A commemorative ceremony is planned for Professor Baker on Friday, September 7, 2018 at 2 p.m., Birks Heritage Chapel, McGill University, 3520 University St, Montreal. Contributions to the Professor Blaine Baker Scholarship Fund may be made through McGill University.<sup>1</sup>

Blaine was a brilliant student from an early age. He completed Springfield Elementary and then Erindale Secondary School in Mississauga, Ontario. He was elected president of the student council in his senior year, following a campaign replete with pun-filled slogans such as “Baker Takes the Cake” and “Baker: One Smart Cookie.”<sup>4</sup> Described as a “bit of an odd duck” even then, his sartorial style was already established, and even as his classmates embraced bell-bottoms he gravitated to corduroys and sweater vests.<sup>5</sup> He went on to earn his BA from Huron College in London, Ontario in 1974, where he studied philosophy and appeared on the dean's honour list. He completed an LLB from the University of Western Ontario in 1978, concentrating in commercial law and non-constitutional public law. He again excelled in his studies, and in his 1L year was awarded the Harold G. Fox Education Fund Award for “exceptional promise in law,” and graduated with various other honours including the Dean Ivan Rand Award for “meritorious academic standing over three years together with outstanding contributions to extra-curricular activities.”<sup>6</sup> In 1978 he entered Columbia University's LLM program and specialized in administrative law and Anglo-American legal history. His academic career began by serving as a Bigelow Fellow at the University of Chicago Law School in 1981, with his graduate work providing the foundation for some of his work that followed. In the fall of 1981 he joined McGill University's Faculty of Law which was to prove his academic home for most of his career.

To state that Blaine was a superlative educator hardly does him justice. He taught all subjects with zeal and unfettered enthusiasm, although socio-legal history remained his true passion. He was an assistant professor from 1981–1987, associate professor from 1987–1994, and full professor from 1994–2009, and multiple recipient of the Faculty's teaching award. For nearly thirty years, Blaine's students valued him for his intellectual honesty, encyclopedic depth of knowledge, luminous intellect, kindness, self-effacing humour, generosity, irreverence, and explosive exuberance (and laugh). They recalled fondly his tendency to memorize the names of students by the first day of class, and with significant frequency graduates remembered him as the single best professor they ever had. Notably (even proudly) unconventional he was aptly described by one former student as “both a mad scientist and a favorite uncle.”<sup>7</sup> Some representative examples of student evaluations are immortalized on [ratemyprofessors.com](http://ratemyprofessors.com), of which three will suffice to evidence the depth of respect he was accorded:

I've earned four McGill degrees spanning nineteen long years, and throughout it all, I feel blessed for encountering G. Blaine Baker, the most outstanding professor imaginable. I cannot thank you enough, Professor Baker, your class was far and away the most magnificent and thrilling experience throughout my entire journey at McGill.

Absolutely the finest and (I dare say) most intelligent professor I came across in the faculty. Makes the material clear, coherent, and interesting. Witty, too. Shows more respect for the students than most. A genuine man with a genuine interest in teaching

Amazing breadth of intellect which he is able to dispense with magnanimity and insight.<sup>7</sup>

His classroom delivery was unique, and consequently as difficult to describe as it was recognizable to generations of McGill law students. Jason Mogg, tasked with playing Blaine in *Skit Night* ca. 1987, thus described imitating him:

Dressing as Blaine: brown corduroy pants, white collared shirt (a little rumpled was ok), prep-school tie – not fully tightened up, grey pullover sweater-vest, and, larger than strictly necessary Sorel winter boots (in which one had to shuffle or waddle in a certain very specific manner when moving around). The last two, boots and sweater-vest being particularly important to the zeitgeist, and particularly Blaine [...]. I remember the physical part of the imitation too. In order to imitate Blaine one had to a) stand pigeon-toed in the big boots, right hand in pants pocket [...] b) alternate, in a spasmodic, jerky fashion between staring bashfully at the floor in front of one's feet and pointing the head up as if staring at the ceiling directly overhead; c) the instant before a portion of the upward head jerks, smack one's forehead with the open palm of the left hand; d) when the head is in a 'normal' position and immediately before said jerking head motion, roll one's eyes upward so that only whites of eyes are visible; e) stutter and utter a series of rapid straccato "uh, uh, uh,uh's" and "ah, ah, ah, ah's" followed immediately, and breathlessly, by a few sentences or even paragraphs [...] full of four and five syllable words

strung together in a grammatically correct way, the content of which, once one had taken the time to digest and understand (if you could), was nothing short of remarkable, even stunning.<sup>8</sup>

These moments of dense monologue typically sent students into a paroxysm of frantic scribbling or typing, although some preferred just to listen. It would be fair to say that Blaine's eclectic teaching manner was not for everyone. Some found his oratory opaque and convoluted, the lateral thinking he venerated requiring too many intellectual leaps or simply too much patience to easily follow, his teaching too wedded to the theoretical and conceptual rather than the practical – a not-infrequent criticism of law professors in general, *bien sûr*. But, in the main, students thought highly of him indeed; and years later practitioners still recalled things they learned from him; as one posted on Blaine's tribute page, he was "[o]ne of those professors whose classroom teachings come back to you in day-to-day practice, whistling through the decades, providing the spark for a new angle or approach or research point."<sup>9</sup> Blaine won the Faculty of Law's John W. Durnford Award for Teaching three times, as well as the student-voted version the year before the award was established officially. He was a central figure in the life of the faculty, and even students who had not taken his courses generally knew him, or at least knew of him. His memory of students, eclecticism, engagement in admissions, investment in student learning, and seeming ubiquity at social events gave him a profile that few other professors achieved. Unsurprisingly, therefore, he was a frequent focus of inclusion in the Faculty's fabled annual "Skit Nite." Found amongst his papers were the lyrics of one such occasion, immortalized in *Skit Nite* ca. 1990 – "the very model of a legal academian."<sup>10</sup> Years after the fact, alumni recounted his references to "peppercorn consideration" (immortalized in one performance during my LLM studies as "the dance of the peppercorn"), the "camel's nose in the tent," and evocative sayings like "the six most expensive words in the English language: 'it's the principle of the thing.'" His students were routinely struck by his seemingly boundless knowledge, witty banter and *bon mots*, and ability to conjure legal citations and obscure bibliographical references after just a few second's recall.<sup>11</sup> Blaine was also preternaturally accessible and unfailingly generous with his time and attention to students and colleagues alike. Students knew he had an extremely liberal open door policy; and that his office



Figure 1.1 | Plaque with recipients of the John W. Durnford Award for Teaching Excellence.

hours were, to put it mildly, expansive (recalled by Dean Robert Leckey as being in the region of 10 a.m.–10 p.m. on most days) and included weekends.<sup>12</sup> He was frequently found at Thomson House (headquarters of the Postgraduate Students' Society), where he repaired after lunches at the Faculty Club; and he was a fixture at the Faculty of Law's Coffee House (which served copious amounts of alcohol but never coffee) rather more than he perhaps should have been.<sup>13</sup> He released a booming "A HA!" or "BRAVO!" when he was amused, gratified by an intellectual epiphany, or felt accolades were deserved. He dispensed advice liberally but never uninvited.

Blaine's pedagogical contributions included over 150 independent study papers he had supervised, numerous theses he oversaw officially and unofficially, and students he encouraged to publish: thirty-three such papers he had fastidiously tracked in his curriculum vitae as of 2008. His intellectual influence shaped and supported many scholars along the way. Blaine pushed students to excel and agonized over his grading – he read each paper or exam several times, and (at least in the absence of grade curves) only awarded one A grade. To be awarded that elusive A or A- from Blaine necessitated not only technical proficiency in the subject, but some level of risk-taking and personal investment in the subject above and beyond topic mastery.<sup>14</sup>

Several of the contributors in this volume were supervised by Blaine or cite him as a mentor. His influence was also manifested in less evident ways; his tenure as Scholar in Residence at the firm of Borden Ladner Gervais (2001–2002), for example, is recalled in the acknowledgments section by the author of *Accountants' Liability in Canada* (2002).<sup>15</sup> He gave freely of his time and talents, serving as a director or editorial board member of, inter alia, the *Canadian Guide to Uniform Legal Citation*, the Canadian Law and Society Association, *Histoire sociale/Social History*, the James McGill Society, the Montreal Bar, and the Wellington (Guelph) Law Association. He was an avid supporter of student activities: the *McGill Law Journal*, surely (for which he served both as official and unofficial faculty supervisor); but also the law school's newspaper *Quid Novi* and other initiatives. He was also supervisor and coach in the 1980s and 90s for the Corporate Securities, Gale, Jessup, Laskin, and Wilson moot court teams and took pride in their numerous successes which he carefully documented in his CV.<sup>16</sup>

While there were areas that were closer to his intellectual heart, his immersion in socio-legal historiography was vast: he was a

voracious consumer of scholarship centred in the UK, the Canadas, and the US; and seemingly no work by any former students could go published without his notice. His provision of bibliographical information to colleagues and graduate students is all the more remarkable when one contemplates that he appears to have done little or none of it through electronic research: he would comb through the table of contents of issues of journals as they came in and the *Index to Canadian Legal Periodical Literature*, delving into articles that interested him, and seemingly committing much of their content to memory. This unquenchable appetite, coupled with a polymath's range of interests, made Blaine a uniquely gifted editor, graduate adviser, and colleague.

Blaine was much committed to academic renewal, to reimagining curricula so as to best capture what he thought was the true complexity of subjects and the nuances and nexuses that frequently went unexplored in traditional classes. He was deeply interested in the formation of legal thought, education, practice, codification, and the related phenomena of formation of legal culture and professionalism. He, along with Rod Macdonald, pushed and pulled boundaries in teaching administrative law and legal process.<sup>17</sup> Blaine's contribution, in the main, was to rethink administrative law as a study of how decision-making power was centralized and applied, from the state and state enterprises all the way down, with human interactions as a locus point for the application of state power. Contracts, then, were a private extension of this, a "government-in-miniature" as he termed it.<sup>18</sup> He was an innovator in teaching Canadian legal history, assuredly; and while he published no scholarship in contracts, he was also a gifted teacher of that field and more widely in the law of obligations (which included extracontractual or what are called in the common law torts, as well as contractual relations). The breadth of his interests can be gleaned by noting that other courses he taught at McGill included: Radical Lawyering; Foundations of Canadian Law; Comparative Modern Legal History; Intellectual and Industrial Property; and Legal Research and Writing. And again, he taught them with great facility. This continued unabated even in his last years; by way of example, he parlayed his experience in arbitration into a course on Ethical Issues in Alternative Dispute Resolution, which he offered at the University of Toronto in 2016. This latter course was, in his words, "a study of the reconciliation of

professional ethics and standards with 'normative and institutional pluralism,' and with the 'pluralized subjects' of those diverse rules and informal sites of justice."<sup>19</sup>

Blaine was also an enthusiastic biographer of others, contributing fourteen biographies to the *Biographical Dictionary of the Common Law* and two to the *Dictionary of Canadian Biography*; and his last work completed was as co-editor and contributor to a collective work on Justice Gerald Le Dain.<sup>20</sup> He co-edited three volumes for the Osgoode Society for Canadian Legal History, and wrote chapters for a half-dozen more; the bibliography we have appended to this volume also details nearly three dozen articles, essays, and reviews. Along the way, he earned many accolades, including publishing awards from the American Society for Legal History, the Canadian Historical Association, the Canadian Law and Society Association, and the Canadian Association of Law Libraries.

One of the oddities of his career is that Blaine showed no affinity for producing book-length monographs, as Brian Young notes.<sup>21</sup> Perhaps writing a book, even a scholarly one, was too transparent and intimate an undertaking for Blaine's comfort. His colleague at the Faculty of Law, Richard Janda, recalled his disdain for writing books, summarized in Blaine's pithy-yet-controversial statement that "you really only have one book in you." What if anything Blaine thought that book might be in his case remains an enthralling point of conjecture.<sup>22</sup> Young notes in his essay the fittingness that Blaine's last work, with Janda, focused on Gerald LeDain; he was very sympathetic about LeDain's accomplishments and struggles, and wrestled during the project with how (and to what extent) to reference LeDain's mental health issues. I had several conversations with him on that topic and he ultimately was of the view that reflecting those issues was essential to an understanding of LeDain's life and career, but he did not reach that conclusion easily. Similarly, our grappling with the question of what to pass over in silence, and what to include in order to contextualize Blaine's life, struck us from the inception of this project.

Notwithstanding his lack of a monograph, Blaine left behind a rich and intriguing historiography that positioned him in the top echelon of Canadian legal historians. His scholarship was not as prolific as some of his colleagues, but his work was of the highest caliber: meticulous research; posing and answering intriguing questions;

and weaving “so elegant a web” in the threads and connections that he constructed and uncovered.<sup>23</sup> He was an ardent and somewhat infamous devotee of voluminous footnotes, seemingly conveying an article’s worth of content through that epistemological vehicle alone.<sup>24</sup> They remain a treasure trove for orienting oneself in the secondary sources on many topics. Perhaps unsurprisingly, he was intellectually most interested in the mid-to-late-nineteenth century, excavating the periods when Ontario lawyers still embraced cosmopolitan legal thinking that included engagement with American, English, and Quebec legal influences and traditions.<sup>25</sup>

Beyond his teaching and scholarship, Blaine also served as law-school administrator. Whether Blaine enjoyed these responsibilities is not obvious, but his dedication to McGill’s students and zeal for the institution is unquestioned. The list of committees at the university and faculty level on which he served is too lengthy to mention; but those he chaired is sufficient to give a sample of the breadth of his contributions: University Copyright Committee (1993–1995); Faculty Graduate Studies Committee (1997–1999); Faculty Library Committee (three non-consecutive terms as chair); Faculty Promotion and Tenure Committee (ditto), and others. He had innumerable other roles in addition to these and others already cited, but Blaine’s service on numerous admissions committees especially deserves to be highlighted, prized as he was for his ability to recognize characteristics and talents not always reflected in the dry metrics of grades and test scores.<sup>26</sup> He became invested in students even before their matriculation, and numerous alumni commented that he remembered biographical details about them years later, even if they were not students in his classes.

When his office was cleared following his death, the files full of notes and copies of letters of recommendation he had written for students – many of whom went on to become partners, jurists, deans, and government ministers – reflected not mere rote comments on students’ aptitude, but carefully crafted and personalized works of art. It is significant that Blaine could say in writing what he would never have dreamed of saying in person; and his fondness for, and understanding of, his students is richly demonstrated in these files. They remain touching tributes to how invested he was in the students he taught over the years. When thanked, his usual response was to simply ask the recipient to “pay it forward” for others in the future.

As mentioned, Blaine was a friend to many, but an open book to none. Nicholas Kasirer, long-time colleague, dean of the Faculty from 2003–2009, and author of the foreword of this volume described him as: “Brilliant. Modest. Alone. A height of charm when he wanted to be. A height of isolation when he didn’t feel like interacting with the world. A great teacher.”<sup>27</sup> Another former student pronounced him “an absolutely singular individual.”<sup>28</sup> Blaine was a man for all seasons but unfailingly reticent about his areas of aptitude, which included hobbies and interests as diverse as antique motorboats and semi-antique cars (always manual), caning chairs, gardening, and rebuilding stone walls and docks, disparate interests put to good use by him in Muskoka.

It has been noted by many that his students were a type of surrogate family, for which he showed a real respect and regard while still keeping all at a distance. To spend time with Blaine was to feel there was some hollow place, a pool of unspoken sadness and longing that tinted his life. Unmarried, a weekly denizen of Via Rail’s sleeper train to Toronto, he was social yet remained consummately on the periphery. While in residence in Toronto or Muskoka, and to a lesser extent in Montreal, he had an active phone tree, with a list of friends whom he called on a regular basis, inevitably by opening the conversation with “Blaine Baker ... what am I disturbing?” This was, perhaps, both a way of feeding his insatiable curiosity about those around him as well as his self-conscious way of ensuring that he was not intruding. His calls ended equally invariably with “is there anything I can do for you?” This valediction was a testament to his unceasing desire to be helpful, but there was also a hint of pathos to that question – underlining as it did Blaine’s deep need for support and to be needed – even as he was incapable of admitting as much. His openings and closings were as genuine as they were immutable, another sign of the social awkwardness he displayed even to those with whom he was most at ease: for Blaine could never be said to truly be at ease.

Indeed, Blaine was to remain forever on the penumbra of the lives of people around him, estranged from close members of his family, sometimes discomfited by others, and often isolated. Whether this was by choice, or whether he simply could not find his place, is unclear. That he was commonly at his most garrulous and charming at events that involved the consumption of alcohol bore witness to his need for social lubricant. Informal meetings with students at

Thomson House, in a haze of cigarette smoke and beer, were a treasured memory for many law students. But drinking could and did exacerbate his contradictions, bringing to the forefront the mercenary, melancholic, and misanthropic side of Blaine. Over the years, old friends receded or withdrew, troubled by the behavior that was painful for them to witness, for while Blaine was notoriously guarded, his fragilities and issues were apparent to those around him. He was, as Brian Young aptly termed, a type of "private open book."<sup>29</sup> What wellspring drove Blaine's demons, however, was never clear.

Some of the ways in which Blaine supported people he cared about also speaks to the whims and eccentricities that he appeared to cultivate. As Angela Fernandez likewise recalls, one of his hallmarks was providing bibliographic information he deemed might be of interest, appearing in one's mailbox unannounced on scraps of legal paper embellished with his distinctive cursive in red ink. Some of Blaine's last batch of suggested sources were to find their way into my essay, sent via post in a plain white envelope that appeared unannounced but inevitably marked across the flap with a  $\neq$  or similar symbol – to ward off tampering? – an archaic and wholly superfluous ritual that I only knew Blaine to do.<sup>30</sup> Despite his pedagogical innovation, he was nonetheless a walking archaism, a vestige from an earlier era. I had often felt that meeting him was as if one's late-Victorian great-grandfather had materialized unexpectedly through a worm-hole. Blaine was prototypically formal and oddly old-fashioned, including an almost Luddite discomfort with email until the last few years of his career and historically reliant on faculty assistants to type his manuscripts. Social media was entirely foreign to him, and popular culture eluded him except as the occasional item of curiosity (viewed as an entomologist might view a peculiar beetle). Blaine conducted his life largely reactive to modernity, and in many ways appeared to be a nineteenth-century gentleman trapped in a twentieth-century body. Blaine was not just passionate about history, he seemed to live it and live in it.

His eccentricities aside, Blaine was never dull and enjoyed a reputation as an engaging conversationalist. Blaine was, as Jim Phillips remarked, "sort of a full-time professor," and more at ease talking to small groups or large audiences than he sometimes was with individuals.<sup>31</sup> He was regarded as at least nominally conservative, and while he may have been slow to embrace cultural and social trends and evolutions, he was fundamentally egalitarian towards those

around him. Notoriously introspective, Blaine was the unofficial chronicler of his family history, and proudly traced his roots back to Virginia Loyalists who fled the American colonies for British North America.<sup>32</sup> Described by one long-time colleague as a sort of "patriotic, family-compact Upper Canadian," Blaine had shades of elitism but his was generally of an intellectual variety rather than snobbery based on class or background.<sup>33</sup> He researched family homesteads, and made regular pilgrimages to place flowers and tend family plots in Orillia.<sup>34</sup> He saw himself as steward of his family's patrimony and property, which included a large tract on Long Bay in Lake Muskoka. Tellingly, he was more comfortable discussing long-deceased relatives than he was living members of his family. While Blaine was in many ways the archetypical anglophone within Quebec sociohistorical circles, somewhat predictably supporting the St Andrew's Society and similar groups, he lived in Montreal's student ghetto for years. Despite it being his main residence, he did not immerse himself in cultural life outside of McGill's Roddick Gates. He read French fluently but was never heard to speak it. To the armchair psychologists among us, it may have betrayed his unwillingness to be vulnerable in the face of not being as erudite a speaker in French as he wished.<sup>35</sup>

While not his alma mater, Blaine was a fervent ambassador of McGill which he saw as a quintessentially Canadian yet global institution. He was most gratified when he saw its Faculty of Law reach for international prominence. He was an enthusiastic proponent of the chronicling of the Faculty of Law's history and contributions to legal education. At the forefront of efforts to mark the Faculty's sesquicentennial, it was at his behest, along with then-dean Stephen Toope and Nicholas Kasirer, that a volume on the history of the Faculty was undertaken and with my nomination as author.<sup>36</sup> Of particular interest to Blaine were the stories I unearthed of all-but-forgotten visionaries such as Robert Warden Lee who became dean in 1915 until his departure for Oxford in 1921. Blaine was resolute that Lee should be recognized for his progressive views on legal instruction, which included introducing the LLB degree in addition to the BCL, a forerunner of McGill's renowned dual degree National Programme by some fifty years. This was not to last, as the LLB experiment met with opposition from the Quebec bar and was discontinued in 1924. While it may be tempting to see Blaine as the archetypal common law professor, wedded as he was to that world, this would fail to appreciate his embrace of the reform and reimagining of legal



education. It is not a coincidence that Daniel Boyer, Wainwright Librarian at McGill, remembers having first met Blaine during an exchange between students and faculty of both common law and civil law held in Sherbrooke in 1994.<sup>17</sup> Boyer vividly remembers Blaine's exposition of his speculative yet ambitious theory of legal development whereby the topology of the Saint Lawrence watershed informed the joint development of the law in Lower and Upper Canada. When the two became colleagues at McGill a few years later, they repeatedly worked together, notably on the Faculty's Legal Research and Writing program as Blaine strongly supported this often overlooked course. They also collaborated on reintroducing the teaching of Roman Law at the Faculty. Furthermore, Boyer recalled Blaine's strong connection with the late Brian Simpson and how together they tracked down the location of a few well-known Canadian private law cases. Like Simpson, Blaine was acutely interested in situating cases in their socio-historical context.

Blaine's fascination with McGill's abortive experiments in comparative legal education in the 1920s lay in how the succeeding decades would eventually culminate in the launching of the National Programme in 1968 during Maxwell Cohen's deanship. Blaine's interest was not merely that of a chronicler but as an avid proponent of the desirability of a more intertwined comparativist teaching of the two main Western legal traditions (common law and civil law, both part of Quebec's legal system). This process was to begin around 1992, and gained traction under Dean Stephen Toope in the fall of 1995. Blaine did not play a formal part in the various committees tasked with curricular reform, although he supported the gestational proposal to integrate the BCL and LLB streams, and had been a steadfast proponent through his intellectual commitment to pluralism, as noted by colleagues such as then-dean Kasirer and Janda.<sup>38</sup> Blaine, ever the historian, saw McGill's reimagining of its curriculum as the natural continuation of an evolutionary arc that ran from its initial attempt at bicultural education in the 1920s to the National Programme, and beyond.

That he did is the more striking when one contemplates that Blaine must have known that this process, if successful, would ultimately marginalize him given his traditional areas of expertise, and with it his sway on the Faculty itself. But to Blaine the process itself was invaluable, involving as it did collective introspection as an epistemic tool to till and replenish the intellectual soil of the Faculty. He

shared at least aspects of this with Rod Macdonald. As Blaine wrote of him, Macdonald stated that "thoughtful curricular debate is a law school's primary heuristic or autodidactic device and that the process of collective self-reflection and renewal that underlie curricular reform are therefore more important than reforms' results (however divisive that debate may be)."<sup>39</sup> Blaine valued the intellectual exercise as precisely that: an intellectual exercise that was innately salutary, which could also happily result in a reimagining of curriculum, culture, and character. Fall 1999 marked the launching of McGill's "transsystemic" program, a holistic and integrated curriculum that was the culmination of the efforts begun in 1995. The result was a poly-juridical and comparative program that studies law "through the lens of the common law and the civil law; with indigenous legal traditions and perspectives from legal traditions the world over incorporated into our pluralistic approach to teaching law."<sup>40</sup> Blaine's satisfaction in seeing it launch was tinged with some sense of disappointment and wistfulness in no longer being as comfortably embedded within the fabric of the Faculty, and a hint that the comparative nature of the curriculum had extended beyond his reach. Whatever his misgivings may have been about his eventual place at the reimagined table of McGill's curriculum, Blaine was amongst the intrepid pioneers ushering in the new integrated first year comparative courses, teaching Contractual Obligations in 1999–2001, and again in 2004–2006.

Truthfully, it was not Blaine's wish to seek emeritus status in 2009, Blaine's issues had ebbed and waned, but the last few years found him increasingly unmoored from his academic home. Over the decades Blaine had of course taken sabbaticals, but also leaves of absence planned and unplanned. Gone, however, were the days when Blaine could merely slip back into teaching his traditional courses. His expertise did not lend itself easily to this comparative paradigm that continued to evolve over this period, heightened by his being less present in Montreal. Blaine became self-evidently more peripheral to the Faculty in the last few years, and his health issues also made his peripatetic ways untenable.

In Blaine's last phase of his career he bristled at the suggestion he had retired from McGill, and indeed he remained involved in a variety of professional activities there and elsewhere. An initiative to celebrate his legacy culminated in the endowment of the Blaine Baker Entrance Scholarship Fund, a project that he was both involved with

and found supremely gratifying.<sup>41</sup> The annual Baker scholarship was first offered in 2013.<sup>42</sup> During that time Blaine continued to maintain an office at McGill, and he co-supervised a graduate student in 2015, informally mentored and supervised others, and taught a legal history seminar in the fall of 2016 – an academic year which coincided with the introduction of further curricular changes including two one-week integration periods in addition to other innovations.<sup>43</sup>

Following his naming as professor emeritus, Blaine's accustomed overnight train rides between Montreal and Toronto gave way to activities closer to home, as he served as visiting professor at the University of Toronto Faculty of Law (2011–2016),<sup>44</sup> director of the Wellington County Law Association History Project, a per diem Superior Court mandatory mediator for the attorney general of Ontario, and License Appeal Tribunal member and adjudicator. He continued to travel frequently to his beloved Muskoka, although in later years not to the family lake house but to a former Boy Scout campground with several ramshackle cabins. It was in Muskoka that Blaine seemed at his most serene. A series of heart attacks never sidelined him permanently but resulted in an inexorable deterioration in his overall health, exacerbated by his inability or unwillingness to heed medical advice. His death was tragic yet not surprising; and he passed away at his George Street home in July 2018.

\* \* \*

Onto the work-at-hand: Part One contains four essays that focus on Blaine's life and work, with contributions by all three co-editors and a long-term McGill colleague. The poem that prefaces this section was written for this volume by Kathy Fisher, a former law student of Blaine's, who is a multidisciplinary artist, writer, documentarian, performer, legal researcher, filmmaker, biographer, and oral historian. Her poem, "Footnotes margins minutes" contains many of the same threads that we explore in these essays, and her presence is also eminently fitting as she is a prime example of the varied backgrounds and talents that Blaine valued in his role on admissions committees. Angela Fernandez, member of the University of Toronto Faculty of Law, co-editor, and likewise a former student of Blaine's, depicts Blaine's beauty and fragility (the "butterfly" borrowing from an analogy made by Nicholas Kasirer), against the backdrop of the historic reluctance to recognize issues

of mental health, addiction, and the like within the legal academy. Using her own experiences with Blaine as a mentor and colleague, she reminds us that as adept and willing as he always was to assist others, he could not admit he needed support himself. Brian Young, professor emeritus of history at McGill and long-time colleague and friend of Blaine, offers a longitudinal perspective on Blaine's intellectual and scholarly positioning. As Young notes, scholars may debate Blaine's precise place in Canadian historiography as he did not neatly fit within conventional definitions and parameters. This essay provides insight into Blaine's complex and sometimes shadowy persona, someone Young described as "original, enigmatic, inspirational, and yet somehow anachronistic in both his personage and in his search for a coherent, conservative Canadian legal past."<sup>45</sup> Richard Janda offers a capstone to Part One by examining Blaine's "present absence" in the Faculty's curriculum reform in the 1990s, also using one of Blaine's works on marginalia as an inspiration for examining his effect in ways both explicit and discrete. He shows us that much of Blaine's contribution to the reimagining of legal teaching at McGill was not overt or well-documented, but nonetheless significant, tangible, and enduring.

By design the essays in Part Two are grouped alphabetically by author rather than by topic, to mirror the structure of a work that Blaine had co-edited.<sup>46</sup> There are elements of commonality to them: each author presents a facing page that discusses their relationship with Blaine and his influence on the field of legal history. While at first glance the essays are disparate, covering both pre- and post-Confederation Canada and a wide array of topics, nonetheless each channels Blaine in some manner, be it in terms of methodology, time period, topic, or the like. It can even be said (as was suggested by one of our anonymous reviewers) that there are shared threads amongst many of them and Blaine himself – such as cross and undercurrents and things unspoken. While it is ultimately up to the readers to discern this for themselves, those elements could be said to include trans-identity, race, and subterfuge (Backhouse); nation building through trade protectionism (Fernandez); transnational conversations-to-be in judicial biography (Girard); legislation that foreshadowed constitutional division of powers (Phillips and Collins); criminal acts against children (Pilarczyk); promoting national identity vis-à-vis government protection of intellectual property (Piper); clandestine acts and crime as female survival strategies (Poutanen); subverting

the hegemony of the Catholic church (Reiter); resistance in legal education to non-adjudicative process (Sandomierski); and liberalism in the provincial-rights movements and opposition to the formation of the welfare state (Verhauwhede).

Blaine, ever the consummate historian, admired deep dives into archives although he typically focused on more circumscribed sources to produce his scholarship.<sup>47</sup> Archival research is therefore well-represented here, as are micro-histories, biography, and legal education. It is fitting that Constance Backhouse opens our collection with a piece of modern legal history. She recounts the story of an enigmatic American fraudster operating in early twentieth-century prairie Canada. Beginning with a serendipitous find within the Saskatchewan archives thirty years ago and culminating in this essay, it intersects with themes of gender, suffrage, race, and women's criminality, all against the backdrop of a motor-ing (and possibly gender-fluid) huckster in the early days of the Roaring 1920s. It is also an embedded narrative, used as a vehicle by Backhouse to discuss how more recent methods of historical inquiry including critical race theory and feminist legal history offer tools for an altogether different, more robust and more inclusive analysis.<sup>48</sup> It bears further mention that Backhouse and Blaine were briefly junior faculty together at Western, Ontario.<sup>49</sup>

Angela Fernandez was a former law student inspired and mentored by Blaine. His participation in recreating private libraries within the rare books of the McGill law library was an inspiring resource, and she credits Blaine as introducing her to myriad canons of legal inquiry and legal scholarship, which in turn helped inform her work detailing the history of the quirky, yet seminal, American property case *Pierson v. Post*. Fernandez's contribution examines an under-appreciated Supreme Court of Canada case on fishing rights from the waning years of the nineteenth century.<sup>50</sup> Building on her 2018 book on *Pierson* published by Cambridge University Press, this piece has much to say about national identity, and draws hitherto-unnoted parallels between the two cases.<sup>51</sup> It also uses a 1985 article by Blaine on legal thought as an aid in analysis.<sup>52</sup> Similarly to Backhouse, Fernandez invites us to consider how perspectives and analysis of the *Gerring's* legal issues might have shifted over time.

Philip Girard enjoyed a career path in direct juxtaposition from Blaine's: he graduated from McGill and went to teach at Western. Girard pays homage to Blaine's interest in "juristic biography,"

among other subjects, as well as "his interest in the migration of legal personnel, law books, and legal ideas."<sup>53</sup> That there is also tie-in to Blaine's last published work (on Justice LeDain, as noted earlier) is all the more fitting. Here Girard explores the new dynamics of the international judiciary, and why juristic biography now needs to be considered as both more global as well as comparative.

Jim Phillips is another long-time colleague of Blaine's. With Phillips, Blaine edited two volumes for the Osgoode Society for Canadian Legal History, including the aforementioned tribute volume to R.C.B. Risk.<sup>54</sup> Phillips and Tom Collins offer here a story that would have captured Blaine's imagination: in their words, the "continuity of legal and political ideas between the Canadas of the pre-1867 world and the Canada forged by Confederation." To do so, their works present a methodical comparison of the consolidations and sections 91-93 of the *British North America Act* with that of section 91 of the *Consolidated Statutes of Canada*, and sections 92-93 of the *Consolidated Statutes of Lower Canada*.<sup>55</sup>

My contribution bears Blaine's fingerprints in no small measure. Called from research intended for my doctoral thesis under his tutelage, it was at Blaine's prodding that I began work on this piece several years ago. It utilizes the judicial archives and newspapers from the first half of the nineteenth century to examine sexual assault against female children.<sup>56</sup> The type of legal archaeology prized by Blaine, he encouraged me to consider the multi-faceted consequences that a patriarchal and gendered legal system would have on victims who were both females and minors, and I was grateful for his comments on an early draft.

In some ways my piece and that of Mary-Ann Poutanen are companions; hers likewise is legal archaeology that delves into Montreal's judicial archives. Poutanen examines the records of the court of general criminal jurisdiction to examine female larcenists in her contribution to our collection. It offers a study of the dynamics of female criminality from a feminist perspective, and its underlying causes, the actors, and intersection with criminal justice.<sup>57</sup> Poutanen, along with Brian Young, are instrumental members of the Montreal History Group.<sup>58</sup> Blaine admired Poutanen's and Backhouse's work even as they often challenged his conservative leanings. While not an area of his own inquiry, he was intrigued by the theme of female agency in nineteenth-century society and the interplay between historically-marginalized groups and the legal system, themes that resonate throughout Poutanen's work.

Tina Piper commenced her career at McGill just as Blaine was concluding his, and it bears noting that she now teaches the Canadian Legal History course pioneered by Blaine (which, as further examples of baron passing-and-sharing, was also taught along the way by myself, and more recently by fellow contributor Cory Verbauwede).<sup>59</sup> She offers us an example of modern legal history recounting the formation of the first technology transfer office with multiple themes that interested Blaine, including intellectual property, nation-building, and national identity, all set against the backdrop of Canadian railways and two world wars.<sup>60</sup> Eric Reiter, a former law student of Blaine, offers a case study of a “theologizing blacksmith” named Damase Richer, who in 1870 initiated a libel action against a local *cure* in a rural Quebec parish. While Richer’s legal quest was ultimately unsuccessful, Reiter’s piece provides us with an account of the courts’ grappling with issues involving the religious freedoms and the possible boundaries of clerical immunity.<sup>61</sup> In it we see the themes of secular and religious forces, law and society, and liberalism and conservatism battling for supremacy within two loci of power in Quebec: the courts and the Church.

David Sandomierski presents an essay that traces curricular rejuvenation at the University of Toronto Faculty of Law. Sandomierski was a former student and frequent interlocutor with Blaine whilst completing his sJD at the University of Toronto.<sup>62</sup> There are more than mere shades of Blaine here given, *inter alia*, the legacy of his inventive Administrative Process course at McGill and his unfinished reimagining of his Legal Process course at Toronto. Echoing Richard Janda’s story of Blaine’s absence or presence in the curricular debate around McGill’s turn to the transsystemic program, Sandomierski examines the history of initiatives to include more public law and awareness of law as process in the first year curriculum at the University of Toronto. Sandomierski appends a copy of the syllabus Blaine intended to use for the course but sadly did not live to teach, found at the end of the volume.

Rounding out our tribute, both alphabetically as well as topically, is a piece that reflects and incorporates Blaine’s legacy. Cory Verbauwede uses Blaine’s thoughts, published and unpublished, as a roadmap for exploring the implementation of the modern Canadian welfare state.<sup>63</sup> In so doing, he cites a favorite phrase of Blaine’s: “the camel’s nose in the tent,” also referenced in a cartoon reproduced in one of Blaine’s legal history examinations as a prompt to discuss Red Toryism as an impetus for the Canadian welfare state.

If we have struck the correct balance in this tribute volume, if we have managed to do justice to the illuminating, implausible, inscrutable Blaine, then we will also have succeeded in showing the depths of our affection and admiration for him. As Blaine was wont to say after he elicited an interesting opinion that met with his approval, “I think that’s about right.” That is the most we can aspire to here.

August 2021  
Boston, MA

#### NOTES

I am indebted and grateful to Angela Fernandez and Brian Young for their editorial comments on this essay, and for the privilege of having worked with them on this volume. I have also greatly benefited from the support and suggestions of Nicholas Kasirer and Daniel Boyer.

<sup>1</sup> Bill Thompson, memorial speech emailed to Kathy Fisher, 11 August 2018.  
<sup>2</sup> Ian C. Pilarczyk, “‘Justice in the Premises’: Family Violence and the Law in Montreal, 1825–1850” (DCL thesis, McGill University Institute of Comparative Law, 2003); Ian C. Pilarczyk, “‘Too Well Used by His Master’: Judicial Enforcement of Servants’ Rights in Montreal, 1830–1845,” *McGill Law Journal* 46 (2001): 491–529; Ian C. Pilarczyk, “The Law of Servants and the Servants of Law: Enforcing Masters’ Rights in Montreal, 1830–1845,” *McGill Law Journal* 46 (2001): 779–836.  
<sup>3</sup> *Cloche and Mail*, 18 August 2018.

<sup>4</sup> Rick Levick, email message to Genevieve Westgate, 18 October 2019. He apparently began his campaign speech by plucking pieces of paper out of a paper bag and reading first lines from famous historical speeches before discarding them, which the student body found very amusing. He won handily.

<sup>5</sup> Chris Wallace, interview by Genevieve Westgate, 13 September 2019 (all interviews herein conducted by Genevieve Westgate unless otherwise noted).

<sup>6</sup> Tribute page, comment of Dean Taylor, BCL/LLB ’01, <https://www.mcgill.ca/law/community/memoriann/baker-blaine/tributes-blaine-baker>.

<sup>7</sup> See “Rate my Professor: Rating of Blaine Baker,” <https://www.ratemyprofessors.com/ShowRatings.jsp?rid=101562>.

<sup>8</sup> Jason Mogg, BCL/LLB ’99, email message to Richard Janda, Ian C. Pilarczyk, Cory Verbauwede, and Robert Leckey, 27 May 2019.

- 9 Tribute page, comment of Michael J. Doyle, BCL/LLB '88, 2018, <https://www.mcgill.ca/law/community/memorial/baker-blaine/tributes-blaine-baker>.
- 10 See "The Very Model of a Legal Academician," *infra*, 119–20.
- 11 By way of example, in his *Ethics in Alternative Dispute Resolution* syllabus at the University of Toronto, under the unit "Bad Faith and Unconscionable Behaviour," Blaine included the following suggested supplementary reading: D.J. Trump, *Trump: The Art of the Deal* (New York: Random House, 1988). See comment on Tribute Page by Jeremy Greenberg, <https://www.mcgill.ca/law/community/memorial/baker-blaine/tributes-blaine-baker>.

12 Interview with Robert Leckey, 10 June 2019. This availability continued until the last: his syllabus for Canadian Legal History offered at the University of Toronto (LAW 354 H1S) in January 2018 likewise noted that his office hours generally included "Sunday afternoons." His syllabus for Ethical Issues in Dispute Resolution (LAW 521 H1S), a course offered on Wednesdays in Winter 2016, mentioned that he "will put time aside after each of the appointed class sessions for informal, small group, or one-on-one conversations," and noted that with respect to office hours he "would generally be there much of the day on Tuesdays and Wednesdays" and in a rather droll manner that "otherwise I will be there by chance, but the chances of presence are good." His planned syllabus for what was meant to be his Legal Process (LAW 100 H1S) course at the University of Toronto in the winter term of 2019 stated with respect to office hours that "I will generally be there on Tuesdays, Thursdays, and Saturdays in the winter term of the 2018–19 academic year (otherwise, I will be there by chance)." David Sandionerski, "The Limits of Adjudication in the First-Year Curriculum: The Recurring History of Legal Process at the University of Toronto Faculty of Law," Appendix, Instructor Contact.

13 Interview with Robert Leckey, 10 June 2019.

14 Aply captured in *ibid*.

15 R. Foerster, ed., *Accountants' Liability in Canada* (Toronto: Carswell, 2002), page iii:

I owe a huge debt of gratitude to Professor Blaine Baker of the McGill Law School. By fortunate coincidence, Blaine arrived at the firm in which I am a partner, Borden Ladner Gervais, for a term as Scholar in Residence just as the book was evolving from rough draft to gainful product. He spent a good deal of time while he was at the firm working on the book. His role is best described as an editor of the work,

but he also served as an invaluable sounding board and generously gave me the benefit of his many years of legal scholarship.

16 His CV lists first, second, and third place finishes (by year and competition) for ten teams he coached between 1982–1995.

17 His contributions to the re-conception of administrative law at McGill was a common theme in interviews with colleagues and former students. See, e.g., Armand De Mestral interview, 3 June 2019; Robert Leckey,

10 June 2019; Cory Verbaanwheede, 17 June 2019. Macdonald was of course a towering figure in the intellectual life of the Faculty until his passing in 2014. His memorial page may be found at <https://www.mcgill.ca/law/community/memorial/macdonald-roderick>.

18 Interview with Cory Verbaanwheede, 17 June 2019.

19 G. Blaine Baker, syllabus for Ethical Issues in Alternative Dispute Resolution (LAW 532 H1S), Winter 2016.

20 G. Blaine Baker and Richard Janda, *Tracings of Gerald Le Dain's Life in the Law* (Montreal: McGill-Queen's University Press, 2019).

21 Brian Young, "It Was a Man's World: Blaine Baker and the Writing of Canadian Legal History, 1981–2018," *infra*, 49–82.

22 Richard Janda, comments on the author's draft on 3 June 2019.

23 G. Blaine Baker, "So Elegant a Web: Providential Order and the Rule of Secular Law in Early-Nineteenth-Century Upper Canada," *University of Toronto Law Journal* 38, no. 2 (1988): 184–205. For a complete list of Blaine's works, see the bibliography at the end of the volume.

24 This extraneous endnote is therefore dedicated to Blaine and as a reward to the perceptive reader: Blaine might have uttered a hearty guffaw at this despite the seriousness with which he viewed citations.

25 See, e.g., G. Blaine Baker, "The Reconstitution of Upper Canadian Legal Thought in the Late-Victorian Empire," *Law and History Review* 3, no. 2 (1985): 219–92.

26 See, e.g., Bonnie Brown's remarks at Blaine Baker's memorial service at McGill University, 7 September 2018:

[He] put together a fascinating group of students, an eclectic and diverse group which he believed could learn a lot from each other, and that our experience, and the profession itself, would be richer for it ... Those of us in the common law class of 95–96 had a strong sense that we were actually Blaine's class. That he cared about each of us, and he expected us to work hard. He impressed on us what a privilege it was to be at McGill Law, and to take our education seriously.

27 Interview with Nicholas Kasirer, 26 June 2019.

- 8 Interview with Bonnie Brown, 17 July 2019.
- 9 Interview with Brian Young, 26 June 2019.
- 10 Robert Leckey likewise noted the “needlessly old-fashioned” manner in which he would do things, including formally addressing envelopes and adding “by internal mail” for routine items he would leave in faculty mailboxes. Interview with Robert Leckey, 10 June 2019. I was always a little surprised he did not take it a step further and secure every envelope with a signet ring and sealing wax.
- 31 Interview with Jim Phillips, 21 June 2019.
- 32 On a few occasions I recall Blaine speaking about this; he always seemed slightly embittered that his family’s properties had been confiscated during the American Revolution. I admit my American sensitivities were not overly sympathetic.
- 33 Interview with Nicholas Kasirer, 26 June 2019.
- 34 Interview with Chris Wallace, 13 September 2019.
- 35 See, e.g., interview with Nicholas Kasirer, 26 June 2019. He did appear much more comfortable engaging in the written word; and on the few occasions I found myself travelling on the same Via Rail train I noted he enjoyed completing crosswords in French as well as English.
- 36 Ian C. Pilarczyk, *A Noble Roster: One Hundred and Fifty Years of Law at McGill* (McGill University, Montreal, 1999).
- 37 Interview with Daniel Boyer, 4 June 2019.
- 38 Interview with Nicholas Kasirer, 26 June 2019. For discussion, see Richard Janda, “Traces of Blaine Baker Upon McGill’s Faculty of Law,” *infra*, 83–115.
- 39 G. Blaine Baker, “Character-Building at Multiple Sites of Justice: Administration and Teaching as Texts, Scholarship as Ethical and Political Action,” in *The Unbounded Level of the Mind: Rod Macdonald’s Legal Imagination*, edited by Richard Janda, Rosalie Jukier, and Daniel Jutras (McGill-Queen’s Press, Montreal & Kingston, 2015), 216. See also Roderick Macdonald, “Curricular Development,” *Journal of Legal Education* 32 (1982): 569.
- 40 “McGill’s Unique BCL/JD Program,” <https://www.mcgill.ca/law/bcl-jd/> program-description. Since November 2019 the joint degree program awards a BCL/JD rather than the BCL/LLB.
- 41 From the Faculty of Law’s newsletter, *Focus* (Fall 2013):  
Upon being made Emeritus Professor in 2009, donors created the Blaine Baker Entrance Fund. The Blaine Baker Entrance Scholarship Fund will be awarded on the basis of academic merit to a student with graduate studies experience entering a full-time undergraduate Law program. The Scholarship was created by friends, colleagues,

family, and former students of Blaine Baker, Professor Emeritus, who taught administrative law, legal history, and contract law at the Faculty. “Through his teaching, guidance, and research, Blaine formed the foundations for legal education for every student he had taught,” said Ian Pilarczyk (LLM’97, DCL’03), who co-chaired the committee to help establish the fund, along with Mario Nigro (BCL’00, LLB’00). From this year forward, the Blaine Baker Entrance Scholarship will be a fitting way to honour Professor Baker’s career at McGill. “Professor Baker clearly had a big impact on his former students,” remarked [Associate Director of Development Eser] Dritham. “We heard time and time again how he always had time to help guide them. There was such a strong emotional response – we’ve never seen anything like it.”

41 From *Focus* (Fall 2018):

The Blaine Baker Entrance Scholarship was established in the Faculty of Law in 2013 by former students, friends, family, and colleagues of Blaine’s in recognition of his 30 years of service. It is awarded to one or more outstanding students entering the BCL/LLB program on the basis of high academic standing, with a preference for students having pursued prior graduate studies.”

See also “Tuition and Financial Support,” <https://www.mcgill.ca/law/bcl-llb/tuition-and-financial-support>.

41 “The next phase of legal education,” updated June 2015, <https://publications.mcgill.ca/droit/2015/06/01/curriculum-renewal/>.

44 He also served as such from 1988–89, 1995–96, and 2006–07. He was visiting professor at Osgoode Hall Law School from 1987–88 and 1994–95.

44 Brian Young, “It Was a Man’s World: Blaine Baker and the Writing of Canadian Legal History, 1981–2018,” *infra*, 49–82.

46 G. Blaine Baker and Jim Phillips, eds., *Essays in the History of Canadian Law, Volume VIII: In Honour of R.C.B. Risk* (Toronto: University of Toronto Press, 1999).

47 See, e.g., G. Blaine Baker, “Musings and Silences of Chief Justice William Osgoode: Digest Marginalia about the Reception of Imperial Law,”

*Osgoode Hall Law Journal* 54, no. 3 (2017); G. Blaine Baker,

“Testamentary Archeology in Late-Victorian Ontario: William Martin’s Little, Posthumous Legal System,” *Canadian Journal of Law and Society*

30, no. 3 (2015): 345–64; G. Blaine Baker, “Law Practice and Statecraft in Mid-Nineteenth-Century Montreal: The Torrance-Morris Firm, 1848 to

1868,” in *Beyond the Law: Lawyers and Business in Canada 1830 to 1910*, edited by (Toronto: Butterworth, 1990): 45–91; G. Blaine Baker,

- "The Juvenile Advocate Society, 1821 to 1826: Self-Proclaimed Schoolroom for Upper Canada's Governing Class," *Historical Papers of the Canadian Historical Association* 20 (1985): 74-101.
- 48 Constance Backhouse, "The Historical Exploits of Stella March: Reflecting on Feminist Legal History," 121-47.
- 49 For further discussion, see Young, "It Was a Man's World," *infra*, 49-82; see also Constance Backhouse's facing page of her essay, *infra*, 121.
- 50 Angela Fernandez, "The Case of the Frederick Gerring Jr: Fish, Colony, and Nation," *infra*, 148-91.
- 51 *Pierson v. Post, The Hunt for the Fox: Law and Professionalization in American Legal Culture* (Cambridge: Cambridge University Press, 2018).
- 52 See, e.g., G. Blaine Baker, *Sources in the Law Library of McGill University for a Reconstruction of the Legal Culture of Quebec, 1760-1890*, with K.E. Fisher, V. Masciotra, and B. Young, eds. (Montreal: McGill University and Montreal History Project, 1987); *Supra* 27: 219-92; G. Blaine Baker, "Bibliographic Reconstruction of Canadian Legal Culture," *Bull. Bibliographical Soc. Can.* 25 (1985): 11-20.
- 53 Philip Girard, "New Directions in Judicial Biography: More Humane, More Transnational, More Comparative," *infra*, 192-210.
- 54 G. Blaine Baker and Jim Phillips, eds., *A History of Canadian Legal Thought: Collected Essays of R.C.B. Risk* (Toronto: The Osgoode Society and University of Toronto Press, 2006); *Ibid.*, *Essays in the History of Canadian Law, Volume VIII: In Honour of R.C.B. Risk*.
- 55 Jim Phillips and Tom Collins, "The Colonial Origins of the Division of Powers in the British North America Act," *infra*, 211-48.
- 56 Ian C. Pilarczyk, "A most atrocious crime?: Sex Crimes Against the Woman-Child in Early Nineteenth-Century Montreal," *infra*, 249-96.
- 57 Mary-Ann Poutanen, "Theft in the City: Women and Everyday Justice in the Montreal Archives, 1768-1841," 337-80.
- 58 An offshoot of the Montreal History Group was the project both Brian Young and Blaine were involved with, *Sources in the Law Library of McGill University for a Reconstruction of the Legal Culture of Quebec, 1760-1890* - with K.E. Fisher, V. Masciotra, and B. Young.
- 59 I was asked to take over the teaching of Canadian Legal History rather precipitously before the start of the semester in the academic year 2001-2002. My experience here echoed Tina's comments on the facing page of her essay - the course was so intrinsically and idiosyncratically wedded to Blaine's unique teaching style and his encyclopedic knowledge of legal history that I was unable to teach it with his materials and jettisoned

- many of them in favour of my own. If I appreciated his inimitable teaching method before, I appreciated it even more afterwards.
- 60 Tina Piper, "The Making of Canada's First Technology Transfer Office (1916-1939)," *infra*, 297-336.
- 61 Eric Reiter, "The Case of the Theologizing Blacksmith: Liberalism, Ultramontanism, and Defamation in Quebec," 381-412.
- 62 David Sandomiernski, "The Limits of Adjudication in the First-Year Curriculum: The Recurring History of Legal Process at the University of Toronto Faculty of Law," *infra*, 413-53.
- 63 Cory Verbauwheide, "The Camel's Nose in the Constitutional Tent: Extrapolating from G. Blaine Baker's Thoughts on Late-Nineteenth-Century Legal Liberalism and Elite Lawyer Resistance to the Canadian Welfare State," *infra*, 454-92.