

THE CASE OF VALENTINE SHORTIS : A TRUE STORY OF CRIME
AND POLITICS IN CANADA (1986). By Martin L. Friedland.
University of Toronto Press, Toronto. Pp. xiv+324.

THE BOOK¹ under review, is about the trial of Valentine Shortis, in 1985, for the murder of John Loy in Valleyfield, Canada. In the same transaction he had killed another person and injured a third also. But the trial, which was the longest then on record in Canada, was for the first murder only. The author unfolds in a masterly fashion, the story of the trial of the definitely known offender, Shortis, a recent Irish immigrant from a well known family of Woodford into Canada. The issue here, for the court to decide, was whether he, (i) committed a cold-blooded murder in the course of a bold bid for robbery, as the Crown and the citizens of Valleyfield believed; or (ii) was insane, as the defence argued and the leading psychiatrists of Canada contended. The best known lawyers of Quebec fought the case in court, while politicians used the circumstances of the case for furthering their own ends. It is a fascinating and compelling tale of murder and politics, well researched, well written and equally well produced.

The Shortis story is woven interestingly and authoritatively around this murder trial and its intriguing aftermath. Most of the facts are supported by documents from archival records, and where it is not so based, things are made clear on how the story is pieced together. The author's position as professor of law in the University of Toronto, and his previous experience in writing non-fiction books on law and trials, have stood him in good stead as regards this task. He reconstructs vividly and intriguingly this most dramatic criminal case, and the political overtones surrounding it, as befitting one who had already won the Crime Writers of Canada Award for Non-Fiction in 1985.

In the earlier chapters, the main issue centres around the plea of insanity put forward by the defence and the appropriate sentence. The best lawyers of Canada represented both sides. Insanity as a defence would only be admissible, said the trial judge to the jury, if the killing was done by him, when he was "labouring under natural imbecility and disease of the mind to such an extent as rendered him incapable of appreciating the nature and quality of his act, and of knowing that such act was wrong..."² The Canadian Criminal Code, unlike the English law at the time, had apparently kept the word "and" instead of "or" and so had to satisfy the double barrelled test of insanity, of incapacity to appreciate the nature and quality of his act *and* of not knowing that such act was wrong. In

1. Martin L. Friedland, *The Case of Valentine Shortis : A True Story of Crime and Politics in Canada* (1986).

2. *Id.* at 110.

such a context specific delusions adduced in Valleyfield, and back home in Ireland, would alone not exonerate the person from a murder charge. The plea of "impulsive insanity" put forward by the leading psychiatrists of Canada was also not accepted, not because the prosecution called it a shield provided to the defence by psychiatrists, but because the balance of probability alone will not suffice. The jury very promptly returned a verdict of guilty which was accepted by the presiding judge who sentenced Shortis to death, in spite of the defence plea against the extreme penalty.

The author's story of the Shortis trial correctly places it in the context of social, political and economic conditions of the time. "Justice may in theory be blind, but in practice she has altogether too human a perspective."³ In this trial too the jury verdict and the sentence might have been to some extent influenced by the draughtsmanship error that put "and" instead of "or" into the Canadian code, the failure to change the venue of the trial, the cry of popular opinion in Valleyfield and reactions of the press. Similarly, the later development of commutation might have been also influenced by other factors, such as subsequent assessment of the prisoner's behaviour by experts as undoubted insanity, the treatment meted out to French and English convicts in similar situations, a mother's tears, a father's wealth and the vulnerability of political executives and others in position. In fact, it would seem from the author's narrative that the Shortis case and the commutation of the capital sentence on him, contributed substantially to the massive victory of the Liberals in Canada under Laurier in 1896.

Scientifically, the story reveals the development of the law of insanity as it has emerged from the old McNaghten's Rules. The same test is used today also in Canada, except that the draughtsmanship error of "and" has been corrected into "or" and so it is only a single, alternative test. The word "appreciate" also gets a more liberal interpretation. This is in keeping with the position in most enlightened countries of the world, including India. But the fact remains that the absolute dependence on psychiatric evidence is always open to question. In the Shortis case itself, the person who was pronounced as "incurably insane", by the very best psychiatrists of Canada, was later described by many as a distinguished, Oxford educated, cultured gentleman, fit to live in any community without question. And so, what state of mind he actually was in at the time of occurrence is difficult to decide.

The author also legitimately touches, in passing, on the changing history of corrections in Canada, from its punitive origins, through the vicissitudes of developing rehabilitation and related uncertainty. Things have changed considerably from the rather long period about which the

3. See M.L. Friedland, *A Century of Criminal Justice : Perspectives on the Development of Canadian Law* (1984).

author writes. In India itself, capital punishment is now awarded only in the "rarest of rare cases". In most other countries capital punishment has been abolished. On the question of correctional approach too, there have been varying developments in different countries and at different times in the same country. But in most countries of the world, correctional approach holds its own still, except in the United States where, because of the rising crime rate, many states have resorted to imposing heavily deterrent prison sentences.

All things considered the authors' narration of the story and its developments, intertwined with political happenings, make a very interesting and instructive reading and would be an excellent acquisition for any library, and more so for a law library.

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